

**CHARTER TOWNSHIP OF MILFORD
PEDDLERS & SOLICITORS ORDINANCE
ORDINANCE NO. 203**

AN ORDINANCE TO AMEND CHAPTER 8, BUSINESSES, BY ADDING ARTICLE III, PEDDLERS, SOLICITORS AND CANVASSERS, IN ORDER TO ESTABLISH REGULATIONS RELATING TO PEDDLERS, SOLICITORS AND CANVASSERS IN THE TOWNSHIP, WHICH PRESERVE INDIVIDUAL RIGHTS OF PRIVACY AND QUIET ENJOYMENT OF PROPERTY WHILE SIMULTANEOUSLY PROTECTING THE RIGHT TO FREE SPEECH.

THE CHARTER TOWNSHIP OF MILFORD ORDAINS:

Section 1. Amendment.

Article III, Peddlers, Solicitors and Canvassers, shall be added to Chapter 8, Businesses, of the Code of Ordinances for the Charter Township of Milford and shall read as follows:

ARTICLE III. PEDDLERS, SOLICITORS AND CANVASSERS

Sec. 8.30. Purpose.

The purpose of this article is to establish regulations relating to peddlers, solicitors and canvassers in the Township in order to preserve individual rights of privacy and quiet enjoyment of property, while simultaneously protecting the right to free speech.

Sec. 8.31. Definitions.

As used in this chapter the following words have the meaning indicated:

"Canvasser" means a person who, without prior specific invitation or appointment, attempts to enlist non-commercial support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or distributes handbills or flyers advertising a non-commercial event or service, including student and youth support and solicitation of proceeds for an educational, recreational, civic or religious purpose which directly benefits the student and/or sponsoring organization.

"Peddler" means any person who, without prior specific invitation or appointment, offers, exposes for commercial sale or makes available for a commercial price, makes, sells and/or delivers commercial articles to purchasers, or takes or attempts to take commercial orders for sale of goods, foodstuffs, or services of any kind, for immediate or future delivery or performance, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether or not he or she is collecting advance payments on such sale, by any of the following means:

- (1) Traveling by foot, automotive vehicle, or other conveyance, from place to place, house to house, or street to street, carrying, conveying or transporting such goods, wares, merchandise or foodstuffs;
- (2) Hiring, leasing or occupying any building or structure for the exhibit or sale of such goods, foodstuffs, or services, while not on the Township tax rolls, including a person who associates temporarily with a local merchant or dealer, which building or structure is not otherwise used for that purpose;
- (3) Offering out of doors such goods, foodstuffs or services from a stationary cart, stand, wagon, automotive vehicle or from one's person.

"Person" means any individual, firm, co-partnership, corporation, company, association, or joint stock association, house of worship, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, subcontractor, agent or other similar representative thereof.

"Solicitor" means a person who, without prior specific invitation or appointment, attempts to obtain a commercially driven donation for a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or distributes a handbill or flyer advertising a commercial event or service.

"Student" means any boy or girl who is enrolled on a regular basis in any private or public school or other educational institution within the State of Michigan.

Sec. 8-32. Identification--Application--Exceptions--Duration--Transferability--Fees and Investigation.

(a) No person shall act as a peddler or as a solicitor within the Township without first supplying identification information in accordance with this article. A canvasser is not required to supply identification information; however, canvassers may voluntarily submit identification information to the Township Clerk for their own business purposes. Processing identification information does not constitute an endorsement by the Township of the subject activity.

(b) Any person may apply for peddling/soliciting activity by supplying identification information to the Township Clerk and Milford Police Department on Township forms at the Township Office, during regular office hours.

(c) Any person applying for peddling/soliciting must provide the following information to the Township Clerk and the Milford Police Department:

- (1) Name of applicant;
- (2) The name, physical description and two photographs (two inches by two inches) of each person participating in the peddling/soliciting activity. A driver's license, state identification card, passport, or other government-issued identification card containing this information must be provided;
- (3) The employer name, supervisor name, contact information for employer and supervisor, and length of time of such employment;
- (4) The permanent and local address, if any, of the applicant and of each person for whom peddling/soliciting permission is requested;
- (5) A description sufficient for identification of the subject matter and method of the activity in which the applicant will engage, including the name and permanent address of the business offering the subject event, activity, good(s) or service or the name and permanent address of the person for whom donations (or proceeds) are accepted;
- (6) A list of all infraction(s), offense(s), misdemeanor and/or felony convictions of each person peddling/soliciting for the seven years immediately prior to the application. A waiver to perform a criminal background search shall be provided by the Township which must be signed by each person;
- (7) A declaration by the applicant whether he/she is required by local, state or federal laws to register as a sex offender;
- (8) The motor vehicle make, model, year, color, state license plate and number of any vehicle which will be used by each person peddling/soliciting;
- (9) The mailing or web-site address where residents having subsequent questions can go for more information;
- (10) Copies of literature to be distributed, other municipal references, etc.

(d) This article shall not apply to a federal, state or local government employees or a public utility employee in the performance of his/her duty for his/her employer.

(e) Information submitted under this Section shall remain valid for up to six months. Updated information is required to be submitted to the Township Clerk and Milford Police Department for any peddling/soliciting activity conducted beyond six (6) months after the current application.

(f) An application for peddling/soliciting shall be accompanied by a fee. Such fee shall be established by resolution of the Township Board. No fee shall be charged to:

(1) Township merchants, representatives and charities engaging in year-round business with a permanent location in the Township.

(2) Any honorably discharged veteran who is a resident of this state and who has obtained a veteran's license from a county clerk within the State of Michigan.

(g) Upon receipt of an application for peddling/soliciting, the Township Clerk, or his or her designee, shall investigate as to the truth and accuracy of the information contained in the application.

Sec. 8-34. Filing False Application.

No person shall knowingly file or cause to be filed an application for peddling/soliciting or a document supporting such an application containing one or more false statements.

Sec. 8-35. Manner of Peddling or Soliciting--Duties of Peddlers or Solicitors.

No peddler or solicitor shall:

(a) Peddle or solicit upon a premise in defiance of a posted notice stating "No Trespassing" or "No Solicitors or Peddlers";

(b) Peddle or solicit upon premises which are subject to By-Laws or Deed Restrictions prohibiting such activity, if peddler/solicitor has been informed of prohibition through public notice or other communication;

(c) Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors;

(d) Fail to immediately and peacefully depart from a premise when requested to do so by the occupant;

(e) Use or attempt to use any entrance other than the front or main entrance to a dwelling;

(f) Fail to accurately reveal all information contained in the application for peddling/soliciting and all information required to be revealed by state law to any person requesting such information;

(g) Represent that the peddling/soliciting activity approved under this article is an endorsement by the Township;

(h) Occupy a stationary location on a public street, sidewalk, parkway, park, parking lot or any other public property, which is used by pedestrians or persons operating motor vehicles, unless otherwise approved by the Township. A peddler or solicitor shall be presumed to have occupied a stationary location if he or she has conducted business in any such public place for a period in excess of ten minutes;

(i) Use or employ any flashing lights on any vehicle, or any other device for the purpose of attracting attention to any goods, wares or merchandise the peddler or solicitor proposes to sell.

Sec. 8-36. Food Peddlers and Solicitors Distributing Food.

No peddler or solicitor shall be allowed to distribute food until the applicant and any vehicle and equipment used by such applicant are approved by the Health Department for the State of Michigan or the County of Oakland, if such approval is required by law.

Sec. 8-37. Manner of Canvassing--Duties of Canvassers.

No canvasser shall:

(a) Canvass upon a premise in defiance of a posted notice stating "No Trespassing," "No Peddlers or Solicitors" or "No Canvassers";

(b) Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors;

(c) Fail to immediately and peacefully depart from a premise when requested to do so by the occupant;

(d) Use or attempt to use any entrance other than the front or main entrance to a dwelling;

(e) Fail to accurately reveal all information required to be revealed by state law to any person requesting such information;

(f) Represent that the canvassing activity is endorsed by the Township.

Sec. 8-38. Hours in Residential Areas.

No person shall engage in peddling, solicitation or canvassing in residential areas prior to 9:00 a.m. or after 8:00 p.m. or sunset, whichever is earlier.

Sec. 8-39. Approval/Denial.

(a) Peddling/soliciting activity shall be approved within forty-eight hours of completion of an application, unless it is determined within that time that:

- (1) Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect;
- (2) Any applicant has been convicted of a violation of this article or whose activity has previously been denied by the Township;
- (3) Any applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven years.

(b) If the Township denies peddling/soliciting activity, such denial shall be immediately conveyed in writing to the applicant by the Township Clerk. Within forty-eight hours of the denial, the Township Clerk shall prepare a written report which shall be issued, either by email communication, facsimile correspondence or first-class mail, to the applicant, and the applicant shall be invited to respond to the report and present evidence in support of his or her response.

(c) Denials may be appealed to the Township Board. The Township Board shall make a determination after presentation by the applicant, supported by a preponderance of the evidence, as to whether or not the grounds for denial should be upheld. The Township Board's decision may be reviewed by a court of competent jurisdiction.

Sec. 8-40 Revocation of Peddling/Soliciting Activity.

(a) Peddling/soliciting activity may be revoked for any of the following reasons:

- (1) The peddler/solicitor has violated any of the provisions of this article, the Code of Ordinances for the Charter Township of Milford, or any statute of the State of Michigan.
- (2) Fraud, misrepresentation, or incorrect statements have been made by the peddler/solicitor in the course of carrying on an activity or in application for peddling/soliciting activity.
- (3) The peddler/solicitor has been convicted of any felony or misdemeanor involving moral turpitude within the last seven years or while peddling/soliciting in the Township.
- (4) The peddler/solicitor has conducted an activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) If upon investigation by the Township, it is discovered that a peddler/solicitor has violated any regulations of this article, written notice of such violation shall be issued, by certified mail, to that person. Immediately upon the giving of such notice, approval for the peddling/soliciting activity shall become null and void.

(c) Revocations may be appealed in the same manner as denials.

Sec. 8-41. Other Licenses or Permits.

Permission obtained under this article shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by any other ordinance, regulation, statute or administrative rule.

Sec. 8-42. Pushcarts or Pedal Carts.

In residential areas that include the appropriate pedestrian walkways, pushcarts are restricted to such sidewalks unless otherwise prohibited by local ordinance. In residential areas that include the appropriate pedestrian walkways, pedal carts are restricted to such sidewalks and are permitted on all Township streets in accordance with the Michigan Vehicle Code. Motor vehicles are permitted on all streets in accordance with the Michigan Vehicle Code. Any peddler, solicitor, or canvasser using a motor vehicle or pedal cart in a street, when stopped, shall place the vehicle parallel to and within twelve inches of the curb and shall depart from such place as soon as the activity is completed.

Sec. 8-43. Civil Infraction.

A person who violates this article is responsible for a civil infraction and subject to a fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars

Section 2. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 4. Adoption.

This Ordinance is hereby declared to have been adopted by the Charter Township of Milford Township Board at a meeting thereof duly called and held on the 19th day of October, 2011, and ordered to be given effect upon publication as mandated by Charter and statute.

Donald Green, Township Supervisor

Holly Brandt, CMC, Township Clerk

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Charter Township of Milford Township Board on October 19, 2011, which was a regular meeting. I further certify that at said meeting there were present the following Board members: Donald Green, Supervisor; Holly Brandt, Clerk; Cynthia Dagenhardt, Treasurer; Trustees Randal Busick, William Mazzara, Dale Wiltse, Brien Worrell.

I further certify that the adoption of said Ordinance was moved by Trustee Mazzara and supported by Trustee Busick.

I further certify that the following Board members voted for the adoption of said Ordinance: Mazzara, Busick, Worrell, Brandt, Dagenhardt, Wiltse, Green, and that the following Board members voted against the adoption of said Ordinance: Zero (0).

I further certify that Zero (0) Board member(s) abstained from voting.

I hereby certify that said Ordinance has been recorded in the Ordinance Book in said Township and that such recording has been authorized by the signature of the Township Supervisor and Township Clerk.

Holly Brandt, CMC, Township Clerk