
CHAPTER 73-1. SOLICITATIONS

7.51. Definitions. The following words and terms shall have the following definitions for the purposes of this Chapter.

- (1) "Person" means an individual, organization, group, association, partnership, corporation, trust, business entity or any combination of the above.
- (2) "Public place" means a place owned by the City of Frankenmuth.
- (3) "Soliciting material" means printed or similar materials including, but not limited to, labels, posters, brochures, flyers, pamphlets, magazines, booklets, books and other like items used in the course of and for the purpose of soliciting.
- (4) "Solicitor" means:
 - (a) a person who solicits when traveling either by foot, automobile, motor truck or other means of conveyance from place to place, from house to house, or from street to street;
 - (b) a person who hires, leases, uses or occupies any building, structure, hotel room, shop or any other place for the sole purpose of exhibiting samples or soliciting material and taking orders for future delivery.
- (5) "Solicitor" includes, but is not limited to, the words canvasser, peddler and hawker.
- (6) "Solicit" means the act of offering or attempting to offer wares, merchandise, services, items of personal property, or real property, either for immediate or future delivery; or the act of seeking or attempting to seek contributions of money or services, for charitable or commercial purposes.

7.52. License required.

- (1) No person shall be a solicitor and/or solicit in the City of Frankenmuth without first obtaining a license therefor. An application for a license shall be made to the City Clerk not less than four weeks prior to commencing any solicitation activity. In the event the application is made by an organization, group, association, partnership, corporation, trust, business entity or any combination of the above, the applicant must supply for each agent or employee who will solicit the information required in section 7.53(1).
- (2) Upon review and investigation of the application and the information contained therein the City Clerk may, in addition to the reasons listed in Section 7.13, refuse to issue the license for any one or more of the following reasons:
 - (a) The applicant has failed to comply with the provisions and requirements of this Chapter;
 - (b) The applicant has been found to have violated a provision of this Chapter within the two years immediately preceding the date of application;
 - (c) The applicant has been denied a license pursuant to this Chapter within the immediate past year, unless the applicant shows to the satisfaction of the City Clerk that the reasons for such earlier denial are no longer valid;
 - (d) The applicant falsified information on the application or has not fully completed the application;
 - (e) The applicant has been convicted of a crime or a municipal civil infraction if the civil infraction is related to the activities covered by this Chapter;
 - (f) The location, time, or method of solicitation will block or congest streets or sidewalks, impede the free flow of pedestrian or automobile traffic, or will otherwise endanger the health, safety and/or welfare of the public.

(3) Whenever an application is denied the applicant shall be so notified in writing. The written notice shall state the reasons for the denial. The notice may be hand delivered or shall be sent by first class mail to the applicant at the business address appearing on the application.

7.53. License Application. Any person seeking to obtain a license pursuant to this Chapter shall pay an administrative fee and file a sworn application with the City Clerk upon forms prescribed and furnished by the Clerk which forms shall contain at least the following information:

- (1) The name and address of each person who will engage in soliciting within the City, including the person's current address of residence and length of residence at such address, business address if other than the residence address, business and residence telephone numbers, taxpayer identification number if applicable, driver's license number, and a physical description including height, weight and color of hair and eyes.
- (2) If employed or acting as an agent, the name, address and telephone number of the employer and/or principal organization that is being represented, when and where the organization was formed including the form of the organization, and credentials establishing the exact relationship between the employee/agent and the employer/principal organization.
- (3) A brief description of the nature of the solicitation contemplated, including the methods to be used and the types of wares, merchandise, services, items of personal property, or real property to be sold.
- (4) The dates, hours and location for which the right to solicit is sought. No license will be granted for a period of more than 365 days.
- (5) Proof that the applicant has obtained all licenses required by all governmental agencies, including, but not limited to, a sales tax license.
- (6) A copy of the vehicle(s) registration issued by the state where the vehicle is licensed and vehicle information including the manufacturer, make, year, color, and vehicle identification number of all vehicles to be used for the solicitation.
- (7) The place where the wares, merchandise, services, items of personal property or real property are located, manufactured or produced, where such items are located at the time said application is filed and the proposed method of delivery. If the service consists of a tour, a description of the tour's content.
- (8) A statement as to whether or not the applicant or the employer and/or principal organization has been convicted of any felony, misdemeanor, or municipal civil infraction, the nature of the offense, the date and place of the violation and the punishment or penalty assessed therefor.
- (9) If the applicant intends to handle or sell anything edible by human beings a statement shall accompany the application certifying that the applicant is free of any known infections, contagious or communicable disease. If the applicant is not a natural person, the certification shall be made on behalf of all agents or employees of the applicant who will solicit.

7.54. Administrative fee. An administrative processing fee for a solicitor's license application shall be established by resolution of the City Council and said administrative processing fee shall be paid when the application is filed with the City.

7.55. License revocation. A license may be suspended or revoked by the City Manager for violation of this Chapter after reasonable written notice and a hearing by the City Manager. The written notice may be hand

delivered or shall be sent by first class mail to the license holder at the business address appearing on the license application and shall set forth the alleged violation of this Chapter and also the date, time and place of the hearing before the City Manager. At the hearing, the license holder shall have the right to present evidence and witnesses. After the hearing, the City Manager shall make a decision as to whether to suspend or revoke the license and shall put the decision and the reasons thereof in writing and forward the same to the license holder by hand or first class mail.

7.56. Prohibited activities. The following acts or activities shall be prohibited:

- (1) *Fixed stands prohibited.* No solicitor shall stop or remain in one place upon any street, alley, or public place unless the solicitor has rented the public place from the City.
- (2) *Prohibited areas.* No solicitor shall obstruct any street, alley, sidewalk or driveway.
- (3) *Curb service prohibited.* No solicitor shall operate or maintain any stand, vehicle, store or place of solicitation on or near any street or highway. No solicitor shall be permitted to use the streets, alleys or lanes of the City to solicit or to use any stands, stores, or other places of transaction in any manner that requires the person wishing to participate in a transaction, when engaged in the transaction, to stand within the limits of the streets, lanes, highways or alleys of the City.
- (4) *Prohibiting of entry upon private property expressly requesting no solicitation.* No solicitor shall enter upon and/or call upon a place of residence or business within the City after having been expressly notified by an occupant of the place of residence or business or by a sign posted on the residence or business that no solicitation is desired and/or other language specifically conveying the message that no soliciting is desired. No solicitor shall enter upon and/or call upon a place of residence or business within the City which is designated on the list kept at the Frankenmuth City Clerk's office pursuant to section 7.59.
- (5) *Prohibition of harassment or creation of nuisance.* No solicitor shall threaten or harass any person in the City in the course of a solicitation or in any way engage in any conduct, which creates or would tend to create a nuisance.

7.57. Hours of operation. Solicitations are only allowed within the City between the hours of 10:00 a.m. and 8:00 p.m.

7.58. Exempt persons. The following persons shall be exempt from the provisions of this chapter:

- (1) Persons engaged in the distribution of newspapers.
- (2) Persons engaged in soliciting within one (1) mile from their residence for an educational, charitable, religious or youth organization.
- (3) Persons engaged in noncommercial, religious canvassing.
- (4) Persons engaged in the distribution of hand bills, signed or unsigned, political or otherwise.
- (5) Persons vending in a City Park with the permission of the City Parks and Recreation Commission.
- (6) Farmers or others selling home grown produce, crafts or other merchandise under special permission within a City market specially designated and located for that general purpose.

(7) The Downtown Development Authority when sponsoring an event in the Downtown Development District.

7.59. Persons not wanting to be solicited. Any person who owns and/or occupies a residence and/or business in the City of Frankenmuth who does not wish to have solicitors enter upon and/or call upon the residence or business to solicit may inform the City Clerk of the same in writing. The City Clerk shall keep on file a list of the addresses of those persons that do not want solicitors to enter upon and/or call upon their residence and/or place of business. A list of the addresses of those persons not wanting solicitors to enter upon and/or call upon their residence and/or place of business shall be given to each person who files an application for a solicitation license in Frankenmuth.

7.60. Transfer. No license shall be transferred.

7.61. Expiration of License. No automatic renewal or continuation of any license granted under this Chapter shall be implied and each such license shall expire on the date specified in the license.

7.62. Penalty. Any person or person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) plus costs of prosecution or by imprisonment for not more than ninety (90) days, or by a combination of fine and costs and imprisonment in the discretion of the court.

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