

ARTICLE X. SOLICITORS

DIVISION 1. GENERALLY

Sec. 14-481. Definition of activity embraced; house-to-house solicitations, commercial in nature.

(a) *Definition.* In this article, the terms "canvasser" and "solicitor" are defined as an individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motortruck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, including any person who, for himself, or for another person hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

(b) *Nonapplicability to nonprofit solicitations.* The provisions of this article shall not be deemed to apply to any established society, labor union, association or corporation that is organized and operated exclusively for any educational, philanthropic, benevolent, fraternal, charitable or reformatory purpose, not operated for pecuniary profits, where no part of the net earnings of which inures to the benefit of any person, private shareholder or individual, and where the solicitation of such organization shall be conducted by members or officers thereof voluntarily and without remuneration for such solicitation, or where such solicitation may be in the form of collections or contributions at the regular exercises of any church, religious society, lodge, labor union, benevolent order or fraternity or similar organization or any branch thereof. Such noncommercial solicitations, however, are nevertheless subject to minimal regulations and duties imposed under division 3 of this article.

(Code 1978, § 7-148)

Cross references: Definitions generally, § 1-2.

Sec. 14-482. Violations and penalty.

Except as stated otherwise in this article, violations of this article are a municipal civil infraction for which a person is responsible for a civil fine of \$500.00 for a first offense and \$1,000.00 for any subsequent offense.

(Code 1978, §§ 2-711(a)(19), 7-152, 7-167.3; Ord. No. 587, art. I, 4-18-2005)

State law references: Authority to make violation municipal civil infraction, MCL 117.4I.

Sec. 14-483. Enforcement of article.

It shall be the duty of any police officer to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license and to enforce the provisions of this article against any person found to be violating the provisions of this article.

(Code 1978, § 7-151)

Sec. 14-484. Records to be kept by city clerk.

The chief of police shall report to the city clerk all convictions for violation of this article and the city clerk shall maintain a record for each license issued and record the reports of violations therein.

(Code 1978, § 7-150)

Sec. 14-485. Business hours.

It shall be unlawful for anyone to solicit from house-to-house after 9:00 p.m. of any day and prior to sunrise of the next day, such hours being reserved for peace and tranquility and repose of the citizens.

(Code 1978, § 7-149)

Secs. 14-486--14-500. Reserved.

DIVISION 2. LICENSE

Sec. 14-501. Required.

It shall be unlawful for any solicitor or canvasser to engage in such business within the city without first obtaining a license therefor in compliance with the provisions of this division.

(Code 1978, § 7-157)

Sec. 14-502. Application; contents.

Applicants for a license under this division must file with the city clerk a sworn application in duplicate on a form to be furnished by the city clerk, which shall state the following information:

- (1) Name and description of the applicant;
- (2) Permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery;
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (8) The fingerprints of the applicant and the names of at least two property owners of the county who will certify to the applicant's good character and business responsibility, or in lieu of

the names and references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(Code 1978, § 7-158)

Sec. 14-503. Fee.

At the time of filing the application under section 14-502, a license fee in the amount set forth in section 26-7 shall be paid to the city clerk to cover the cost of investigation of the facts stated therein and the issuance of such license.

(Code 1978, § 7-159)

Sec. 14-504. Investigation; issuance.

(a) Upon receipt of an application under this division, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public welfare.

(b) If as a result of such investigation the applicant is found to be qualified, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant to conduct such business and return such permit along with the application to the city clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of such licensee, the class of license issued, and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance, and the length of time the license shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The city clerk shall keep a permanent record of all licenses issued.

(c) If as a result of such investigation the applicant is found not to be qualified or business responsibility appears to be unsatisfactory, the chief of police shall endorse on such application his disapproval, which shall be submitted, along with the results of his investigation, to the city clerk who shall not issue such license.

(d) For purposes of this section, an applicant is qualified if the following do not exist:

- (1) Fraud, misrepresentation or false statement contained in the application;
- (2) Fraud, misrepresentation or false statement made when engaging in business as a solicitor;
- (3) The applicant has violated this article or of any other ordinance of the city;
- (4) Conviction of the applicant of any crime or misdemeanor involving moral turpitude;
- (5) Soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Code 1978, §§ 7-106, 7-160)

Sec. 14-505. Bond prerequisite to issuance to nonresidents.

Every applicant under this division, not a resident of the city, or who being a resident of the city represents a firm whose principal place of business is located outside of the state, shall file with the city clerk a surety bond, running to the city in the amount of \$1,000.00, with surety acceptable and approved by the city manager, conditioned that such applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning the business of solicitor and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the city doing business with such solicitor, that the property purchased will be delivered according to the representations of such solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.

(Code 1978, § 7-161)

Secs. 14-506--14-520. Reserved.

DIVISION 3. PROHIBITED SOLICITATION LOCATIONS

Sec. 14-521. Declaration of public policy.

It is hereby declared to be the policy of the city that the occupants of the residences in this city shall make the determination of whether solicitors shall be, or shall not be, invited to their residence.

(Code 1978, § 7-163.1)

Sec. 14-522. Definition.

For purposes of this division, the term "solicitor" means a person who goes to a residence for the purpose of obtaining an audience with the occupant for the purpose of making an appeal for money, information, orders for the sale of goods or services, or to persuade the occupant for any purposes.

(Code 1978, § 7-163.2)

Cross references: Definitions generally, § 1-2.

Sec. 14-523. Notice regulating solicitation.

(a) Every person desiring to secure the protection of the regulations contained in this chapter shall comply with the requirements of this section.

(b) Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given by notice posted on the premises in the manner following:

"NO SOLICITORS INVITED"

The letters shall be at least two inches in height.

(c) Such sign so exhibited shall constitute sufficient notice to any solicitor or canvasser of the determination by the occupant of the residence of the information contained thereon. For the purpose of uniformity, the sign shall be provided by the city to persons requesting the sign, at the cost thereof.

(Code 1978, § 7-163.3)

Sec. 14-524. Duty imposed on solicitors.

(a) It shall be the duty of every solicitor, upon going onto any premises in the city on which a residence is located, to examine and look for the notice provided for in subsection 14-523(b) if any is posted, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor shall immediately and peacefully depart from the premises.

(b) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(Code 1978, § 7-163.4)

Sec. 14-525. Uninvited soliciting prohibited.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of section 14-523.

(Code 1978, § 7-163.5)

Sec. 14-526. Time limited solicitation.

It is unlawful and shall constitute a nuisance for any person, whether registered under this article or not, to go upon any premises which displays a notice indicating the time limitation as provided in section 14-523 and to ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to sunrise or after 9:00 p.m., such solicitation being deemed to be in disregard of the notice and in derogation of the invitation if one is posted.

(Code 1978, § 7-163.6)

Secs. 14-527--14-550. Reserved.