

## ARTICLE VII. - SOLICITORS AND PEDDLERS

### Footnotes:

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**State Law reference**— *Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq.*

### Sec. 8-381. - Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Peddler* means any person who travels by foot, motor vehicle or any other type of conveyance, from place to place; or stands in one place on public property, except when in front of the person's established business location, selling or offering for sale goods or services.

*Solicitor* means any person traveling either by foot, motor vehicle or any other type of conveyance from place to place seeking to obtain orders for the purchase of goods or services for future delivery or performance.

- (b) Neither the word "solicitor" nor "peddler" shall include any person who shall be engaged exclusively in wholesale sales to retail merchants.

(Code 1979, § 5.44.010)

### Sec. 8-382. - Registration and permit—Required.

It is unlawful for any person, either as a principal or agent, to conduct himself or herself as a solicitor or peddler, as defined in this article, in the city, without first having registered and obtained a permit to do so in the manner herein provided.

(Code 1979, § 5.44.020; Ord. No. 2018-01, 3-19-2018)

### Sec. 8-383. - Same—Exemptions.

- (a) Persons soliciting or peddling as the duly authorized representative or agent of any church, charitable, educational or fraternal organization, or of any political group seeking funds or membership shall be exempt from the registration and permit requirements of this article.
- (b) Every honorably discharged member of the armed forces of the United States who served at least 180 days of active duty service in the armed forces or has a service connected disability as a result of that service and is a resident of this state has the right to sell his or her own goods

within this city at no registration cost if the proceeds from the sale of the goods are to be used for the direct personal benefit or gain of that former member, by procuring a license for that purpose issued as provided in Public Act No. 359 of 1921 (MCL 35.441 et seq.).

(Code 1979, § 5.44.020; Ord. No. 2018-01, 3-19-2018)

Sec. 8-384. - Same—Procedure.

- (a) *Generally.* Any person desiring to conduct himself or herself as a solicitor or peddler, as defined in this article, shall first file with the city clerk a written registration stating the registrant's name, date of birth, residence address, business address, mailing address, and a brief description of the type of goods or services which he or she intends to sell or offer for sale or for which he or she intends to seek to obtain orders for future delivery or performance.
- (b) *Investigation.* The completed registration shall then forthwith be turned over to the city police department which shall have the responsibility of verifying the contents of the registration, and which shall cause such investigation of the registrant's background to be made as the chief of police may deem advisable or necessary for the protection of the safety and welfare of the public, and shall issue a written report to the city clerk regarding the verification of the contents of the registration and the results of any background investigation.
- (c) *Issuance of permit.* Upon receipt of written verification by the city police department of the verification of the contents of the registration and the results of any background investigation, or upon the passage of three business days after the filing of the registration, whichever shall occur first, the city clerk shall issue a permit to the registrant, unless the city clerk determines that the permit should be denied as provided herein. The permit shall be addressed to the registrant and shall contain the signature and seal of the city clerk, the time and date of issuance, and shall state the expiration date of the permit. The city clerk shall keep a permanent record of all permits issued.
- (d) *Reasons for denial of permit.* The city clerk may deny a permit to a registrant for any of the following reasons:
  - (1) Fraud, misrepresentation, or a materially false statement with respect to the registration submitted by the registrant; or
  - (2) The registrant has a prior criminal conviction for a crime which contains an element of theft, fraud, misrepresentation, deceit, or another form of moral turpitude.
- (e) *Notification of denial.* In the event that the city clerk denies a permit to the registrant, the city clerk shall promptly notify the registrant of the denial in writing, stating the reasons for the denial.

(Code 1979, § 5.44.030; Ord. No. 2018-01, 3-19-2018)

Sec. 8-385. - Validity of permit.

A permit issued pursuant to this article shall be valid for a period of 30 days from the time and date of acceptance or until December 31 of the same year, whichever is longer.

(Code 1979, § 5.44.040; Ord. No. 2018-01, 3-19-2018)

Sec. 8-386. - Prohibited acts.

The following conduct, in addition to any other conduct prohibited herein, shall be punishable as a violation of this article as provided in section 20-1:

- (1) Entering a private residence under pretenses of entering for purposes other than soliciting or peddling;
- (2) Remaining in a private residence or on the premises thereof after the owner or occupant thereof has requested the solicitor or peddler to leave;
- (3) Going in and upon the premises of a private residence by such solicitor or peddler to solicit or peddle when the owner or occupant thereof has displayed a "No Soliciting" or "No Peddling" sign on such premises;
- (4) Soliciting or peddling at a private residence prior to 10:00 a.m. and after 9:00 p.m.

(Code 1979, § 5.44.050)

Sec. 8-387. - Revocation.

A permit issued under this article may be revoked by the city clerk for any of the following reasons:

- (1) Fraud, misrepresentation or a false statement made in the course of carrying on one's business as a peddler or solicitor;
- (2) A violation of any of the provisions of this article; or
- (3) After the issuance of the permit the individual to whom the permit was issued is convicted of a criminal offense which contains an element of theft, fraud, misrepresentation, deceit, or another form of moral turpitude.

(Ord. No. 2018-01, 3-19-2018)

Sec. 8-388. - Appeals.

A person aggrieved by the action of the city clerk in the denial or revocation of a permit, as set forth in section 8-384 or section 8-387 of this article, may appeal such denial or revocation to the city council. Such appeal shall be taken by filing with the council, within 14 days after written notice of the action complained of has been mailed to such person's address as stated on the registration originally submitted to the city

clerk, a written statement fully setting forth the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant by mailing the same to the appellant at their address as stated on the registration originally submitted to the city clerk, or to such other address as the appellant may indicate in their written appeal, at least five days prior to the date set for the hearing.

(Ord. No. 2018-01, 3-19-2018)

Secs. 8-389—8-410. - Reserved.