

CHARTER TOWNSHIP OF GRAND RAPIDS

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Grand Rapids, held in the Township Hall, 1836 E. Beltline Avenue N.E., Grand Rapids, Michigan, on the 6th day of December 2011, at 7:00 p.m.

PRESENT: Afendoulis, DeVries, Hulbert, Merchant, Robinette, Roth, VanPopering.

ABSENT: None.

The following Ordinance was offered for adoption by Township Board Member VanPopering, and was seconded by Township Board Member Robinette.

ORDINANCE NO. 485

AN ORDINANCE TO PROVIDE FOR THE LICENSING OF SOLICITORS WITHIN THE CHARTER TOWNSHIP OF GRAND RAPIDS; TO PROVIDE REGULATIONS FOR SOLICITING AND RELATED MATTERS AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Solicitor and Solicitation Defined. The words solicitor, solicit, solicitation, and soliciting as used in this Ordinance shall mean any person (which includes any individual, firm, entity, corporation, association, partnership, limited liability company, or organization or its agents) traveling either by foot, wagon, automobile, vehicle, or other 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, products, or merchandise or personal property of any nature; or attempting to collect monies, pledges or donations for political, charitable, or religious causes; or for services to be furnished or performed, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether such person is collecting advance payments on such sales or not; or any similar action or activities including those persons who call themselves transient

merchants, canvassers, hucksters, peddlers or other similar terms. These activities shall also include any actions involving the canvassing or petitioning for a public office, public official, political candidate, election, or millage or public initiative or referendum affecting public policy.

Section 2. 1) Permit Required. Except as otherwise provided in this Ordinance, no person shall solicit or act as a solicitor within Grand Rapids Charter Township without first obtaining a permit from the Township. No permit shall be granted by the Township without prior approval by the Township Supervisor, Township Clerk, or such other Township official as is appointed by the Township Supervisor. All permits shall expire thirty (30) days after their issuance, unless renewed by the Township Supervisor, Township Clerk, or such other Township official as is appointed by the Township Supervisor.

2) Background Check. Except for persons or solicitors that are partially exempt from this Ordinance pursuant to Section 4 hereof, a background check will be performed by the Township for each individual solicitor before a Township permit is issued. The Township Supervisor shall determine what type of background check shall be performed for different categories or types of solicitors based on the potential threat to the public health or safety.

Section 3. Permit Application. A permit application may be obtained during normal business hours at the Township offices.

(a) Such application shall be fully completed and filed with the Township at least ten (10) days prior to the date of commencement of the solicitation. The application shall contain all of the following information:

- (1) Name of the applicant and the names of those persons soliciting for the applicant. Each individual solicitor must supply, in person, a copy of their driver's license or other form of government issued photo personal identification to the Township.

- (2) Permanent home address and local address of the applicant (and for all other persons soliciting for the applicant).
- (3) A brief description of the nature of the organization and business and the goods or services to be sold or solicited.
- (4) If the solicitor is otherwise employed, the applicant shall provide the name and address of such employer.
- (5) The length of time for which the solicitation within the Township is desired.
- (6) The place where the goods or property proposed to be sold or orders taken for the sale are manufactured or produced, where such products or goods are located at the time said application is filed and the proposed method of delivery.
- (7) A statement as to approximate locations within the Township where the solicitations will take place.
- (8) Each solicitor shall sign a statement as to whether or not that solicitor (or the solicitor's firm, corporation or organization) has been convicted of a felony, and/or misdemeanor theft or fraud offense and if so, stating the nature of the offense. A "yes" response is cause for denial of a permit for the applicant.

(b) If the requirements of this Ordinance are met, the Township shall prepare and issue a solicitor permit to each person soliciting under the applicant. The permit shall be displayed by the solicitor at all times while soliciting in the Township and shall be presented by that person to any resident requesting identification prior to any attempt to sell a product or service to that resident.

(c) Any denial of a permit application shall be made in writing specifying the reasons for denial within three (3) business days of the filing of a complete application. The Township may take a longer period of time in determining whether a particular permit will be issued if the background check cannot be completed in a shorter period of time. Any appeal of a permit denial pursuant to this Ordinance must be in writing signed by the applicant and filed with the Township within ten (10) days of the date of the denial. All appeals shall be decided by the Township Board.

(d) A solicitor permit shall be denied by the Township if any of the following standards are not met:

- (1) Every requirement of this Ordinance will be met.
- (2) The safety of the residents of the Township will be protected.
- (3) Neither the applicant nor the applicant's employer or organization has been convicted of either a felony of any kind or a misdemeanor involving solicitation, theft or fraud.
- (4) Neither the applicant nor the applicant's organization is delinquent in any real or personal property taxes or other indebtedness to the Township.

Section 4. Partially Exempt Persons—Religious, Government, and Nonprofit Activities. The following persons and organizations are exempt from the permitting requirements under this Ordinance when engaging in the type of solicitation mentioned below in this Section 4. Except as otherwise provided in this Section 4, all solicitation that is exempt under this Section shall still comply with the general regulations and prohibitions of Section 6 of this Ordinance.

(a) Solicitation for Religious or Charitable Institutions. Any person who is soliciting for a school, state or federally registered or recognized charity, a nonprofit corporation or

entity, or a church or religious society shall not be required to obtain any permit or pay any permit fee pursuant to this Ordinance. The solicitor for any group listed under this subsection (a) must still register with the Township and provide the Township Supervisor, Township Clerk, or other Township official designated by the Township Board with a name, address, and a copy of their driver's license before such exempt solicitation can occur within the Township. The applicant shall provide evidence (*i.e.*, 501(c)(3) status, etc.) to the Township that the organization for which the solicitation is taking place is a school, recognizable charitable, non profit or religious organization.

(b) Political Speech or Canvassing. Solicitations exclusively intended to canvass or petition for a public official, political candidate, public policy or initiative being promoted for purposes of a public referendum, initiative, millage, or election does not require any registration, permit or permit fee.

(c) Any person exempt from the permitting requirements of this Ordinance by virtue of state or federal law.

Section 5. Permit Fee. Except for exempt permits specified in Section 4 hereof, a nonrefundable permit fee in the amount of \$25.00 shall be paid to the Township at the time that an application for a solicitor permit is filed with the Township. If a permit renewal application is filed with the Township within the 30-day time period before the date that the original permit expires, a nonrefundable renewal permit fee in the amount of \$15.00 shall be paid to the Township. If an application for a permit renewal is not filed with the Township (together with the applicable fee) prior to the time the original permit expires, the application shall be deemed an application for a new solicitor permit and the nonrefundable permit fee to be paid to the Township at the time of application shall be \$25.00.

Each solicitor shall also make a deposit of \$25.00 per permit to the Township. This deposit will be refunded upon return of the permit to the Township. Return of the permit to the Township must be made in person by each individual permittee. All permits must be returned within five (5) days of their expiration or the deposit of \$25.00 shall be forfeited. The above fees and deposit may be modified by the Township Board by resolution from time to time.

Section 6. General Regulations and Prohibition. Unless otherwise expressly permitted by another Township ordinance or mandated by state law:

(a) Where a permit is required by this Ordinance, it shall be unlawful for any person to engage in solicitation without having first obtained a permit issued by the Township. The permit must be visible at all times while solicitor is engaged in the act of soliciting and shown upon the request of any person.

(b) While conducting any act of solicitation, the solicitor shall clearly display permit and photo identification that correctly identifies who the solicitor is and for whom the solicitor is working.

(c) No persons shall stop or park a vehicle at the curb for the purpose of solicitation from a vehicle, nor shall any person establish a stand, booth or other place of business on any street curb, sidewalk, public right-of-way or other public place. This subsection shall not be interpreted to prohibit parking for the purpose of making deliveries or for the purpose of consummating a business transaction with persons waiting at the curb, provided that the solicitor leaves the curb immediately after the deliveries or transactions are completed.

(d) No person shall operate or maintain any stand, structure, building or vehicle on or near to any public right-of-way for the service of customers or for solicitation in such a manner that requires customers to stand, occupy or congregate within the public roadway.

(e) No person shall conduct any solicitation so as to obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a permitted transaction or at any time after having been requested to desist by any public officer because of congested or dangerous traffic conditions or for the public health, safety or welfare.

(f) No person shall engage in any solicitation on any property against the wish or desire of the property owner or the tenant or occupant of the property. No person shall trespass on the property of another while engaged in solicitation.

(g) No person engaged in any solicitation shall visit any dwelling or residence without an appointment where a sign is displayed stating “No peddlers,” “No solicitors,” “No sales,” “No trespassing” or words of similar meaning.

(h) No person engaged in solicitation shall, while in a stationary position in any public place, shout, cry out his goods or merchandise, nor blow any horn, ring any bell, broadcast or play any sound, or use any other similar device to attract the attention of the public.

(i) No persons shall travel from door to door, street to street, or place to place within the Township while engaged in solicitation except between the following hours:

(1) April 1 to September 30: 9:00 a.m. to 7:00 p.m.

(2) October 1 to March 31: 9:00 a.m. to 5:00 p.m.

(j) No person engaged in any solicitation shall enter upon a property or call upon any occupant of the property by any means of entry or contact other than approaching the front entry door of the premises. No person engaged in any solicitation shall enter into an attached or detached garage or a rear yard, unless invited by the occupant of the premises.

(k) A permit under this Ordinance shall not be granted to any person owing any real or personal property taxes or other indebtedness to the Township or who contemplates using any personal property on which personal property taxes are owing in the operation of a business.

(l) No person shall block or impede the passage of the person being solicited.

(m) No person who is soliciting shall follow the person being solicited after that person has objected to the solicitation or asked the solicitor to leave.

(n) No person shall use any threatening or offensive behavior or language when engaging in solicitation.

Section 7. Revocation of a Permit.

(a) A permit issued pursuant to this Ordinance may be revoked by the Township. Such revocation shall be done by the Township Supervisor, Township Clerk, or such other Township official as is appointed by the Township Supervisor.

(b) The applicant may appeal the revocation of the applicant's permit revoked pursuant to this Ordinance by filing an appeal with the Township Board. Any such appeal must be in writing (signed by the applicant) and filed with the Township within ten (10) days of the date of the permit revocation.

(c) When considering whether or not to revoke a permit issued under this Ordinance (or during an appeal of such a revocation), the Township official or body involved shall consider the following:

- (1) Whether one or more provisions of this Ordinance have been violated.
- (2) Whether continued solicitation by the applicant pursuant to the permit would endanger the health, safety, or welfare of Township residents or property owners.
- (3) Whether there were material misrepresentations in the permit application.

Section 8. Penalties and Remedies.

(a) Any person who violates any of the provisions of this Ordinance shall upon conviction be deemed guilty of a criminal misdemeanor and shall be punished by a fine of not less than \$150 nor more than \$500 or imprisonment in the county jail for not to exceed 93 days or by both such fine and imprisonment, plus the costs of prosecution.

(b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section below. As used in this Section, repeat offense means a second (or any subsequent) misdemeanor conviction of the same requirement or other provision of this Ordinance committed by a person within one year of the prior conviction. The increased fine for a repeat offense under this Ordinance shall be as follows:

(1) The fine for the second conviction shall not be less than \$250.00, plus costs.

(2) The fine for any third or subsequent conviction shall not be less than \$500.00 each, plus costs.

(c) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense subject to separate sanctions.

(d) The person or persons authorized by the Township Supervisor shall enforce this Ordinance and may issue appearance tickets for violations of this Ordinance.

(e) In addition to the above, the Township shall have such other remedies as are accorded to it for a violation of this Ordinance pursuant to law and equity. Any remedy or remedies pursued by the Township shall be deemed cumulative and shall not preclude the Township from pursuing other remedies available at law or equity.

Section 9. Severability. Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the

same shall not affect the validity of the rest of this Ordinance as a whole, or any part thereof other than that part declared to be invalid or unconstitutional.

Section 10. Repeal. The provisions of this new Ordinance shall repeal and replace Ordinance No. 315 of 1994.

Section 11. Effective Date. This Ordinance shall become effective upon the expiration of thirty (30) days after the publication of this Ordinance or a summary thereof.

The vote to adopt this Ordinance was as follows:

AYES: Afendoulis, DeVries, Hulbert, Merchant, Robinette, Roth, VanPopering.

NAYS: None.

ABSENT/ABSTAIN: None.

ORDINANCE DECLARED ADOPTED.

Michael J. DeVries, Supervisor
Charter Township of Grand Rapids

Edward J. Robinette, Clerk
Charter Township of Grand Rapids

First Reading: November 15, 2011

Second Reading: December 6, 2011

Ordinance Becomes Effective: February 17, 2012

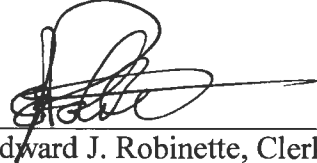
CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

I hereby certify that the above is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Grand Rapids at a regular meeting held on the date first stated above and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: Jan 16, 2012

By 

Edward J. Robinette, Clerk
Charter Township of Grand Rapids