

ORDINANCE NO. 315

AN ORDINANCE TO LICENSE AND REGULATE SOLICITORS AND SOLICITATION, TO PROVIDE FOR EXEMPTIONS AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Solicitor and Solicitation Defined.

(a) The words *Solicitor*, *Solicitation*, and *Soliciting* as used in this Ordinance, shall mean any person (which includes any individual, firm, corporation, or organization or its agents), traveling either by foot, wagon, automotive 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 and merchandise or personal property of any nature; or attempting to collect monies, pledges, or donations for 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 actions or activities including those persons who call themselves transient merchants; canvassers, peddlers and other similar terms. These activities shall also include any actions involving the canvassing or petitioning for a public office, public official, political candidate, election, public or initiative affecting public policy.

Section 2. License Required. Except as otherwise provided in this Ordinance, no person shall solicit within the Charter Township of Grand Rapids (*Township*) without first obtaining a license. No license shall be granted without prior approval by the Township Clerk. All licenses shall expire thirty (30) days after approval, unless renewed by the Township Clerk.

Section 3. License Application. The license application may be obtained during normal business hours at the Township offices, such application shall be applied for at least five (5) days prior to the date of conducting such solicitation. The application shall contain the following information:

(a) Name and description of the applicant, and names of those persons soliciting for the applicant. Each individual solicitor must supply their drivers license number or other form of personal identification to the Township.

(b) Permanent home address and local address of the applicant, and for all other persons soliciting for the applicant.

(c) A brief description of the nature of the organization and business, and the goods or service to be sold or solicited.

(d) If a solicitor is otherwise employed, the applicant shall provide the name and address of employer.

(e) The length of time for which the solicitation is desired.

(f) 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.

(g) A statement as to approximate locations within the Township where the solicitations will take place.

(h) Applicant(s) shall provide a photograph of each person who will be soliciting under the applicant. Photographs shall have been taken no more than sixty (60) days immediately prior to the date of the filing of the application, and shall show the head and shoulders of the persons(s) in a clear and distinguishing manner.

(i) A statement as to whether or not any persons, firm, corporation, or organization have been convicted of a felony, misdemeanor, or ordinance violation involving a violent crime, theft, burglary, breaking and entering, fraud, or concerning canvassing or solicitation within the past seven (7) years; and if so, the nature of the offense.

(j) The Township shall prepare and issue a solicitor authorization document to each person soliciting under the applicant. The document 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.

(k) Any denial of a license application shall be made in writing specifying the reasons for denial within three (3) days of the filing of the application. An appeal of a denial shall be made to the Township Board which shall decide the appeal within twenty-two (22) days of filing of the appeal.

Section 4. Exempt Persons. The following persons soliciting are exempt from licensing requirements under this Ordinance. Except as provided in this Section all solicitation exempt

under this Section shall still comply with general regulations and prohibitions of Section 6 of this Ordinance.

(a) Neighborhood Soliciting. Any person who is soliciting within one-half (2 mile of their residence and under the direct supervision of any school, state or federally registered or recognized charitable, nonprofit or religious organization does not need to be registered, licensed or pay license fee. Any such person shall provide identification or such affiliation upon request.

(b) Non-Neighborhood Soliciting. Any person who is soliciting for a school, state or federally registered or recognized charitable, nonprofit or religious purposes but who is not within one-half (2) mile of their residence, must register with the Township and provide the Township Clerk, in writing, their name, address, and drivers license number. No license or license fee shall be required, but the person shall provide evidence to the Township that the organization for which the solicitation is taking place is a school, recognizable charitable, nonprofit, or religious organization. The Township Clerk shall prepare and issue an authorization document to each person soliciting under the applicant. The document 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) Political 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, or election does not require any registration, license, or license fee.

Section 5. License Fee. There shall be a non-refundable license fee for each solicitor, in an amount established by resolution of the Township Board, payable concurrently with the issuance of the license.

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

(a) 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 section shall not be interpreted to prohibit parking for the purpose of making deliveries or for the purpose on 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.

(b) 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 limits of the public roadway.

(c) 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.

(d) 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.

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

(f) No person engaged in solicitations shall, while in a stationary position in any public place, shout or 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.

(g) 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) May 1 to September 30: 8 a.m. to 9 p.m.

(2) October 1 to April 30: 8 a.m. to 7 p.m.

(h) No person, whether principal or agent, shall by circular, handbill, newspaper, or in any other manner, advertise or offer any sale or business transaction requiring a license under this Ordinance before a license has been issued as provided by this Ordinance.

(i) A license under this article 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 taxers are owing, in the operation of the business.

Section 7. Sanctions.

(a) Any person who violates any provision of this Ordinance, or who disobeys, omits, neglects, or refuses to comply with, or resists enforcement of, any section of this Ordinance, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each violation (as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Grand Rapids Charter Township Municipal Civil Infraction Ordinance).

(b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section, below. As used in this Section, Arepeat offense@ means a second (or any subsequent) violation of the same requirement or provision of this Ordinance (i) committed by a person within any 90 day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.

(2) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not 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 Building Inspector is hereby designated as the authorized Township official to issue municipal civil infraction citations for violations of this Ordinance, as provided by the Grand Rapids Charter Township Municipal Civil Infraction Ordinance. As used in this Ordinance, ABuilding Inspector@ means the Township official, employee, agent or other entity appointed by resolution of the Township Board to perform the functions and tasks assigned by this Ordinance to the ABuilding Inspector.@ [Section 7 amended 5/3/95 by Ord. No. 325]

Section 8. Additional Enforcement Remedies. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance. [Section 8 amended 5/3/95 by Ord. No. 325]

Section 9. Validity. Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than that part declared to be invalid.

Section 10. Effective Date. This Ordinance shall become effective immediately upon publication.

