

Application for Solicitors License
Charter Township of Commerce
Code of Ordinance No. 1.000 Chapter 30: Article I & II

Submit the following with your completed application:

- Solicitors License Fee (\$50.00 and each additional Helper \$10.00)
- Finger Print Card
- Proof of Insurance for vehicle
- Copy of Drivers License
- 2 Photographs (2x2)

PLEASE PRINT

1. License desired: Hawker / Peddler Helper

2. Name of applicant: _____

Address: (Home) _____

City _____ State _____ Zip _____ Phone: _____

(Bus) _____ Phone: _____

Date of Birth: ____ / ____ / ____ Height: _____ Weight: _____

Eyes: _____ Hair: _____

3. Michigan Sales Tax I.D. No. _____

Type of Goods Sold: _____

Method of Travel: _____

Hours of Operation: (From) _____ (To) _____

Length of time to do Business: _____

Goods to be sold: In Home From Truck Other

Explain: _____

Location of Sale: _____

4. Name of employer: _____ Phone: _____

Address of employer: _____

Other Licenses (if required): _____

Other Approvals (if required): _____

Method of delivery: _____

Location of manufacturer: _____

Location of storage of goods: _____

Location of vehicle storage (if any): _____

Size of vehicle (if any): _____

Home occupation required: Yes No

Home occupation obtained: Yes No

5. List two (2) personal references (other than relatives):

Name: _____ Phone: _____

Address: _____

Relationship to applicant: _____

Name: _____ Phone: _____

Address: _____

Relationship to applicant: _____

6. Have you ever been convicted of any crime, misdemeanor, or Township ordinance

violation: Yes No

If yes, explain: _____

7. Name of insurance company and type of insurance carried vehicle:

Other: _____

Person who gives permission: Name: _____

Address: _____

Phone: _____

Must be able to reach applicant by phone (local): _____

(Out of state): _____

I understand that this license can be revoked by the Township Clerk for violation of the terms of the Code of Ordinance No. 1.000 Chapter 30: Article I & II, violation of any other Township ordinance or undesirable business practices. Granting of this license does not release any obligations to obtain other licenses required by any other law or governing body.

Applicant's signature: _____ Date: _____

Witness signature: _____ Date: _____

To be completed by Township Clerk's Department

License Fee: \$ _____

License Number: _____

Date paid: ____/____/____

2 Photographs attached: Yes No

Receipt No: _____

Approved Denied

Subject to the following conditions: _____

Clerk, Charter Township of Commerce

Date

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. SOLICITATION

Sec. 30-19. Purpose.

The purpose of this article is to improve and protect the public health, safety, and welfare by protecting the privacy of citizens, protecting the quiet enjoyment of citizens' homes and protecting citizens from unwanted solicitation. It prevents fraud and deceptive practices, prevents crime, and protects citizens and solicitors from personal injury. It protects citizens from excessive noise, regulates conduct in and around streets for the appropriate use of streets without interference, prevents danger to person and property, prevents delays, and avoids interference with traffic flow. It is intended to avoid distractions for drivers and to protect the public from abusive conduct of persons engaged in solicitation by imposing reasonable restrictions on solicitation while respecting the constitutional rights of free speech for all citizens. It protects citizens from aggressive conduct which causes fear, intimidation, disorder, and impairs citizens' use of public areas. It will inform the public and citizens of the nature, purpose, and background of charitable, service, religious, and other organizations that seek to solicit donations from occupants of vehicles on streets and roadways.

(Ord. No. 17-02-3, § 2, 5-14-2002)

Sec. 30-20. Definitions.

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:

Charitable purpose means philanthropic, religious, or other nonprofit objectives, including the benefit of poor, needy, sick, refugees, or handicapped persons; the benefit of any church or religious society, section, group, or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social,

service, or civic organization, or the benefit of any education institution, except the term "charitable purpose" does not include:

- (1) The direct benefit of the individual making the solicitation; and
- (2) The benefit of any political group or political organization that is subject to financial disclosure under state or federal law.

Charitable solicitation means using spoken, written, or printed words, gestures, pictures, or other means with the goal of obtaining the donation of money, property, or anything of value, or the selling or offering for sale of any property whether of any value or not, upon the express or implied representation that the proceeds will be used for a charitable purpose.

Commercial solicitation means using spoken, written, or printed words, gestures, pictures, or other means with the goal of selling or offering for sale a thing of value or soliciting the sale of goods or services. Commercial solicitation includes the conduct of a hawker or peddler. The term "commercial solicitation" does not apply to any person engaged in the wholesale sale or distribution of goods, wares, or merchandise to a merchant or dealer in those goods, or to any person selling the products of his own farm, orchard, or garden.

Drummer means any person who solicits or takes orders for a merchant employer whether or not that person exhibits samples for the purpose of effecting such sales.

Public place means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, streets, highways, sidewalks, parking lots, schools, parks, playgrounds and any publicly accessible portions of business premises.

Solicit or solicitation means using spoken, written, or printed words, gestures, pictures, or other means with the goal of obtaining a donation of money or other thing of value or soliciting the sale of goods or services. The term "solicit" or "solicitation" includes commercial or charitable solicitation.

(Ord. No. 17-02-3, § 3, 5-14-2002)

Sec. 30-21. Solicitation in general.

Any person engaged in solicitation is subject to the following provisions:

- (1) A person shall not call upon, go upon the property of, or in any way disturb the occupant of a building to solicit, whether residential or commercial, if that building has prominently displayed on or near the front door or front window of the building a sign with letters at least 1½ inches high stating: "No Solicitors," "No Soliciting," or substantially equivalent language.
- (2) A person shall not solicit in an aggressive manner in any public place. The term "aggressive manner" means any of the following:
 - a. Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or is likely to cause a reasonable person to:
 - 1. Fear bodily harm to oneself or to another, damage to or loss of property; or
 - 2. Otherwise be intimidated into giving money, or any other thing of value, or purchasing anything whether it has value or not;
 - b. Intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting;
 - c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
 - d. Using violent or threatening gestures toward a person solicited either before, during, or after soliciting;

- e. Persisting in closely following or approaching a person, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
- f. Using profane, offensive, or abusive language which is inherently likely to provoke an immediate violent reaction, either before, during, or after solicitation.

- (3) A person shall not solicit after 9:00 p.m. and before 8:00 a.m.
- (4) A person shall not solicit within 15 feet of any entrance or exit of any financial institution, automated teller machine or check cashing business during business or operating hours. This subsection does not prohibit the lawful vending of goods and services within these areas.
- (5) A person shall not solicit in any outdoor or indoor dining area of a restaurant or other establishment serving food for immediate consumption. A person is guilty of a municipal civil infraction under this subsection if he continues to solicit after being asked to leave by the owner, manager, or owner's agent.
- (6) A person shall not solicit within the limits of the township using either audible sound in excess of 55 decibels in residential areas, 65 decibels in commercial areas, and 70 decibels in industrial or other areas, or by a visible signal which is unreasonably distracting to operators of vehicles, pedestrians, or bicyclists, or which poses a threat to the health, safety, and welfare of the public.

(Ord. No. 17-02-3, § 4, 5-14-2000)

Sec. 30-22. Commercial solicitation.

- (a) A person shall not engage in commercial solicitation within the limits of the township without obtaining a license in accordance with this article.

(b) A person shall not act as an agent, helper, or assistant to a person engaging in commercial solicitation without obtaining a commercial solicitation license.

(c) A vehicle or other equipment shall not be operated, propelled, located, or otherwise used on the public streets, sidewalks, parks or other public ways or places after 9:00 p.m. and before 9:00 a.m. by any person licensed under this article, for the purpose of carrying on commercial solicitation.

(d) A person may apply for a commercial solicitation license by applying to the township clerk, on an application form to be furnished by the clerk. An application must be signed by the applicant and state the manner in which the applicant intends to travel, trade, and conduct business. An application must include the applicant's address, physical description, name, and type of solicitation license desired, two current photographs of the applicant, and a completed fingerprint card.

(e) Applicants seeking to engage in commercial solicitation shall pay a nonrefundable fee as set forth in the township fee ordinance, except:

- (1) There is no fee required for a license to pursue the business of drummer within the limits of the township; and
- (2) Persons who are veterans and who have procured a state peddler's license under MCL 35.441 et seq., are exempt from paying a fee for or procuring a license under this article while engaged in activity allowed under a state peddler's license.

(f) The clerk shall issue a license upon determining that an applicant has properly and accurately completed the application and that:

- (1) The goods or services to be sold, or for which orders are to be solicited, do not constitute a threat to the health, safety, or welfare of the citizens of the township;
- (2) The manner in which the goods or services are to be sold or for which orders are to be solicited does not constitute a threat to the health, safety, or welfare of the citizens of the township;

- (3) All applicable federal, state, and local laws have been complied with;
- (4) Any previous license issued under this or a predecessor article has not been revoked or not renewed because of a violation of an ordinance or law within the previous year;
- (5) A complaint has not been filed by anyone against the applicant or his employer or employees; and
- (6) There is no other cause or reason to deny the applicant's request for a license.

(g) If the clerk determines, after a review of an application and all other relevant factors, that a license cannot be issued under this section, the applicant may request that the township board consider the application in the same manner prescribed for bringing all matters before the board.

(h) Each license granted under this section shall contain a current photograph of the licensee, the address, physical description and the type of license granted.

(i) Licensees shall carry licenses with them at all times while engaging in the licensed activity.

(j) A licensee shall not alter, remove, or obliterate any information on a license.

(k) All licenses issued under this section shall expire on December 31 following the date of issue, unless a different date of expiration has been determined by the clerk.

(l) The clerk may suspend any license issued under this section if the licensee violates a township ordinance or any condition or regulation under which the license was granted. The clerk shall report all suspensions to the township board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. A person whose license has been revoked shall not be granted another license for a period of one year after a revocation. In the event of revocation, the license fee shall not be refunded.

(m) All commercial solicitation is prohibited in the following specified locations:

- (1) A person shall not approach an operator or occupant of a motor vehicle for the purpose of commercial solicitation while the vehicle is located in any public place.
- (2) A person shall not stand, sit, or remain next to the traveled part of any street in township for the purpose of commercial solicitation of the operators or occupants of vehicles using the street.

(Ord. No. 17-02-3, § 5, 5-14-2002)

Sec. 30-23. Charitable solicitation.

(a) A person shall not engage in charitable solicitation on the streets or roadways within the limits of the township without obtaining a charitable solicitation license from the township clerk in accordance with this section.

(b) A person shall only engage in charitable solicitation within time periods and locations granted in and shown on the license that authorizes his charitable solicitation.

(c) An individual person engaged in charitable solicitation shall carry his license at all times during the licensed activity and must display a copy of the license to police or township officials upon request, and provide positive identification upon request.

(d) A person engaged in charitable solicitation on behalf of a licensed partnership, corporation, or association shall carry a copy of the partnership, corporation, or association's license, and must display a copy of the license to police or township officials upon request, and provide positive identification upon request.

(e) A person may apply for a charitable solicitation license by applying to the township clerk, upon an application form to be furnished by the clerk. An application must be signed by the applicant and state the following:

- (1) The name of the individual or organization applying for a license to solicit funds for charitable purposes.

(2) A brief description of the charitable purpose for which the funds are to be solicited and an explanation of the intended use of the funds towards that purpose.

(3) Whether the person registering is an individual, partnership, corporation, or association:

- a. If an individual, the business and residence addresses and telephone numbers of the individual must be given;
- b. If a partnership, the names of all partners, the principal business address, the telephone numbers of all partners;
- c. If a corporation, the jurisdiction in which the corporation is organized, the name, address, and telephone number of the corporation's Michigan Registered Agent, the mailing address, business location, telephone, name of the individual in charge of the Michigan office; and
- d. If an association, the principal business address and telephone number, a list of all association members and their telephone numbers if there are less than ten or a list of the officers and directors and telephone numbers of the officers and directors if the members are more than ten. If the association is a multi-state entity, the name, address, and telephone number of its central office.

(4) The names, addresses, and telephone numbers of the persons in direct charge of the charitable solicitation of funds, if more than one individual will be soliciting; and

(5) A daily schedule of the manner of solicitation, the locations, dates, times, and names of persons who will be soliciting funds.

(f) The manner in which the applicant and any agents intend to travel and conduct the charitable solicitation.

(g) The charitable solicitation license fee shall be as provided in the township fee ordinance. Applicants seeking to engage in charitable solicitation in the streets and roadways will not be charged a license fee.

(h) The clerk shall issue a license within 15 days of receipt of a properly and accurately completed application and endorse upon it the locations, days, and times charitable solicitation is authorized upon determining that an applicant has properly and accurately completed the application and that:

- (1) The manner in which the charitable solicitation is to be conducted does not constitute a threat to the health, safety, or welfare of the citizens of the township;
- (2) All applicable federal, state and local laws have been complied with;
- (3) Any previous license issued under the provisions of this or a previous ordinance has not been revoked or not renewed by reason of violation of ordinance or law in the previous year;
- (4) A complaint has not been filed by anyone against the applicant or his employer or ~~employees; and~~
- (5) There is no other cause or reason to deny the applicant's request for a license.

(i) If the clerk determines, after a review of an application and all other relevant factors, that a license cannot be issued under this section, the applicant may request that the township board consider the application in the same manner prescribed for bringing all matters before the board.

(j) A licensee, agent, or helper shall not alter, remove or obliterate any information on a license.

(k) All licenses issued under this section shall authorize charitable solicitation by a given individual, partnership, corporation, or association for no more than three days within the calendar year during which the solicitation on the roadway may occur. For purposes of this subsection, the term "day" means the period of daylight beginning one hour after sunrise and ending one hour

before sunset. Any solicitation conducted on a particular calendar date shall be deemed to be a day.

(l) The clerk may suspend any license issued under this section if the licensee violates a township ordinance or any condition or regulation under which the license was granted. The clerk shall report all suspensions to the township board, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. A person whose license has been revoked shall not be granted another license for a period of one year after a revocation. In the event of revocation, the license fee shall not be refunded.

(Ord. No. 17-02-3, § 6, 5-14-2002)

Sec. 30-24. Public disclosure.

All license applications filed with the clerk, whether or not a license has been granted, shall be a public record available for inspection in the clerk's office during regular business hours and copies may be obtained at a cost as set forth in the township fee ordinance.

(Ord. No. 17-02-3, § 7, 5-14-2002)

Sec. 30-25. Civil infraction.

A violation of this article shall be deemed to be a municipal civil infraction.

ARTICLE III. RESERVED*

Secs. 30-26—30-40. Reserved.

ARTICLE IV. PAWNBROKERS

Sec. 30-41. State law adopted.

The township hereby adopts by reference, Act No. 273 of the Public Acts of 1917, as amended, being sections MCL 446.201 through 446.219 (MSA 19.581 et seq.).

(Ord. No. 1.006, § 2, 11-10-2009)

**Editor's note—*Ord. No. 1.017, adopted Feb. 14, 2012, repealed Art. III, §§ 30-26—30-29, in its entirety, which pertained to precious metal and gem dealers, and derived from Ord. No. 1.005, § 2, adopted Nov. 10, 2009.