

Chapter 133. Peddling and Soliciting

[HISTORY: Adopted by Board of Trustees of the Charter Township of Northville 7-11-1991 as Ch. 71 of the Code of Ordinances. Amendments noted where applicable.]

§ 133-1. Definitions.

A.

As used in this chapter, the following terms shall have the meanings indicated:

CANVASSING AND SOLICITING

Going from house to house or place to place or remaining on public property or private property within the Township which is not owned by the canvasser, solicitor or the employer of either for the purpose of taking orders for or selling food products, books, magazines, goods, wares or merchandise of any nature or for the purpose of taking orders for or selling the installation or servicing of any household equipment or appliances or the maintenance or installation of any building or building improvements. This definition shall include persons soliciting funds for donations of any kind. Newspaper deliveries, dairy product deliverers and other persons traveling on regularly established routes at the request, express or implied, of their customers are not within this definition.

CHARITABLE ORGANIZATIONS

Any organization registered as a charitable organization under the statutes of the State of Michigan.

PEDDLING

Going from house to house or place to place or remaining on public property or private property within the Township which is not owned by the peddler or the employer of the peddler and carrying or transporting by person, wagon, motor vehicle or any other type of conveyance for the purpose of offering for immediate sale food products, books, magazines, goods, wares or merchandise of any nature.

PERSON

An individual, partnership, corporation or any other organization.

NONPROFIT ORGANIZATION

Any organization registered as such under the statutes of the State of Michigan.

TOWNSHIP

The Charter Township of Northville.

B.

The masculine pronoun shall also stand for the feminine and neutral pronoun throughout this chapter.

§ 133-2. License or Permit required; minors; posted premises.

A.

It shall be unlawful for any person to solicit, canvass or peddle in the Township without first obtaining a license in compliance with this chapter, unless the person is a charitable organization or a nonprofit organization.

B.

It shall be unlawful for any charitable organization or nonprofit organization to solicit, canvass or peddle in the Township without first registering with the Township Police Department and obtaining a permit in compliance with this chapter.

C.

No license shall be issued until an applicant obtains the age of 18 years, except that a person between the ages of 12 and 18 years may be issued a license if the applicant is accompanied by a sponsoring adult at both the time of applying for the license and at the actual time of canvassing, soliciting or peddling.

(1)

Persons under the age of 12 years shall be exempt from registering or licensing. Each person under 12 years of age must be accompanied by a parent or legal guardian who is licensed under this chapter when soliciting, canvassing or peddling.

(2)

If any soliciting, canvassing or peddling is to be carried on by a person under the age of 17 years, an approved copy of the Michigan State Department of Labor Form No. H52, showing the approved hours of work and the type of soliciting, canvassing or peddling to be done shall be attached to the application.

D.

It shall be unlawful for any person to solicit, canvass or peddle upon any premises in the Township if anyone in control of the premises requests the person not to do so or if a notice is placed on the premises in a conspicuous position near the entrance indicating that the occupants of the premises do not desire to have solicitors, canvassers or peddlers call upon them.

§ 133-3. Application for license.

A.

Application for licenses shall be made upon forms provided by the Police Department which shall be signed and verified under oath by each applicant and the individual or the authorized agent for any firm, partnership, corporation or other organization and shall, as a minimum, contain the following:

(1)

The name, address, telephone number, date of birth, sex, color of hair, color of eyes, weight and height of each individual or employee who will solicit, canvass or peddle.

(2)

The name, residential address, business address and telephone number of each partner when the applicant is a partnership.

(3)

The name, address and telephone number of incorporated applicants and of the resident agent of the corporation. The names, residential address, business address and telephone numbers of the principals, officers, directors and local representatives of the corporation or other business organization. If a foreign corporation, it must state whether it is authorized to do business in the State of Michigan.

(4)

A brief description of the product or services involved.

(5)

For each applicant, agent or employee of an applicant under the age of 17 years, appropriate working papers shall be filed with the Police Department at the time of application.

(6)

A description of vehicles being used in the operation along with the license plate number of each vehicle and a valid certificate of insurance.

(7)

A statement by the applicant that he has never been convicted of a felony or crime involving theft, dishonesty, false statement or fraud.

(8)

A statement that the applicant is not disqualified to receive a license by reason of anything in this chapter.

B.

The Township Police Department will review all applications for a permit.

C.

A license may be denied or revoked for any of the following reasons:

(1)

The prior revocation of a license under this chapter.

(2)

An incomplete application.

(3)

Misrepresentation of any facts in the license application.

(4)

The conviction of a felony or a crime involving theft, dishonesty, false statements or fraudulent scheme, trick or device by the applicant.

(5)

The inability of the applicant to produce a valid driver's license or state identification card.

(6)

The failure to visibly display the permit issued by the Township while soliciting, canvassing or peddling in the Township.

(7)

Any violation of this chapter.

D.

Any person whose license application has been denied shall have the right to petition the Township Board for an appeal. The Township shall grant a public hearing on the appeal and the applicant shall have the right to appear and present evidence on his or her own behalf. Following the hearing, the Board shall submit to the applicant a written statement of its findings and determinations. The Board's decision shall be based on satisfactory compliance with the requirements of this section of this chapter.

§ 133-4. Registration for Permit

The Registration permit shall be made on the forms provided by the Police Department, which shall be signed and verified under oath by the person to whom the permit will be issued. The registration form shall, at a minimum, contain the following:

A.

The name and address of the charitable or nonprofit organization along with proof that the organization falls within the definitions set forth in this chapter and is entitled to exemption from the licensing provision of this chapter.

B.

The name, address and telephone number of the person registering and proof that he or she is part of that organization. A fee shall not be charged for registration.

§ 133-5. License fee.

A license fee shall be established by resolution of the Township Board of Trustees. The Township Board may modify the established fee schedule by resolution at any time.

§ 133-6. Exemptions; filing of affidavit.

A.

No license fee shall be charged to any person who sells produce which he or she has raised himself or who has obtained the age of 65 years or who is a newspaper deliverer or who is a veteran of state or national military service who has been honorably discharged.

B.

Any person who has obtained a license from the State of Michigan pursuant to 1921 Public Act No. 359 (MCL 35.441 - 35.443) shall be exempt from the licensing provisions of this chapter.

C.

Anyone claiming exemption from licensing or the license fee shall swear by affidavit to the facts which entitled him or her to an exemption and that affidavit shall be filed with the Police Department. All exempt persons shall be issued a license upon approval of their license application as provided for in this chapter.

§ 133-7. Expiration date of licenses, registrations and permits.

Each license, registration or Permit issued by the Police Department shall expire on midnight of the last day of December of each year unless previously terminated under any provision of this chapter.

§ 133-8. Display of license or permit.

It shall be unlawful for any person to operate as a peddler, canvasser or solicitor without displaying the license or permit issued by the Township. Each vehicle, conveyance or container must have a copy of the license or permit issued to the peddler, canvasser or solicitor attached to it so it can be seen from the outside.

§ 133-9. Regulations regarding scales, stopping, traffic and noise.

A.

No person shall use any scales which do not have valid approval by the State of Michigan, Bureau of Weights and Measures or the City of Detroit Department of Weights and Measures.

B.

No person shall stop in any one place longer than is necessary to make a sale or solicitation or in any event shall not stop on private property without the consent of the property owner and shall not stop for a period longer than 30 minutes at a time. No person shall stop for the purpose of selling or offering to sell any food products within a distance of 300 feet from a public, private or parochial school building or the lands on which those school buildings are located in the Township on any day during which school is in session.

C.

No person operating as a solicitor, canvasser or peddler shall interfere with traffic or permit large numbers of persons, especially children, to congregate upon the public streets.

D.

It shall be unlawful for any person to call out or make a noise of any kind or to use a bell, horn or other noisemaking device for the purpose of attracting attention.

§ 133-10. Vehicles used to sell food products.

A.

All vehicles used in the sale of food products must be kept clean and sanitary at all times and, when containing food products, they must be kept only in places and operated in a manner which, in the opinion of the Health Care Officer for the Wayne County Department of Health and the Michigan Department of Agriculture, are sanitary and wholesome.

B.

All vehicles or other conveyances used for the purpose of selling or transportation of food products for human consumption in the Township shall be inspected and shall carry a current valid approval by the Wayne County Board of Health or the Michigan Department of Agriculture before a license is granted to the operator. The holder of a license for whom a vehicle or other conveyance is operated shall be the person responsible for all the conditions and requirements of this chapter.

C.

Failure to maintain the standards and requirements of the Wayne County Board of Health or the Michigan Department of Agriculture for the sale or transportation of food constitutes cause for revocation of the license under which the vehicles or other conveyances are operated.

§ 133-11. Hours of peddling/solicitation; additional requirements, Do-Not-Knock Registry.

- A. No peddling or solicitation may be conducted after 6:00 p.m. or before 10:00 a.m., prevailing time.
- B. No peddler or solicitor shall enter into property which has posted a "No Solicitation," "No Trespassing," "No Peddlers or Agents," "No Advertisements" sign, or its equivalent, posted in a conspicuous and prominent location,

§ 133-12. Transfer and assignment of license, registration, or permit.

No license, registration or permit issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued and only when engaged in the activities for which the license, registration, or permit was issued.

§ 133-13. Permission to operate in public parks required.

No solicitor, canvasser or peddler shall operate in any public park controlled or managed by the Township or in any public park within the boundaries of the Township unless that person first obtains permission from the Township Board or Wayne County.

§ 133-14. Revocation of license or permit.

Before a license or permit can be revoked, the Township Board shall serve the license holder or identification card holder, by first-class mail mailed no less than four days prior to the hearing, with a notice of hearing which shall contain the following:

A.

Notice of proposed action.

B.

Reason for proposed action.

C.

Date, time, and place of the hearing.

D.

A statement that licensees may present evidence and testimony and confront adverse witnesses.

§ 133-15. Penalties.

[Amended 9-18-2003]

A.

Any person who shall violate any provision of this chapter shall be subject to the penalties specified for a violation of the Township Code.[1]

[1]:

Editor's Note: See §§ 1-10, 1-14 and 1-16.

B.

Any minor, as defined in this state's probate code, who violates any provision of this chapter shall be dealt with by the Juvenile Division of the Probate Court or as otherwise prescribed by state law.