

ORDINANCE #58
BRIDGEWATER TOWNSHIP
PEDDLERS AND SOLICITORS ORDINANCE

An Ordinance enacted pursuant to Act 246 of the Public Acts of 1945, as amended, to regulate peddlers, solicitors, hawkers, itinerant merchants, transient merchants, hucksters, door-to-door salesmen, and the like; to provide for the public health, safety, and general welfare of the persons and property of the Township of Bridgewater; and to provide for penalties and enforcement thereof; and to repeal all other ordinances and regulations or parts of ordinances in conflict hereof.

THE TOWNSHIP OF BRIDGEWATER, COUNTY OF WASHTENAW, STATE OF MICHIGAN HEREBY ORDAINS:

SECTION 1. Short title. This Ordinance shall be known and referred to as the "Bridgewater Township Peddlers and Solicitors Regulation Ordinance".

SECTION 2. Definitions.

The following words and terms used in this Ordinance are defined as follows:

- a. **Peddler.** Any person, firm, corporation or other entity who goes about from house to house or place to place, or who goes about or sets up on a public street, private road, public area, sidewalk, right-of-way or private property, traveling by foot, wagon, motor vehicle, truck, bicycle, or any other form of conveyance, selling or offering for sale any service, goods, property, wares, or merchandise. A peddler shall include a hawker, itinerant merchant, huckster, door-to-door salesman and any similar seller engaged in a movable or easily movable sales activity.
- b. **Solicitor.** Any person, firm, corporation or other entity who goes about from house to house or place to place, or who goes about or sets up on a public street, private road, public area, sidewalk, right-of-way or private property, traveling by foot, wagon, motor vehicle, truck, bicycle, or any other form of conveyance, taking or attempting to take orders for the sale of any service, goods, property, wares or merchandise, for immediate or future delivery, except that the term shall not include a solicitor for non-business purpose.
- c. **Solicitor for non-business purpose.** Any person, firm, corporation or other entity who goes about from house to house or place to place, or who goes about or sets up on a public street, private road, public area, sidewalk, right-of-way or private property, traveling by foot, wagon, motor vehicle, truck, bicycle, or any other form of conveyance, for the purpose of canvassing or making an appeal for money, information or signature(s), or to persuade the occupant for any purpose. This type of solicitor would

include those for established societies, labor unions, associations, political parties, candidates for public office, religious organizations, charities, educational institutions or other entities organized and operated exclusively for any educational, philanthropic, political, patriotic, social service, welfare, eleemosynary, civic, environmental, benevolent, fraternal, charitable, religious, non-profit or reformatory purpose, not operated for pecuniary profits, and where the solicitation of such organization shall be conducted by members or officers who are volunteers working without remuneration for such solicitation, or where such solicitation may be in the form of seeking collections or contributions in the regular exercise of any church, religious society, lodge, labor union, benevolent order of fraternity, political group or similar organization or any branch thereof.

SECTION 3. License required.

No person, unless otherwise exempt by this Ordinance, shall be a peddler or solicitor, and/or engage in any business or other activity as a peddler or solicitor in the Township of Bridgewater without first obtaining a license issued by the Township Clerk or a Township employee acting at the Clerk's direction. An application for a license shall be made to the Township Clerk, or the Clerk's designee who must process said application within two business days. In the event that the application is made by an organization, group, association, partnership, corporation, trust, business entity or other entity, or any combination thereof, a separate application must be made for each person, representative, agent or employee who will be engaging in the act of being a peddler or solicitor.

SECTION 4. License application.

Applicants for a license under this Ordinance, must file with the Township Clerk a sworn application on a form to be furnished by the Township Clerk which shall include at least the following information:

- a. Name (and aliases and previous other name ever used), and address of the applicant, including the applicant's permanent home address and local address, and all permanent and local addresses for the past three years if different from the current addresses.
- b. A physical description of the applicant.
- c. Age and date of birth of the applicant.
- d. The applicant's driver's license number if the applicant has one.
- e. The name and address of the employer, organization, group, association, partnership, corporation, trust, business entity or other entity for whom the applicant works or is representing.
- f. A photograph of the applicant taken within 60 days immediately prior to the date of filing the application which accurately portrays the applicant, which picture shall be at least two inches by two inches, or approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner. A photocopy of an applicant's driver's license or State identification card that contains a photograph, if it is clear and accurately portrays the applicant, may be utilized for purposes of submitting the photograph required herein, even if said photograph was taken more than 60 days previously and is smaller than two inches by two inches in size.

- g. A statement whether the applicant has ever been convicted of any criminal offense except traffic violations, and if the applicant has, when, where, and for what offense the applicant was convicted.
- h. A statement whether any civil judgment is outstanding and unpaid against the applicant or the employer, organization, group, association, partnership, corporation, trust, business entity or other entity for whom the applicant works or is representing, which involves any claim of fraud, misrepresentation or conversion, including the amount, the court and the case number where the judgment has been entered.
- i. A brief description of the nature of the service, goods, property, wares or merchandise being sold or offered for sale, or for which orders for sale are being taken, and the method and location of sale, offering or soliciting orders.
- j. The length of time for which the applicant desires a license.
- k. The place where the service, goods, property, wares or merchandise are located, manufactured, or produced, the location where such items are at the time that the application is being filed, and the proposed method of delivery.
- l. If any motor vehicle is to be used by the applicant, a description of such vehicle with the vehicle registration number and license registration number, together with a copy of the insurance policy currently in effect for public liability and property damage for such vehicle.

SECTION 5. Exempt persons.

- a. No license or application will be required, but Sections 10 and 11, and certain portions of Section 12 of this Ordinance not involving licensing or an application for a license, shall apply to a solicitor for non-business purpose who does not sell, offer to sell or take orders for sale of any service, goods, property, wares or merchandise costing any the purchaser in excess of \$15.00.
- b. No license or application shall be required, but the remaining provisions of this Ordinance not involving licensing or an application or fee for licensing shall apply to a person or entity selling newspapers, a bona fide delivery person who merely delivers goods in the regular course of business, a person or entity selling agricultural products, or to a person or entity having garage or yard sales or sidewalk sales on their own property so long as the sales are intermittent and not continuous and do not last for longer than three days at a time.

SECTION 6. Administrative fee.

An applicant shall pay a fee at the time of filing an application, which fee shall be a processing fee to cover the cost of administering this Ordinance and processing the applications. The amount of the administrative processing fee shall be established by resolution of the Township Board from time to time which, until changed by resolution of the Township Board, shall be \$5.00 per day for each day that the person or entity proposes to engage in any business or other activity as a peddler or solicitor within the Township, or \$30.00 per month for each month, or \$60.00 per year for each year.

SECTION 7. License revocation.

A license may be suspended or revoked by the Township Board for violation of this Ordinance after reasonable notice and opportunity to be heard. The Township Clerk may suspend on an emergency basis, without hearing, any license when the Township Clerk specifies in the notice of emergency suspension, the reasons and grounds indicating the violation of this Ordinance which constitutes the emergency. The notice shall set forth that within 48 hours, at a designated time and place, a hearing will be held on whether the license shall be permanently suspended or revoked. The licensee shall have the burden of showing compliance with the requirements of this Ordinance. The Township Board may either act as the hearing board, or it may assign the hearing duties to a hearing officer or tribunal, which may be an employee or employees of the Township, or which may be outside non-employees of the Township specially appointed by the Township Board.

SECTION 8. Non-transferability of license.

Any license issued under this Ordinance shall be non-transferrable and shall be displayed so as to be visible to any person dealing with a peddler or solicitor.

SECTION 9. Records.

The Township Clerk shall maintain a record of each license issued for at least three years.

SECTION 10. Hours permitted.

No peddler, solicitor or solicitor for non-business purpose shall solicit at any residence within the Township on any day prior to 10:00 a.m., nor after 6:00 p.m. during Eastern Standard Time, nor after 8:00 p.m. during Michigan daylight savings time, nor on any Sunday or legal holiday, except upon prior specific request of an occupant of the residence.

SECTION 11. Notice to prohibit peddlers, solicitors, or solicitors for non-business purpose.

It is hereby declared to be the policy of the Township of Bridgewater that the occupants of residences in the Township may make the determination of whether peddlers, solicitors or solicitors for non-business purpose shall be, or shall not be, invited into their respective residence. Any occupant of a residence in the Township desiring no peddlers, solicitors or solicitors for non-business purpose, may display a sign with lettering no less than two inches in height and no more than four inches in height, stating that no solicitors are invited or some similar language. Such sign shall be prominently displayed in an area that can easily be viewed by someone approaching the front door of the residence. Such sign so exhibited shall constitute sufficient notice to any peddler, solicitor or solicitor for non-business purpose of the determination by the occupant of the residence that no solicitation, business or activity of a peddler, solicitor or solicitor for non-business purpose to examine and look for such notice, and upon viewing said notice, it shall be the duty of the peddler, solicitor or solicitor for non-business purpose to immediately and peacefully depart from the premises. It is hereby declared to be unlawful and shall constitute a nuisance for any person to go

upon any residential premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engaging in any solicitation, business or activity of a peddler, solicitor or solicitor for non-business purpose in defiance of the notice exhibited at the residence indicating that no solicitors are invited. Any peddler, solicitor or solicitor for non-business purpose who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the residential premises when requested to do so by the occupant.

SECTION 12. Prohibited activities.

- a. No business or activity of a peddler or solicitor shall be conducted at any location within the Township except in compliance with the requirements of the Township of Bridgewater Zoning Ordinance.
- b. No business or activity of a peddler or solicitor shall be conducted, nor shall any person or entity in connection with the activity, stand in, upon, or otherwise conduct business or activities within the highway or street right-of-way.
- c. Nothing in the Ordinance is intended or shall be construed as authorizing any use of any private property for any business or activity of a peddler or solicitor except with the express permission of the owners of such property or any other person lawfully authorized to grant such permission.
- d. No business or activity of a peddler or solicitor shall be located upon or conducted on any portion of property developed and used for another business which is designated for the parking of vehicles or the movement of travel of motor vehicles, including driveways.
- e. No business or activity of a peddler or solicitor shall be conducted in any place or in any manner that would tend to cause a motor vehicular traffic stopping, standing, or parking within any highway or street right-of-way, unless such stopping, standing, or parking is otherwise permitted by law in such location for such business purpose.
- f. No business or activity of a peddler or solicitor shall be conducted without a license, and no solicitation, business or activity of a peddler, solicitor or solicitor for non-business purpose shall be conducted where prohibited or when prohibited according to this Ordinance.

SECTION 13. Inconsistent ordinances repealed.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

SECTION 14. Severability.

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses hereof, are hereby declared severable, and if any of them are judged unconstitutional or invalid, it is hereby declared that the remainder of the Ordinance shall not be affected.

SECTION 15. Violation and penalty.

- a. Any person, firm, corporation or other entity that violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereon, shall be subject to a fine of not more than \$500.00, or imprisonment in the Washtenaw County Jail for a period not to exceed 90 days, or both such fine and imprisonment.
- b. Each separate violation shall constitute a separate offense, and each day of violation shall constitute a separate offense.
- c. Any continued violation of this Ordinance is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 16. Effective date.

This Ordinance shall become effective on the 31st day after it, or a summary of it, as published in a newspaper of general circulation in the Township of Bridgewater.

CERTIFICATION OF TOWNSHIP CLERK

I, Cynthia Carver, Bridgewater Township Clerk, hereby certify that the foregoing is a true copy of the Bridgewater Township Peddlers and Solicitors Regulation Ordinance Number 58 adopted by the Township Board at a regular meeting on September 21, 2005 by the following vote:

Motion: Pike

Second: Kersey

Ayes: Carver, Faust, Kersey, Parr, Pike

Nays: None

Absent: None

Motion carried.

Cynthia Carver
Bridgewater Township Clerk