

ALLENDALE CHARTER TOWNSHIP
Ordinance 2009-1
Solicitors Regulations Ordinance

An ordinance to license, regulate, and control solicitors and to provide penalties for the violation thereof.

The Charter Township of Allendale, County of Ottawa, and State of Michigan, ordains as follows.

Section 1. **Title.** This ordinance shall be known and cited as the “Solicitors Regulation Ordinance” (the “Ordinance”) and shall be deemed sufficient for the enforcement of the provisions within Allendale Charter Township (the “Township”).

Section 2. **Purpose.** The purpose of this Ordinance shall be:

- A. To secure and protect the general welfare and safety of the residents of the Township.
- B. To require solicitors to obtain a license to solicit within the Township.
- C. To establish an application process for the issuance of a license and the fee.
- D. To set forth the information that must be supplied to the Township before a solicitor’s license may be granted.
- E. To set forth exemptions from this Ordinance which may be granted in the Township’s discretion.
- F. To provide for penalties upon the violation of the provisions of this Ordinance.

Section 3. **Definitions.**

- A. The term “person” as used in this Ordinance shall be construed to mean any natural person, business, firm, corporation, partnership, limited liability company or other association, organization or entity.
- B. The terms “solicit” and "soliciting" as used in this Ordinance shall be construed to mean any act related to or involving traveling from place to place, from house to house, from street to street, or remaining stationary in any place, and using public streets, sidewalks, parks or other public ways or places, to: (1) sell or offer for sale or display for sale any goods, wares or merchandise to any person not a dealer therein; or (2) take orders for the purchase of goods, wares or merchandise by samples, lists, catalogs, or subscriptions for magazines and books from any person not a dealer therein; or (3) sell or offer for sale or take orders for the sale of services (*e.g., landscaping, painting, roofing, snow removal, or any other*

services to be performed for those who wish to purchase them).

- C. The term “solicitor” as used in this Ordinance shall be construed to mean any person soliciting in the Township.

Section 4. License Application Process.

- A. No person shall solicit within the Township without first obtaining a license from the Township. An application for such license shall be made to the Township Clerk upon a form prescribed by the Township Clerk.
- B. If an application is filed on behalf of anyone other than a natural person, an application must be made for each agent or employee who will be soliciting in the Township.
- C. The applicant shall supply all information listed on the application before the application will be deemed complete and then processed.
- D. All applicants will be subject to a background check, including without limitation a review of Ottawa County Sheriff’s Department, State Police and sex offender records. If the applicant has any civil or criminal warrants outstanding, or has been convicted of any crime or offense that in the Township’s sole discretion renders the applicant a potential threat to the general peace and safety of the Township, the application will be denied. After any such denial, the applicant may reapply only after the expiration of sixty (60) days.
- E. Unless the applicant is charged with any violation of local, state or federal law subsequent to filing the application, all background checks shall be valid for a period of one (1) year following the approval of the application.
- F. During any period in which a person is licensed under this Ordinance, that person must inform the Township of any and all changes to the information on their application and any event that would result in a change to the information produced in their background check.

Section 5. Duration and Renewal. Unless issued a one-year license as described below, a license issued under the provisions of this Ordinance shall be valid for thirty (30) days from the date of approval, and may be renewed for additional thirty (30) day periods upon the applicant’s written request, payment of a renewal fee, and the approval of the Township Clerk. Any renewal period that extends more than one (1) year beyond the original approval date shall require another background check.

Section 6. Fees.

All applications pursuant to this Ordinance submitted by or on behalf of persons

who are not residents of the Township shall be accompanied by a non-refundable per person license fee as follows. The purpose of the fee is to cover the administrative costs associated with processing the application, including but not limited to conducting and reviewing the background checks, and regulating solicitors within the Township.

- A. The non-refundable application fee is Twenty-Five Dollars (\$25.00), which fee, upon approval of the application, shall also apply to the first 30 day license period.
- B. The non-refundable license renewal fee is Fifteen Dollars (\$15.00) per thirty (30) day renewal period.
- C. Upon approval of the Township Clerk, an applicant may pay a one (1) year non-refundable licensing fee of Fifty Dollars (\$50.00).

Section 7. Prohibitions.

- A. No solicitor shall obstruct any street, alley, sidewalk, driveway, or other public place.
- B. No solicitor shall operate or maintain any stand, vehicle, store, or place of solicitation on or near any highway.
- C. No solicitor shall enter or call upon any residence or place of business posted “No Soliciting”, “No Peddlers”, or “No Trespassing”.
- D. No solicitor shall threaten or annoy any resident of the Township in the course of their soliciting or in any way engage in conduct which is or would tend to create a nuisance or breach of the peace.
- E. No solicitor shall engage in soliciting without carrying and displaying the license issued pursuant to this Ordinance.
- F. No solicitor shall solicit within any Township Park or upon any property owned or controlled by the Township, without specific approval of the Township Board, separate from this license.

Section 8. Hours of Operation. Soliciting may take place within the Township only between the hours of 11:00 am and one (1) hour before sunset.

Section 9. Suspension and Revocation. In addition to the penalties which may be imposed under Section 11 of this Ordinance, a license issued pursuant to the provisions of this Ordinance may be revoked or suspended by the Township Board for any of the following reasons:

- A. Any fraud, misrepresentation, or false statement made in connection with the

selling of goods, wares, services or merchandise.

- B. Any fraud, misrepresentation, or false statement contained in the application.
- C. Any violation of federal, state or local laws or ordinances.
- D. Any conviction of licensee of any felony or misdemeanor involving theft or dishonestly.

Section 10. Exempted Persons.

- A. Any person age eighteen (18) or younger soliciting for the benefit of any public or private school, youth activities such as but not limited to Girl Scouts, Boy Scouts, church youth groups, or youth athletic leagues, shall be exempt from the provisions of this Ordinance.
- B. Any person engaged in canvassing, distributing printed material, or obtaining signatures for political candidates, ballot issues, or other political issues shall be exempt from the licensing requirements of this Ordinance. Such persons shall, however, be subject to the other provisions of this Ordinance. This includes without limitation the Hours of Operation contained herein.
- C. Any veteran licensed with Ottawa County under P.A. 1921, No. 359, as amended, shall be exempt from the licensing requirements of this Ordinance. Such persons shall, however, be subject to the other provisions of this Ordinance. This includes without limitation the Hours of Operation contained herein.
- D. Any person selling the products of the person's own farm, orchard or garden shall be exempt from the licensing requirements of this Ordinance. Such persons shall, however, be subject to the other provisions of this Ordinance. This includes without limitation the Hours of Operation contained herein.
- E. Exemptions may be granted by the Board at its sole discretion and under any conditions that the Board may prescribe.
- F. Nothing in this Ordinance shall exempt any person from the licensing requirements for Transient Merchants as described in Public Act 51 of 1925, as amended.

Section 11. Violation and Penalties. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of this Ordinance, shall be responsible for a municipal civil infraction, and shall be punished by a fine not to exceed \$500.00 and all applicable court costs. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.

Section 12. Right to Appeal. Any person aggrieved by the action of the Township Clerk or

designee in the denial of an application for a license as provided in this Ordinance, or in the decision with reference to the revocation of a license as provided in this Ordinance, shall have the right of appeal to the Township Board. Such appeal shall be made by filing with the Township Board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to such person's last known address. The decision and order of the Township Board on such appeal shall be final and conclusive.

Section 13. **Severability.** In the event that any sentence, word, phrase, or part of this Ordinance shall be held invalid by the courts of this state, such holding shall not affect the balance of the provisions hereof.

Section 14. **Effective Date.** This Ordinance was approved and adopted by the Township Board on March 23, 2009, after introduction and a first reading on March 9, 2009, and publication after such first reading as required by Michigan Act 259 of 1947, as amended. This Ordinance shall be effective immediately upon publication on March 31, 2009, in the Advance, a newspaper having general circulation in the Township.