

ORDINANCE NO. 58

AN ORDINANCE REQUIRING A PERMIT FOR ANYONE SOLICITING OR CANVASSING IN THE VILLAGE OF MUIR AND SETTING FORTH PERMIT FEES AND TIMES ALLOWABLE FOR SOLICITING OR CANVASSING.

The Village of Muir Ordains:

SECTION 1: CANVASSERS AND SOLICITORS ORDINANCE NO. 58

58.1: DEFINITIONS:

Terms used in this chapter shall mean as follows:

CANVASSER OR SOLICITOR: Any individual, whether a resident of the village or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from place to place, from house to house or from street to street, taking, or attempting to take, orders, sales or subscriptions for goods, wares or merchandise, including magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such definition shall include any person who hires, leases, uses or occupies any building, structure, tent, railroad car, boat, hotel room, lodging house, apartment house, shop or any other place within the village for the sole purpose of exhibiting samples and taking orders for future delivery.

RESIDENCE: Any place normally inhabited as a home or a regular place of living, including, without limitation, houses, apartments, hotels, mobile trailers and the like.

58.2: PERMITS AND PROHIBITION:

- A. Permit Required: No person shall call at any residence in the village without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions or business of any kind or seeking information or donations unless the canvasser or solicitor first files with the Village Clerk an application and procures a solicitor's permit.
- B. Prohibition By Notice: In addition, no person shall call upon the occupants of any residence for the purpose of soliciting or canvassing, or for the purpose of making an appointment to solicit or canvass, if there is posted and displayed at the entrance to such residence a notice, measuring at least four inches by two inches (4" x 2"), containing a statement such as "Solicitors Prohibited", "No Canvassing", or the like.
- C. Use of Primary Public Approach and Entrance: No person shall call upon the occupants of any residence for the purpose of soliciting or canvassing, or for the purpose of making an appointment to solicit or canvass, other than by way of the primary public approach and primary public entrance to the residence. For purposes of the subsection, the "primary public entrance" shall be the exterior door which is located at the front of the residence, facing the public street, and the "primary public approach" shall be the walkway leading from the public street or sidewalk to the primary public entrance.

### 58.3: REGISTRATION STATEMENT:

The Village Clerk shall provide a policy and application to all applicants with the following information required:

- A. Complete identification of the applicant including a copy of driver's license or state issued identification card, along with a passport size photo.
- B. The name, contact person who can verify employment, phone number and address of the applicant's employer, and if a foreign corporation, the name and address of the local registered agent of the corporation.
- C. The applicant's signature.
- D. The nature of the products or services in which the applicant is interested.
- E. The names and addresses of the manufacturers or publishers of such products or of the organizations which publish or manufacture such products, or of the organization which the applicant is representing.
- F. The proposed method of operation within the village.
- G. Permanent home address and full local address of the applicant.
- H. The length of time during which the applicant intends to do business in the village.
- I. Whether a registration issued to the applicant under this ordinance has ever been revoked in Muir or any other Michigan municipality.
- J. Whether the applicant has been convicted of a violation of any of the provisions of this ordinance or the ordinances of any other Michigan municipality regulating solicitation.
- K. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Michigan or any other state, or of a law of the United States.
- L. Results of Background Check: Background checks will be done by the Village of Muir through an approved vendor.

### 58.4: NON-ISSUANCE:

The Village of Muir Clerk, at his/her sole discretion can refuse to issue a permit for any of the following reasons:

- A. Previous Violations of this Chapter by the applicant or the applicant's employer.
- B. Background check reveals a felony under the laws of the State of Michigan or any other state or federal laws of the United States in the past 5 years.
- C. The Applicant is unable to provide adequate proof of employment.
- D. The Application does not follow the regulations as described in this Chapter, or violates any other section of the Village Code.

### 58.5: LICENSE FEES:

The License fee for solicitors shall be \$50.00. Each license is valid for no more than 30 days from the date of issuance.

58.6: TIME LIMITATION:

No solicitor's permit shall be issued until five (5) business days after application therefor is made in writing to the Village Clerk.

58.7: INVESTIGATION: ISSUANCE OF PERMIT:

Immediately upon receipt of the application required by this chapter, the Village Clerk shall issue a response within five (5) business days. If the Village Clerk refuses to issue the permit requested he/she shall specify the reasons for said refusal to the applicant.

58.8: EXHIBITION OF PERMIT:

Every person receiving a permit under the provisions of this chapter from the Village Clerk shall at times while soliciting or canvassing within the village, carry the solicitor's permit upon his/her person, and shall exhibit the same whenever requested to do so by any officer or resident of the village.

58.9: LIMITATIONS:

Persons granted permits to solicit or canvass in the Village under the terms of this chapter shall not make a nuisance of themselves with any citizen or resident of the village in attempting to obtain orders or subscriptions for their merchandise or publication. There shall be no solicitation or canvassing between the hours of 9:00 PM and 9:00 AM, nor shall there be any solicitation or canvassing on Sunday or national holidays at any time. This paragraph shall not be construed to prohibit solicitors or canvassers from keeping appointments previously made with residents of the Village during these prohibited times.

58.10: PERMIT NON-TRANSFERABLE:

No permit issued under the terms of this chapter shall be transferable nor shall any permit certificate be used or worn at any time by any other person than by the person to whom it was issued.

58.11: TERM OF PERMIT:

Any permit issued under this chapter shall expire thirty (30) days after issuance, unless issued for a shorter period of time.

58.12: REVOCATION OF PERMIT:

- A. Basis for Revocation: Permits issued under the provisions of this chapter may be revoked by the village clerk, after notice and hearing, for any of the following causes:
1. Fraud, misrepresentation or false statement contained in the application for a permit.
  2. Fraud, misrepresentation or false statement made in the course of carrying on his/her business as solicitor or canvasser.
  3. Any violation of this Chapter.
  4. Conviction of a felony.

5. Conducting the business of canvassing or soliciting in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
- B. Hearing: Notice of the hearing for the revocation of a permit shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at the last known address on applications for the permit, at least five (5) days prior to the date set for the hearing.

58.13: PENALTIES FOR VIOLATION:

Any person, firm or corporation violating any provision of this chapter, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), and in addition thereto the costs of court proceedings and collections if allowed by law.

SECTION 2: The various provisions of this ordinance are to be considered severable and if any part or portion of this ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict or which are inconsistent with this ordinance shall be repealed to the extent of any such conflict or inconsistency herewith.

SECTION 4: This ordinance shall take full force and effect upon passage, approval and publication as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Muir, Ionia County, Michigan, this 11th day of December 2017.

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Doug Hyland  
Village President

ATTEST:

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Susan Craft  
Village Clerk

ROLL CALL VOTE:

AYES: Trustee Cameron, Trustee Herbstreith, Trustee Kacos, Trustee Parker, Trustee Stewart, Trustee Anthony and President Hyland

NAYS: none

ABSENT: none

Published and Effective: December 23, 2017