

## Chapter 22

### PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS\*

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\* **Cross References:** Unlawful noise from hawking, § 18-91.

**State Law References:** Charitable solicitations, MCL 400.271 et seq., MSA 3.240(1) et seq.; transient merchants, MCL 445.371 et seq., MSA 19.691 et seq.; home solicitations sales, MCL 445.111 et seq., MSA 19.416(201) et seq.; exception for a veteran's license, MCL 35.441, MSA 4.1241.

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#### Art. I. In General, §§ 22-1--22-15

#### Art. II. Peddlers, Solicitors and Transient Merchants, §§ 22-16--22-24

#### Art. III. Reserved.

### ARTICLE I.

#### IN GENERAL

**Secs. 22-1--22-15. Reserved.**

### ARTICLE II.

### PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS\*

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\* **Editors Note:** Ord. No. 665, §§ 1, 2, adopted March 7, 2005, amended the Code by repealing former art. II, §§ 22-16--22-20 and 22-36--22-40, in its entirety, and adding a new art. II. Former art. II pertained to peddlers and solicitors, and derived from the Code of 1977, §§ 7.71--7.77 and 7.81--7.85.

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#### Sec. 22-16. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Peddler, peddling and peddle* mean the practice by any person of traveling to a residence or from residence-to-residence carrying or offering for sale merchandise of any kind or a service of any kind, or taking, or attempting to take, orders for merchandise of any kind or for a service to be performed. Such term shall not include or apply to persons engaged in solicitation, as defined by, and in accordance with, the terms of this chapter, or to persons engaging in the sale of merchandise or services to a particular residence after having previously been invited or requested to do so by the occupant of such residence.

*Person* means any individual over the age of nineteen (19) years, or any partnership, corporation or other entity, including any religious group, political group or organization of any kind.

*Solicit* and *solicitation* mean the practice by any person of traveling to a residence or from residence-to-residence requesting donations of money, property or other thing of value, or the selling, or offering to sell, any article, publication or other thing, whether of value or not, where the money, property or thing of value to be donated, or the net proceeds of any such sale, will be used for a nonprofit charitable, religious, patriotic, civic, educational, political, philanthropic or other nonprofit purpose, and will not inure to the benefit of any private shareholder or individual.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-17. Registration.**

No person shall solicit or peddle within the city unless such person has filed with the department of public safety, a registration statement containing the information required in section 22-18, and obtained a registration acknowledgement issued in accordance with section 22-20.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-18. Solicitation and peddling registration statement.**

The solicitation and peddling registration statement to be prepared and filed under this chapter shall contain the following information:

- (1) The name, address and telephone number of the person registering to solicit or peddle.
- (2) If the registration is intended to cover more than one (1) individual, the names, addresses and telephone numbers of the registering organization and the individuals who will be in direct charge of conducting the solicitations and peddling.
- (3) The purposes, products, and services for which the solicitations and peddling are to be made and a description of the use or disposition to be made of any receipts or proceeds of the solicitations and peddling.
- (4) A description of the methods to be used in conducting the solicitations and peddling.
- (5) The time when such solicitations or peddling shall occur, including the dates for the beginning and ending of such solicitations and the hours of the day during which solicitations and peddling shall occur.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-19. Filing false registration statement.**

It shall be a violation of this chapter for any person to knowingly file, or cause to be filed, a registration statement containing one (1) or more false statements.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-20. Registration acknowledgment issuance; possession and display while soliciting.**

- (a) Upon the filing of a registration statement containing the information required in section 22-18

and with approval of the director of public safety or his designate a solicitation and peddling registration acknowledgment form shall be issued to the registered person within three (3) business days.

(b) The individual(s) conducting the soliciting or peddling shall carry the original or a copy of the registration acknowledge form while soliciting or peddling and shall display the form upon request.

(c) The solicitation and peddling registration acknowledgment shall be valid for one (1) year from issuance unless revoked or suspended earlier.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-21. Hours of solicitation.**

No solicitation or peddling may be conducted in residential areas before 9:00 a.m. and after sunset in the evening. For purposes of this section, the term "sunset" means the official time published by the United States Weather Service and applicable to the city, except that sunset shall never be deemed to occur prior to 6:00 p.m. or subsequent to 9:00 p.m.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-22. Soliciting and peddling where prohibited.**

No solicitor shall enter onto property upon which a "no solicitation" or "no peddlers" sign, or their equivalent, are posted and visible.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-23. Use of devices to attract attention.**

No peddler or solicitor shall shout or cry out his or her goods or merchandise, nor blow any horns, ring any bell or use any other similar device to attract the attention of the public.

(Ord. No. 665, § 2, 3-7-05)

**Sec. 22-24. Suspension and revocation.**

The registration acknowledgment issued pursuant to section 22-20 may be suspended or revoked by the director of public safety or his designate if the registrant violates any sections of this chapter or any statute, ordinance or regulation while conducting the activities regulated by this chapter.

(Ord. No. 665, § 2, 3-7-05)

**ARTICLE III.**

**RESERVED\***

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\* **Editors Note:** Ord. No. 538, § 1, adopted July 5, 1995, amended the Code by repealing Art. III, §§ 22-56--22-82. Former Art. III pertained to transient merchants, and derived from the Code of 1977, §§ 7.91--7.97.

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