

**TOWNSHIP OF LAPEER  
SOLICITATION ORDINANCE  
ORDINANCE NO. 41.1**

An ordinance to regulate peddlers and solicitors and to repeal Ordinance No. 41.

THE LAPEER TOWNSHIP BOARD HEREBY ORDAINS:

**Section 1. Definitions.**

*Person.* An individual, organization, group, association, partnership, corporation, trust, business entity or any combination of the above.

*Commercial solicitation.* Direct and personal communication in the course of a trade or business reasonably intended to result in a sale.

*Sale.* An activity creating an obligation to transfer property or services for a valuable consideration.

*Solicitor.*

(1) A person who engages in commercial solicitation when traveling either by foot, automobile, motor truck, or other means of conveyance from place to place, from house to house or from street to street.

(2) The word solicitor shall include but not be limited to the words canvassers, peddler, and hawker.

**Section 2. License required.**

No person shall be a solicitor and/or solicit in the Township without first obtaining a license therefor. An application for a license shall be made to the Township Clerk. In the event that the application is made by an organization, group, association, partnership, corporation, trust, business entity or any combination of the above, an application must be made for each agent or employee who will be engaging in the act of soliciting.

**Section 3. Exceptions to license.**

The following activities are exempt from this ordinance:

(1) Solicitations made to a congregation or group in attendance at one location and made by the person or organization inviting the individuals composing the congregation or group;

(2) Solicitations made over the radio, television or telephone;

(3) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of the solicitation;

(4) Any solicitation pursuant to a political candidacy or ballot issue qualified pursuant to "The Michigan Election Law" or "The School Code of 1976" as they are amended from time to time;

(5) Any peddler traveling on an established route at the request, express or implied, of their customers;

(6) Salespersons calling on clients, customers or business establishments with whom they have established business relationships at the time of the solicitation;

(7) The distribution of handbills or leaflets where the individual distributing them does not seek or accept payments, orders or contributions;

(8) A person who is not a business or merchant, but who engages in a garage sale whereby they are selling their own items from their household.

(9) Any persons under 18 years of age when engaged in peddling on foot in the neighborhood of their residence under the direct supervision of any parent, guardian, school, charitable or religious organization.

#### **Section 4. License Application.**

A license application filed hereunder shall furnish the following information:

(1) Name and description of the applicant.

(2) Permanent home address and full local address of the applicant.

(3) A brief description of the nature of the solicitation contemplated.

(4) If the applicant is an employee, the name and address of the employer, together with the credentials establishing the exact employer/employee relationship.

(5) The length of time the applicant intends to solicit.

(6) The place where the wares, merchandise, services, items of personal property or real property are located, manufactured or produced and the proposed method of delivery.

(7) One photograph of the applicant, it being from the applicant's driver's license or identification card.

(8) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor. This statement shall be accompanied by a release allowing the Township to conduct a criminal background check.

**Section 5. Administrative fee and/or license fee.**

An applicant shall pay a reasonable administrative processing fee and/or license fee set by resolution of the Township Board when submitting his or her license application.

**Section 6. Issuance, possession, and presentation of license.**

Upon approval of the license application, the Township Clerk shall issue a license and license identification card including the name, address, and photo of the licensed person. The licensed person shall visibly display on their person at all times the license identification card when conducting activities permitted by the license.

**Section 7. License revocation.**

The Township may suspend or revoke a license for violation of this article after reasonable notice and opportunity to be heard. The Township may suspend on an emergency basis, without hearing, any license issued to the solicitor when it specifies in the notice of emergency suspension, the reasons and grounds indicating the violation of this article which constitutes the emergency. The notice shall set forth that within 48 hours, at a designated time and place, a hearing shall be held on whether the license shall be permanently suspended or revoked.

**Section 8. Prohibited activities.**

The following acts or activities shall be prohibited:

(1) Prohibited areas. No solicitor shall obstruct any street, alley, sidewalk or driveway.

(2) Litter. No solicitor shall litter any street, alley, sidewalk, driveway, or private property in the Township.

(3) Curb service prohibited. No solicitor shall operate or maintain any stand, vehicle, store or place of solicitation on or near any highway. No solicitor shall be permitted to use the streets, alleys, lanes or public places of the Township for soliciting or to use any stands, stores or other places of transaction in any manner that requires the person wishing to participate in a transaction, when engaged in the transaction, to stand within the limits of the streets, highways, alleys or public places of the Township.

(4) Prohibition of entry upon private property expressly requesting no solicitation. No solicitor shall enter upon and/or call upon a place of residence or business within the Township after having been expressly notified by the occupant of the place of residence or business that no solicitation is desired, or if the place of residence or business visibly displays on its property and/or premises a sign indicating "no soliciting", "no solicitation" and/or other language specifically conveying the message that no soliciting is desired.

(5) Prohibition of creation of nuisance. No solicitor shall threaten or annoy any resident of the Township in the course of their solicitation or in any way engage in any conduct which is or would tend to create a nuisance.

**Section 9. Hours of operation.**

Soliciting may take place within the Township between the hours of 9:00 a.m. and 8:00 p.m. or sunset, whichever occurs earlier.

**Section 10. Penalty.**

Any person or persons violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$500.00 plus costs of prosecution or by imprisonment for not more than 90 days or by both fine and costs and imprisonment in the discretion of the court.

**Section 11. Repealer.**

The Township hereby repeals Ordinance No. 41 in its entirety.

**Section 12. Effective date.**

This Ordinance shall become effective thirty (30) days after publication.

At a regular meeting of the Lapeer Township Board held on the 10th day of December, 2018, Trustee P. Thick moved for adoption of the foregoing ordinance and Trustee W. Marshall seconded the motion.

Voting for: P. Thick, W. Marshall, S. Jarvis, L. Taylor, D. Walker  
Voting against: None

The Supervisor declared the ordinance adopted.



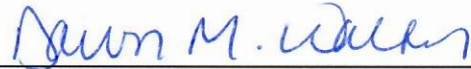
Scott Jarvis, Supervisor



Dawn Walker, CMC - Clerk

## CERTIFICATION

The foregoing is a true copy of Ordinance No. 41.1 which was enacted by the Lapeer Township Board at a regular meeting held on the 10<sup>th</sup> day of December, 2018 and published in the LAView Newspaper on December 20, 2018.



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Dawn M. Walker, CMC  
Lapeer Township Clerk