SOLICITOR VS PEDDLER

License for both is good for 120 days per Ordinance

Solicitor

Any Charitable, Religious or Political people or groups with 501C status soliciting or obtaining contributions (money, goods, services, etc) from the public for a charitable, religious or political purpose.

Examples: Clean Water Action, Church groups, American Legion

Solicitor Requirements:

- Complete an application on behalf of themselves or organization.
- No fee required
- No badge is required but City will issue Registration Cert. to group. Police Dept is copied on names, addresses and copies of DL for each solicitor

Street and Curb Solicitation

- No more than one organization in the city at one time
- Limited to 3 consecutive days
- Limited to 4 intersections within the city per day
- No person under the age of 18 shall be engage in street soliciting.

Peddler

Solicit for contributions for profit for themselves or a company and are NOT soliciting contributions for charitable, religious or political purpose.

Examples: Kirby Vacuum sales, magazine subscription sales, person going door-to-door asking people to hire them to do repairs at their home or other services.

Peddler Requirements:

- Complete an application and pay $50 fee.
- Copy of Photo ID
- One passport size photo
- ICHAT or out-of-state criminal history report (within 30 days of applying)
- www.michigan.gov/ICHAT (Michigan applicants only)
- If under 18 a work permit is required.

Revised 9/26/13 per change in Ordinance

OFFICE OF CITY CLERK
248.871.2410
www.fhgov.com

CITY OF FARMINGTON HILLS

APPLICATION – SOLICITOR REGISTRATION

(Engaged in the act of soliciting on behalf of a charitable, religious or political organization)

PLEASE TYPE OR PRINT:

IF REGISTERING AS AN INDIVIDUAL:

APPLICANT NAME: _____ PHONE_____

BUSINESS ADDRESS: _____

BUSINESS PHONE: _____ WEBSITE ADDRESS: _____

APPLICANT HOME ADDRESS: _____

HOME PHONE: _____ DRIVER'S LICENSE # _____

NAME OF PARENT COMPANY SOLICITING FOR: _____

ADDRESS: _____

WEBSITE ADDRESS: _____

PHONE NUMBER: _____

IF REGISTERING AS A PARENT ORGANIZATION INTENDING TO SEND MULTIPLE SOLICITORS FOR PURPOSES OF CANVASSING AREAS OF THE CITY:

ORGANIZATION NAME: _____

BUSINESS ADDRESS: _____

WEBSITE ADDRESS: _____ PHONE: _____

NAME OF PERSON IN CHARGE OF CONDUCTING THE SOLICITING ACTIVITIES:

_____

HOME ADDRESS: _____

PHONE NUMBER: _____ DRIVERS LICENSE # _____

TO BE COMPLETED BY BOTH INDIVIDUAL AND/OR PARENT ORGANIZATION:

DETAILED DESCRIPTION OF ALL PURPOSES FOR WHICH SOLICITING IS TO OCCUR AND USES/DISPOSITIONS TO BE MADE OF ANY RECEIPTS THEREFROM:

_____

METHOD USED IN CONDUCTING THE SOLICITING (door-to-door, etc.) _____

_____

WILL THERE BE ANY STREET AND CURB SOLICITING? _____ YES _____ NO

START DATE OF SOLICITATION: _____ END DATE: _____

(Maximum of 120 Days for soliciting/peddling; street and curb solicitation is limited to 3 consecutive days per year)

TIMES OF SOLICITATION: _____

LOCATIONS OF SOLICITATION: _____

_____

I hereby declare under penalty or perjury that the foregoing information contained in this application is true and correct, such declaration being duly dated and signed in the City. I further understand that misstatements and inaccuracies in the application are grounds for immediate termination of said license. I hereby authorize the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for this registration.

X_____ DATE _____
(APPLICANT'S SIGNATURE)

APPLICANT MUST SUBMIT A COMPLETE PACKET INCLUDING THE APPLICATION FORM AND THE FOLLOWING DOCUMENTS BEFORE REGISTRATION WILL BE CONSIDERED:

- ☐ Names, home street addresses and copy of drivers license for each individual solicitor who will participate in the soliciting on behalf of the parent organization.
- ☐ Names of the parent organizations' officers and directors
- ☐ Documentation on where and when the parent organization was established, the form of its organization, its federal tax identification number, and verification of its tax exempt classification and status under the Internal Revenue Code, if any.
- ☐ A statement as to whether the individual registering or if the registrant is a parent organization, whether any officer, partner, member or director of the parent organization and whether any of the proposed solicitors of said parent organization has been convicted of a felony or any misdemeanor involving moral turpitude, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct, and if so, a brief description of the crime, including its location and date, and an explanation of the reason therefore.
- ☐ If street and curb soliciting, a Certificate of Insurance **or** the attached indemnification agreement must be submitted per Section 20-3(b) (7) (ii) of the ordinance.

For CLERKS OFFICE USE ONLY

DATE PACKET RECEIVED _____ **DATE REVIEWED:** _____

APPROVED _____ **DENIED** _____ **BY WHOM:** _____

Chapter 20 - SOLICITORS AND PEDDLERS [1]

Sec. 20-1. - Purpose.

The purpose of this chapter is to protect citizens and community members from unwanted harassment from peddlers and solicitors, and from peddlers and solicitors having criminal backgrounds who may pose a threat to persons or property, while also protecting the constitutional rights of peddlers and solicitors. Also, with respect to certain solicitors' constitutional right to free speech, this chapter is narrowly tailored to protect the health, safety and welfare of the citizens while not unduly burdening the right of such solicitors. With respect to all of the foregoing, the Farmington Hills Police Department's Crime Prevention Advisory Committee adopted a resolution on April 7, 2010, identifying public safety concerns regarding unlicensed peddlers and solicitors and the need to enforce and control peddling and soliciting. Furthermore, a study conducted by the neighboring City of Farmington in 2008 and 2009 shows that the Farmington Public Safety Department issued seventy-five (75) tickets to unlicensed solicitors during that two-year period, and twenty-four (24) of those tickets were issued to persons who were arrested on outstanding warrants. Accordingly, it was found that roughly one-third (1/3) of all unlicensed and unregistered peddlers and solicitors have outstanding criminal warrants in the immediate vicinity of the City of Farmington Hills. As such it is the intent and purpose of this chapter to establish a system of licensing and registering for the different types of peddlers and solicitors defined herein, and to establish certain regulations concerning the conduct of peddling and soliciting in the City of Farmington Hills, in order to prevent fraud, crime, undue and unwanted annoyance and harassment and to protect the peace, privacy, safety, health and welfare of the residents, businesses and persons in the city, while also respecting the constitutional rights of those involved in these activities.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-2. - 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:

Charitable, religious or *political organization* means a not-for-profit charitable, religious, political, benevolent, educational, philanthropic, humane, patriotic, or civic organization of persons, registered and in good standing under Section 501(c) of the Federal Internal Revenue Code, that solicit or obtain contributions solicited from the public for charitable, religious or political purposes.

Parent organization means: (1) the person or organization that a peddler is employed by or represents in the course of peddling, the principal manufacturer and distributor of goods being peddled, or the principal provider of services being peddled; or (2) a charitable, religious or political organization that a solicitor is employed by or represents in the course of soliciting in the city, or such an organization that registers and sends multiple solicitors for purposes of canvassing areas of the city on its behalf.

Peddle and *peddling* mean: (1) carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, ice cream and other frozen dessert products, or garden truck farm products or provisions, and offering and exposing any such items for sale or making sales and delivering such items to one (1) or more purchasers; and/or (2) taking or attempting to take orders for the sale of goods, wares, merchandise, books or magazines, articles or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not the person engaged in such activity has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

Peddler means any person who, traveling by foot, wagon, automotive vehicle or other conveyance from place to place, from house to house, or from street to street, engages in the act of peddling. Any person who offers to take orders or tentative orders and, as a separate transaction, confirms the order or makes deliveries to purchasers as part of an itinerant merchant scheme or design to evade the provisions of this chapter shall be deemed a peddler. The term "peddler" shall include the terms "commercial solicitor," "itinerant merchant," "transient merchant," "hawker," "huckster" and "canvasser." The term "peddler" shall neither include a person who conducts such activities at a social gathering within a home at the invitation of the occupant of the home, nor solicitors as defined in this section.

Person means any individual, firm, partnership, corporation, company, association or joint stock association, nonprofit corporation, church, religious sect, religious denomination, society, organization or league, political party or organization, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

Solicit and *soliciting* means the request, directly or indirectly, for money, credit, financial assistance, membership, property, goods and/or services in exchange for a contribution, services, goods, or other thing of value on the plea or representation that such money, credit, property, financial assistance, contribution, services, or other thing of value will be used by a charitable, religious or political organization. The said words shall also mean and include the sale or offer to sell any article, tag, ticket, emblem, publication, advertisement, subscription, membership or other thing, whether of value or not, on the pleas or representation that such money, credit, property, financial assistance, or other thing of value, or any part thereof, whether received by the solicitor or purchased by the buyer, will be used by a charitable, religious or political organization. Soliciting also includes street and curb soliciting, as defined in this section.

Solicitor means any person who, traveling by foot, wagon, automotive vehicle or other conveyance from place to place, from house to house, or from street to street, engages in the act of soliciting on behalf of a charitable, religious or political organization, or who, on foot, engages in street and curb soliciting on behalf of a charitable, religious or political organization.

Street and curb soliciting means soliciting on any street, road, highway, lane, sidewalk, curb, road edge, alley and/or driveway in a manner that requires the solicitor, when engaged in the transaction, to stand within the limits of streets, roads, highways, lanes, sidewalks, curbs, road edges, alleys and/or driveways within the city.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-3. - Solicitor registration.

(a)

No person shall be a solicitor or engage in soliciting in the city unless (1) the solicitor is soliciting for and on behalf of a charitable, religious or political organization, and (2) the solicitor or the solicitor's parent organization has first registered with and obtained a registration certificate from the city clerk, unless such person is specifically exempt from this registration requirement under section 20-19

(b) In order to register and obtain a solicitor registration certificate as required by this chapter, a solicitor or a solicitor's parent organization shall register with the city upon application forms prescribed and furnished by the city clerk. The information required to register shall include all of the following:

(1) If the person registering is an individual, the individual's name, his or her business street address, website address (if any) and telephone number, and the individual's home address and telephone number and driver's license number, as well as the complete name of any parent organization on whose behalf the solicitor is soliciting, its business street address, website address (if any) and telephone number, and the names of its officers and directors.

(2) If the person registering is a parent organization intending to register and send multiple solicitors for purposes of canvassing areas of the city, (i) the complete formal name of the parent organization, its business street address, website address (if any) and telephone number; (ii) the names of the parent organization's officers and directors; (iii) the name, home street address and drivers license number of the person who will be in direct charge of conducting the soliciting activities in the city; and (iv) the names, home street addresses and drivers license numbers of each individual solicitor who will participate in the soliciting on behalf of the parent organization in the city.

(3) A detailed description of all purposes for which such soliciting is to occur and all uses or dispositions to be made of any receipts therefrom.

(4) A detailed description of the type of soliciting to be undertaken and the method to be used in conducting the soliciting.

The dates and times when and locations where soliciting will occur, giving the proposed dates for the beginning and ending of such soliciting and the hours of the days thereof.

(5) Where and when the parent organization was established, the form of its organization, its federal tax identification number, and verification of its tax exempt classification and status under the Internal Revenue Code, if any.

(6) A statement as to whether the individual registering, or if the registrant is a parent organization whether any officer, partner, member or director of the parent organization and whether any of the proposed solicitors of said parent organization, has been convicted of a felony or any misdemeanor involving moral turpitude, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct, and if so, a brief description of the crime, including its location and date, and an explanation of the reason therefore.

(7) If the applicant will be engaged in street and curb soliciting, the applicant shall either: (i) execute and deliver to the city an indemnification agreement in a form approved by the city attorney, in which the applicant agrees to indemnify and hold harmless the city and its officers, employees, agents, and representatives from any and all damages, injuries, liability, claims, actions, losses, demands and/or lawsuits, including attorney fees and costs, that arise out of the street and curb soliciting activities in the public streets and/or roads; or (ii) the applicant shall provide the city clerk with proof of

insurance in an amount established by resolution of city council naming the city as an additional insured and evidencing that the applicant, as well as each person that will be engaged in the street and curb soliciting on behalf of the applicant, is covered by such insurance policy.

(8) Any other documentation or information deemed necessary by the city clerk or police chief.

(c) The city clerk shall issue a solicitor registration certificate to the applicant following the filing of a completed registration application form containing all of the information and documentation required by this section and upon verifying that the activity proposed by the applicant falls within the category of soliciting and is proposed in a manner that complies in all respects with the applicable provisions of this chapter. If the registration certificate is issued to a parent organization, it shall constitute registration of all of the parent organization's solicitors listed on the certificate in accordance with this section.

(d) There shall be no fee charged in connection with registration under this section.

(e) A certificate of registration issued under this section shall bear the name and address of the individual or parent organization to whom the registration certificate has been issued; the names and addresses of each solicitor who has been registered by a parent organization to solicit in the city; the date issued; the dates within which the registrant or registrants will be soliciting; the certificate's expiration date; and a statement that the certificate does not constitute an endorsement by the city of the purpose of the soliciting or of the person or group engaged in the soliciting. All registration certificates shall be signed by the city clerk.

(f) Any certificate of registration issued under this section shall be nontransferable; provided, however, each solicitor listed on the registration certificate shall carry a copy of such registration while engaged in soliciting in the city.

(g) A solicitor registration certificate shall be valid for a period of up to one hundred and twenty (120) days as determined by the city clerk with consideration of the application; provided, however, that if the soliciting involves street and curb soliciting, the registration certificate shall be valid for a period of no more than three (3) consecutive days per year for each parent organization.

(Ord. No. C-5-2010, § 1, 7-19-10 ; Ord. No. C-1-2012, § 1, 3-5-12)

Sec. 20-4. - Peddler licensing.

(a) No person shall be a peddler or engage in peddling in the city without first obtaining a peddler license from the city clerk, unless such person is specifically exempt from this licensing requirement under section 20-19

(b) In order to obtain a peddler license required by this chapter, a peddler shall apply for said license upon forms prescribed and furnished by the city clerk. The application shall include all of the following information:

(1) The name of the applicant who proposes to peddle within the city, including his or her business street address, website address (if any) and telephone number, and the applicant's home address and telephone number, driver's license number and physical description including height, weight, and color of hair and eyes.

(2) The complete name, street address, website address (if any) and telephone number of the parent organization and where and when the parent organization was established or incorporated and the form of its organization.

(3) A detailed description of the type of peddling to be undertaken and the method to be used in conducting the peddling.

(4) The dates and times when and locations where peddling will occur, giving the proposed dates for the beginning and ending of such peddling and the hours of the days thereof.

(5) The types of goods, wares, merchandise and services to be sold or for which the peddling will be made.

(6) Whether the applicant or parent organization has ever been denied a license for peddling, had a license for peddling suspended or revoked, or been prohibited from peddling in the City of Farmington Hills or in any other community.

(7) Whether the applicant or any officer, partner, member or director of the parent organization has been convicted of a felony or any misdemeanor involving moral turpitude, and if so, a brief description of the crime, including its location and date, and an explanation of the reason therefore.

(8) Two (2) color photographs of the applicant, one (1) being a photograph taken within sixty (60) days prior to the date of filing of the application and the other photograph being from the applicant's driver's license, a copy of such driver's license to be attached to the applicant's application. The photograph that is not from the applicant's driver's license shall be at least two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner. In the event that the applicant has not been issued a driver's license or it has been revoked, then the applicant shall submit a second separate photograph with the application, such photograph being at least two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner.

(9) The Social Security Number or federal employer identification number of the applicant and the parent organization.

(10) The applicant's state of Michigan sales tax license number, or, if exempt, the basis upon which the exemption is established.

(11) A criminal background report of the applicant's criminal history through the Internet Criminal History Access Tool (ICHAT). The applicant is responsible for all charges incurred in requesting and receiving the ICHAT report and the report must be dated within thirty (30) days of the date of the application.

(12) If under eighteen (18) years of age, the applicant must provide a copy of valid work permit issued by the applicant's school, school district offices or other authorized issuing agency to the applicant for purposes of the peddling activity proposed to be undertaken in the city.

(13) If the applicant will be engaging in peddling from or out of a motor vehicle in the streets and roads of the city, the vehicle from which the peddling is to occur shall be brought to the city and inspected by a designated representative of the police department and must be found to meet any safety standards adopted by the police department and any standards adopted by the State of Michigan, and the police department's checklist form signed by the designated police department representative verifying such compliance shall be submitted with the application.

(14) The administrative processing and license fee for the application as determined pursuant to subsection (c), below.

(15) Any other documentation or information deemed necessary by the city clerk or police chief.

(c) An administrative processing and license fee for a peddler license application shall be established by resolution of the city council and such processing fee shall be paid when the application is filed with the city.

(d) The city clerk and police chief shall examine all peddler license applications and shall make or cause to be made such further investigation of the application or applicant as the clerk or police chief shall deem necessary. If the clerk and police chief find the application to be complete and satisfactory in consideration of the purpose, intent and applicable provisions of this chapter, the clerk shall approve and issue the license. The city clerk may deny issuance of a license if he or she finds that:

(1) The applicant failed to truthfully provide in his or her application the information required in this chapter;

(2) The applicant has engaged in a fraudulent transaction or enterprise;

(3) The applicant has a bad business reputation or a reputation for dishonesty;

(4) The applicant has been convicted within the past ten (10) years of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the applicant's ability to conduct the business for which the license is being sought in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct;

(5) The applicant is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony;

(6) If the applicant will be engaging in peddling from or out of a motor vehicle in the streets and roads of the city, the applicant does not have a valid driver's license, has been convicted of a misdemeanor or felony moving violation within the last three (3) years, or has been found responsible for three (3) or more motor vehicle moving violations under the Michigan Motor Vehicle Code or local ordinances within the last three (3) years;

(7) The applicant has had a license to conduct peddling or soliciting suspended or revoked within the past ten (10) years; or

(8) In the opinion of the city's police chief, the issuance of a peddler's license to the applicant would not be in keeping with the purpose and intent of this chapter or the provisions of this Code.

(e) A peddler license shall bear the name, address and photograph of the peddler; the date issued; the dates within which the license holder may peddle; the expiration date of the license; and a statement that the license does not constitute an endorsement by the city of the purpose or products involved or of the persons or parent organization conducting the peddling. All licenses shall be signed by the city clerk.

(f) A peddler license shall be valid for a period of up to one hundred and twenty (120) days as determined by the city clerk with consideration of the application. Peddler licenses issued under this chapter are nontransferable.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-5. - Peddler license suspension.

(a) The city clerk may suspend a peddler license for a period not to exceed nine (90) days upon determining, based on his or her own investigation or upon certification by the police department, that any of the following circumstances exists:

(1) The licensee failed to truthfully provide in his or her application the information required in this chapter, or that the licensee has engaged in a fraudulent transaction or enterprise;

(2)

The licensee has been convicted of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the licensee's ability to conduct the business for which the license has been issued in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct;

(3) The licensee is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony;

(4) If the licensee will be engaging in peddling from or out of a motor vehicle in the streets and roads of the city, the licensee's drivers license has been suspended or revoked or the licensee has been convicted of a misdemeanor or felony moving violation; or

(5) The licensee has, in the course of peddling in the city, engaged in conduct that is contrary to the peace, privacy, safety, health and welfare of the residents, businesses and persons in the city.

(b) A licensee shall be given written notice of the cause and term of the suspension and of the right to have such suspension reversed, modified or affirmed following a hearing to be conducted by the city council no later than fifteen (15) days following receipt of a written request by the licensee. At the hearing, the licensee shall have the right to hear the evidence relied upon by the clerk and the right to present evidence and witnesses on his or her behalf. At the hearing, or at an adjourned date, the city council shall determine whether to reverse, modify or affirm the suspension and shall put its decision and the reasons therefore in the form of a resolution, which the city clerk shall forward to the licensee.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-6. - Peddler license revocation.

(a) The city council may revoke a peddler license upon the recommendation of the city clerk and after a hearing at which it is shown that:

(1) Any of the circumstances listed in subsections 20-5(a)(1)—(5) exists; or

(2) A licensee has violated the terms of a peddler's license suspension.

(b) Reasonable written notice of the hearing shall be given to the licensee not less than ten (10) days prior to the hearing date. The written notice shall be mailed by regular mail to the license holder at the business address provided on the licensee's application and shall set forth the alleged reason or reasons for considering revocation of the license and also the date, time and place of the hearing. At the hearing, or at an adjourned date, the city council shall determine whether the license should be revoked or suspended and shall put its decision and the reasons therefore in the form of a resolution, which the city clerk shall forward to the licensee.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-7. - Material change to application information.

(a) While any peddler license or solicitor registration certificate issued pursuant to this chapter is in effect, a peddler or solicitor operating under such license or certificate shall, within seven (7) calendar days, report to the city clerk in writing any material change in any information previously provided on the application form.

(b) It shall be a violation of this chapter for any person knowingly to file or to cause to be filed an application for a peddler license or solicitor registration certificate containing one (1) or more false statements.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-8. - Inferred endorsement by the city.

A peddler license or solicitor registration certificate issued under this chapter shall not be used or represented in any manner as an endorsement by the city or by any department, officer or employee thereof.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-9. - Hours.

No peddling, soliciting, or any person going door-to-door for any purpose shall take place in the city after 8:00 p.m. or sunset (whichever is earlier) or before 10:00 a.m., prevailing time.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-10. - Display of license/registration certificate.

While carrying on peddling in the city, a peddler shall visibly display on the exterior of his or her clothes at all times a valid peddler license issued under this chapter and shall tender such license, upon request, to any police officer, city employee, or any person dealing with the peddler. While carrying on soliciting in the city, a solicitor shall have on his or her person at all times a valid solicitor registration certificate issued under this chapter and shall visibly tender such certificate, upon request, to any police officer, city employee, or any person dealing with the solicitor.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-11. - Obstructing traffic.

Notwithstanding any other provision of this chapter to the contrary, a peddler or solicitor shall not block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public highway, street, road, alley, drive or sidewalk or within public buildings and other public areas within the city by means of a barricade, object or device, or with his person.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-12. - Interfering with public.

A peddler or solicitor shall not, without permission, accost, interfere with, or touch any member of the public in any manner.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-13. - Harassment and noise.

No peddler or solicitor shall threaten or harass any resident of the city in the course of their activities or in any way engage in any conduct that would tend to threaten the health and safety of another or cause a nuisance, including, but not limited to, shouting, crying out, blowing horns, or otherwise making noise with devices designed to attract the attention of the public so as to be audible within an enclosed structure, except there may be a ringing of an unamplified bell outside

the entrance of retail commercial buildings, so long as it does not unreasonably disturb the peace and quiet within any surrounding neighborhoods or buildings.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-14. - Misrepresentation.

(a) No fraudulent or misleading representations to any person shall be made in connection with any peddling or soliciting activities, including, but not limited to, any misleading representation concerning the product or service involved, the purposes for which contributions solicited will be used, the name of the peddler or solicitor, the trade name and nature of the parent organization, or the purposes for which the parent organization was organized.

(b) No person shall represent that the issuance of a solicitor registration certificate under this chapter is an endorsement by the city of the particular parent organization, solicitor or purposes of the soliciting involved, and any such representation is declared to be a misrepresentation of fact.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-15. - Peddling/soliciting on public property.

(a) Peddling and soliciting is prohibited within a public right-of-way, including any street corner or intersection road, highway, lane, sidewalk, driveway, alley or publicly owned property, except for soliciting and peddling conducted as provided in subsections (b) and (c), below.

(b) On no more than three (3) days per calendar year, solicitors of a parent organization may, at their own risk, engage in street and curb soliciting, provided:

(1) Such solicitors located within the limits of streets, roads, highways and/or lanes in the city shall wear the type of high visibility garment that emergency responders operating in or near a roadway are required to wear pursuant to Federal Highway Administration regulations and National Fire Protection Association standards and, while soliciting, their position shall not extend more than one hundred (100) feet from the stop bar on the leg of the intersection at which they are street and curb soliciting;

(2) Such solicitors shall comply with all otherwise applicable requirements of this Code;

(3) Such solicitors shall not solicit in any manner that requires the person wishing to respond to the solicitor to walk or stand within the limits of the streets, roads, highways and/or lanes within the city;

(4) Street and curb soliciting shall not take place at more than four (4) separate street corner or intersection locations within the city on the same day, not more than two (2) solicitors at a time shall be positioned at each leg of an intersection and they shall not cross from lane to lane while soliciting.

(5) No more than one (1) parent organization may engage in street and curb soliciting at a time in the city;

(6) Persons under the age of eighteen (18) shall not engage in street and curb soliciting taking place within the limits of the streets, roads, highways and/or lanes in the city; and

(7) Solicitors shall not harass occupants of vehicles or pedestrians in the area, and shall not touch or otherwise make physical contact with a vehicle or make any attempt to communicate with the occupants of a vehicle unless the vehicle occupants ask a question or offer to make a donation.

(c) Peddlers of ice cream and other frozen dessert products from a vehicle approved by the police department may engage in peddling on residential public streets and rights-of-way only and may not peddle on streets considered major thoroughfares, provided such peddlers comply with all otherwise applicable requirements of this Code, including provisions relating to noise and hours of operation, and otherwise applicable laws and regulations.

(Ord. No. C-5-2010, § 1, 7-19-10 ; Ord. No. C-1-2012, § 2, 3-5-12)

Sec. 20-16. - Fixed stands prohibited.

No peddler or solicitor shall establish a fixed stand and/or store for soliciting upon any street, road, highway, lane, sidewalk, driveway, alley or publicly owned property.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-17. - Posted property.

(a) No peddler or solicitor shall enter into or upon any property that has posted a "no peddling," "no solicitation," "no soliciting" or "no trespassing" sign, or similar notice, in accordance with subsection (c), below.

(b) No peddler or solicitor shall engage in peddling or soliciting in any residential subdivision, condominium or other neighborhood that has a privately posted "no peddling," "no solicitation," "no soliciting" or "no trespassing" sign, or similar notice at each entrance to the subdivision, condominium or other neighborhood, in accordance with subsection (c), below.

(c) A sign posted under subsection (a), above, must be a weatherproof sign measuring a minimum of three (3) inches by four (4) inches, the letters must be at least one-third (1/3) inch in height, and the sign must be exhibited upon or near a main entrance door to the main structure, building or residence on the property. A sign posted under subsection (b), above, must be a weatherproof sign measuring a minimum of two (2) square feet, the letters must be at least two (2) inches in height, and the sign must be exhibited in a location visible to the drivers of vehicles at each entrance to the subdivision, condominium or other neighborhood. A sign posted under subsection (b), above, must comply with all otherwise applicable requirements of this code and city standards, including, without limitation, the requirement to obtain a permit if the sign is to be located within a public right-of-way.

(Ord. No. C-5-2010, § 1, 7-19-10 ; Ord. No. C-1-2012, § 3, 3-5-12)

Sec. 20-18. - Request to leave.

No peddler or solicitor shall remain on private property after having been asked or directed to leave the premises by any person lawfully in possession of the premises.

(Ord. No. C-5-2010, § 1, 7-19-10)

Sec. 20-19. - Exempt persons.

(a) The following shall be exempt from the licensing, registration and fee requirements of this chapter, but shall be subject to the other sections of this chapter:

(1) Persons engaged in the occupation of distribution of newspapers.

(2) Persons under eighteen (18) years of age engaged in soliciting within three (3) miles of their residence for a bona fide school, charity, religious or youth organization.

(b) The following shall be exempt from this chapter:

(1) Persons peddling to or soliciting from fellow members of the solicitor's or peddler's parent organization.

(2) Persons peddling or soliciting either on premises that is owned or in the lawful possession of the solicitor's or peddler's parent organization, or with the permission of the person or organization who owns or is in lawful possession of the premises on which the peddling or soliciting is taking place.

(3) Persons peddling or soliciting by telephone, email or mail.

(4) Recognizing that the city maintains or has available to it the information otherwise required for registration under this chapter, city fire, police and personnel shall be exempt from the fee and registration requirements set forth in this chapter, provided the city clerk is provided advanced notification describing the soliciting activity and its duration and verification that the soliciting activity is for a recognized, legitimate and valid charitable police or fire association project. Such persons shall be subject to all other solicitation regulations set forth in this chapter.

(Ord. No. C-5-2010, § 1, 7-19-10)

FOOTNOTE(S):

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Editor's note— *Ord. No. C-5-2010, § 1, adopted July 19, 2010, amended Ch. 20 in its entirety to read as herein set out. Former Ch. 20, §§ 20-1—20-10, pertained to solicitors, and derived from Code 1981, §§ 51.110—51.190; Ord. of 9-17-1984, § 1; Ord. No. C-16-92, § 1, adopted 4-20-92 and Ord. No. C-15-97, § 1, adopted 8-18-97.* *(Back)*