

Chapter 11

Peddlers and Solicitors*

- Art.** **I. In General, §§ 11-1-11-25**
Art. **II. Solicitors, §§ 11-26-11-48**
 Div. 1. Generally, §§ 11-26-11-45
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Article I. In General

Sec. 11.1. Sales within street or highway limits.

No person shall, within the limits of any street or highway within the village, engage in the sale, barter or exchange of ice creams, soft drinks, foodstuffs, fruits, candy, vegetables, flowers, fish bait, clothing, toys or any other kind of goods, wares and merchandise, nor engage in any trade or occupation within such highway limits.

Secs. 11.2-11.25. Reserved.

Article II. Solicitors

Division 1. Generally

Sec. 11.26. Definition.

- (a) The word "solicitor" as used in this article shall include 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, who does any of the following:
- (1) Takes or attempts to take orders for either the immediate or future sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for either immediate or future delivery, or for services to be furnished or performed either immediately or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payment on such sale or not, and such definition shall include any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the village for the sale purpose of exhibiting samples and taking orders for future delivery;

* **Cross references**-Licenses, Ch. 7; nuisances generally, Ch. 9; streets, sidewalks and other public places, Ch. 14.

State law references-Transient merchants, MCL445.371 et seq., MSA 19.691 et seq.; home solicitations sales, MCL 445.111 et seq., MSA 19.416(201)et seq.; exemptions for a veteran's license, MCL 35.441, MSA 4.1241.

(2) Solicits or receives funds from the public upon the representation that they will be used for a charitable purpose, and regardless of whether a membership or article of small value is given the donor.

(b) The word "solicitor" shall include, but shall not be limited to, the words "canvasser," "peddler" and "hawker."

Cross reference-Definitions and rules of construction generally, § 1-2,

Sec. 11.27. Hours permitted.

No solicitor shall call at any residence within the village before 9:00 a.m., nor after sundown, nor on Sundays and legal holidays, except upon the specific request of the occupant thereof.

Sec. 11-28. Entering residence without invitation.

No solicitor shall enter any residence within the village without the express invitation of an adult resident thereof.

Sec. 11.29. Creating a nuisance.

No solicitor shall threaten or annoy any resident of the village in the course of the business of the solicitor, or in any way engage in any conduct which is or would tend to create a nuisance.

Sec. 11-30. Exemption.

Persons when engaged in soliciting in the neighborhood of their residence, which solicitation is sponsored by any public, parochial or private elementary, middle, junior or high school or by a recognized charitable, religious, political or subdivision organization, shall be exempt from the requirements of this article.

Secs. 11.31-11-45. Reserved.

Division 2. License

Sec. 11-46. Required.

No person shall engage in the business of solicitor within the village without first obtaining a license therefor. Application for license shall be made to the police chief. Upon certification to the village clerk by the police chief, after investigation, that the application is complete and that the information contained therein and other information known to the police chief does not reasonably lead the chief to conclude that the applicant or activity to be licensed constitutes an apparent danger to the health, safety and welfare to the people of the village; the license shall be issued by the village clerk.

Sec. 11.47. Application.

The license application filed under this division shall contain 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 business and the goods to be sold or the activity undertaken or the purpose for which so vested funds will be used;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to solicit is desired;
- (6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (7) A photograph of the applicant taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (8) The names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business respectability or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
- (10) A statement by a medical or osteopathic physician licensed by the state, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free from contagious, infectious or communicable disease.

Sec. 11.48. Fee.

The fee for a solicitor's license shall be as set by resolution of the village council and shall be deposited with the application. Upon an affidavit by any solicitor that the company for which he will be seeking orders, or for which he will be otherwise soliciting business, is engaged only in interstate commerce, no license fee shall be required.