

**CITY OF WIXOM
ORDINANCE NO. 2014-02**

PEDDLERS AND SOLICITORS

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF WIXOM, TO REPLACE IN ITS ENTIRETY CHAPTER 5.10, PEDDLERS, SOLICITORS AND CANVASSERS, AND TO ADOPT A NEW CHAPTER 5.10, ARTICLES I THROUGH IV, TO REGULATE PEDDLERS, SOLICITORS AND CANVASSERS, TO PROVIDE FOR A LICENSE OR REGISTRATION CERTIFICATE; AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE CITY OF WIXOM ORDAINS:

Section 1. Amendment of Chapter 5.10

Chapter 5.10, Peddlers, Solicitors and Canvassers, shall be replaced in its entirety with the following regulations.

CHAPTER 5.10 PEDDLERS, SOLICITORS AND CANVASSERS

Sec. 5.10.010 Purpose.

The purpose of this Chapter is to provide for the public health, safety and welfare through regulations that promote public safety and help protect residents, businesses and the general public from crime, fraud and undue annoyance and interference with privacy rights that can be caused by peddlers, solicitors, and canvassers, in a manner that does not unlawfully interfere with or burden the exercise of First Amendment and other constitutional rights. To those ends, this Chapter defines and provides different procedural requirements for peddling, soliciting, and canvassing, and general regulations applicable to all peddlers, solicitors, and canvassers, with the canvasser notice, solicitor registration, and peddler licensing regulations intended to: (i) deter persons with criminal or fraudulent intent from posing as legitimate peddlers, solicitors, or canvassers; (ii) provide a minimal amount of basic information necessary to the City and its Police Department to allow efficient and effective performance of governmental, law enforcement and crime prevention functions; and (iii) provide City residents with a right to know if persons coming upon their property are in compliance with those regulations and a basis for reporting persons that are not in compliance with the these regulations to the City Police Department.

Sec. 5.10.020. 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:

Canvass and *canvassing* means to enter upon private property, without any prior specific invitation or appointment, to inform, educate, advocate, petition, secure petition signatures, request or enlist support or opposition, or to convey any other message regarding religion, philosophy, ideology, politics, including parties, candidates, initiatives and issues, charitable

organizations, or other cause or issue, by verbal, written, or other forms of communication, including the distribution of handbills, flyers, or other materials.

Canvasser means a person that engaged in canvassing in the City without requesting or accepting the payment, delivery, donation, pledge, or commitment of money, credit, financial assistance, membership, property, goods, services, or other thing of value, and without selling or attempting to sell any property, ticket, emblem, publication, advertisement, subscription, membership, or other thing, whether of value or not.

Charitable purpose means a charitable, benevolent, educational, philanthropic, humane, patriotic, veterans support, religious, youth, fraternal, social, civic, conservation, recreational, or other nonprofit objective of a charitable or religious organization, or political organization. Charitable purpose does not include political campaign fundraising or nonprofit objectives of an individual.

Charitable, religious or political organization means a charitable, religious, political, benevolent, educational, philanthropic, humane, patriotic, fraternal, social, or civic organization that is recognized as nonprofit and/or tax exempt under applicable State or Federal laws.

City Clerk means the City Clerk for the City of Wixom, or his or her designee.

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 organization that sends multiple solicitors for purposes of soliciting in areas of the City on its behalf.

Peddle and peddling mean: (1) carrying, conveying or transporting goods, wares, merchandise, food of any nature, beverages, or other personal property or materials of any nature,, that are offered for sale, sold, or delivered to one or more purchasers; and/or (2) taking or attempting to take orders for the sale of such items for future delivery, or for services to be furnished or performed in the future, regardless of whether advance payments on such orders are collected.

Peddler means any person engaged in peddling in the City be traveling by foot, motor vehicle or other conveyance from place to place, from house to house, or from street to street, or who does so from or at a stand, motor vehicle, or trailer. 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 a transient merchant scheme or design to evade the provisions of this Chapter shall be deemed a peddler. The term "peddler" shall not include a person who conducts such activities at a social gathering within a home at the invitation of the owner or an occupant of the home.

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.

Police Chief means the Police Chief for the City of Wixom, or his or her designee.

Public way shall mean all areas legally open to public use such as public streets, sidewalks, roadways, highways, alleys and public parking lots.

Solicit and *soliciting* means a direct or indirect request by or on behalf of a charitable, religious, or political organization to any person in the City for the payment, delivery, donation, pledge, or commitment of money, credit, financial assistance, membership, property, goods, services, or other thing of value, on the plea or representation what is requested will be used for charitable purposes of the charitable, religious or political organization, and includes sales and sales offers of any property, ticket, emblem, publication, advertisement, subscription, membership, or other thing, whether of value or not, on the pleas or representation that the proceeds of the sale will be used for charitable purposes of the charitable, religious, or political organization.

Solicitor means any person engaged in soliciting in the City.

Special event shall mean any occasion including, but not limited to parades, golf tournaments, fairs, shows, exhibitions, City-wide celebrations, festivals, etc., within a specifically defined area of the City.

Stand shall mean any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the department of motor vehicles, and is used for the display, storage or transportation of goods and/or services offered for sale by a peddler or vendor.

Street and curb soliciting means soliciting on any street, road, highway, lane, sidewalk, curb, road edge, alley, public parking lot 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, public parking lots and/or driveways within the City.

Street soliciting means soliciting for charitable purposes where solicitors are allowed to be within the travelled portion of a street and areas of the street abutting the traveled portion.

Sec. 5.10.021. Canvasser, solicitor and peddler requirements.

- (a) A person shall not engage in canvassing without complying with the notification and other requirements as provided in Article III.
- (b) A person shall not engage in soliciting without being registered or covered by a required registration and complying with the regulations as provided in Article I.
- (c) A person shall not engage in peddling without being licensed or covered by a license and complying with the regulations in Article II.
- (d) All canvassers, solicitors and peddlers shall comply with the general regulations in Article IV.

Sec. 5.10.022 Waivers, modifications and variances.

A person claiming that application of one or more provisions of this Chapter to canvassing, soliciting, or peddling activities that person desires to engage in violates a constitutional right, may request that the City Council waive, modify or vary such provision by filing a written request and statement of that position and basis for it to the City Clerk who shall place the request on the next City Council Agenda that is at least five (5) days after receipt of the request.

Sec. 5.10.023 Violations and sanctions; Civil Infraction.

Unless otherwise specified, a violation of this Chapter is a civil infraction punishable as provided in the Code.

ARTICLE I. SOLICITOR REGISTRATION

Sec. 5.10.030. Solicitor Registration Certificate.

- (a) No person shall be a solicitor or engage in soliciting in the City unless: (i) the solicitor is soliciting for and on behalf of a charitable, religious or political organization or attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, and (ii) 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 Sec. 5.10.040.
- (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 provided by the City Clerk. To obtain a registration certificate, the registrant shall do and provide the following:
 - (1) Appear in person at the City Clerk's Office with governmental issued identification (e.g. driver's license, passport) verifying the identity of the person who requests the identification certificate.
 - (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 address, website address (if any) and telephone number; (ii) the names of the parent organization's officers and directors; (iii) provide verification of the identity of the person who will be in direct charge of conducting the soliciting activities in the City; (iv) provide verification of the identity of each individual solicitors who will participate in the soliciting on behalf of the parent organization in the City; and (v) where and when the parent organization was established, the form of its organization, the federal tax identification number, and verification of its tax exempt classification and status under the Internal Revenue Code, if any.
 - (3) Provide a detailed description of the type of soliciting to be undertaken and the method to be used in conducting the soliciting.

- (4) Provide the dates and times when and locations where the soliciting will occur, giving the proposed dates for the beginning and ending of such soliciting and the hours of the days thereof.
 - (5) Provide a statement as to whether the person 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 disposition thereof.
 - (6) If the registrant will be engaging in street and curb soliciting, the applicant shall either: (1) 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 (2) the applicant shall provide the City Clerk with proof of insurance in an amount established by resolution of the 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.
 - (7) Following the provision of the information and verifications required above, the City Clerk will issue a registration certificate to the applicant with a registration number that corresponds to the specific applicant for identification purposes if needed. If the registration certificate is issued to a parent organization, it shall constitute registration of all the parent organization's solicitors listed on the certificate. The registration certificate shall contain the number assigned to the solicitor; the dates within which the registrant will be soliciting; the identification 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. The identification certificate is not required to contain the person's name and affiliation unless requested by the applicant. All registration certificates shall be signed by the City Clerk.
- (c) There shall be no fee charged in connection with a registration certificate for a solicitor.
 - (d) A registration certificate shall be valid for a period of up to one hundred and twenty (120) days; 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. A registration certificate can be renewed utilizing the process set forth in Sec. 5.10.030 (b) (1) through (8) above.

Sec. 5.10.040. Exemption.

Recognizing that the City maintains or has available to it the information otherwise required for solicitor registration under this Chapter, City fire, police and personnel shall be exempt from the 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 projects. Such persons shall be subject to all other solicitation regulations set forth in this Chapter.

ARTICLE II. PEDDLERS.

Sec. 5.10.050. 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 Sec. 5.10.060 below.
- (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 information provided by the applicant shall include all of the following:
 - (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 Wixom 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 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, and if so, a brief description of the crime or violation, 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 applicant's state of Michigan sales tax license number.
- (10) A criminal background report of the applicant's criminal history. Such reports shall be obtained by the applicant through the Internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants who reside in other states or have resided in other states within five (5) years prior to the date of the application. The applicant is responsible for all charges incurred in requesting and receiving the ICHAT report or other criminal history report and the report must be dated within thirty (30) days of the date of the application.
- (11) If under eighteen (18) years of age, the applicant must provide a copy of a 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.
- (12) 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 must provide information to verify that the applicant has a valid driver's license, has not been convicted of a misdemeanor or felony moving violation within the last three (3) years, or has not 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.
- (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) If the applicant will be engaging in the sale of food or beverages, a health license issued by the Oakland County Health Department. Such peddler's equipment shall be subject to inspections by the Oakland County Health Department at the time of application, as required by the state public health code.
- (c) An administrative processing and license fee for a peddler license application shall be established by resolution of the City Council and such fee shall be paid when the application is filed with the City. City Council shall also establish fees for licenses issued for special events. None of the license fees provided herein shall be so applied as to occasion an unreasonable burden on interstate commerce.

In any case where an applicant engaged in interstate commerce believes the fee to constitute an unreasonable burden on such commerce, he/she may apply to the City Clerk for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the required license fee. The applicant shall by affidavit and supporting testimony show his/her business operations, the gross volume or estimated gross volume of business and any other information that the City Clerk may deem necessary in order to determine the extent, if any, of such unreasonable burden on such commerce. The City Clerk shall then conduct an investigation comparing the applicant's business with other businesses of like nature and shall make a finding of fact from which he or she shall determine whether the fee fixed set by Council resolution is unfair, unreasonable or discriminatory as to the applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory. If the fee has already been paid, the City Clerk shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Clerk shall have the power to base the fee upon a percentage of gross sales or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature; provided, however, that the amount assessed shall not exceed in any case the fees prescribed by this Chapter. Should the City Clerk determine the gross sales measure of the fee to be a fair standard, he or she may require the applicant to submit, either at the time of termination of the applicant's business in the City or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefore provided, however, that no additional fee shall be required during any the term of the peddler license (120 days) if the licensee has paid an amount equal to the license fee set by resolution of the City Council.

- (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 City Clerk and/or Police Chief shall deem necessary. If the City Clerk and Police Chief both find the application to be complete and satisfactory in consideration of the purpose, intent and applicable provisions of this Chapter, the City 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 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;
 - (4) The applicant is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony;
 - (5) 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;
 - (6) The applicant has had a license to conduct peddling or soliciting suspended or revoked within the past ten (10) years.
- (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 peddler 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, with the exception of special events, which shall be limited to the period of the special event. Peddler licenses issued under this Chapter are nontransferable.

Sec. 5.10.060. 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) City of Wixom merchants and representatives engaging in year-round business with a permanent location in the City.

- (3) Any honorably discharged veteran who is a resident of this state and who has obtained a veteran's license from a county clerk within the state of Michigan.
 - (4) Any person who proposes to sell produce which he has raised himself. Produce may only be sold on the site where it is raised.
- (b) The following shall be exempt from this Chapter:
- (1) Persons peddling to fellow members of the peddler's parent organization.
 - (2) Persons peddling by telephone, email or mail.
 - (3) Recognizing that the City maintains or has available to it the information otherwise required for licensing under this Chapter, City fire, police and personnel shall be exempt from the fee and licensing requirements set forth in this Chapter, provided the City Clerk is provided advanced notification describing the peddling activity and its duration and verification that the peddling activity is for a recognized, legitimate and valid charitable police or fire association project. Such persons shall be subject to all other regulations set forth in this Chapter.

Sec 5.10.070. Peddler License Renewals.

Peddler licenses may be renewed provided an application for renewal and license fees are received by the City no later than the expiration date of the current license. Applications received after that date shall be processed as new applications. The City shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this Chapter. If the City finds that the new application meets the above requirements, the City shall issue a new license.

Sec. 5.10.080. Peddler License Suspension.

- (a) The City Clerk may suspend a peddler license upon determining 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 public ways of the City, the licensee's driver's 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.
 - (6) Intervention by the state or county health department due to uncorrected health or sanitation violations.
- (b) A licensee shall be given written notice of the cause and term of the suspension. A licensee shall have the right to appeal the suspension within thirty (30) days of the date of suspension. A licensee shall provide written notice and request for a reversal of the suspension, and a hearing shall be conducted by the City Council no later than fifteen (15) days following receipt of a written request by the licensee, unless a later date is set by agreement of the licensee. At the hearing, the licensee shall have the right to hear the evidence relied upon by the City 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. The City Council's decision may be appealed and reviewed by a court of competent jurisdiction.

Sec. 5.10.090. 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 Sec. 5.10.080(a) (1)—(6) 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, the licensee shall have the right to hear the evidence relied upon by the City 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 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. The City Council's decision may be appealed and reviewed by a court of competent jurisdiction.

ARTICLE III. CANVASSER REGULATIONS.

Sec. 5.10.100. Notice Requirement.

A canvasser shall not engage in canvassing before a written notice of that intended canvassing is received by the City Police Department. The notice may be by personal or courier delivery, mail, facsimile, or email as specified on a form for such notices by the Police Department, and shall contain all of the following information:

- (a) The words, "Notice of Canvassing".
- (b) The name, address, and phone numbers of an individual giving the notice.
- (c) If the notice is intended to cover multiple canvassers:
 - (1) The name, address, and phone numbers of the parent organization.
 - (2) The names, positions, and phone numbers of the individuals with the parent organization who may be contacted regarding the canvassing.
 - (3) The names of individuals that will be canvassing.
 - (4) Whether additional individuals that have not been named may be canvassing.
- (d) The areas of the City to be canvassed, which shall be described by reference to streets or areas bounded by specified streets.
- (e) For each area of the City to be canvassed, the dates when that will occur which shall not extend beyond 120 days from the date of the notice.
- (f) A general statement of purpose that confirms the intended activity is canvassing and not soliciting or peddling.
- (g) An acknowledgement that giving the notice does not allow soliciting or peddling.
- (h) A dated signature by the individual providing the notice.
- (i) Whether the confidentiality provided in Section 5.10.103 for the name, address and phone numbers of the individual that signed the notice is waived.

Sec. 5.10.101. Supplemental Notices.

A notice provided under Section 5.10.100 shall be supplemented in the same form and manner if there is any change in the information reported and to add names of individuals before they begin canvassing for a parent organization.

Sec. 5.10.102. Period Covered by Notice.

A notice provided under this article shall be valid through the last date of canvassing disclosed in the notice or 120 days from the Police Department's receipt of the notice, whichever is earlier.

Sec. 5.10.103. Confidentiality.

Unless required by a court order or proceeding for a violation of this Article, or waived in a signed and dated writing or by giving the information to a person being canvassed, an individual canvasser's name, address, and phone numbers disclosed in a notice under this Article, shall be confidential and not be publicly disclosed, this provision being in recognition of the right to anonymity for canvassing activities recognized by law, violation of which could be an unwarranted invasion of such individual canvasser's privacy. An individual canvasser that has waived confidentiality may request and obtain a copy of the notice provided to the Police Department with the names, addresses and phone numbers of other individual canvassers on that notice that have not waived confidentiality deleted.

Sec. 5.10.104. Soliciting and Peddling Prohibited.

A canvasser shall not engage in soliciting without complying with the registration and other regulations in Article I and shall not engage in peddling without complying with the licensing and other regulations in Article II.

Sec. 5.10.105. Identification.

A canvasser shall carry photo identification and produce it upon the request of any police officer for the purpose of determining if the canvasser is covered by a notice received by the Police Department under this Article.

ARTICLE IV. GENERAL REGULATIONS FOR PEDDLERS/SOLICITORS/CANVASSERS.

Sec. 5.10.100. Material Change to Application Information.

- (a) While any peddler license, solicitor registration certificate, or canvasser notice issued pursuant to this Chapter is in effect, a peddler, solicitor, or canvasser 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, solicitor registration certificate, or canvasser notice containing one or more false statements.

Sec. 5.10.110. Inferred Endorsement by the City.

A peddler license, solicitor registration certificate or canvasser notice 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.

Sec. 5.10.120. Hours for Peddling/Canvassing.

No peddling shall take place in the City after 8:00 p.m. or sunset (whichever is earlier) or before 10:00 a.m., prevailing time.

Sec. 5.10.130. 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.

Sec. 5.10.140. Obstructing Traffic.

Notwithstanding any other provision of this Chapter to the contrary, a peddler, solicitor or canvasser shall not block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public highway, public parking lot, 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.

Sec. 5.10.150. Interfering with Public.

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

Sec. 5.10.160. Harassment and Noise.

No peddler, solicitor or canvasser 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 any nearby 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.

Sec. 5.10.170. Misrepresentation.

No fraudulent or misleading representations to any person shall be made in connection with any peddling, soliciting or canvassing, 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, solicitor, or canvasser, the trade name and nature of the parent organization, or the purposes for which the parent organization was organized.

Sec. 5.10.180. Peddling on Public Property.

- (a) Peddling is prohibited within a public right-of-way, including any street corner or intersection road, and on any highway, street, road, lane, sidewalk, driveway, alley, public parking lot any or publicly-owned property, except for peddling conducted as provided in subsections (b) and (c), below.
- (b) For special events conducted by or with the approval of the City, a peddler shall apply for a peddler's license at least thirty (30) days prior to the scheduled special event and provide the information required in Sec. 5.10.050, unless exempt under Sec. 5.10.060.

If the peddler license is approved by the City, the term of the license shall be limited to the period of the special event. If the peddler license is approved by the City, a peddler may conduct activities only on the specific public property in the location identified and approved by the City for the special event. If the special event is to take place in the Village Center Area on any of the public parks and/or adjacent public property, roads or parking lots, a peddler license shall be obtained under this Chapter, and the peddler shall not be required to also obtain a permit from the Parks and Recreation Department under Chapter 12 of the Code of Ordinances for events in the Village Center Area.

- (c) Peddlers of food 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 or public parking lots, 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. In the case of ice cream trucks, the ringing of an unamplified bell is permitted so long as it does not unreasonably disturb the peace and quiet of the surrounding neighborhoods or structures.
- (d) 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 the 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 Chapter.
 - (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 in 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, and 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) 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
 - (6) 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.

Sec. 5.10.190. Fixed Stands Prohibited; Miscellaneous.

- (a) No peddler, solicitor, or canvasser shall establish a fixed stand and/or store for peddling, soliciting or canvassing upon any street, road, highway, lane, sidewalk, driveway, alley, public parking lot or publicly-owned property.
- (b) Peddler, solicitor, or canvasser stands shall not impede access to the entrance, parking lot or driveway of any adjacent building. Such stands shall be located only on private property within the City, when permission of the property owner has been obtained, unless permission to be located in public property is granted by the City for a special event in accordance with Sec. 5.10.180. Nothing herein shall be constructed as relieving an applicant from applying for any other approvals that may be required by the City Code.
- (c) No peddler, solicitor, or canvasser shall conduct business within 25 feet of any handicapped parking space or access ramp.
- (d) All trash or debris accumulating within 25 feet of any peddler, solicitor or canvasser stand shall be collected by the peddler, solicitor or canvasser and deposited in a trash container. All peddlers selling food or beverages must provide trash receptacles adjacent to or as a part of their stands.

Sec. 5.10.120. Posted Property; Access to Premises Restricted.

- (a) No peddler, solicitor, or canvasser shall enter into or upon any property that has posted a "no peddling," "no solicitation," "no soliciting", "no canvassing" or "no trespassing" sign, or similar notice, in accordance with subsection (c), below.
- (b) No peddler, solicitor, or canvasser shall engage in peddling, soliciting, or canvassing in any residential subdivision, condominium or other neighborhood that has a privately posted "no peddling," "no solicitation," "no soliciting", "no canvassing" 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.

Sec. 5.10.121. Request to Leave.

No peddler, solicitor, or canvasser shall remain on private property after having been asked or directed to leave the premises by any person lawfully in possession of the premises. In addition, no person shall remain on public property during a special event when asked or directed to leave the premises by any police officer or event staff.

Sec. 5.10.123. Contracts.

The City reserves the right to contract with individual vendors to provide limited vending services in public areas.

Sec. 5.10.124 Reserved.

Section 2. Savings Clause.

Nothing in this Ordinance hereby adopted shall be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 4. Adoption.

This Ordinance is hereby declared to have been adopted by the City of Wixom City Council at a meeting thereof duly called and held on the 27th day of May, 2014, and ordered to be given effect upon publication as mandated by Charter and statute.

Kevin W. Hinkley, Mayor

Catherine Buck, City Clerk

Notice of adoption published in the Spinal Column on June 4, 2014.

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Wixom, County of Oakland, State of Michigan, at a regular meeting of the City Council duly called and held on 27th day of May, 2014.

Catherine Buck, City Clerk