

## ARTICLE III. SOLICITORS

### DIVISION 1. GENERALLY

#### Sec. 36-50. Definitions.

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

**Intersection** means and includes the area where two or more public streets or roads intersect, and the area 100 feet back from the intersection in all directions.

**Occupant** means and includes any person or business located on any property, and any person or business which is the owner, lessee or renter of any property and any invitee, licensee, guest, visitor, agent, representative or employee of any such owner, lessee or renter of property.

**Property** means and includes any residence, business, structure or piece of real estate.

**Public street and/or roads** means and includes all publicly dedicated rights-of-way devoted to motor vehicle traffic.

**Registered solicitor** means and includes any person who has obtained a valid certificate of registration, which certificate is in the possession of the solicitor and on his person while engaged in soliciting.

**Residence** means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**Soliciting** means and includes any one or more of the following activities, unless such activity takes place in a permanent structure open for business purposes with such activity being a part of that business purpose:

- 1) Seeking to sell or obtain orders for the purchase of any goods, wares, merchandise, foodstuffs, services and the

like of any kind, character or description whatsoever, for any kind of consideration whatsoever;

- 2) Seeking to obtain prospective customers for application or purchase of insurance of any kind, type or character;
- 3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type or kind of publication;
- 4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project; or
- 5) Seeking to sell or vend ice cream, foodstuffs, wares or other articles of whatever nature from any vehicle, on or off any street, roadway, alley, highway or other passageway within this municipality, whether such vehicle is motorized or not.

(Code 1982, § 17-1; No. 78, §§ 2.1 - 2.3, 9-2-1980; Ord. of 7-2-1996, § 1; Ord. of 9-4-2001, § 1)

#### Sec. 36-51. Fee exemptions.

Persons engaging in soliciting for the purposes of an official fundraiser that is sponsored by a public, parochial or private elementary, middle, junior or high school shall be exempt from the registration and fee requirements set forth in Division 2 of this article.

(Code 1982, § 17-2; Ord. No. 78, §§ 6.1, 6.2, 9-2-1980, Ord. of 7-2-1996, § 1; Ord. of 9-4-2001, § 2)

#### Sec. 36-52. Notice regulating soliciting.

- a) Every person desiring to secure the protection provided by this article pertaining to soliciting shall comply with the following directions: Any person soliciting within the township shall abide by any instructions

given any person so soliciting by the occupant of any property within the township where the instructions are an invitation to the solicitor to come upon the property, or a denial to the solicitor of access to the property. Such instructions may be oral or in writing and, if in writing, the instructions shall be in the following form: A weatherproof card approximately three inches by four inches in size containing one of the following statements:

1. **“ONLY SOLICITORS REGISTERED IN INDEPENDENCE TOWNSHIP INVITED”;**

**OR**

2. **“NO SOLICITORS INVITED.”**

The letters on such cards shall be at least one-third inch in height, and such card shall be exhibited upon or near a main entrance door to the main structure, building or residence on the property, or at or near any entranceway to the property. For the purpose of uniformity, the township clerk may, on the direction of the township board, provide such cards to township residents requesting them at the cost thereof.

- b) Any such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the property of the directions contained on the card, and any violation of such directions shall be deemed a trespass, punishable as a violation hereof.
- c) Any solicitor, whether registered under this article or not, who has entered any property, whether invited or not, shall immediately and peaceably depart from the property when requested to do so by any occupant of the property, and any refusal to do so shall be deemed a trespass, and a violation hereof.

(Code 1982, § 17-3; Ord. No. 78, §§ 4.1 - 4.3, 9-2-1980; Ord. of 7-2-1996, § 1)

**Sec. 36-53. Violation of posted notice.**

It is unlawful and shall constitute a nuisance for any person whether registered under this article or not, to enter into any business or to go upon any property or to ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of an occupant of any such property for the purpose of soliciting in defiance of a notice exhibited on the property in accordance with the provisions of this article.

(Code 1982, § 17-4; Ord. No. 78, § 5.25, 9-2-1980; Ord. of 7-2-1996, § 1)

**Sec. 36-54. Hours of solicitation.**

It is hereby declared to be unlawful, and shall constitute a nuisance, for any person, whether registered under this article or not, to enter into any business or to go upon any property or to ring a doorbell, knock or rap upon any door or create any sound in any other manner calculated to attract the attention of an occupant of any such property, for the purpose of soliciting, prior to 9:00 a.m. or after 9:00 p.m. of any day.

(Code 1982, § 17-5; Ord. No. 78, § 5.3, 9-2-1980; Ord. of 7-2-1996, § 1)

**Sec. 36-55. Penalties.**

Any person, firm or corporation determined to have been in violation of the provisions of this article shall be responsible for a municipal civil infraction and subject to the provisions of section 1-9.

(Code 1982, § 17-6; Ord. of 2-10-1998, § 14)

**Sec. 36-56. Solicitation in public streets and roads prohibited; exceptions.**

It shall be unlawful, and shall constitute a nuisance for any person, whether registered under this article or not, to engage in

soliciting activities in public streets and/or roads, except recognized nonprofit charitable or religious organizations that have provided prior written notification to the clerk at least 30 days prior to the date of commencing soliciting activities including verifiable proof that the sponsoring organization is a legitimate nonprofit charitable or religious organization, shall be permitted to engage in soliciting within designated intersections in the township, subject to all of the following specific requirements and regulations:

1. The 30-day notification to the clerk, as specified in this section, and the application submitted under section 36-87 shall include the following additional information:
  - a. Identification of each and every intersection at which the soliciting is proposed to occur;
  - b. Identification of the number and location of the solicitors to be stationed at each such intersection;
  - c. Identification of the days and hours during which such solicitation is proposed to occur; and
  - d. A description of the reflective safety gear to be worn by the solicitors;
2. No more than four solicitors shall occupy the same intersection at a time;
3. Solicitors shall at all times stay a reasonable safe distance from all moving vehicles;
4. Solicitors shall not harass occupants of vehicles or pedestrians in the area, and shall not make physical contact with vehicle unless requested by the vehicle occupants;
5. Solicitors shall not directly address a vehicle or its occupants unless requested by the vehicle occupants;
6. Solicitors shall not restrict or interfere with the free and unrestricted flow of traffic;
7. Solicitors shall wear reflective gear at all times;
8. The solicitors shall register and comply with all other provisions of this article to the extent such provisions do not conflict with the additional, specific or more restrictive requirements of this section;
9. Notwithstanding any other time restrictions stated in this chapter, soliciting at intersections shall commence no earlier than the official times for sunrise in Metropolitan Detroit as published in a newspaper of general circulation in the township and shall cease no later than the official times for sunset in Metropolitan Detroit as published in a newspaper of general circulation in the township, or such or other more restricted time period established by the township pursuant to subsection 11 of this section;
10. Notwithstanding any other provisions in this chapter, certificates of registration for soliciting at intersections shall be valid for a period of no more than five consecutive days in any calendar year, with the ability of any valid registrant to petition in writing to the clerk for one additional period of up to five days during such calendar, which petition may be granted by the clerk upon a showing of good cause in the petition for the requested additional period and verification that the petitioner complied with all township ordinances during the initial period of soliciting;
11. The proposed soliciting at intersections under this section shall be reviewed and reported upon by the township law enforcement agency in terms of safety issues, traffic congestion and conflicts with other events or previously approved soliciting affecting traffic in the township, and soliciting shall only occur at such

intersections, at such times and upon such conditions as have been approved and identified in writing by the township supervisor based upon the information contained in applications submitted pursuant to this section and section 36-87, the recommendations contained in the report of the township law enforcement agency, and information otherwise known to the supervisor concerning safety issues, traffic congestion and conflicts with other events or previously approved soliciting affecting traffic;

12. The township and its officers, employees, agents, and representatives shall not be liable and/or responsible for any damages and/or injuries that occur to and/or are suffered by any person, property and/or other item which are caused by or results from a solicitors activities in the public streets and/or roads, and as a condition to being issued a certificate of registration by the township, the applicant shall execute and deliver to the township an indemnification agreement in a form approved by the township attorney, in which the applicant agrees to indemnify and hold harmless the township 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 rise out of the soliciting activities in the public streets and/or roads;

13. In addition to the reasons for denial stated in section 36-88, a nonprofit or religious organization requesting a certificate of registration, including approval to engage in soliciting in the streets and/or roads pursuant to this section, may be denied based upon noncompliance with subsections 1–12 of this section, or safety issues, traffic congestion or conflicts with other events or previously approved soliciting affecting traffic; and

14. In addition to the grounds for revocation stated in section 36-92, and for purposes of suspending a certificate of registration under section 36-93(b) ending a revocation hearing, non-compliance with subsections 1–12 of this section shall constitute grounds for revocation of the certificate of registration, and the township's receipt of ten or more verifiable complaints from the general public stating that the soliciting is creating a public nuisance or danger shall constitute a legal presumption that grounds for revocation of the certificate of registration exist.

(Code 1982, § 17-7)

**Sec. 36-57 - 36-85. Reserved.**

## **DIVISION 2. REGISTRATION**

**Sec. 36-86. Required.**

- a) It is unlawful and shall constitute a nuisance for any person to engage in soliciting unless such person is registered in accordance with the terms of this article.
- b) It is unlawful and shall constitute a nuisance for any person under the age of 18 years old to engage in soliciting unless such person is registered in accordance with the terms of this article and is accompanied by a supervising adult over the age 18 years old who has been fully identified on an approved application for certificate of registration as required by section 36-87.
- c) It is unlawful for any person identified as a supervising adult on an application for a certificate of registration filed with township clerk to fail to accompany a person under the age of 18 engaged in soliciting; and such supervising adult shall be responsible and held separately accountable for the solicitor's compliance with the provisions of this article.
- d) It shall be unlawful for any adult to knowingly allow or permit a person under the age of 18

to engage in soliciting without first being registered pursuant to this article or without being accompanied by a supervising adult identified on an approved application for a certificate of registration.

- e) It shall be unlawful for a person who is not identified on an approved application for a certification of registration to accompany a person under the age of 18 years old engaging in soliciting.

(Code 1982, § 17-21; Ord. No. 78, § 5.1, 9-2-1980; Ord. of 7-2-1996, § 1)

### **Sec. 36-87. Application.**

- a) Every person desiring to engage in soliciting within this township shall, prior to engaging in such soliciting, make written application for, pay the designated application and review fee established by resolution of the township board, and in fact obtain a certificate of registration as provided in this division.
- b) Application for a certificate of registration shall be made to the township clerk upon a form provided by the township. The applicant shall truthfully state in full the following information requested on the application:
  - 1. The name of applicant;
  - 2. The current residence address and telephone number of the applicant, and length of residence at such address, and, in addition, a business address and telephone number if other than the present residence address and telephone number;
  - 3. The address of place of the applicant's residence during the past three years, if other than the present address;
  - 4. The social security number, age and date of birth of the applicant with separate written proof (birth certificate or

sworn affidavits) independently verifying that the applicant is the age represented;

- 5. A physical description of the applicant;
- 6. The current name, telephone number and street address of the person, corporation, association or other entity with whom the applicant is employed or whom the applicant represents, and the length of time of such employment and/or representation;
- 7. The name and address of each of the applicant's employers during the past three years;
- 8. A description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- 9. The period of time for which the certificate of registration is sought;
- 10. The date, or approximate date, of the most recent previous application for a certificate of registration in the township;
- 11. A statement whether a certificate of registration issued to the applicant by the township under this division has ever been revoked and, if so, the date of such revocation;
- 12. A statement identifying each and every criminal conviction of the applicant, if any, including the date of the conviction, the convicting court, and the originally charged crime of each such conviction. In addition, the applicant shall fully disclose the date and arresting agency of each and every arrest, if any, for any crime involving: homicide, criminal sexual conduct, kidnapping, robbery, larceny, assault / battery, use of a firearm, fraud, extortion, dishonesty, false statement, or any felony offense involving the illegal entry into a residential structure or damage to real

or personal property, irrespective of whether or not there was a resulting conviction for any such arrest;

13. A legible copy of the applicant's driver's license, having sufficient clarity to identify the applicant's photograph; if the applicant does not have a driver's license with a photograph, the application shall include a photograph at least 2" x 2" in size showing the head and shoulders of the applicant in clear and distinguishing manner;
  14. The application shall be signed by the applicant, and all statements made by the applicant under the application shall be sworn statements made under oath; and
  15. Such other identification and information necessary to discover the truth of the matters asserted in the application is required to be set forth in application.
- c) If the applicant is under the age of 18 years old, a supervising adult over the age of 18 years old must truthfully state in full the following information requested as part of the application provided by the township:
1. The name of the supervising adult;
  2. The current residence, address and telephone number of the supervising adult, and length of residence at such address, and in addition, a business address and telephone number at which the supervising adult is employed if other than the present residence address and telephone number;
  3. The address of place of supervising adult's residence during the past three years, if other than present address;
  4. The social security number, age and date of birth of the supervising adult with separate written proof (birth certificate or sworn affidavits) independently verifying that the supervising adult is the age represented;
5. A physical description of the supervising adult;
  6. The name, telephone number and street address of the person, corporation, association or other entity with whom the supervising adult is employed or whom the supervising adult represents, and the length of time of such employment and/or representation;
  7. The name and address of each of the supervising adult's employers during the past three years;
  8. A statement as to whether the supervising adult has ever been issued a certificate of registration by the township and whether any certificate of registration issued to the applicant by the township under this division has ever been revoked and, if so, the date of such revocation;
  9. A statement identifying each and every criminal conviction of the supervising adult, if any, including the date of the conviction. In addition, the supervising adult shall fully disclose the date and arresting agency of each and every arrest, if any, for crimes involving: homicide, criminal sexual conduct, kidnapping, larceny, robbery, assault / battery, use of a firearm, fraud, extortion, dishonesty, false statements, or any felony offense involving the entry into or damage of a residential structure, irrespective of whether or not there was a resulting conviction for any such offense;
  10. A legible copy of the supervising adult's driver's license, having sufficient clarity to identify the supervising adult's photograph; if the supervising adult does not have a driver's license with a photograph, the application shall include a photograph at 2" x 2" in size showing the

head and shoulders of the supervising adult in a clear and distinguishing manner;

11. The application shall be signed by the supervising adult, and all statements made by the supervising adult under the application or in connection with the application shall be sworn statements made under oath;
  12. A statement acknowledging that the supervising adult has been read and understands the provisions and requirements contained within this article, and that the supervising adult accepts all responsibility and shall be separately accountable for compliance with this article by the solicitor under the age of 18 which the supervising adult is to accompany; and
  13. Such other identification and information necessary to discover the truth of the matters asserted in the application is required to be set forth in the application.
- d) The township clerk shall cause to be kept in his/her office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this division. He/she shall also keep a record of the denial of any such applications as are denied. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with a duplicate number of the application upon which it was issued.

(Code 1982, § 17-22; Ord. No. 78, §§ 3.1—3.3, 9-2-1980; Ord. of 3-19-1991, § 1; Ord. of 7-2-1996, § 1; Ord. of 9-4-2001, § 4)

### **Sec. 36-57-36-88. Reasons for denial.**

An application for a certificate of registration shall be denied if the applicant or an identified supervising adult:

1. Has ever been convicted of a criminal offense under state or federal law which involved: homicide, criminal sexual conduct, kidnapping, larceny, robbery, assault/battery, use of a firearm, fraud, extortion, dishonesty, false statements, illegal entry into a residential structure, or damage of real or personal property;
2. Has been convicted within the past ten years of a felony offense under state law or any criminal offense under federal law and/or remains on probation or parole with respect to any such offense;
3. Has ever had a certificate of registration revoked, following issuance under this article; or
4. Has ever been convicted of a violation of any of the provisions of this article.

(Code 1982, § 17-23; Ord. No. 78, § 3.4, 9-2-1980; Ord. of 1-18-1994, § 1; Ord. of 7-2-1996, § 1)

### **Sec. 36-89. Issuance.**

Upon the compliance of the terms of this division, any person bearing a certificate of registration shall be entitled to solicit, so long as the solicitations are otherwise in compliance with applicable local ordinance and state and federal law.

(Code 1982, § 17-24; Ord. No. 78, § 3.7, 9-2-1980)

### **Sec. 36-90. Term.**

The certificate of registration, when issued, shall be for a period of time applied for in accordance with the application as aforesaid or for 60 days, whichever period is the

shorter, and the certificate shall state thereon the expiration date thereof.

(Code 1982, § 17-25; Ord. No. 78, § 3.6, 9-2-1980)

### **Sec. 36-91. Display of certificate**

The clerk shall issue to any solicitor who has obtained a valid certificate of registration under this article a clear plastic badge in which the certificate of registration can and shall be inserted. When soliciting, a solicitor shall at all times have the badge described in this section, containing a valid and legible certificate of registration attached to his outer clothing and worn in such a manner as to be clearly visible to others. It shall be unlawful to engage in soliciting without a valid certificate of registration issued to that person worn and attached to that person as required herein.

(Code 1982, § 17-26; Ord. No. 78, § 3.1, 9-2-1980; Ord. of 7-2-1996, § 1)

### **Sec. 36-92. Grounds for revocation.**

A certificate of registration issued under this article shall be revoked if the holder or a person identified as a supervising adult in an approved application for a certificate of registration:

1. Has ever been convicted of a criminal offense under state or federal law which involved: homicide, criminal sexual conduct, kidnapping, robbery, larceny, assault/battery, use of a firearm, fraud, extortion, dishonesty, false statement, illegal entry into a residential structure, or damage of real or personal property;
2. Has been convicted of a violation of any of the provisions of this article;
3. Has falsified the information, or has provided misleading information or statements, as part of the application

for a certificate of registration submitted under this division; or

4. Has otherwise become disqualified for the issuance of a certificate of registration in accordance with the terms of this division.

(Code 1982, § 17-27; Ord. No. 78, § 3.5, 9-2-1980; Ord. of 7-2-1996, § 1)

### **Sec. 36-93. Revocation hearing, suspension.**

- a) No certificate shall be revoked until after a public hearing before the township board to determine just cause for such revocation.
- b) Pending such hearing, the township clerk shall suspend any certificate of registration issued under this division upon determining that there is reasonable cause to believe that one or more grounds for revocation exist; as such grounds are identified in section 36-92.
- c) Notice of such revocation hearing shall be given in writing and served at least five days prior to the date of the hearing. Such written notice shall be given by the township clerk to the holder of the certificate, in person or by first class mail, addressed to his residence address as set forth in the application. The notice shall state the grounds of the complaint against the holder of the certificate, and shall state the time and place where the hearing shall be effective immediately upon the giving of such notice, or the mailing thereof, as aforesaid.
- d) At such revocation hearing, the holder of the certificate shall be given the opportunity to be heard and present facts in the certificate holder's support and the township board shall give such facts consideration in making a determination



relative to the revocation of the certificate of registration.

- e) At the conclusion of such revocation hearing, if the grounds for revocation of a certificate of registration have been demonstrated, the township board shall order the certificate revoked and shall state the reasons for such revocation in the minutes of the hearing.

**Sec. 36-94. Appeal of denial.**

Any person denied a certificate of registration by the township clerk pursuant to this article may appeal to the township board in writing, stating reasons why the certificate should be granted. The township board may grant or deny the certificate after a public hearing, and such decision shall be final. Also, the township board may elect on its own motion to review any determination of the township clerk granting or denying a certificate of registration. Notice of any such hearing shall be given in writing to the applicant and served at least five days prior to the date of the hearing. Such written notice shall be given by the township clerk to the applicant for the certificate of registration in person or by first class mail addressed to his residence address as set forth in the application. At the hearing, the applicant shall be given the opportunity to be heard and present facts in the applicant's support and the township board shall give such facts consideration in making a determination relative to the applicant's appeal of the denial of the application for a certificate of registration. If, at the conclusion of the public hearing, the township board upholds the denial of the application for a certificate of registration, township board shall state the reasons for such denial in the minutes of the hearing.

(Code 1982, § 17-29; Ord. 7-2-1996, § 1)