

## Chapter 18

### PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS<sup>1</sup>

- Art. I. In General, §§ 18-1--18-15**
- Art. II. Peddlers and Service Vendors, §§ 18-16--18-35**
- Art. III. Transient Merchants, §§ 18-36--18-50**
- Art. IV. Charitable Solicitations, §§ 18-51--18-67**  
Div. 1. Generally, §§ 18-51--18-60  
Div.2. Permit, §§ 18-61--18-67

#### ARTICLE I. IN GENERAL

##### Sec. 18-1. Residential Calls Without Invitation.

(a) No peddler, solicitor, itinerant merchant or transient vendor of merchandise or service vendor shall go into or upon any private residential property in the City for the purpose of soliciting orders for the sale of goods, wares, and merchandise and or disposing of and or peddling the same, or the same of a service, unless he shall first have been requested or invited so to do by the owner or owners, occupant or occupants of such private residences or has obtained a license described in Section 18-17 and Section 18-36 of this Code.

(b) The first violation of Section 18-1(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Section 18-1(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 18-1(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 18-1(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Ord. No. 26, § 1, 4-15-64; Ord. No. 195, § 13, 10-13-08).

**Secs. 18-2. -- 18-15. Reserved.**

#### ARTICLE II. PEDDLERS AND SERVICE VENDORS

##### Sec. 18-16. Definitions.

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<sup>1</sup> **Cross reference**-Unlawful noise from hawking, §14-8.

**State law references**—Transient merchants, MCL §445.371 et seq., MSA §19.691 et seq.; home solicitation sales, MCL §445.111 et seq., MSA §19.416(201) et seq.; exemption for a veteran's license, MCL §35.441, MSA §4.1241.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Business.* The word “business” means the selling or solicitation of sales at retail of goods, wares, or merchandise, excluding only newspapers and other printed material.

*Business with Passing Traffic.* The term “business with passing traffic” means business carried on in the public right-of-way with persons arriving at and leaving the vicinity in private vehicles.

*Curb Service.* The term “curb service” is that form of doing business in which orders are taken from vehicles standing at the curb or from persons on the sidewalk or elsewhere in the public right--of-way, but it does not include business by a transient vendor with occupants of adjacent buildings.

*Peddler.* The word “peddler” shall include any person traveling by foot, wagon, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this article, shall be deemed a peddler. The word “peddler” shall include the words, “hawker” and “huckster.”

*Service Vendor.* The term “service vendor” shall include any person selling or offering to sell or soliciting offers to buy a service by personal appearance at any buildings, residential or otherwise. The word “service” as used in this article shall include all manner of services, such as, but not limited to, cleaning, repair, maintenance, or installation of any portion of a building (residential or otherwise), or any personal property therein or thereabout, lawn, yard or garden work, and snow or ice removal; a person shall be deemed to be selling a service even though a product or other material is also sold or used in connection with the service.

*Stop Street Area.* The term “stop street area” means the public right-of-way along a stop street or along that portion of an intersecting street lying within two hundred (200) feet of a stop street (measured from the stop street curb).

(Code 1957, § 10.191; Ord. No. 26, § 1, 4-15-64)

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

## **Sec. 18-17. License Required.**

No person shall engage in the business of peddler or service vendor without first obtaining a license therefore. No such license shall be granted except upon certification of the Chief of Police. Such certification may be withheld for any reasonable cause including, but not limited to, a record of unresolved complaints against such person’s prior business activities filed with the

Chief of Police, the Better Business Bureau, the Federal Trade Commission, or other similar agencies.

(Ord. No. 26, § 1, 4-15-64)

**Cross reference**—Licenses generally, Ch. 18.

### **Sec. 18-18. Fixed Stands Prohibited.**

No peddler or service vendor shall stop or remain in any one place upon any street, alley or public place, longer than necessary to make a sale to a customer wishing to buy. No peddler or service vendor shall stop within two hundred (200) feet of any intersection. Any such peddler or service vendor using a vehicle, when stopped, shall place his vehicle parallel to and within twelve (12) inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.

(Ord. No. 26, § 1, 4-15-64; Ord. No. 78, § 1, 9-15-78)

### **Sec. 18-19. Business with Passing Traffic.**

No peddler or service vendor shall establish himself on or linger along any public right-of-way for the primary purpose of doing business with passing traffic. Such primary purpose exists whenever a majority of the sales in any hour are made to passing traffic.

(Code 1957, § 10.192)

**Cross reference**—Traffic and motor vehicles, Ch. 22.

### **Sec. 18-20. Stop Street Area Restrictions.**

No peddler or service vendor in a stop street area shall:

- (1) Solicit business from or do business with passing traffic;
- (2) Display merchandise to the public at or near the curb or elsewhere in the public right-of-way;
- (3) Proceed on the street in a sales vehicle at a rate slower than five (5) miles per hour except when required to do so by traffic rules or safety considerations;
- (4) Make any sales from a parked or stopped sales vehicle except to occupants of adjacent buildings or maintain a parked or stopped sales vehicle open for business for a period longer than required to fill orders from such occupants; or
- (5) Furnish curbside service.

(Code 1957, § 10.193)

**Cross reference**—Traffic and motor vehicles, Ch.22.

**Sec. 18-21. Noise-Making Practices Prohibited.**

No peddler or service vendor shall shout or cry out his goods or merchandise or services, nor blow any horns, ring any bell or use any other similar device to attract the attention of the public. (Ord. No. 26, § 1, 4-15-64)

*Cross reference*—Noise generally, Ch. 14.

**Sec. 18-22. Certain Persons Excepted.**

(a) Nothing in this article shall be applicable to any person under eighteen (18) years of age, when engaged in peddling or soliciting on foot in the neighborhood of his residence under the direct supervision of any school or recognized charitable or religious organization.

(b) Nothing in this chapter shall be applicable to any person under eighteen (18) years of age who is offering his services in the neighborhood of his residence for lawn, yard or garden work or snow or ice removal.

(Ord. No. 26, § 1, 4-15-64)

**Secs. 18-23. -- 18-35. Reserved.**

**ARTICLE III. TRANSIENT MERCHANTS<sup>2</sup>**

**Sec. 18-36. Defined.**

*Transient Merchant.* The term “transient merchant,” for the purpose of this article, shall mean every person engaged in the retail sale and delivery of goods, wares or merchandise, unless his goods, wares or merchandise shall have been assessed for taxation in the City during the current year.

(Code 1957, § 7.61)

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

**Sec. 18-37. License Required.**

No transient merchant shall engage in business of selling goods, wares or merchandise at retail within the City from any lot, premises, building, room or structure, without first obtaining a license therefore. No such license shall be granted except upon certification of the Chief of Police and City Treasurer.

(Code 1957, § 7.60)

*Cross reference*-Licenses generally, Ch. 13.

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<sup>2</sup> *Cross reference*—Transient junk dealers, § 19-16 et seq.

*State law reference*--Transient merchants, MCL §445.371 et seq., MSA §19.691 et seq.

**Sec. 18-38. Indebtedness to the City.**

No license shall be issued under Section 18-37 to any person owing any personal property taxes or other indebtedness to the City, or who contemplates using any personal property on which personal property taxes are owing, in the operation of such business.  
(Code 1957, § 7.62)

**Sec. 18-39. Benefit Sales.**

Any person selling or offering for sale any goods, wares or merchandise on behalf of and solely for the benefit of any recognized charitable or religious purpose shall, after meeting all other requirements, be granted a license under this article without payment of the fee required by chapter 13.  
(Code 1957, § 7.63)

**Secs. 18-40. -- 18-50. Reserved.**

**ARTICLE IV. CHARITABLE SOLICITATIONS<sup>3</sup>**

**DIVISION 1. GENERALLY**

**Sec. 18-51. Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Charitable.* The word “charitable” shall mean and include the words patriotic, educational, social, religious, philanthropic, civic, public, fraternal or eleemosynary, either actual or purported.

*Person.* The word “person” shall mean any individual, firm, co-partnership, corporation, company, association or joint stock association, church, religious sect or denomination, society, organization, league, guild, club and includes any trustee, receiver, assignee, agent or other representative thereof.

*Solicit and Solicitation.* The terms “solicit” and “solicitation” shall mean any oral or written request, directly or indirectly, for money, credit, property, financial assistance or other thing of value for, in whole or in part, “charitable” purposes, by house to house canvass by means of personal interview, handbills, pamphlets, books, circulars, tickets, or by any other means.  
(Ord. No. 65, § 1, 3-1-75)

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

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<sup>3</sup> **State law reference**-Charitable organizations and solicitations act, MCL §400.271 et seq., MSA §3.240(1) et seq.

**Sec. 18-52. Hours.**

No person shall solicit house-to-house for any charitable purpose whatsoever within the City between the hours of 5:00 p.m. and the following 9:00 a.m., on any weekday, that is, Monday, Tuesday, Wednesday, Thursday or Friday. No person shall solicit house-to-house for any charitable purpose whatsoever within the City on any Saturday or Sunday.

(Ord. No. 65, § 2, 3-1-75)

**Sec. 18-53. Exemptions.**

The provisions of this article shall not apply to any persons organized exclusively for religious purposes if the solicitations by such persons are conducted solely among their members voluntarily and without any remuneration for making such solicitations.

(Ord. No. 65, § 2, 3-1-75)

**Secs. 18-54. -- 18-60. Reserved.**

DIVISION 2. PERMIT

**Sec. 18-61. Required.**

No person shall solicit house-to-house for any charitable purpose whatsoever within the City between the hours of 9:00 a.m. and 5:00 p.m., on any weekday, unless a permit for such solicitation has been issued by the City Manager as provided in this division.

(Ord. No. 65, § 2, 3-1-75)

**Sec. 18-62. Application.**

(a) Applications for permits under this division shall be filed with the City Manager, upon forms provided by the City, at least fifteen (15) days prior to the commencement of the proposed solicitation.

(b) The application shall contain the following information, or in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:

- (1) The name and address of the person applying for the permit;
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and executives;
- (3) A true copy of a current ruling by the Internal Revenue Service granting tax exempt status to the organization under the Internal Revenue Code, if such ruling has been issued;
- (4) The purpose for which the solicitation is to be made, the estimated total amount of funds proposed to be raised thereby, and the use of disposition of such funds;

- (5) A specific statement, supported by reasons, showing the need for the contributions to be solicited;
  - (6) The names and addresses of all persons by whom such funds are to be disbursed and the addresses or locations of all places from which disbursement of funds are to be made;
  - (7) The names and addresses of all persons who will be conducting the solicitation;
  - (8) An outline of the method or methods to be used in conducting the solicitation;
  - (9) The times when the solicitation is to be made giving the proposed dates for the beginning and ending of the solicitation;
  - (10) A full statement of the character and extent of charitable work being done by the applicant with the City;
  - (11) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commissions, or emoluments are to be expended; to whom paid and the amount or percent thereof; the salaries, emoluments or expenses to be paid anyone in connection with the administration of the receipts of such solicitations, including all such salaries, etc., in regard to any organization participating in such receipts from such solicitation; and
  - (12) A financial statement for the last preceding fiscal year or any lesser period, if not existing that long, of any funds collected for charitable purposes by the organization or persons seeking a permit for such solicitation. Such statement shall give the amount of money so raised, together with the cost of raising it, and final distribution thereof. Such statement shall include an itemized statement of the expenses of administering such fund for such preceding fiscal year, showing all expenses incurred by organizations participating in the receipts from such solicitation; and
  - (13) Any other information as may be reasonably required by the City Manager in order for him to determine the kind and character of the solicitation proposed.
- (Ord. No. 65, § 3, 4, 3-1-75)

**Sec. 18-63. Investigation.**

Upon receipt of an application for a permit, the City Manager shall make any investigation he deems necessary with respect to the contents of the application.

(Ord. No. 65, § 5, 3-1-75)

**Sec. 18-64. Conditions for Issuance.**

The City Manager shall issue the permit whenever he finds the following facts to exist:

- (1) That all of the statements made in the application are true;
- (2) That the applicant has a good character and reputation for honesty and integrity, or, if the applicant is not an individual person, that the members and executive officers of the applicant have good characters and reputations for honesty and integrity;
- (3) That the control and supervision of the solicitation and the distribution or disbursement of the proceeds will be directed by reliable and responsible persons who are residents of the City;
- (4) That the applicant has not engaged in any fraudulent transaction or enterprise;
- (5) That the proposed solicitation will not work a fraud on the public;
- (6) That the solicitation is prompted solely by a desire to finance the charitable cause described in the application and will not be conducted for private profit;
- (7) That benefits to the residents of the City will result from such solicitation;
- (8) That the applicant has not violated this article in the conduct of any prior solicitations;
- (9) That the public safety facilities of the City will be available and are adequate to supervise the solicitation and that no other solicitation will conflict with the application in question.

(Ord. No. 65, § 6, 3-1-75)

**Sec. 18-65. Term; Renewal.**

The City Manager shall determine from the application and from such facts as may be developed in connection with such application the period for which such permit shall be approved and granted; provided that such period shall not exceed one month. The City Manager, upon the receipt of such further application, information or reports as he may deem necessary to safeguard the interests of the public and carry out the purposes of this article may renew and extend such permit for additional periods not to exceed one month.

(Ord. No. 65, § 7, 3-1-75)

**Sec. 18-66. Additional Permit for Public Event in Residential Neighborhood.**

No person shall hold a public showing, meeting or any other type of event for the purpose of raising monies for charitable purposes on property located in the residential zoning districts in the City without obtaining a permit therefore issued by the City Manager. The application for such permit shall contain the information described in Section 18-62. In determining whether to issue such permit, the City Manager shall take into account the matters set forth in Section 18-64, and in addition shall determine that the type and duration of such public event shall not constitute a nuisance to the surrounding property owners. Such events shall be held only during daylight hours and shall not exceed three (3) days in duration.



(Ord. No. 65, § 8, 3-1-75)

**Sec. 18-67. Suspension, Revocation.**

If, upon receipt of written information or upon his own investigation, the City Manager shall find that any agent or representative of a permittee under this division is misrepresenting or making untrue statements with regard to the solicitation, has made untrue statements in the application or that in any other way the solicitation has been conducted or is being conducted in a manner inimical to the protection of health, life and property of the citizens of the City or in violation of any of the provisions of this article and not in conformity with the intent and purpose of this article or representing in any way that any permit granted under this division is an endorsement of such solicitation, then the City Manager may suspend the permit or revoke the same, provide notice is given to the applicant that a hearing is to be had before the City Manager not less than three (3) days. from the date of such notice at which hearing the holder of the permit shall have the right to appear and be heard and show cause why the permit should not be revoked. The City Manager may forthwith suspend any such permit pending the hearing of the revocation proceedings.

(Ord. No. 65, § 9, 3-1-75)