

Chapter 74 - Solicitations

1. General Provisions.

It is hereby determined that regulation of all types of solicitation and peddling are sufficiently connected to the City's interest in preventing crime and protecting citizens' quiet enjoyment and peace. It is also determined that a significant connection among evening solicitation, evidence of nighttime crime, and disruption of citizens' quiet enjoyment and peace exists to limit all types of solicitation according to the following schedule: October 1st through March 31st the hours are 9:00 AM until 6:00 PM; April 1st through September 30th the hours are 9:00 AM until 8:00 PM. It is further determined that the City has no other less restrictive means available to achieve its objectives. It is further determined that a ban on solicitation outside the aforementioned hours leaves ample alternative channels of communication open to solicitors in the City.

(Rev. 04/14/2014)

2. Definitions.

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

(a) "Solicit" and "solicitation" shall mean the request of money, credit, property, financial assistance or other thing of value by telephone, personal interview, or otherwise on the plea or representation that such money, credit, property, financial assistance or other thing of value, or any part thereof, will be used for a charitable (not including religious or political), educational, or philanthropic purpose. The said words shall also mean the placing of canisters for the receipt of money in business establishments or other public places. The said words shall also mean and include the sale or offer to sell any article, tag, ticket, emblem, publication, advertisement, subscription, or other thing, whether of value or not, on the pleas or representation that such money, credit, property, financial assistance, or other thing of value, or any part thereof, whether received by the solicitor or purchased by the buyer, will be used for a charitable, educational or philanthropic purpose.

(Rev. 12/17/2018; Effective 12/27/2018)

(b) "Peddler" or "Peddle" or "Peddling" shall mean 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 takes or attempts to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not. 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 Chapter, shall be deemed a peddler. The word "peddler" shall include the words, "hawker", "huckster" and "canvasser".

Chapter 74 - Solicitations

The word "peddler" shall not include agents of utility companies or firms franchised by referendum of the electorate of the City of Troy or agents of such firms governed by franchise ordinance(s) enacted by the City Council of the City of Troy following an affirmative advisory vote on the question by said electorate.

(Rev. 12/17/2018; Effective 12/27/2018)

- (c) "Person" shall mean any individual, firm, co-partnership, corporation, company, association or joint stock association, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

(Rev. 12/17/2018; Effective 12/27/2018)

- (d) "City Clerk" shall mean the individual employed as City Clerk of the City of Troy, or his/her authorized deputy.

(Rev. 12/17/2018; Effective 12/27/2018)

3. Permit or License Required; Exception.

No person shall solicit or peddle for any cause whatsoever, except as otherwise provided in this Chapter, within the City of Troy, without a permit or license from the City Clerk, authorizing such solicitation or peddling. Provided, however, that the provisions of this Chapter shall not apply to solicitations conducted exclusively within the membership of an organization by its own officers and members.

(Rev. 12/17/2018; Effective 12/27/2018)

4. Solicitation Application; Contents.

Applications for permits for solicitation shall be filed with the City Clerk upon forms furnished by the City Clerk. The application shall contain the following information, or in lieu thereof, a detailed statement of the reason why such information cannot be furnished. Such applications for solicitation permits shall be sworn to and filed with the City Clerk at least twenty-one (21) days prior to the time when the permit is desired:

(Rev. 12/17/2018; Effective 12/27/2018)

- (a) Name, address, and telephone number of the person applying for the permit and the address of the applicant's headquarters, if applicable.

(Rev. 12/17/2018; Effective 12/27/2018)

- (b) If the applicant is not an individual, the names and addresses of the applicant and the principal officers and managers.

- (c) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts therefrom.

(Rev. 12/17/2018; Effective 12/27/2018)

Chapter 74 - Solicitations

- (d) The names and addresses of the person, or persons, who will be in direct charge of conducting the solicitations.
- (e) An outline of the method, or methods, to be used in conducting the solicitations.
(Rev. 12/17/2018; Effective 12/27/2018)
- (f) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitations and the hours of the days thereof.
- (g) Such other information as may be required by the City Clerk for him/her to determine the kind or character of the proposed solicitation and whether such solicitation is in the interest of, and not inimical to, the public welfare.
(Rev. 12/17/2018; Effective 12/27/2018)
- (h) In the event that information otherwise available to the City Clerk is deemed by him to be sufficient to permit him/her to make a determination pursuant to the provisions of this Chapter, the City Clerk may authorize a license application which does not contain all or any part of the information required under this Section.
(Rev. 12/17/2018; Effective 12/27/2018)

5. Filing False Application.

It is a violation of this Chapter for any person to knowingly file or cause to be filed an application containing one or more false statements.

(Rev. 12/17/2018; Effective 12/27/2018)

6. Solicitation Application; Standards.

The City Clerk shall authorize the solicitation permit required by this Chapter whenever he/she shall find the following facts to exist:

(Rev. 12/17/2018; Effective 12/27/2018)

- (a) That the applicant is a person who is, as a matter of fact, engaged in charitable, educational, or philanthropic activity, or engaged in raising funds for distribution to such persons or organizations.
(Rev. 12/17/2018; Effective 12/27/2018)
- (b) That the net proceeds derived from the solicitation authorized under the permit shall be used substantially for charitable, educational, or philanthropic purposes.
(Rev. 12/17/2018; Effective 12/27/2018)
- (c) That the net proceeds over reasonable expenses, derived from the solicitations authorized under the permit shall be used exclusively for charitable, educational, or philanthropic purposes.
(Rev. 12/17/2018; Effective 12/27/2018)

Chapter 74 - Solicitations

- (d) That all of the proceeds derived from the solicitations authorized by the permit will be distributed to the charity or organization.
(Rev. 12/17/2018; Effective 12/27/2018)
- (e) That the proceeds of the solicitations authorized by the permit will not be divided or in any manner shared with any person or organization other than the applicant for the permit or the organization for whose benefit the solicitation is made.
(Rev. 12/17/2018; Effective 12/27/2018)
- (f) The applicant has not been convicted of a felony involving an element of force, violence, weapons, theft, fraud, or dishonesty.
(Rev. 12/17/2018; Effective 12/27/2018)
- (g) The applicant has not been convicted of home invasion or breaking and entering.
(Rev. 12/17/2018; Effective 12/27/2018)
- (h) The applicant has not been convicted of a misdemeanor offense involving theft or dishonesty within the past 10 years preceding the application.
(Rev. 12/17/2018; Effective 12/27/2018)
- (i) The applicant has not been or been convicted of a crime involving peddling or soliciting within the past year.
(Rev. 12/17/2018; Effective 12/27/2018)
- (j) The applicant has not had a solicitation or peddler license suspended or revoked in any jurisdiction within the past year.
(Rev. 12/17/2018; Effective 12/27/2018)
- (k) The employer, corporation or entity that the individual applicant is affiliated with has not had more than three (3) violations of this Chapter issued to any of its employees, contractors, volunteers, agents or representatives within the past year.
(Rev. 12/17/2018; Effective 12/27/2018)

7. Peddler License Required.

No person shall be a peddler without first obtaining a license. No such license shall be granted except upon certification of the City Clerk.

(Rev. 12/17/2018; Effective 12/27/2018)

8. Peddling license application.

The applicant shall furnish the following information on an application form provided by the City Clerk:

Chapter 74 - Solicitations

(Rev. 12/17/2018; Effective 12/27/2018)

- (a) Name and physical description of applicant;
(Rev. 04/14/2014)
- (b) Permanent home address and full local address of the applicant;
- (c) Applicant's Drivers license number;
(Rev. 12/17/2018; Effective 12/27/2018)
- (d) A brief description of the nature of the business and the goods to be sold;
- (e) If working for a company, the name and address of the employer, together with credentials establishing the exact relationship between Applicant and any employer;
(Rev. 12/17/2018; Effective 12/27/2018)
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- (g) A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which shall be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
(Rev. 12/17/2018; Effective 12/27/2018)
- (h) The fingerprints of the applicant;

A statement as to whether or not an applicant has been convicted of any felony, or any misdemeanor or Municipal Ordinance violation.

(Rev. 12/17/2018; Effective 12/27/2018)

9. Peddler License Fees.

The fees for a peddler's license shall be as specified in Chapter 60 of this Code. No fee for a peddler's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case, where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the City Manager for an adjustment of the fees 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 prescribed license fee. The applicant shall, by affidavit, and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the City Manager may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The City Manager shall then conduct an investigation, comparing the applicant's business with other businesses of like nature

Chapter 74 - Solicitations

and shall make findings of fact from which he shall determine whether the fee fixed for the peddler's license 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, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the City Manager 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, so long as the amount assessed does not exceed the fee as prescribed by Chapter 60 of this Code. Should the City Manager determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the City of Troy or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in Chapter 60 of this Code.

(Rev. 12/17/2018; Effective 12/27/2018)

10. Peddler Application; Standards.

The City Clerk shall authorize the peddler license required by this Chapter whenever he/she shall find the following facts to exist:

- (a) The applicant has not been convicted of a felony involving an element of force, violence, weapons, theft, fraud, or dishonesty.
- (b) The applicant has not been convicted of home invasion or breaking and entering.
- (c) The applicant has not been convicted of a misdemeanor offense involving theft or dishonesty within the past 10 years preceding the application.
- (d) The applicant has not been or been convicted of a crime involving peddling or soliciting within the past three (3) years.
- (e) The applicant has not had a solicitation or peddler license suspended or revoked in any jurisdiction within the past three (3) years.
- (f) The employer, corporation or entity that the individual applicant is affiliated with has not had more than three (3) violations of this Chapter issued to any of its employees, contractors, volunteers, agents or representatives within the past year.

(Rev. 12/17/2018; Effective 12/27/2018)

11. Denial of Permit or License.

In the event the City Clerk denies a solicitation permit or peddler license, he/she shall notify the applicant of the denial in writing and shall specify the reason(s) for the denial. In the event of a denial, the applicant shall have the right to appeal to the City Manager as set forth in this Chapter. Any written appeal request must be submitted to the City

Chapter 74 - Solicitations

Manager within fourteen (14) days of the date on the denial notice sent by the City Clerk. The City Manager shall review all appeal materials within 10 days and send a written determination to the applicant.

The City Manager may also request information from representatives of the Police Department, the City Clerk, the Zoning Administrator, the Building Official, the Fire Chief, City Treasurer, Code Enforcement, the applicant or other interested parties, or any other individual who may have information relevant to the denial of the license. The City Manager may accept written documentation or hear statements and consider other evidence offered which is relevant to the denial.

The City Manager's determination is the City's final decision. Failure of an applicant to timely meet the filing deadlines as set out in this Chapter waives any right to contest the denial of the application.

(Rev. 12/17/2018; Effective 12/27/2018)

12. Permits or Licenses.

Solicitation permits and peddler licenses issued under this Chapter shall bear the name and address of the person soliciting or peddling. The peddler license shall also have a copy of the photo submitted with the application. All permits and licenses shall contain the date issued, the dates within which the permit or license holder may solicit or peddle, and a statement that the permit or license does not constitute an endorsement by the City of the purpose, person or group conducting the solicitation or peddling. All permits and licenses shall be signed by the City Clerk and sealed with the official seal of the City of Troy.

(Rev. 12/17/2018; Effective 12/27/2018)

13. Requirement to Carry License or Permit on Person.

A copy of the permit or license must be carried by each solicitor or peddler. Solicitation or peddling without a valid permit or license or a copy of the permit or license or any violation of this Chapter is a misdemeanor, punishable by a fine of up to \$500, 90 days in jail, or both.

(Rev. 12/17/2018; Effective 12/27/2018)

14. Expiration.

A permit or license shall not be issued for a period exceeding one calendar year.

(Rev. 12/17/2018; Effective 12/27/2018)

15. Nontransferable.

Any permit or license approved and issued under this Chapter shall be nontransferable. However this shall not prevent any permittee from using a number of solicitors and representatives, but each solicitor and representative shall carry a facsimile copy of such permit while engaged in solicitation.

Chapter 74 - Solicitations

(Rev. 12/17/2018; Effective 12/27/2018)

16. Misrepresentation of Endorsement by City.

No person shall represent that the granting of a permit or license under this Chapter is an endorsement by the City of the particular organization involved, and any such representation is hereby declared to be a misrepresentation of fact and will result in a revocation of the license or permit.

(Rev. 12/17/2018; Effective 12/27/2018)

17. Suspension and Revocation of Permit and/or License.

If, upon receipt of written information or upon his/her own investigation, the City Clerk has reason to believe that any officer, agent or representative of a licensee or permittee is or has misrepresented the facts or made untrue statements, either with words or by implication, with regard to solicitations or peddling or the purposes thereof, or has made untrue statements in the application, or that in any other way the solicitations or peddling has been conducted, including a failure to carry a copy of the permit or license in violation of any part of this Chapter and not in conformity with the intent and purpose of this Chapter, then the City Clerk shall immediately suspend such permit.

If the City Clerk determines that the solicitation or peddling is being conducted in a manner inimical to the protection of the public health, safety or welfare of the citizens of the City of Troy, or constitutes harassing, intimidating, threatening, or disruptive conduct, or in violation of any of the provisions of this Chapter or of any statute of the State of Michigan, or any other Ordinance of the City of Troy, then the City Clerk may suspend the permit or license.

It shall also be a violation serving as grounds for suspension of a license or permit if any permittee or licensee or his/her representatives enters upon property which is posted as prohibiting solicitors, and/or enters upon property registered on the City's Do-Not-Knock Registry.

It shall also be a basis for suspension of said permit or license when the permittee or licensee fails to leave a premises when asked by an owner or occupant to do so.

If the City Clerk determines that it is necessary to suspend a permit or license under this Section, he/she will do so by providing written notice to the permittee or licensee. If the permittee or licensee wishes to challenge the decision made by the City Clerk, then the permittee or licensee must file a written appeal to the City Manager within 14 days of being suspended. If the permittee or licensee does not appeal the City Clerk's decision within 14 days, the permit or license will be revoked.

Upon receipt of a written appeal, the City Manager will review any and all information surrounding the suspension, and make a written determination within 10 days. After reviewing all pertinent information, the City Manager may overrule the suspension, limit the timeframe for the suspension, revoke the permit or license, or make any other determination under the circumstances.

Chapter 74 - Solicitations

The City Manager's determination is the City's final decision. Failure of the permittee or licensee to timely meet the filing deadlines as set out in this Section waives any right to contest the suspension and ultimate revocation of the permit or license.

(Rev. 12/17/2018; Effective 12/27/2018)

18. Fixed Stands Prohibited.

No licensee or permittee 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. Any peddler 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.

(Rev. 12/17/2018; Effective 12/27/2018)

19. Practices prohibited.

No solicitor or peddler shall shout or cry out his goods or merchandise, nor blow any horns, ring any bell or use any other similar device to attract the attention of the public. No solicitor or peddler shall go in or upon private residences in the City of Troy, where there is a "No Solicitation" sign, a Do-Not-Knock window cling, or its equivalent, or whose address is at that time on the Do-Not-Knock Registry.

(Rev. 12/17/2018; Effective 12/27/2018)

20. Prohibited Areas.

No peddler, in the sale of goods, wares and merchandise shall operate or maintain any stand, vehicle, store or place of business on or near to any highway in such a manner that the customers or traders with such person occupy or congregate within the limits of any street, lane, highway, or public place within the City. No peddler shall be permitted to use the streets, alleys, lanes or public places of the City for the service of customers or for the transaction of business, or to use any stands, stores or other places of business in any manner that shall require the customer, when transacting said business, to stand within the limits of the streets, highways, alleys or public places of the City. No peddler or solicitor shall enter onto property which has posted a "No Solicitation" sign, a Do-Not-Knock window cling, or its equivalent, or whose address is at that time on the Do-Not-Knock Registry.

This Section does not prohibit a solicitation permittee, who is seeking contributions on behalf of a charitable organization, from standing in the roadway (other than a limited access highway), if the permittee has been granted a valid solicitation permit from the City of Troy, and is in compliance with Public Act 112 of 2017, MCL 257.676b.

(Rev. 12/17/2018; Effective 12/27/2018)

21. Hours of Peddling and Solicitation.

No peddling or solicitation, as defined by this Chapter, may be conducted in residential areas before 9:00 AM and after 6:00 PM from October 1st through March 31st, and after

Chapter 74 - Solicitations

8:00 PM from April 1st through September 30th. No peddling or solicitation, as defined by this Chapter, may be conducted in commercially or otherwise zoned district except during the normal business hours of the establishment in which the peddling is taking place. If said establishment is not otherwise open for business, there shall be no peddling before 9:00 AM and after 6:00 PM from October 1st through March 31st, and after 8:00 PM from April 1st through September 30th. In all other areas of the City, peddling and solicitation shall be prohibited before 9:00 AM and after 6:00 PM from October 1st through March 31st, and after 8:00 PM April 1st through September 30th.

(Rev. 12/17/2018; Effective 12/27/2018)

22. Establishment of Do-Not-Knock Registry

The City Clerk shall establish and maintain a Do-Not-Knock Registry for the City of Troy. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling within the City may request that the City place and maintain his or her residence, house, apartment, or dwelling on the Do-Not-Knock Registry by submitting a written request on a form supplied by the City Clerk. The written request shall contain the following:

(Rev. 12/17/2018; Effective 12/27/2018)

- (a) The name of the person completing the form.

(Rev. 04/14/2014)

- (b) The complete address of the residence, house, apartment, or dwelling to be placed on the registry.

(Rev. 04/14/2014)

- (c) The date the form was completed.

(Rev. 04/14/2014)

- (d) A statement that solicitors and/or peddlers shall not knock, ring the doorbell, or otherwise physically call at his or her residence, house, apartment, or dwelling.

(Rev. 04/14/2014)

- (e) Any other information reasonably required by the City to verify the identity of the person completing the form as a lawful occupant and possessor of the residence, house, apartment, or dwelling.

(Rev. 12/17/2018; Effective 12/27/2018)

The City Clerk may provide removable “Do-Not Knock” window clings, upon request, to any person who is registered on the Do-Not-Knock Registry. The Do-Not-Knock window cling is not required to be displayed on the residence, house, apartment, or other dwelling unit, but is optional to anyone registered on the Do-Not Knock Registry.

(Rev. 12/17/2018; Effective 12/27/2018)

Chapter 74 - Solicitations

23. Re-registering on the Do-Not-Knock Registry

Every person who requests to be placed on the City of Troy's Do-Not-Knock Registry shall be required to re-register his or her residence, house, apartment, or dwelling every five (5) years. The City Clerk shall remove from the Registry any residence, house, apartment, or dwelling that is not re-registered.

(Rev. 12/17/2018; Effective 12/27/2018)

24. Removal from Do-Not-Knock Registry

Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling within the City may request that the City delete his or her Do-Not-Knock Registration by submitting a written request on a form supplied by the City Clerk. The written request shall contain the following:

(Rev. 12/17/2018; Effective 12/27/2018)

(a) The name of the person completing the form.

(Rev. 04/14/2014)

(b) The complete address of the residence, house, apartment, or dwelling to be deleted from the Registry.

(Rev. 12/17/2018; Effective 12/27/2018)

(c) The date the form was completed.

(Rev. 04/14/2014)

(d) A statement that his or her residence, house, apartment, or dwelling shall be deleted from the Do-Not-Knock Registry.

(Rev. 12/17/2018; Effective 12/27/2018)

(e) Any other information reasonably required by the City to verify the identity of the person completing the form as a lawful occupant and possessor of the residence, house, apartment, or dwelling.

(Rev. 04/14/2014)

25. After requesting placement on the Do-Not-Knock Registry, an owner or occupant of a residence, house, apartment, or other dwelling will remain on the registry until one of the following occurs:

(Rev. 12/17/2018; Effective 12/27/2018)

(a) The City Clerk receives a written request by the owner or occupant to remove the residence, house, apartment, or dwelling from the Registry pursuant to Section 24.

(Rev. 12/17/2018; Effective 12/27/2018)

Chapter 74 - Solicitations

(b) The City receives written notice that that person who submitted the request to have the residence, house, apartment, notice, or dwelling added to the Registry is no longer a lawful possessor or occupant of the premises. The City Clerk will use internal controls, as available, to identify the sale of a property, and remove the address from the Registry.

(Rev. 12/17/2018; Effective 12/27/2018)

(c) The expiration of five (5) calendar years, expiring on December 31 of the fifth full calendar year, from the date the form is submitted under Section 22.

(Rev. 12/17/2018; Effective 12/27/2018)

26. Copies of Do-Not-Knock Registry

The City Clerk shall provide a copy of the then-current Do-Not-Knock Registry to each person issued a peddler's license or door-to-door solicitation permit. A copy of the Do-Not-Knock Registry shall also be available for public inspection in the City Clerk's office during regular business hours.

(Rev. 12/17/2018; Effective 12/27/2018)

The failure to add a residence, house, apartment, or other dwelling to the Do-Not-Knock registry, or to remove a residence, house, apartment, or other dwelling from the registry, shall not be grounds for any claim against the City.

(Rev. 04/14/2014)