

VILLAGE OF GRAND BEACH  
COUNTY OF BERRIEN  
STATE OF MICHIGAN

ORDINANCE NUMBER 2017-92  
EFFECTIVE MAY 7, 2017

**AN ORDINANCE TO REGULATE PEDDLERS AND PERSONS SOLICITING IN THE VILLAGE TO PROTECT THE PUBLIC SAFETY AND RESIDENTS' PRIVACY, AS WELL AS PROTECTING THE VILLAGE RESIDENTS FROM FRAUD AS TO THOSE PERSONS SOLICITING WITHIN THE VILLAGE.**

**THE VILLAGE OF GRAND BEACH ORDAINS:**

**Section 1. Purpose.**

The Village Council, having determined that it is in the best interest of the Village to enact an ordinance regulating organizations and persons soliciting in the Village, the enactment of this ordinance being necessary to promote and protect the public safety of those persons soliciting as well as to protect the public safety, protect residents' privacy, as well as preventing fraud as to those persons in the Village being solicited.

**Section 2. Definitions.**

The following words and terms shall have the following definitions for the purposes of this article:

*Person.* An individual, organization, group, association, partnership, corporation, trust, business entity or any combination of the above.

*Soliciting material.* Printed or similar materials, including but not limited to the labels, posters, brochures, flyers, pamphlets, magazines, booklets, books and other like items used in the course of and for the purposes of soliciting.

*Solicitor.*

- (1) A person who solicits when traveling either by foot, wagon, bicycle, automobile, motor truck, golf cart, or other means of conveyance from place to place, from house to house or from street to street.
- (2) A person who hires, leases, uses or occupies any building, structure, hotel, room, shop or any other place for the sole purpose of exhibiting samples or soliciting material and taking orders for future delivery.
- (3) The word solicitor shall include but not be limited to the words canvassers, peddler, and hawker.

*Solicits.* The act of offering or attempting to offer wares, merchandise, services, items of personal property, real property, either for immediate or future delivery; or the act of seeking or attempting to seek contributions either in money or services for charitable or commercial purposes.

### **Section 3. License required.**

No person shall be a solicitor and/or solicit in the Village of Grand Beach without first obtaining a license therefore. An application for a license shall be made to the Village clerk. In the event that the application is made by an organization, group, association, partnership, corporation, trust, business entity or any combination of the above, an application must be made for each agent or employee who shall be engaging in the act of soliciting.

### **Section 4. License application.**

A license application filed hereunder shall furnish the following information:

- (a) Name and description of the applicant.
- (b) Permanent home address and full local address of the applicant.
- (c) A brief description of the nature of the solicitation contemplated.
- (d) If the applicant is an employee, the name and address of the employer, together with the credentials establishing the exact employer/employee relationship.
- (e) The length of time the applicant intends to solicit within the confines of the Village.
- (f) The place where the wares, merchandise, services, items of personal property or real property are located, manufactured or produced, where such items are located at the time said application is filed and the proposed method of delivery.
- (g) One photograph of the applicant, said photograph being from the applicant's driver's license, and a copy of said driver's license to be attached to the applicant's application. If the applicant does not have a driver's license, the photograph may be from a state identification card, and a copy of said state identification card shall be attached to the applicant's application. In the event that the applicant does not have a driver's license or a state identification card, then the applicant shall submit a photograph which shall be at least two inches by two inches and show the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) The applicant's social security number.
- (i) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore. This statement shall be accompanied by a release allowing the Village, including the Village Police Department, to access the Internet Criminal History Access Tool (ICHAT).

### **Section 5. Administrative Fee and/or License Fee.**

There shall be a reasonable administrative processing fee and/or license fee required by the Village to obtain a solicitor's license from the Village. The administrative processing fee and/or license fee shall be declared by resolution of the Village Council.

### **Section 6. Issuance, possession, and presentation of License.**

Upon approval of the license application, the Village clerk shall issue a license and license identification card including the name, address, and photo of the licensed person. The licensed

person shall visibly display on their person at all times the license identification card when conducting activities permitted by the license. The licensed person must produce and present the license identification card upon the request of any Village official or person being solicited. Failure to visibly display on their person and/or present the license identification card may result in revocation of the license subject to Section 7 of this Ordinance. Failure to visibly display on their person and/or present the license identification card may result in penalty imposed under Section 11.

### **Section 7. License revocation.**

A license may be temporarily suspended or revoked by the Village Council President or Police Commissioner for violation of this article after reasonable notice and opportunity to be heard. The Village Council President or Police Commissioner may suspend on an emergency basis, without hearing, any license issued to the solicitor when the Village Council President or Police Commissioner specifies in the notice of emergency suspension, the reasons and grounds indicating the violation of this article which constitutes the emergency. The notice shall set forth that within 48 hours, at a designated time and place, a hearing shall be held on whether the license shall be permanently suspended or revoked. The solicitor may show compliance with the requirements of this article and shall have the burden of adducing the evidence.

### **Section 8. Prohibited activities**

The following acts or activities shall be prohibited:

- (1) *Fixed stands prohibited.* No solicitor shall stop or remain in one place upon any street, alley or public place.
- (2) *Prohibited areas.* No solicitor shall obstruct any street, alley, sidewalk or driveway.
- (3) *Litter.* No solicitor shall litter any street, alley, sidewalk, driveway, public or private property in the Village.
- (4) *Curb service prohibited.* No solicitor shall operate or maintain any stand, vehicle, store or place of solicitation on or near any highway.

No solicitor shall be permitted to use the streets, alleys, lanes or public places of the Village for soliciting or to use any stands, stores or other places of transaction in any manner that requires the person wishing to participate in a transaction, when engaged in the transaction, to stand within the limits of the streets, highways, alleys or public places of the Village.

(5) *Prohibition of entry upon private property expressly requesting no solicitation.* No solicitor shall enter upon and/or call upon a place of residence or business within the Village of Grand Beach after having been expressly notified by the occupant of the place of residence or business that no solicitation is desired, or if the place of residence or business visibly displays on its property and/or premises a sign indicating "no soliciting", "no solicitation" and/or other language specifically conveying the message that no soliciting is desired.

(6) *Prohibition of creation of nuisance.* No solicitor shall threaten or annoy any resident of the Village in the course of their solicitation or in any way engage in any conduct which is or would tend to create a nuisance.

**Section 9. Hours of operation.**

Soliciting may take place within the Village between the hours of 11:00 a.m. and 6:00 p.m. Eastern Standard Time.

**Section 10. Exempt persons.**

The following persons shall be exempt from the licensing requirements, administration and/or license fee, and license identification card requirements of this article, but shall be subject to the other provisions herein:

- (1) Persons engaged in the occupation of sale or of distribution of newspapers.
- (2) Persons engaged in soliciting on foot within one-half mile of their residence.
- (3) Persons engaged in noncommercial, religious canvassing.
- (4) Persons engaged in the distribution of handbills, signed or unsigned, political or otherwise.
- (5) Persons duly licensed under Act 359 of 1921, MCL 35.441 et seq. (Qualified veterans).

**Section. 11. Penalty.**

Any person or persons violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$500.00 plus costs of prosecution or by imprisonment for not more than 90 days or by both fine and costs and imprisonment in the discretion of the court.

**ORDINANCE DECLARED ADOPTED.**

\_\_\_\_\_  
MARY ROBERTSON, Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of April, 2017, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
MARY ROBERTSON, Clerk