

GENOA CHARTER TOWNSHIP
PROPOSED REVISED PEDDLERS AND SOLICITORS ORDINANCE

Proposed Ordinance No. 260908

Draft for Board review — replaces Ordinance No. 070716-A

ARTICLE I — PURPOSE AND DEFINITIONS

Sec. 1. Purpose. This ordinance is intended to protect the privacy, peace, and safety of Township residents and protect the public from fraud, theft, and harm, while respecting the right to engage in expression.

Sec. 2. Definitions.

“Peddler” and “solicitor” mean any person who, for a commercial purpose, travels from house to house or place to place to sell, take orders for, or offer goods, wares, merchandise, or services. The terms “peddler” and “solicitor” do not include a person invited to a social gathering within a home by the occupant, or a person selling the products of their own farm, orchard, or garden.

“Commercial solicitation” means solicitation that proposes a commercial transaction.

“Noncommercial solicitation” means a request for support, including a money donation, for a charitable, religious, patriotic, civic, educational, political, or philanthropic purpose.

“Charitable or civic organization” means a nonprofit qualified under Section 501(c)(3) or 501(c)(4) or a tax-exempt veterans’ organization.

A “minor” means any person under the age of 18.

ARTICLE II — LICENSING OF COMMERCIAL PEDDLERS AND SOLICITORS

Sec. 3. License required. No person shall act as a commercial peddler or solicitor within the Township without first obtaining a license from the Township Clerk. This Article applies only to commercial activity.

Sec. 4. Application. An applicant shall file with the Clerk a signed application stating:

- the applicant’s name,
- address,
- telephone number,
- the nature of the goods or services,
- name, address, and telephone number of the business they work for,
- whether they have ever been convicted of, are serving a sentence, including probation or parole, or are currently being charged with any of the following:
 - A violation related to their peddling or solicitation activities;
 - A fraud crime;
 - A theft crime;
 - A crime involving violence against a person;
 - A crime of breaking and entering any dwelling;
 - A crime of manufacturing and distributing illegal materials.
- and provide a current photo identification.

By submitting an application, the applicant acknowledges that the Township will perform a background check. This information is gathered for purposes of enforcement of this Article only.

By providing an address, the applicant agrees to accept service of any citations at that address via regular mail.

Sec. 5. Issuance is ministerial. The Clerk shall issue the license to any applicant who completes the application, pays the fee, and has not listed a crime or charge as described in Section 4. The Clerk has no discretion to grant or deny a license based on the viewpoint or cause of the applicant.

Sec. 6. Fee. The license fee shall be set by resolution of the Board in an amount that does not exceed the Township's actual cost of administering this Article. No fee shall be required of any person exempt under state or federal law.

Sec. 7. License to be carried; registry list to be obtained. Each licensee shall carry the license at all times while soliciting and shall produce it on request. Each licensee shall obtain the current No-Knock Registry list from the Clerk and shall not call at any address on that list.

Sec. 8. Term; suspension; revocation. Licenses expire after 90 days of issuance. The Clerk may suspend, and the Board may, after notice and an opportunity to be heard as defined in Sec. 22, revoke a license for violation of this ordinance.

Sec. 9. Noncommercial. No License required. Neither this Article nor any other part of this ordinance applies to noncommercial solicitation.

ARTICLE III — NO-KNOCK REGISTRY

Sec. 10. Registry established. The Township Clerk shall establish and maintain a No-Knock Registry of residential addresses whose lawful occupants do not wish to receive commercial peddlers and solicitors.

Sec. 11. Resident opt-in; term. A lawful occupant may register their residential address with the Clerk at no cost or at a cost-based fee set by the Board. A registration remains in effect for five (5) years. The occupant must re-register to remain on the list. The occupant may remove the address at any time by written request. The Township has no duty to remind a registrant to re-register.

Sec. 12. Effect of registration. No commercial peddler or solicitor shall knock, ring the doorbell, or otherwise physically call at any address on the Registry. This section applies regardless of whether the solicitor holds a Township license.

Sec. 13. List furnished to licensees. The Clerk shall make the current Registry available to every licensee. A licensee is responsible for obtaining the current list before soliciting each day.

Sec. 14. Window cling. The Township will issue a window cling identifying a registered residence upon registration. The absence of a window cling does not excuse a violation of Section 12.

Sec. 15. Posted signs honored. Independent of the Registry, no commercial peddler or solicitor shall call at any residence that displays a "No Soliciting," "No Trespassing," "No Peddlers," or equivalent sign in a conspicuous location.

Sec. 16. No liability. The Township assumes no liability for any error or omission in the Registry, and no claim shall lie against the Township arising from the maintenance or distribution of the Registry.

ARTICLE IV — ANTI-FRAUD AND CONDUCT

Sec. 17. No misrepresentation. No person shall, in connection with any commercial solicitation or peddling, misrepresent their name, occupation, affiliation, or purpose, or any other information. This section shall also apply to the application process, such that no person shall make any misrepresentations in their application submitted for any license under this ordinance.

Sec. 18. Conduct. No licensed peddler or solicitor shall obstruct traffic, refuse to leave private property when asked, or engage in threatening or harassing conduct. A person shall leave a residence immediately upon request.

ARTICLE V — HOURS

Sec. 19. Hours of solicitation. No commercial peddler or solicitor shall call at any residence before 9:00 a.m., or after 10:00 p.m. or dusk, whichever is earlier.

ARTICLE VI — PENALTIES AND GENERAL PROVISIONS

Sec. 20. Civil infraction. A violation of any provision of this ordinance is a municipal civil infraction punishable by a fine of not more than \$500.00. Each occurrence is a separate offense.

Sec. 21. Revocation in addition to fine. In addition to a fine, the Board may revoke the license of a violator as described under Sections 8 and 22.

Sec. 22. Due Process. Upon issuance, the Clerk will forward any notice of suspension to the Supervisor and Township Manager. The matter will be an agenda item at the next Board meeting which is at least 7 days after the issuance of the suspension. The applicant or her/his employer has the right to contest the suspension at this meeting. Notice of the meeting shall be mailed to the address on the applicant's application. At the meeting, after providing an opportunity to be heard, the Board may revoke the license.

Any person who contests their denial of an application may also submit a letter to the Clerk outlining their complaint. The Clerk shall then forward that letter to Supervisor and Township Manager. The matter will be an agenda item at the next Board meeting which is at least three days after the receipt of the letter by the Clerk. The applicant or her/his employer has the right to contest the denial at this meeting. Notice of the meeting shall be mailed to the address on the applicant's application. At the meeting, after providing an opportunity to be heard, the Board may, upon finding the conditions of the application met, issue a license.

Any person contesting the denial of a license based on a past conviction may submit the above contest to the Clerk. Such an applicant bears the burden of demonstrating to the Board that an exception should be granted to them because of good cause shown.

Sec. 23. Severability. If any provision of this ordinance is held invalid, the remaining provisions remain in full effect. In particular, the No-Knock Registry (Article III), and the Anti-fraud and Conduct rules (Article IV) are intended to operate independently of the licensing provisions of Article II, and the invalidity of any licensing provision shall not affect them.

Sec. 24. Effective date; repeal of conflicting ordinances. This ordinance repeals and replaces Ordinance No. 070716-A and all ordinances in conflict, and takes effect upon publication as required by law.