

**Chapter 329**

**SOLICITORS**

§ 329-1.	<b>Definitions.</b>	§ 329-6.	<b>Permit fee and deposit.</b>
§ 329-2.	<b>Permit required.</b>	§ 329-7.	<b>General regulations and prohibitions.</b>
§ 329-3.	<b>Background check.</b>	§ 329-8.	<b>Permit revocation; appeal.</b>
§ 329-4.	<b>Permit application; issuance or denial.</b>	§ 329-9.	<b>Do Not Knock Registry.</b>
§ 329-5.	<b>Partial exemptions.</b>	§ 329-10.	<b>Violations and penalties.</b>

**[HISTORY: Adopted by the Township Board of the Charter Township of Cascade 11-16-2011 by Ord. No. 11-2011. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Disorderly conduct — See Ch. 170.**

**Noise — See Ch. 264.**

**§ 329-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

SOLICITOR, SOLICIT, SOLICITATION and SOLICITING — Any person (which includes any individual, firm, entity, corporation, association, partnership, limited liability company, or organization or its agents) traveling either by foot, wagon, automobile, vehicle, or other conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, products, or merchandise or personal property of any nature; or attempting to collect monies, pledges or donations for political, charitable, or religious causes; or for services to be furnished or performed, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether such person is collecting advance payments on such sales or not; or any similar action or activities including those persons who call themselves transient merchants, canvassers, hucksters, peddlers or other similar terms. These activities also include political and religious canvassing that does not seek monetary transactions, pledges, or donations.

**§ 329-2. Permit required.**

Except as otherwise provided in this chapter, no person shall solicit or act as a solicitor within Cascade Charter Township without first obtaining a permit from the Township. No permit shall be granted by the Township without prior approval by the Township Manager, Township Clerk, or such other Township official as is appointed by the Township Board. All permits shall expire 30 days after their issuance, unless renewed by the Township Manager, Township Clerk, or such other Township official as is appointed by the Township Board.

**§ 329-3. Background check.**

- A. Except for persons or solicitors that are partially exempt from this chapter pursuant to § 329-5 hereof,

a complete and comprehensive background check for each permit applicant before a Township permit is issued. Such background check may include, without limitation, a review of records of the Kent County Sheriff, Michigan State Police, and/or similar records from other states and counties. If the individual solicitor has any civil or criminal warrants outstanding, or has been convicted of any crime or offense that, in the Township's reasonable discretion, renders the individual solicitor a potential threat to the general peace and safety of the Township.

- B. Unless the applicant is charged with any violation of local, state, or federal law subsequent to filing the application, all background checks shall be valid for a period of six months following the approval of the application.
- C. During any period in which a person is licensed under this chapter, that person must inform the Township of any and all changes to the information on their application and any event that would result in a change to the information produced in their background check.

#### **§ 329-4. Permit application; issuance or denial.**

A permit application may be obtained during normal business hours at the Township offices.

- A. Such application shall be fully completed and filed with the Township at least 10 days prior to the date of commencement of the solicitation. The application shall contain all of the following information:
  - (1) Name of the applicant and the names of those persons soliciting for the applicant. Each individual solicitor must supply, in person, a copy of their driver's license or other form of government-issued photo personal identification to the Township.
  - (2) Permanent home address and local address of the applicant (and for all other persons soliciting for the applicant), and the home street address, driver's license number, and telephone number of the person or persons who will be in direct charge of conducting the soliciting activities in the Township.
  - (3) A brief description of the nature of the organization and business and the goods or services to be sold or solicited.
  - (4) If the solicitor is otherwise employed, the applicant shall provide the name and address of such employer.
  - (5) The length of time for which the solicitation within the Township is desired.
  - (6) The place where the goods or property proposed to be sold or orders taken for the sale are manufactured or produced, where such products or goods are located at the time said application is filed and the proposed method of delivery.
  - (7) A statement as to approximate locations within the Township where the solicitations will take place.
  - (8) Each solicitor shall sign a statement as to whether or not that solicitor (or the solicitor's firm, corporation or organization) has been convicted of a felony and/or misdemeanor theft, fraud, assault, or other unlawful offense and if so, stating the nature of the offense. A "yes" response may be cause for denial of a permit for the applicant if, in accordance with the standards of this section, and in the Township's reasonable discretion, the conviction renders the individual solicitor a potential threat to the general peace and safety of the Township.
- B. If the requirements of this chapter are met, the Township shall prepare and issue a solicitor permit to

§ 329-1

SOLICITORS

§ 329-10

each person soliciting under the applicant. The permit shall be displayed by the solicitor at all times while soliciting in the Township and shall be presented by that person to any resident requesting identification prior to any attempt to sell a product or service to that resident.

- C. Any denial of a permit application shall be made in writing specifying the reasons for denial within three business days of the filing of a complete application. The Township may take a longer period of time in determining whether a particular permit will be issued if the background check cannot be completed in a shorter period of time. Any appeal of a permit denial pursuant to this chapter must be in writing signed by the applicant and filed with the Township within 10 days of the date of the denial. All appeals shall be decided by the Township Board.
- D. The Township shall deny a solicitor permit under any of the following circumstances:
  - (1) Every requirement of this chapter has not been met.
  - (2) The safety of the residents of the Township will be impacted.
  - (3) The applicant or the applicant's employer or organization has been convicted of either a felony of any kind or a misdemeanor involving solicitation, theft, fraud, assault, or another unlawful offense.
  - (4) The applicant or the applicant's organization is delinquent in any real or personal property taxes or other indebtedness to the Township.
  - (5) A permit approved and issued under this article shall be nontransferable.
  - (6) Applicants may reapply for a permit 60 days after a denial or an unsuccessful appeal of a denial to the Township Board.
- E. A permit approved and issued under this article shall be nontransferable.
- F. Applicants may reapply for a permit 60 days after a denial or an unsuccessful appeal of a denial to the Township Board

**§ 329-5. Partial exemptions.**

- A. Persons canvassing or petitioning for political or religious purposes are exempt from the permit, fee, and registration requirements of this chapter.
- B. Enrolled K-12 students are exempt from the permit, fee, and registration requirements of this chapter.
- C. Persons soliciting for or on behalf of a state or federally registered or recognized charity or nonprofit corporation or entity are exempt from the permit and fee requirements of this chapter. These persons must still register with the Township and provide the Township Manager, Township Clerk, or other Township official designated by the Township Board with a name, address, copy of a government-issued photo identification, and evidence that their organization is a state or federally registered or recognized charity or nonprofit corporation or entity before they engage in solicitation within the Township. These persons must also comply with the requirements of the Michigan Charitable Organizations and Solicitations Act, MCL 400.271, et seq., as amended, and must provide to the Township a copy of a current permit issued by the Department of Attorney General pursuant to that statute.
- D. Persons engaged in activity exempt from specific requirements of this chapter by virtue of state or federal law are exempt from the requirements of this chapter to the extent mandated by state or federal law.
- E. The persons identified above must otherwise comply with this chapter, including §329.7, unless otherwise specified.

**§ 329-6. Permit fee.**

- A. Except for exempt permits specified in § 329-5 hereof, a nonrefundable permit fee, as determined by resolution of the Township Board, plus the cost of a comprehensive background check, shall be paid to the Township at the time that an application for a solicitor permit is filed with the Township.
- B. Renewal applications, permits, and badges will require the same non-refundable fees.
- C. The above fees may be modified by the Township Board by resolution from time to time.

**§ 329-7. General regulations and prohibitions.**

Unless otherwise expressly permitted by another Township ordinance or mandated by state or federal law:

- A. Where a permit is required by this chapter, it shall be unlawful for any person to engage in solicitation without having first obtained a permit issued by the Township. The permit must be visible at all times while the solicitor is engaged in the act of soliciting and shown upon the request of any person.
- B. While conducting any act of solicitation for which a permit is required by this chapter, the solicitor shall clearly display the permit and photo identification that correctly identifies who the solicitor is and for whom the solicitor is working.
- C. No person shall stop or park a vehicle at the curb for the purpose of solicitation from a vehicle, nor shall any person establish a stand, booth or other place of business on any street curb, sidewalk, public right-of-way or other public place. This subsection shall not be interpreted to prohibit parking for the purpose of making deliveries or for the purpose of consummating a business transaction with persons waiting at the curb, provided that the solicitor leaves the curb immediately after the deliveries or transactions are completed.
- D. No person shall operate or maintain any stand, structure, building or vehicle on or near to any public right-of-way for the service of customers or for solicitation in such a manner that requires customers to stand, occupy or congregate within the public roadway.
- E. No person shall conduct any solicitation so as to obstruct any street, alley, sidewalk or driveway except as may be necessary and reasonable to consummate a permitted transaction or at any time after having been requested to desist by any public officer because of congested or dangerous traffic conditions or for the public health, safety or welfare.
- F. No person shall engage in any solicitation on any property against the wish or desire of the property owner or the tenant or occupant of the property or any property listed on the "Do-Not-Knock Registry" as described in Section § 329-9 and maintained by the Township Clerk or their designee. No person shall engage in any solicitation on any property against the wish or desire of the property owner or the tenant or occupant of the property. No person shall trespass on the property of another while engaged in solicitation.
- G. No person engaged in any solicitation shall visit any dwelling or residence without an appointment where a sign is displayed stating "No peddlers," "No solicitors," "No sales," "No trespassing" or words of similar meaning.
- H. No person engaged in solicitation shall, while in a stationary position in any public place, shout, cry out his goods or merchandise, nor blow any horn, ring any bell, broadcast or play any sound, or use any other similar device to attract the attention of the public.

§ 329-1

SOLICITORS

§ 329-10

- I. Except for exempt persons under Section § 329-5, no persons shall travel from door to door, street to street, or place to place within the Township while engaged in solicitation except between the following hours:
  - (1) April 1 to September 30: 9:00 a.m. to 7:00 p.m.
  - (2) October 1 to March 31: 9:00 a.m. to 5:00 p.m.
- J. No person engaged in any solicitation shall enter upon a property or call upon any occupant of the property by any means of entry or contact other than approaching the front entry door of the premises. No person engaged in any solicitation shall enter into an attached or detached garage, side yard, or a rear yard, unless invited by the occupant of the premises.
- K. A permit under this chapter shall not be granted to any person owing any real or personal property taxes or other indebtedness to the Township or who contemplates using any personal property on which personal property taxes are owing in the operation of a business.
- L. No person shall block or impede the passage of the person being solicited.
- M. No person who is soliciting shall follow the person being solicited after that person has objected to the solicitation or asked the solicitor to leave.
- N. No person shall use any threatening or offensive behavior or language when engaging in solicitation.

**§ 329-8. Permit revocation; appeal.**

- A. A permit issued pursuant to this chapter may be revoked by the Township. Such revocation shall be done by the Township Manager, Township Clerk, or such other Township official as is appointed by the Township Board.
- B. The applicant may appeal the revocation of the applicant's permit revoked pursuant to this chapter by filing an appeal with the Township Board. Any such appeal must be in writing (signed by the applicant) and filed with the Township within 10 days of the date of the permit revocation.
- C. When considering whether or not to revoke a permit issued under this chapter (or during an appeal of such a revocation), the Township official or body involved shall consider the following:
  - (1) Whether one or more provisions of this chapter have been violated.
  - (2) Whether continued solicitation by the applicant pursuant to the permit would endanger the health, safety, or welfare of Township residents or property owners.
  - (3) Whether there were material misrepresentations in the permit application.
  - (4) Whether the applicant/solicitor has previously had his/her permit revoked under this section.
- D. A person whose permit has been revoked under this section may reapply for a new permit 30 days after the revocation. The expiration of the 30-day period is not determinative as to whether a new permit will be issued.

**§ 329-9. Do Not Knock Registry**

- A. The Township Clerk shall establish and maintain a Do Not Knock Registry for Township residents.
- B. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling, or any person in lawful possession of an apartment complex within the Township, may request that the Township place and maintain their residence, house, apartment,

dwelling, or apartment complex on the Do Not Knock Registry by submitting a written request on a form supplied by the Township. The written request shall contain the following:

- (1) The name of the person completing the form.
  - (2) The complete address of the residence, house, apartment, dwelling, or apartment complex to be placed on the registry.
  - (3) The date the form was completed.
  - (4) A statement that solicitors shall not knock, ring the doorbell, or otherwise physically call at his or her residence, house, apartment, dwelling, or apartment complex.
  - (5) Any other information reasonably required by the Township to verify the identity of the person completing the form as a lawful occupant and possessor of the residence, house, apartment, dwelling or to verify the identity of an owner of an apartment complex.
- C. Any board of a neighborhood condominium association that is located on a private road or private street, if authorized by the association bylaws, may request that the Township add the neighborhood condominium association to the Do Not Knock registry by submitting a request in writing to the Township. The written request shall contain the following information:
- (1) The name of the neighborhood condominium association and the name of the board members completing the form.
  - (2) The location of the condominium association, the name of the private road or private street on which the association is located, and a list of addresses of residences located within the association.
  - (3) The date the form was completed.
  - (4) A statement that solicitors shall not knock, ring the doorbell, or otherwise physically call at the residences located within the association.
  - (5) Any other information reasonably required by the Township to verify the location of the association, the board members, and the association bylaws authorizing such request.
- D. Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling within the Township, or any owner of an apartment complex may request that the Township remove his or her residence, house, apartment, apartment complex, or dwelling from the Do-Not-Knock Registry by submitting a written request to the Township. The written request shall contain the following:
- (1) The name of the person or persons completing the form.
  - (2) The complete address of the residence, house, apartment, apartment complex, or dwelling to be removed from the registry.
  - (3) The date the form was completed.
  - (4) A statement that his or her residence, house, apartment, apartment complex, or dwelling shall be removed from the Do Not Knock Registry.
  - (5) Any other information reasonably required by the Township to verify the identity of the person completing the form as a lawful occupant and possessor of the residence, house, apartment, or dwelling, or to verify the identity of the owner of an apartment complex.
- E. After being placed on the Do Not Knock Registry, a residence, house, apartment, apartment complex, or dwelling, shall remain on the registry until one of the following occurs:
- (1) The Township receives a written request to remove the residence, house, apartment,

- apartment complex, or dwelling from the registry pursuant to this section.
- (2) The Township receives written notice that that person who submitted the request to have the residence, house, apartment, apartment complex, or dwelling added to the registry pursuant to subsection (a) above is no longer a lawful possessor or occupant of the premises or owner of an apartment complex.
  - (3) The Township receives a property transfer affidavit notifying the Township Assessor that there has been a transfer of ownership for the residence, house, apartment, apartment complex, or dwelling.
- F. After being placed on the Do Not Knock Registry, a neighborhood condominium association shall remain on the registry until the following occurs:
- (1) The board of the neighborhood condominium association submits a written request to the Township requesting that the neighborhood condominium association be removed from the registry.
- G. The Township Clerk, or their designee, shall provide a copy of the then-current Do Not Knock Registry to each person issued a permit pursuant to this article. A copy of the Do Not Knock Registry shall also be available for public inspection in the Township Clerk's office during regular business hours.
- H. The failure to add or remove a residence, house, apartment, apartment complex, dwelling, or neighborhood condominium association to or from the Do Not Knock registry shall not be grounds for any claim against the Township.

**§ 329-10. Violations and penalties.**

- A. Any person who violates any of the provisions of this chapter shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than \$500 plus the costs of prosecution., as permitted by law.
- B. Second and subsequent violations. Repeat offenses under this chapter shall constitute a criminal misdemeanor upon a conviction and shall be punished by a fine of not more than \$500 or imprisonment, plus costs of prosecution as permitted by law. As used in this chapter, repeat offense means a second (or any subsequent) violation of the same requirements or other provision of this chapter committed by a person within one year of the person having been found responsible for or convicted of violating this article.
- C. Each day on which any violation of this chapter occurs or continues constitutes a separate offense subject to separate sanctions.
- D. The person or persons authorized by the Township Board shall enforce this chapter and may issue appearance tickets for violations of this chapter.
- E. In addition to the above, the Township shall have such other remedies as are accorded to it for a violation of this chapter pursuant to law and equity. Any remedy or remedies pursued by the Township shall be deemed cumulative and shall not preclude the Township from pursuing other remedies available at law or equity.