

CITY OF FENTON

APPLICATION FOR PEDDLERS AND/OR SOLICITORS LICENSE

Is this a Non-Profit Organization Request Yes No (circle one)

Apply to: City of Fenton, City Clerk's Office
301 South Leroy Street
Fenton, MI 48430
(810) 629-2261

DATE: _____

BUSINESS NAME: _____

PHONE: _____

BUSINESS ADDRESS: _____

BUSINESS OWNER'S NAME AND ADDRESS: _____

APPLICANT'S NAME AND ADDRESS: _____

APPLICANT'S DATE OF BIRTH: _____

SOCIAL SECURITY #: _____

APPLICANT'S DRIVER'S LICENSE/I.D. #: _____

(Must provide a copy of the front and back of the Driver's License/I.D. with Application)

PRODUCTS BEING SOLD: _____

SOLICITING DATES & TIMES, DESIRED LOCATION(S), METHOD OF SOLICITING: _____

DESCRIPTION AND LICENSE PLATE NUMBER OF VEHICLE BEING USED **(Must provide Proof of Insurance):**

REFERENCES (2): NAME AND PHONE # (Business or Personal): _____

LICENSE REQUESTED FOR: 1 YEAR (\$75)___ 6 MONTHS (\$50)___ 1 MONTH (\$30)___

Fees may be waived for Non-Profit Organizations

\$50 INVESTIGATION FEE (Non Refundable) MUST ACCOMPANY THIS APPLICATION. THE LICENSE FEE IS DUE UPON POLICE DEPARTMENT APPROVAL. *Fee may be waived for Non-Profit Organizations*

BY SIGNING THIS APPLICATION, I HEREBY AUTHORIZE THE FENTON POLICE DEPARTMENT TO CONDUCT A BACKGROUND INVESTIGATION ON ME, AS THE APPLICANT, AND TO OBTAIN MY FINGERPRINTS IF APPLICABLE.

Signature of Applicant

Date

SUBMIT THE APPLICATION TO THE CLERK'S OFFICE WITH THE FOLLOWING ITEMS:

- CREDENTIALS/DOCUMENTS VERIFYING THE BUSINESS RELATIONSHIP
- COPY OF DRIVER'S LICENSE – FRONT AND BACK
- PROOF OF VEHICLE INSURANCE, IF APPLICABLE
- \$50 CASH OR CHECK FOR INVESTIGATION FEE

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For Clerk's Office Use Only

Date Application Received: _____ Received By: _____

\$50 Investigation Fee Paid: Yes _____ No _____ Cash or Check: _____ Check #: _____

Application Fee Paid: Yes _____ No _____

Amount Paid: \$ _____

Cash or Check: _____ Check #: _____

Date Application was forwarded to Police Department for Investigation: _____

Date Application was returned from Police Department: _____

Applicant Approved _____ Denied _____

If Approved, License #: _____

Issue Date: _____

Expiration Date: _____

Date License was mailed/picked up: _____

**CITY OF FENTON
ORDINANCE NO. 645**

TO AMEND THE CITY OF FENTON CODE OF ORDINANCES

THE CITY OF FENTON ORDAINS:

SECTION 1: That the City of Fenton Code of Ordinances, Chapter 23, Peddlers and Solicitors, Article I, In General, Sec. 23-1, Door-to-door soliciting and peddling restricted, is hereby amended to read as follows:

Article I. Peddlers and Solicitors

Sec. 23-1. Statement of Purpose.

- A. It is hereby determined that the regulation of solicitation and peddling is sufficiently connected to the City's interest in preventing crime and protecting citizens' quiet enjoyment and peace as warrant regulation, but such regulation should not prohibit otherwise lawful activity.
- B. It is also determined that a connection exists among evening solicitation and the disruption of citizens' quiet enjoyment and peace such that reasonable limits on solicitation between 9:00 a.m. and 8:00 p.m. Eastern Standard or Daylight Time Mondays through Saturdays and between 11:00 a.m. and 6 p.m. Eastern Standard or Daylight Time on Sundays is warranted.
- C. It is further determined that the City has no other less restrictive means available to achieve its objectives but through reasonable regulation.
- D. It is further determined that prohibiting solicitation after 8:00 p.m. (6 p.m. on Sundays) and before 9:00 a.m. (11:00 a.m. on Sundays) leaves ample alternative channels of communication open to solicitors in the City.
- E. The investigation and licensing fees provided herein are levied to defray the costs of regulation and not to place an undue burden on interstate commerce.
- F. It is expressly the purpose of this Ordinance to provide for and promote the safety and welfare of the general public and not to create or designate any particular class of persons who will or should be specially protected by its terms.

Sec. 23-2. Immunity.

- A. It is the specific intent of this Ordinance to place the obligation of complying with its terms on the licensee, and no provision of this Ordinance is intended to impose any duty upon the City or its employees.
- B. Nothing contained in this Ordinance is intended to be nor shall be construed to create any liability on the part of the City or its employees for any injury or damage resulting from the failure of the licensee to comply with the provisions of this Ordinance, or by reason or consequence of any act or

omission in connection with the implementation or enforcement of this Ordinance on the part of the City or its employees.

Sec. 23-3. Definitions.

- A. "Peddler" or "Solicitor" means a person selling goods or services; or offering to sell goods or services to be delivered in the future; or obtaining information to be used by another in the sale or offer of sale of any goods or services; or requesting donations of money, goods or services; and who pursues these activities in the following manner:
 - (1) Traveling from door to door, street to street, or place to place; or
 - (2) Temporarily hiring, leasing, or using any structure or lot, or portion thereof.
- B. "Telephone Solicitor" means a solicitor whose only contact with the public is telephoning persons unknown to the solicitor. Telephone Solicitors are exempt from the requirements of the licensing and investigation sections in this Ordinance.
- C. "Principal" of an organization engaged in peddling or soliciting means a person organizing, supervising, or managing Peddlers or Solicitors.
- D. "Charitable organization" means an entity that solicits or collects contributions from the general public where the total contribution is used to support charitable activities.
- E. "Nonprofit organization" means an entity registered as a nonprofit corporation with the State of Michigan; or an entity exempt from federal income tax under section 501(c) of the Federal Income Tax Code.
- F. "Religious organization" means an entity duly organized and operating in good faith and entitled to receive a declaration of current tax exempt status for religious purposes from the United States government, and the duly organized branches or chapters of those organizations.

Sec. 23-4. Exemptions.

This Ordinance does not apply to:

- A. Persons dealing with only merchants, businesses, or professional consumers.
- B. Newspaper carriers; State licensed insurance and real estate agents; advertising sales persons calling on commercial enterprises; or any sale under court order.
- C. Transient merchants making sales, or taking orders for farm products produced or raised by that merchant.
- D. Officers or members acting on behalf of Nonprofit, Charitable, or Religious organizations, and who are unpaid for their services.
- E. Candidates for elected government positions and their campaign workers.
- F. Persons under the age of 18, unless employed by another person or organization.

- G. Honorably discharged members of the armed forces of the United States provided they comply with the provisions of Act 359 of the Public Acts of 1921, as amended, being MCL 35.441 et. seq., and the sales by the member are those exempted by that Act.

Sec. 23-5. License Required.

It is unlawful for a person to peddle, solicit, or telephone solicit within the City's territorial limits without having a current and valid license, as provided in this Ordinance.

Sec. 23-6. Contents of Applications.

Applicants for a license under this Ordinance must file a written application on a form provided by the City. The application must be filed with the City Clerk's Office and must contain the following information:

- A. Name, date of birth, and social security number of applicant.
- B. Permanent home address and, if applicable, full local address of the applicant.
- C. A brief description of the nature of the business and goods to be sold.
- D. Place of manufacture or production of goods to be offered for sale, the present location of such goods, and the proposed method of delivery of such goods.
- E. Length of time for which the right to do business is desired.
- F. Name and address of the employer or parent organization the applicant is representing and copies of credentials or documents verifying that relationship. An applicant is exempt from this requirement if a principal for the organization being represented has already supplied this information on an application for a license under this Ordinance for the same time period.
- G. Names and contact information of two personal or business references.
- H. Signature of the applicant authorizing the Police Department to take fingerprints and conduct an investigation of the applicant.
- I. Fingerprints of the applicant applying for the license.
- J. Description and license plate number(s) of the vehicle(s) used by the applicant when peddling or soliciting.

Sec. 23-7. Applicant Investigation.

- A. Upon receipt of a completed written application for a license under this Ordinance, the original shall be referred to the Police Department for investigation of the applicant. The investigation shall include review of any convictions and traffic offenses that have occurred in the past ten (10) years.
- B. Upon completion of investigation of the applicant, the Police Department shall make a recommendation of approval or disapproval based on the findings of the investigation to the City Clerk. Any recommendation of disapproval must be for good cause including, but not limited to,

unsatisfactory criminal history of convictions for offenses, criminal and/or traffic, directly related to fitness for a license; discovery of facts supporting lack of business responsibility; or any legitimate reason that the applicant presents a risk to the citizens if permitted to engage in peddling or soliciting.

- C. The Police Department recommendation for approval or disapproval shall be made to the Clerk's Office no later than 7 calendar days from the date of the application.

Sec. 23-8. Fees.

- A. The applicant shall pay a fee to the Police Department to cover the costs of the investigation.
- B. Upon approval the applicant shall pay a license fee as follows for one of the following types of licenses:
 - (1) Yearly License: a fee per person per calendar year.
 - (2) Bi-yearly License: a fee per person shall be charged for the period from January 1 to June 31st or any part thereof; or for the period from July 1 to December 31st or any part thereof.
 - (3) Temporary License: a fee per person per calendar month. This fee may be applied toward a yearly or bi-yearly license for any period inclusive of the temporary license.
- C. The amount of the fees shall be established by resolution of the City Council and based upon the cost to administer this Ordinance.

Sec. 23-9. Issuance or Denial of License.

The Clerk's Office shall issue a license upon Police Department approval and payment of the prescribed license fee. In the event of Police Department disapproval, the Clerk's Office shall notify the applicant of the denial and the procedures for appeal pursuant to this Ordinance.

Sec. 23-10. Revocation.

Licenses issued under this Ordinance may be revoked by the City Clerk subject to appeal pursuant to this Ordinance. Licenses may only be revoked for good cause including, but not limited to, the following:

- A. Fraud, misrepresentation, or false statement(s) contained in the application for license.
- B. Fraud, misrepresentation, or false statement(s) made in the course of carrying on the business of peddling or soliciting.
- C. Any violation of this Ordinance.
- D. Any felony or misdemeanor conviction directly related to the fitness of a licensee to carry on the activities of peddling or soliciting.
- E. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a threat to the health, safety, or welfare of the general public.

Sec. 23-11. Appeal Procedure.

Any person aggrieved by denial or revocation of a license may file an appeal with the City Council. The notice of appeal must be filed within 14 days after notice of the denial or revocation has been mailed to the person's last known address. The request must be in writing and must explain the grounds for appeal.

Sec. 23-12. Exhibition of License Required.

All licenses issues must be worn or displayed in such a manner as to be readily visible when engaged in peddling or soliciting.

Sec. 23-13. Restrictions on the Time and Place.

- A. A Peddler or Solicitor shall not engage or attempt to engage in activity at any home, residence, apartment, apartment complex, or business that displays a "No solicitors" or other similar sign, or otherwise provides notice that the occupants do not desire to be contacted by them.
- B. A Peddler or Solicitor shall not engage in the act of peddling or soliciting between the hours as provided in Section 23-1(D).
- C. A Peddler or Solicitor shall not intentionally obstruct vehicular or pedestrian traffic.

Sec. 23-14. Enforcement and Penalty.

- A. In addition to the exhibition of license requirements in Section 23-12, any person peddling or soliciting shall be required to produce his or her peddler's or solicitor's license if requested to do so by any police officer. In the absence of a license, the person shall be required to provide information reasonably necessary to verify a claim of exemption from this Ordinance.
- B. Any police officer shall enforce the provisions of this Ordinance against any person found to be violating it, and failure to produce a license or information necessary to verify a claimed exemption under this Ordinance shall constitute probable cause for enforcement action.
- C. Violation of this Ordinance shall be a civil infraction, and shall be punishable by a civil penalty of \$500.00 for a person's first violation thereof, and a penalty of \$500.00 for each violation thereafter.

Sec. 23-15. Severability.

If a court of competent jurisdiction declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision or section held to be unenforceable and shall not affect any other part, provision, or section; provided that if a court of competent jurisdiction declares a penalty

provision to exceed the authority of the City, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the City to impose.

SECTION 2: The Clerk of the City of Fenton shall publish this ordinance in the manner prescribed by law.


SECTION 3: This Ordinance shall take effect 30 days after its publication, or as otherwise provided by law.

At a regular meeting of the City Council held on the 22nd day of October, 2008, it was moved by Hammond and supported by King that this Ordinance No. 645 be introduced. Motion carried.

At a regular meeting of the City Council held on the 27th day of October, 2008, a public hearing was held on this Ordinance No. 645.


At a regular meeting of the City Council held on the 10th day of November, 2008, it was moved by Rauch and supported by North that this Ordinance No. 645 be enacted. Motion carried.

ORDINANCE DECLARED ENACTED.


Sue Osborn, Mayor


Melinda Carrier, City Clerk

I, Melinda Carrier, City Clerk of the City of Fenton, hereby certify this to be a true and complete copy of Ordinance No. 645, duly adopted at a regular meeting of the City Council held on the 10th day of November, 2008.


Melinda Carrier, City Clerk

Fenton City Council
Schedule of Fees for Ordinance No. 645

Adopted November 24, 2008

Under Section 23-8 (Fees) of the City of Fenton Peddlers and Solicitors Ordinance, Ordinance No. 645, adopted on November 10, 2008 and effective December 16, 2008, the City Council hereby establishes the following schedule of fees:

1. Police Investigation Fee: \$50.00 per each individual for whom a license is sought.
2. License Fee:
 - (A) Yearly License (1 year): **\$75.00.**
 - (B) Bi-yearly License (January 1 to June 31st or any part thereof; or July 1 to December 31st or any part thereof): **\$50.00.**
 - (C) Temporary License (one calendar month; this fee may be applied toward a yearly or bi-yearly license for any period inclusive of the temporary license): **\$30.00.**
3. Future Amendment: The City Council reserves the right at any time to revise, amend, or increase the foregoing fees in any respect, and nothing herein shall give any person vested rights in the amount of fees to be paid for a license under Ordinance No. 645.