

CHAPTER 46: SOLICITORS AND CANVASSERS

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Statutory reference:

Charitable organizations and solicitations, see M.C.L.A. §§ 400.271 et seq.;

Exceptions for a veteran's license, see M.C.L.A. § 35.441;

Home solicitation sales, see M.C.L.A. §§ 445.111 et seq.;

Transient merchants, see M.C.L.A. §§ 445.371 et seq.

§ 46-1 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

CANVASSER. Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, to solicit votes, conduct a survey of public opinion, a discussion of a public issue or solicit contributions or sales under the supervision of any school, church, state licensed nonprofit charitable organization or citizen organization.

SOLICITOR. Any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of 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, wares and merchandise, books, or magazines, personal property of any nature whatsoever for immediate or 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. This definition includes any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for immediate or future delivery.

(1993 Code, § 46-1)

Cross reference:

Definitions and rules of construction generally, see § 1-2

§ 46-2 SOLICITOR'S LICENSE – REQUIRED; POLICE CHIEF CERTIFICATION.

(A) No person shall engage in the business of a solicitor within the city without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief of Police or his designee.

(B) In all cases where the certification of the Police Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.

(C) The phrase **GOOD MORAL CHARACTER**, when used in this chapter for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.

(D) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.

(E) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:

(1) Records of an arrest not followed by a conviction;

(2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;

(3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner;

(4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(F) When a person is found to be unqualified for a license because of a lack of good moral character or similar criteria, the person shall be furnished by the City Clerk with a statement to that effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the Council if he has relevant evidence not previously considered regarding his qualifications.

(1993 Code, § 46-2)

Statutory reference:

Similar provisions, see M.C.L.A. §§ 338.41 et seq.

§ 46-3 SAME – APPLICATION.

The solicitor's license application shall furnish the following information:

(1) Name and description of the applicant;

(2) Permanent home address and telephone number and full local address of the applicant;

(3) Driver's license, automobile make and automobile license number;

(4) A brief description of the nature of the business and the goods to be sold;

(5) The length of time for which the right to do business is desired;

(6) 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 the application is filed and the proposed method of delivery;

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2 inches by 2 inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(1993 Code, § 46-3)

§ 46-4 SAME – FEES.

The fees for a solicitor's license shall be \$5 per day, \$10 per week, \$25 per month, or \$50 per year. This fee may be changed by resolution of the City Council from time to time. No fee for a solicitor'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 fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within 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, and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor'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 ensure 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. 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 the applicant's business in the city or at the end of each 3 month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any 1 license year shall be required after the licensee shall have paid an amount equal to the annual license fee.

(1993 Code, § 46-4)

§ 46-5 RESIDENTIAL SOLICITING PROHIBITED.

(A) It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

(B) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(1993 Code, § 46-5)

§ 46-6 REGISTRATION REQUIRED.

(A) No person shall engage in canvassing within the city without first registering with the City Clerk.

(B) The registration for a person engaged in canvassing shall contain the following information:

(1) Name and description of the applicant;

(2) Permanent home address of the applicant and full local address of the applicant;

(3) Name and a brief description of the organization the applicant represents;

(4) The length of time for which the right to canvass is desired;

(5) Where the applicant is a representative of a school, church, state licensed nonprofit charitable organization or citizen organization, it is not necessary for each participant to register separately if the applicant discloses the name and address of each applicant.

(1993 Code, § 46-6)

§ 46-7 FEES FOR CANVASSERS.

No fees or bonds shall be required to canvass.

(1993 Code, § 46-7)