



Ordinance #220

An Ordinance to Adopt Regulations Regarding Solicitation and Peddling in the Village of Quincy

The Village of Quincy ordains:

SECTION 1. Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the Village and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the Village.

PEDDLER. Any person, not an itinerant merchant, who:

- (1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
- (2) Without traveling from place to place, sells or offers goods for sale from any public place within the Village.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a solicitor is not a peddler.

SECTION 2. LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the Village.

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(B) The fee for the license required by this chapter shall be as set from time to time by the Village Council.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof.

SECTION 3. APPLICATION PROCEDURE

(A) All applicants for licenses required by this chapter shall file an application with the Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

- (1) The name and address of the applicant;
- (2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the Village;
 - (b) The local address of such individual;
 - (c) The permanent address of such individual;
 - (d) The capacity in which such individual will act;
- (3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;
- (4) The time period or periods during which it is proposed to carry on applicant's business;
- (5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered; stock;
 - (b) If goods, their invoice value and whether they are to be sold by sample as well as from
 - (c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;
- (6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application, if required by the Village, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

SECTION 4. STANDARDS FOR ISSUANCE

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts.

will constitute valid reasons for disapproval of an application.

SECTION 5. REVOCATION PROCEDURE

Any license or permit granted under this chapter may be revoked by the Clerk after notice and hearing, pursuant to the standards in Section 6. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

SECTION 6. STANDARDS FOR REVOCATION

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application; or
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (C) Any violation of this chapter; or
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

SECTION 7. APPEAL PROCEDURE

- (A) Any person aggrieved by a decision under Section 4 or 6 shall have the right to appeal to the Village Council. The appeal shall be taken by filing with the Village Council, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Village Council shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in Section 5.
- (B) The order of the Village Council after the hearing shall be final.

SECTION 8. EXHIBITION OF IDENTIFICATION

- (A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the Village shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he or she is engaged in the business licensed.

SECTION 9. VILLAGE POLICY ON SOLICITING

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

SECTION 10. NOTICE REGULATING SOLICITING

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card or other sufficiently durable sign, 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" Or

"NO SOLICITATION" Or

"NO SOLICITORS"

Or

"SOLICITORS PROHIBITED"

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

SECTION 11. DUTY OF SOLICITORS TO ASCERTAIN NOTICE

(A) It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence is located to first examine the notice provided for in Section 10 if any is attached, and be governed by the statement contained on the notice. If the notice states any of the applicable statements indicated in Section 10 then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION 12. PROHIBITED SOLICITATION

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of Section 10 above.

SECTION 13. SUPERSEDE PRIOR ORDINANCE

This chapter shall replace and supersede any previous ordinance contemplating the licensing and regulation of peddlers, itinerant merchants, and solicitors.

SECTION 14. EXEMPTION FOR CERTAIN GROUPS

This chapter shall not apply to solicitation by non-profit or charitable groups, whose headquarters or main offices are located within the Village or the Township of Quincy, Branch County, Michigan.

SECTION 15. BEGGING

Begging shall be permitted in the public places of the Village of Quincy, as long as the individual or group is not engaging in any of the following type of conduct, while begging

- (A) Blocking a sidewalk, driveway, park entrance, or building entrance so that the public in general is prevented from using the sidewalks, or entering the buildings or grounds in the normal course of usage.
- (B) Aggressive begging shall be defined as continuing to confront, request, talk to, importune, block, or otherwise inconvenience an individual, after that individual has indicated non-interest, or has requested no further communication from the individual begging.

Section 16. PENALTY

- (A) Violations of this ordinance (except for those items noted in Section 16.B) will result in the issuance of a civil infraction pursuant to section 10.99 of the Codified Ordinances.
 - (1) Section 34.06 of the Codified Ordinances is amended to add fines for first violation of \$50, second violation of \$250, third and subsequent violation of \$500.
- (B) Violations of Section 11, 12, and 15(B) of this ordinance will result in a misdemeanor citation pursuant to Section 10.99 of the Codified Ordinances.