

## **Chapter 303 – Soliciting and Vending**

### **Section 303.1 - Purpose**

The purpose of this Ordinance is to protect the public safety and welfare of property and persons residing within Lenox Township from fraud, deceit, misrepresentation, trespass, invasion of privacy, and/or interference with the quiet use and enjoyment of residences and/or property resulting from, or which may result from the activities of solicitors and/or vendors.

### **Section 303.2 – Enabling Authority/Adoption of State Law by Reference**

It is the intention of Lenox Township to adopt by reference the following State laws: Charitable organizations and solicitors, MCLA 400.271 et. seq.; Transient merchants, MCLA 445.371 et, seq.; Home solicitation sales, MCLA 445.111 et. seq.; Exception for a veteran's license, MCLA 35.441.

### **Section 303.3 – Definitions**

As used in this Ordinance:

**Township Board** - The Lenox Township Board of Trustees.

**Township Clerk** - The duly elected (or appointed) and qualified Clerk of the Township of Lenox, or employees of the Clerk's staff appointed by the Clerk to administer this Ordinance.

**Soliciting** - Include anyone or more of the following activities:

1. Seeking to obtain orders from the purchase of goods, wares, merchandise, food products or services of any kind, character, or description whatsoever, for any kind of consideration; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and any other type of publication; or

4. Seeking to obtain gifts or contributions of money, clothing, or other valuable items for the support or benefit of any charitable or non-profit association, organization, corporation, or project.
5. Notwithstanding anything to the contrary contained herein, the term "soliciting" shall not mean or include seeking to obtain orders for the manufacturing or wholesale purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character, or description whatsoever from the owners and/or operators of any commercial and/or industrial establishment situated within the Township of Lenox.

**Solicitor** - Any person who engages in soliciting as heretofore defined.

**Vending** - Anyone or more of the following activities:

1. Selling or attempting to sell any goods, wares, merchandise, food products, or services of any kind, character, or description whatsoever from any park or standing vehicle of any kind, character, or description whatsoever; or
2. Selling or attempting to sell any goods, wares, merchandise foodstuff, or services of any kind, character, or description whatsoever, from any temporarily erected stand, booth, or display structure of any kind, character, or description whatsoever.

Notwithstanding anything to the contrary contained herein, the term "vending" shall not mean and include anyone that is selling farm property where the produce was grown in accordance with the Right to Farm Act.

**Vendor** - Any person who engages in vending as heretofore defined.

**Residence** - Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**Commercial Property** - Any land and/or structure of any type utilized for commercial purposes including, but not limited to, the sale of products or the furnishing of services.

**Industrial Property** - Any land and/or structure of any type utilized for industrial purposes including, but not limited, to the production, fabrication, or assembly of a product whose property is zoned for that purpose.

### **Section 303.4 – License Required/Prohibition**

It shall be unlawful from and after the effective date of this Ordinance for any person, firm, or corporation to engage in soliciting or vending anywhere in the Township of Lenox without having the first secured license thereof issued by the Lenox Township Clerk. All licenses shall be valid for a period of one (1) year from the date of issuance. A license fee in a sum sufficient to defray the costs of processing an application for the issuance of a license and administering the provisions of this ordinance shall be determined by the resolution of the Lenox Township Board.

### **Section 303.5 – Application for License**

An application for issuance of solicitors of vendor license shall be made on forms approved by the Township Board, which forms shall be available in the office of the Township Clerk. All statements of an applicant for a soliciting or vending license upon the application or in connection therewith shall be made under oath. In the case of an applicant desiring to conduct soliciting activities on commercial and/or industrial property, said applicant shall furnish the Township Clerk with a written statement by the owner or person in charge of the property consenting to such activity, in addition to satisfactorily meeting all other requirements for licensing set forth in the license application. In addition to the requirements for licensing set forth in this ordinance, any applicant desiring issuance of a vendor's license shall furnish the Township Clerk with a lease, license, or other document evidencing approval of the applicant's use of property for vending purposes by the owner thereof. No license shall be issued to any person who has been convicted of a felony under the laws of the State of Michigan or any other state, or the Federal Government, within five (5) years of the date of the application. Further, no license shall be issued to any person who has been convicted of a violation of any of the provisions of this Ordinance, or whose license issued hereunder has been previously suspended or revoked. All licensees shall be furnished with an identification card signed by the Township Clerk.

### **Section 303.6 – License Suspension**

- A. Any license may be suspended by either a Macomb County Sheriff's Deputy or any ordinance enforcement officer for a period of not more than twenty-one (21) days whenever:
  1. Any provision of this Ordinance is being violated; or
  2. Any condition of the license is not being observed; or

3. It is determined to be necessary to preserve the public health, safety, or welfare of the residents of Lenox Township; provided, however, the Ordinance Enforcement Officer and/or Sheriff's Deputy shall forthwith report his/her act of suspension and the reasons thereof to the Township Clerk. The Township Clerk shall notify the licensee that the Township Board will review the action of the Ordinance Enforcement Officer and/or Macomb County Sheriff's Deputy at its next regular meeting to determine whether the license shall be reinstated, suspended for a further period, or permanently revoked.

### **Section 303.7 – Prohibition Against Soliciting Notice**

Every person, firm, or corporation within the Township of Lenox desiring to prohibit solicitation on the premise owned and/or occupied by said person, firm or corporation shall conspicuously post a sign on said premises reading "No Solicitors" or containing such other language which clearly stated the desire of said person, firm, or corporation to prohibit solicitation on said premises.

### **Section 303.8 – Uninvited Soliciting**

From and after the effective date of this ordinance, it shall be unlawful for any solicitor to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of a said residence or said commercial or industrial property for the purposes of securing an audience with the occupant or occupants thereof and engage in soliciting as herein defined, in defiance of a notice conspicuously posted on said residents or commercial or industrial property in accordance with the provisions of Section 303.7 hereof.

### **Section 303.9 – Duty of Solicitors**

It shall be the duty of every solicitor upon going onto any premises in the Township of Lenox to first determine whether soliciting is prohibited thereof by posted notice as heretofore provided in the event soliciting is prohibited by such notice then, and in such event, the solicitor, whether licensed or not, shall immediately and peacefully depart from the premises. Any solicitor who has gained entrance to any residents, or commercial or industrial property, whether invited or not, shall immediately and peacefully depart therefrom when requested to do so by the occupant(s).

### **Section 303.10 – Hours Allowed**

From and after the effective date of this ordinance, it shall be unlawful for any person, firm, or corporation to engage in soliciting, whether licensed or not, from 7:00 PM to 9:00 AM of any weekday, or at any time on a Sunday or a State or National holiday.

### **Section 303.11 – Vending Activities**

It shall be unlawful from and after the effective date of this Ordinance for any person, firm, or corporation to engage in vending within the public right-of-way of any State, County, or private road. Further, it shall be unlawful for any person, firm, or corporation to conduct vending activities within one hundred (100) feet of any road intersection. Lastly, every person, firm, or corporation engaged in vending shall provide off-street parking for all customers.

### **Section 303.12 – Variances**

Upon application clearly demonstrating hardship, the Township Board may vary or waive any or all provisions of this Ordinance. For purposes of this Ordinance, "hardship" shall mean that a strict application of this ordinance will result in physical or financial burdens which will prevent the applicant from engaging and soliciting or vending as originally contemplated by the applicant.

### **Section 303.13 – Enforcement**

This Ordinance shall be enforced by the ordinance enforcement officer of the Township of Lenox or by the Macomb County Sheriff's Department, whichever the case may be.

### **Section 303.14 – Violation/Penalty**

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of up to ninety (90) days in the Macomb County Jail and a fine of up to five hundred dollars (\$500.00), or both, together with the cost-of-prosecution.

