

**CHARTER TOWNSHIP OF OSHTEMO
HAWKERS, PEDDLERS & SOLICITORS LICENSE**

Applicant Name _____

Address _____ Phone _____

Names & Address of ALL individuals working for above within the Township of behalf of the applicant.
(Attach list if necessary)

Year, Make, Model, Color & License Plate # of all vehicles to be used

Products or services to be sold or solicited _____

Area of solicitation _____

General description of method of solicitation _____

Hours & dates business will be conducted _____

(Hours of operation must be between 8:01 a.m. and 7:59 p.m.)

List FIVE municipalities where you have conducted business and dates:

- ATTACH:
- A copy of order form or contract to be used or any other written material.
 - A copy of photo identification card to be used.
 - If applicable, written permission from property owner of apartment complex or manufactured home community where activity will take place.

LICENSE FEE: **For organization, corporation, or association solicitors**

3 month license –	10 or less solicitors – \$50.00
	11 or more solicitors – additional \$5.00 per person
30 day license –	10 or less solicitors – \$30.00
	11 or more solicitors – additional \$5.00 per person
Less than 30 day license –	10 or less solicitors – \$20.00

For individual solicitor

3 month license –	\$30.00
30 day license –	\$20.00
Less than 30 day license –	\$10.00

Prior Criminal Conviction. By signing this form the applicant swears and affirms under penalty of perjury that the applicant (1) has not been convicted of any criminal offense involving undue influence in solicitation, misrepresentation, or failure of disclosure of material information concerning the subject of solicitation and/or (2) the applicant’s employees or agents have not been convicted of such offenses.

I hereby affirm that all information provided above is accurate and true and that I as the applicant, as well as any employees, will comply fully with all ordinances of the Township and laws of the State and that I will pay all judgments, fees, or fines levied against me arising out of the hawking, peddling, vending, door to door selling and soliciting activities.

Signature of Applicant

Date

License #

Approved: Oshtemo Township Clerk *or* Ordinance Enforcement Officer

122.000 - HAWKERS, PEDDLERS AND SOLICITORS

Ord. No. 156

Adopted: February 5,1980

- [122.001 - Title.](#)
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122.001 - Title.

Sec. 1. This Ordinance shall hereafter be known and cited as the Oshtemo Charter Township Hawkers, Peddlers and Solicitors Ordinance.

122.002 - Definitions.

Sec. 2.

A) The terms "*hawking*", "*peddling*", "*vending*", "*door to-door selling*" or "*soliciting*" or any variation of the same shall be defined for the purpose of this Ordinance as any activity involving selling or soliciting the sale of any goods, merchandise, services, or donations upon or from the public streets, parks and places or upon or from private property or premises not owned, rented, leased, managed or occupied under a valid claim of right or title by the person, firm or corporation engaged in such selling or soliciting activity.

B) "*Charitable/religious Organizations*" shall be defined for the purposes of this Ordinance as a benevolent, educational, philanthropic, humane, patriotic or eleemosynary nonprofit organization of persons which solicit or obtain donations solicited from persons for benevolent, educational, philanthropic, humane, patriotic or eleemosynary purposes. This term shall also include any duly constituted religious organization no part of the net income of which inures to the direct benefit of any individual if said organization has received a declaration of current tax exempt status from the United States.

122.003 - License.

Sec. 3.

A) *Licensing required.* No person, firm or corporation shall hereafter operate or engage in, either directly or indirectly, any business of hawking, peddling, vending, door-to-door selling or soliciting within the Charter Township of Oshtemo without first obtaining a license therefor from the Township Clerk or Ordinance Enforcement Officer of said Township, which shall only be issued where the applicant qualifies therefor under the terms of this ordinance. This requirement shall not apply to charitable/religious organizations which are considered non-profit pursuant to IRC § 501(c)(3) or duly-appointed representatives soliciting donations on behalf of same. However, such an organization shall register with the Township Clerk annually and file with the Township Clerk or Ordinance Enforcement Officer a list of the names of all persons soliciting on behalf of the organization. Except that the requirement of license and/or registration shall not apply to solicitations by children under the age of 18 on behalf of a school, charitable or religious organization.

B) *Issuance of license.* No such license shall be issued unless and until (1) the required license fee has been paid to the Charter Township of Oshtemo, (2) the Township Clerk or Ordinance Enforcement Officer conclude to the best of their ability that the business will be conducted without any undue influence, misrepresentation or lack of proper disclosure of material information concerning the subject of the solicitation, and (3) a written application therefor has been filed with said Clerk or Ordinance Enforcement Officer accurately disclosing the following information:

1. Name and address of applicant.
2. Name and address of all individuals who will be hawking, peddling, vending, door-to-door selling or soliciting within the Charter Township of Oshtemo on behalf of the applicant; include the year, make, model, color and license plate number of all motor vehicles to be used by these individuals.
3. A list of the products or services to be sold or solicited.
4. The area or place of solicitation.
5. A general description of the method of solicitation.
6. The names of the last five municipalities in which such business was previously conducted and the dates of the same.
7. The particular hours each day and the dates when the business is proposed to be conducted within Oshtemo Charter Township.
8. A copy of the order form or contract to be used in the solicitation and any other written or printed material to be employed for the information of customers.
9. A copy of any identification card (containing photo) to be carried by each solicitor.
10. Written permission of the property owner of any multiple-family (apartment complex), mobile or manufactured home community or other similar development where solicitation is to take place.

C) *Affirmation.* Before any license shall issue, the applicant shall file a statement with the Township affirming that the applicant, its agents and employees will comply fully with all ordinances of the Township and laws of the State and that the applicant will pay all judgments, fees, or fines levied against applicant arising out of the hawking, peddling, vending, door-to-door selling and soliciting activities.

D) *Duration of license, renewal.* No license shall be issued for a longer period than three months. Successive licenses may be obtained upon the payment of the required license fee and the filing of any changes in the information shown on the original application, provided all the regulations herein contained have previously been fully complied with.

E) *License fee.* The license fee for a corporation, firm, partnership, association, or organization with multiple solicitors shall be as follows:

1. Three-month license: \$50.00 for the first ten individual solicitors and \$5.00 for each additional solicitor whose names are filed with the Township Clerk or Ordinance Enforcement Officer.
2. Thirty-day license: \$30.00 for the first ten individual solicitors and \$5.00 for each additional solicitor whose names are filed with the Township Clerk or Ordinance Enforcement Officer.
3. Less than 30-day license: \$20.00 for the first ten individual solicitors and \$5.00 for each additional solicitor whose names are filed with the Township Clerk or Ordinance Enforcement Officer.

The license fee for an individual person shall be as follows:

1. Three-month license: \$30.00.
2. Thirty-day license: \$20.00.
3. Less than 30-day license: \$20.00.

F) *Prior criminal conviction.* No license shall be issued to any applicant unless the applicant can swear and affirm under penalty of perjury that the applicant: (1) has not been convicted of any criminal offense involving undue influence in solicitation, misrepresentation, or failure of disclosure of material information concerning the subject of solicitation and/or (2) the applicant's employees or agents have not been convicted of such offenses.

G) *Revocation of license.* A license may be revoked at any time by the Township Clerk, the Township Ordinance Enforcement Officer or by the Township Board for any failure to comply with the terms of this Ordinance or for any conduct on the part of the applicant or his or its agents or employees involving undue influence, misrepresentation or failure of disclosure of material information concerning the subject of solicitation.

(Amended: Ord. No. 401, § I, 3-13-2001; Ord. No. 429, 4-22-2003)

122.004 - Registration of charitable/religious organizations.

Sec. 4.

A) *Registration of charitable/religious organization required.* No charitable/religious organization may engage in any hawking, peddling, vending, door to-door selling or soliciting unless the organization has first registered with the Township Clerk by filling out and filing with said Clerk a registration form disclosing the following information:

1. Name and address of applicant.
2. The area or place of solicitation.
3. A general description of the method of solicitation.
4. The particular hours each day and the dates when the business is supposed to be conducted within Oshtemo Charter Township.

B) *Duration of registration.* No such registration shall be effective for a longer period than three months. Successive registrations may be obtained by applying therefor in writing to the Township Clerk and by the filing of any changes in the information shown on the original registration form.

122.005 - Hours of operation.

Sec. 5. No hawking, peddling, vending, door-to-door selling or soliciting, including any such activity performed on behalf of a charitable/religious organization, shall take place from the hours of 8:00 o'clock p.m. to 8:00 o'clock a.m.

(Amended: Ord. No. 401, § II, 3-13-2001)

122.006 - Identification cards.

Sec. 6. All persons hawking, peddling, vending, door-to-door selling or soliciting, who are required to be licensed or registered with the Township under this Ordinance, including persons doing so on behalf of charitable/religious organizations, must carry on their person at all times while they are engaged in such activity identification cards (containing a photo of the person to whom it is issued) approved by the Charter Township of Oshtemo.

(Amended: Ord. No. 401, § III, 3-13-2001)

122.007 - Saving clause.

Sec. 7. Should any section, clause, paragraph or provision of this Ordinance be declared by any court to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

122.008 - Penalties.

Sec. 8. Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction. Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

First offense \$ 75.00

Second offense within three years of first offense 150.00

Third offense within three-year period 325.00

Fourth and each subsequent offense within three-year period are each 500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

Each day during which a violation continues shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

Nothing herein contained shall prevent the Township Board, public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Subdivision Control Act.

(Amended: Ord. No. 299, 9-6-1994)

122.009 - Effective date; repeal.

Sec. 9. This Ordinance shall take effect on the 1st day of April, 1980.

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.