Randy L. Thompson, Supervisor
Nicole Beauchamp, Clerk
Bret Padgett, Treasurer

A COMMUNITY WITH OPPORTUNITY
ESTABLISHED 1834
Charter Township of
Comstock

Jerry T. Amos, Trustee
Clyde (Bub) Sherwood, Trustee
Terrance G. McIver, Trustee
Jason Knight, Trustee

Hawkers, Peddlers and Solicitors Licensing Application

(Ordinance No. 326 Adopted August 20, 2001)

Name of Applicant: _____

Applicant's Phone Number: _____

Company Name: _____

Company Address: _____

_____

Company Phone Number: _____

Product or Service to be Sold or Solicited: _____

_____

_____

Area of Township Where Solicitation will Occur: _____

_____

Date(s) of Solicitation: _____

Time(s) of Solicitation: _____

Method(s) of Solicitation: _____

_____

_____

Office: 6138 King Highway, Kalamazoo, Michigan 49048
Mailing: P. O. Box 449, Comstock, Michigan 49041-0449
Phone (269) 381-2360 ♦ FAX (269) 381-4328

List of the Last Five Municipalities Where Solicitation Occurred

Municipality Name	Dates of Solicitation

Individuals to be Included on License:

Name	Phone Number

- Attach a copy of the order form or contract which will be used along with any information/materials that will be given to residents of the Township.
- Attach a copy of the identification card that will be carried by each solicitor included on this application.

I have read Ordinance Number 326 regarding Hawkers, Peddlers and Solicitors and understand what is required as part of this license.

Applicant's Signature: _____ Date: _____

For Office Use Only:

☐ **Approved** **Effective Dates: _____**

☐ **Denied** **Signature of Clerk: _____**

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26.000 HAWKERS, PEDDLERS AND SOLICITORS

Ord. No. 386
Adopted: August 20, 2001

An Ordinance to regulate the business of the sale or solicitation of goods, merchandise, services or donations within the Charter Township of Comstock, Kalamazoo County, Michigan, 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, right or title by hawkers, vendors, peddlers, door-to-door salesmen, or solicitors; to provide for the licensing and/or registration of such activities; to provide sanctions for violations of such activities; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF COMSTOCK, KALAMAZOO COUNTY, MICHIGAN ORDAINS:

26.001 Title.

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

26.002 Definitions.

Sec. II.

(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 same of any goods, merchandise, services, 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 Organization" shall be defined for the purposes of this Ordinance as a benevolent, educational, philanthropic, humane, patriotic, or eleemosynary non-profit 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 of which no part of the net income inures to the direct benefit of any individual if said organization has received a declaration of current tax exempt status from the United States.

26.003 License.

Sec. III.

(A) *Licensing Required.* No person, firm or corporation shall hereafter operate or engage in, either directly or indirectly, any business of hawking, peddling,

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vending, door-to-door selling or soliciting within the Charter Township of Comstock without first obtaining a license therefor from the Township Clerk of the 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 or duly appointed representatives soliciting donations on behalf of the same.

(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 Comstock, (2) the Township Clerk is satisfied 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 the Township Clerk accurately disclosing the following information:

i. Name and address of applicant.

ii. Name and address of all individuals who will be hawking, peddling, vending, door-to-door selling, or soliciting within the Charter Township of Comstock on behalf of the applicant.

iii. A list of the products or services to be sold or solicited.

iv. The area or place of solicitation.

v. A general description of the method of solicitation. This description shall include a statement as to whether or not the applicant will be soliciting payment from customers prior to the time of delivery of the product or service being purchased.

vi. The names of the last five municipalities in which such business was previously conducted and the dates of the same.

vii. The particular hours each day and the dates when the business is proposed to be conducted within Comstock Charter Township.

viii. 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.

ix. A copy of any identification card to be carried by each solicitor.

(C) *Denial of License.* No license shall be issued or continued where an applicant or its agents or employees is shown to engage in misrepresentation, failure of disclosure of material information concerning the subject of solicitation, misleading advertising, misleading order forms or contracts; or in any threatening, harassing, or physically intimidating manner; or in disregard of the private property rights or rights to privacy of a person solicited.

If the Township Clerk determines that an application for a license under this Ordinance must be denied, the Township Clerk shall inform the

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applicant of this fact by written notice either personally served on the applicant or mailed by First Class Mail to the applicant's last known address. This written notice shall inform the applicant of the reasons the application was denied and of the applicant's right to appeal this matter to the Township Board by filing a written request for such an appeal with the Township Clerk within ten days from the date of personal service or of mailing of the notice of denial to the applicant. The applicant shall be entitled to at least seven (7) days prior notice in writing personally served or mailed to the applicant's last known address of the date, time and place of the Township Board meeting at which the applicant's appeal will be considered. The applicant shall have an opportunity to present any evidence or arguments in its behalf at such time. If the Township Board determines that the applicant's appeal should be denied, the reasons for this decision shall be put in writing and mailed to the applicant at its last known address within eight days after the Township Board decision concerning the same.

(D) *Duration of License, Renewal.* No license issued hereunder shall be issued for a longer period than one (1) year. Successive licenses may be obtained upon application therefor, and the filing of any changes in the information shown on the original application, provided all regulations herein have previously been fully complied with. No license fee shall be charged for the issuance of a license.

(E) *Suspension or Revocation of License.* Any license issued under the within Ordinance may be revoked or suspended during the 12-month period of its issuance as a result of any violations of the terms and conditions of the license and the within Ordinance or as a result of conduct which would cause the license to be denied under the within Ordinance. Such revocation or suspension shall be determined by the Township Board at a meeting of said Board preceded by notice to the licensee of the proposed action and the reasons therefor, and the time, date, and place of the meeting at which the matter is to be heard. This notice shall be either personally served or mailed by First Class Mail to the applicant's last known address at least seven (7) days prior to the date of the Township Board meeting at which this matter is to be heard. The licensee shall have an opportunity to present any evidence or arguments on behalf of the licensee at such time. The extent of the suspension or revocation shall be in the discretion of the Township Board and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The reasons for any suspension or revocation shall be set forth in writing and mailed to the licensee at the last known address of such licensee within eight (8) days after the Township Board decision concerning the same.

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26.004 Bond requirement.

Sec. IV. A surety bond in the amount of $1,000.00 or cash bond or bank letter of credit in the amount of $500.00 shall be filed with the Township Clerk before the issuance of any such license to an applicant who will be soliciting payment from customers prior to the time of delivery of the product or service being purchased. The surety bond, cash bond, or bank letter of credit shall be conditioned on the applicant and all employees and representatives of the applicant conducting business within the Township in accordance with the within Ordinance and in a manner without any undue influence, misrepresentation, failure of disclosure of material information concerning the subject of solicitation, or misleading advertising, order forms, or contracts.

26.005 Registration of charitable/religious organizations required.

Sec. V.

(A) No charitable/religious organization may engage in any hawking, peddling, vending, door-to-door selling or soliciting which violates any of the provisions of this ordinance pertaining to a licensee or applicant for a license and until the organization has first registered with the Township Clerk by filling out and filing with the Clerk a registration from disclosing the following information:

i. Name and address of applicant.

ii. The area or place of solicitation.

iii. A general description of the method of solicitation.

iv. The particular hours each day and the dates when the solicitation is to be conducted within the Township.

(B) *Duration of Registration.* No such registration shall be effective for a longer period than one year. 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.

26.006 Hours of operation.

Sec. VI. 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 9:00 o'clock p.m. to 8:00 o'clock a.m.

26.007 Severability.

Sec. VII. 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.

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26.008 Sanctions.

Sec. VIII. Any violation of this Ordinance shall be deemed to be a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	*Maximum Fine*
1st Offense within 3-year period*	$ 75.00	$500.00
2nd Offense within 3-year period*	150.00	500.00
3rd Offense within 3-year period*	325.00	500.00
4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than $9.00 nor more than $500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

26.009 Repeal.

Sec. IX. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

26.010 Effective date.

Sec. X. This Ordinance shall take effect thirty (30) days following publication after adoption.

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