

SOLICITATION AND TRANSIENT MERCHANT PERMIT APPLICATION

1. Solicitation cannot begin until a permit has been approved. All Solicitors, Transient Merchants and/or helper must fill out an application.
2. A completed solicitation/transient merchant permit, picture identification and \$ 100.00 deposit of cash or cashier's check must be submitted at the time of application.
3. Deposits are returned to the transient merchant when the permit has expired/or their business of being a transient merchant has ended without violation of any federal, state and local laws or ordinances.
4. Any deposit submitted at application will not be returned if the applicant is not approved by the Ottawa County Sheriff's Department. (note Sec. 14-71 (c) Criteria)

Sec. 14-71. Criteria

Transient merchants must meet the following criteria when conducting business:

- (a) Hours are restricted to 9:00 a.m. until 8:00 p.m.;
 - (b) Abide by all federal, state and local laws and ordinances;
 - (c) *Must not have been convicted of a felony or have any outstanding warrants;***
 - (d) Must carry the permit on their person, along with picture identification when conducting business within the Township
5. Hours of solicitation are restricted to 9:00 am until 8:00 pm.
 6. Orange permit and picture identification must be carried by applicant at all times when conducting business within the township.
 7. Be courteous.
 8. Stay on walk-ways or driveways; do not walk across yards or on grass.
 9. Read carefully the attached copy of the Solicitor and Transient Merchant Ordinance No. 2007-02 and sign below.

Signature

Date

SOLICITATION REQUEST FORM

Name: _____ Date: _____
PLEASE PRINT

Name of Business: _____
PLEASE PRINT

Business Address: _____
PLEASE PRINT

Phone number: _____ Number of individuals: _____

Number of vehicles: _____ Type of vehicles: _____

License plate numbers: _____

Michigan sales tax number (copy required): _____

Type of merchandise or publication to be distributed in the area: _____

APPLICANT'S STATEMENT

The information provided in this application for solicitation is true and complete to the best of my knowledge. The Township (Ottawa County Sheriff's Department) has my permission to contact directly or employ the services of investigative agencies to do a background check to obtain all necessary information from the above applicant. I release all parties from any possible damages resulting from receiving such information with or without written notice to me. The above information will be shared with the Clerk's office and the Ottawa County Sheriff's Department. I acknowledge there are no refunds for any reason.

Length of time in Georgetown Township: Starting date: _____

Ending date: _____

Signature of applicant: _____

Name (PRINTED): _____
First Middle Last

Address: _____

Driver's License Number: _____

ORDINANCE NO. 2007-02

Solicitor and Transient Merchant Ordinance

An ordinance that regulates solicitation and transient merchants to protect and safeguard the health, safety and general welfare of the people of the Township.

The Charter Township of Georgetown ordains that Chapter 14 of the Code of Ordinances is amended as follows:

Sec. 14-66. Purpose

The purpose of the ordinance is to promote and safeguard the public health, safety, general welfare and peace of the people of the Township and to protect the people of the Township from endangerment associated with those who would take the opportunity to canvas streets with intentions to violate laws and ordinances.

Sec. 14-67. Definitions

For purposes of this section, the following terms, phrases, words, and their derivations, shall have the meaning given in this section.

Person. The word "person" includes firms, joint ventures, partnerships, corporations, estates, trusts, units of government, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

Solicitor means any person who canvasses for social and political causes or for religious or charitable organizations.

Transient Merchant means any person traveling by foot, vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street who sells or offers for sale, or exposes for sale any goods, wares, merchandise or food or who attempts to take orders for the sale of goods, wares, merchandise or foods, or offers and exposes the same for sale, for future delivery, or for services to be furnished or performed in the future.

Sec. 14-68. Permit required; exceptions.

No person eighteen (18) years of age or older shall engage in the business of being a transient merchant or solicitor within the Township without first obtaining a permit from the Township Clerk or designee. The Township Clerk shall issue a permit without the payment of any fee. A deposit, as established by the Township Board, shall be required for each transient merchant or helper.

- (a) The provisions of this ordinance shall not apply to any person organized and operating exclusively for religious purposes and not operated for the pecuniary profit of a person.
- (b) The provisions of this ordinance shall not apply to any solicitation for a charitable purpose by any person solely upon premises owned or occupied by it and solely among its officers, members or employees.

- (c) Charities recognized by the federal and/or state authorities shall be exempt.
- (d) No permit shall be required of any person for any mere delivery in the Township of any property purchased or acquired in good faith from such person at his regular place of business where no intent by such person is shown to exist to evade the provisions of this chapter.

Sec. 14-69. Application.

Applications for permits under this ordinance shall be filed with the Township Clerk upon forms furnished by the Township at least 7 days prior to the commencement of the proposed business of being a transient merchant or solicitor.

Sec. 14-70. Permit Issuance.

The Township Clerk, or designee, shall issue a permit for a person to engage in the business of being a transient merchant or solicitor when the following are met:

- (a) A signed and completed application has been submitted on forms provided by the Township including length of time for the business of being a transient merchant and/or solicitor;
- (b) Personal identification with a picture is provided for each transient merchant, solicitor and helper;
- (c) A deposit in the amount designed by resolution of the Township Board is supplied to the Township for each transient merchant and helper at the time of application. The deposit shall be returned to the transient merchant and/or helper when the time frame approved for the business of being a transient merchant has expired and their business of being a transient merchant has ended without violation of any federal, state and local laws or ordinances.

Sec. 14-71. Criteria

Transient merchants must meet the following criteria when conducting business:

- (a) Hours are restricted to 9:00 a.m. until 8:00 p.m.;
- (b) Abide by all federal, state and local laws and ordinances;
- (c) Must not have been convicted of a felony or have any outstanding warrants;
- (d) Must carry the permit on their person, along with picture identification when conducting business within the Township.

Sec. 14-72. Revocation.

The Township Clerk shall have the authority to suspend or revoke any permit if the transient merchant:

- (a) Violates any federal, state or local laws or ordinances;
- (b) Conducts business between the hours of 8:00 p.m. and 9:00 a.m. within the Township;
- (c) Is convicted of a felony;
- (d) Fails to carry picture identification and the permit while conducting business within the Township.

Sec. 14-73. Right to Appeal.

Any person aggrieved by the action of the Township Clerk or designee in the denial of an application for a permit as provided in this ordinance, or in the decision with reference to the revocation of a permit as provided in this ordinance, shall have the right of appeal to the Township Board. Such appeal shall be made by filing with the Township Board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to such person's last known address. The decision and order of the Township Board on such appeal shall be final and conclusive.

Sec. 14-74. Penalty

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of this division, shall be responsible for a municipal civil infraction, and shall be punished by a fine as set forth in the Schedule of Civil Fines (Appendix C), and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.

Severability

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Pending Proceedings.

All proceedings pending and all rights and liabilities existing at the time this ordinance takes effect are saved and may be consummated or continued according to the law in force when they were commenced. No prosecution initiated prior to the effective date of this ordinance or initiated after the effective date of this ordinance for an offense committed prior to the effective date shall be affected by this ordinance.

Effective Date

This ordinance shall become effective on the thirtieth day after publication after adoption. This ordinance was read for the first time on March 26, 2007, published on April 3, 2007, read for the second time and adopted by the Georgetown Charter Township Board on April 9, 2007, published for the second time on April 17, 2007, and effective thirty days from second publication which is May 17, 2007.