

TOWNSHIP OF HARTLAND

ORDINANCE No. 83 SOLICITATION ORDINANCE

Adopted: February 21, 2017

Effective: April 11, 2017

An ordinance regulating peddlers, solicitors and canvassers; establishing protections for homeowners desiring to avoid peddlers, solicitors and canvassers; and providing penalties for violations.

HARTLAND TOWNSHIP, LIVINGSTON COUNTY MICHIGAN ORDAINS;

SECTION 1: TITLE

This Ordinance shall be known and cited as the "Solicitation Ordinance."

SECTION 2: PURPOSE

Residents of Hartland Township (the "Township") have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The Township has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property.

There must be a balance between these substantial interests of the Township and its citizens, and the effect of the regulations in this Ordinance on the rights of those who are regulated. Based on the collective experiences of Township officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door-to-door solicitation, the experience of law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door solicitation, the Township adopts this Ordinance to promote the Township's substantial interests in:

- (1) respecting citizen's decisions regarding privacy in their residences; and
- (2) providing equal opportunity to advocate for and/or against religious belief, political position, or charitable activities.

The Township finds that the procedures, rules and regulations set forth in this Ordinance are narrowly tailored to preserve and protect the Township interests referred to herein while at the same time balancing the rights of those regulated.

SECTION 3: DEFINITIONS

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. "Peddler" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of selling or offering for sale of any goods, wares or merchandise for immediate delivery which the person selling or offering for sale carries with him or her in traveling or has in his or her possession or control upon any of the streets or sidewalks, from house-to-house.
- B. "Solicitor" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of seeking or taking of contracts or orders for any goods, wares or merchandise for immediate or future delivery, or seeking contributions of money, property or services, or for services performed for the homeowner by a private individual or for-profit corporation, from house to house.
- C. "Canvasser" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or there is the sale of some good or service.

SECTION 4: EXEMPTIONS

This Ordinance shall not apply to the following:

- A. Solicitors for patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purposes, even if incidental to such purpose there is the sale of some good or service.
- B. Canvassers, as defined above.
- C. Persons 17 years of age and younger engaging in the sale of lemonade and like items and incidentals, or solicitation for babysitting, lawn mowing, snow shoveling, leaf raking, yard work or similar service activities.
- D. Yard sales, garage sales or conducted residential auctions of personal household property or sales of a like nature contained in a home or its curtilage.
- E. Ice cream trucks, operating only in the right-of-way.

- F. A federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

SECTION 5: GENERAL PROHIBITIONS

No peddler or solicitor shall:

- A. Enter upon any private property where the property has clearly posted in the front yard a sign or placard visible from the right-of-way (public or private) indicating a prohibition against peddling or soliciting. Such sign shall not exceed one square foot in size and may contain words such as “no soliciting” or “no solicitors” in letters of at least two inches in height.
- B. Enter upon any private road or drive where the private road or drive entrance has clearly posted a sign or placard visible from the adjoining right-of-way indicating a prohibition against peddling or soliciting. Such sign shall not exceed one-and-one-half square feet in size and may contain words such as “no soliciting” or “no solicitors” in letters of at least three inches in height.
- C. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words “no soliciting” or “no solicitors” and which is clearly visible to the peddler or solicitor.
- D. Remain upon any private property after having been asked or directed to leave the premises by any person lawfully in possession or in charge of the premises.
- E. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
- F. Enter or attempt to enter any residence without an express invitation from a person lawfully in possession or in charge of the residence.
- G. Enter upon the private property of another except between the hours of 9:00 a.m. and 8:00 p.m.

SECTION 6: PENALTIES

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each occurrence thereof and upon conviction of such violation such person shall be punishable by a fine of not more than \$300 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

SECTION 7: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of this Ordinance which shall continue in full force and effect.

SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication of its Notice of Adoption. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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