

# **HOLLAND CHARTER TOWNSHIP**



## **REGULATION OF SOLICITORS ORDINANCE & APPLICATION FOR SOLICITORS LICENSE**

**Effective April 5, 2013  
Revised January 3, 2019**

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The following Regulation of Solicitors Ordinance was adopted at the Holland Charter Township Board meeting held on March 21, 2013.

ORDINANCE NO.: 540

## **REGULATION OF SOLICITORS ORDINANCE**

AN ORDINANCE to add Chapter 21 to the Code of Ordinances for the Charter Township of Holland, Ottawa County, Michigan, to license, regulate and control peddlers and solicitors and to provide penalties for the violations thereof.

THE CHARTER TOWNSHIP OF HOLLAND, COUNTY OF OTTAWA, STATE OF MICHIGAN ORDAINS:

**SECTION 1.** Addition of Chapter 21. Chapter 21 of the Code of Ordinances of the Charter Township of Holland, Ottawa County, Michigan is hereby added to read as follows:

### **Chapter 21**

## **REGULATION OF SOLICITORS ORDINANCE**

### **Sec. 21-1. Intent.**

To license, regulate, and control *solicitors* and to provide penalties for the violation thereof.

### **Sec. 21-2. Purpose.**

The purpose of this Ordinance shall be as follows:

- (1) To secure and protect the general welfare and safety of the residents of the Township.
- (2) To require *solicitors* to obtain a license to *solicit* within the Township.
- (3) To establish an application process for the issuance of a license and the fee.
- (4) To set forth the information that must be supplied to the Township before a solicitor's license may be granted.
- (5) To set forth exemptions from this Ordinance which may be granted at the Township's discretion.
- (6) To provide for penalties upon the violation of the provisions of this Ordinance.

### **Sec. 21-3. Definitions.**

*Person* means any natural person, business, firm, corporation, partnership, limited liability company or other association, organization, or entity.

*Solicit* and/or *Soliciting* means any act related to or involving traveling from place-to-place, from house-to-house, from street-to-street, or remaining stationary in any place, and using public streets, sidewalks, parks, or other public ways or places to:

- (1) Sell or offer for sale, or display for sale any goods, wares, or merchandise to any *person* not a dealer therein.
- (2) Take orders for the purchase of goods, wares, or merchandise by samples, lists, catalogs, or subscriptions for magazines and books from any *person* not a dealer therein.
- (3) Sell or offer for sale or take orders for the sale of services (e.g. landscaping, painting, roofing, snow removal, or any other services to be performed for those who wish to have them).

*Solicitor* means any person soliciting in the Township.

#### **Sec. 21-4. License application process.**

- (1) No *person* shall *solicit* without first obtaining a license from Holland Charter Township. An application for such license shall be made to the Township on the prescribed form(s).
- (2) If an application is filed on behalf of anyone other than a natural *person*, an application must be made for each agent or employee who will be *soliciting* in the Township.
- (3) The applicant shall supply all of the information listed on the application before the application will be deemed complete.
- (4) All applicants will be subject to a background check, including without limitation, a review of the Ottawa County Sheriff's Department, Michigan State Police, and sex offender records. If the applicant has any civil or criminal warrants outstanding, or has been convicted of any crime or offense that, in the Township's sole discretion renders the applicant a potential threat to the general peace and safety of the Township, the application will be denied. After any such denial, the applicant may re-apply only after the expiration of sixty (60) days.
- (5) Unless the applicant is charged with any violation of local, state, or federal law subsequent to filing the application, all background checks shall be valid for a period of one (1) year following the approval of the application.
- (6) During any period in which a *person* is licensed under this Ordinance, that *person* must inform the Township of any and all changes to the information on their application and any event that would result in a change to the information produced in their background check.

#### **Sec. 21-5. Duration and renewal.**

Unless issued a one-year license as described below, a license issued under the provisions of this Ordinance shall be valid for thirty (30) days from the date of approval, and may be renewed for additional thirty (30) day periods upon the applicant's written request, payment of a renewal fee, and the approval of the Township. Any renewal period that extends more than one (1) year beyond the original approval date shall require another background check.

#### **Sec. 21-6. Fees.**

All applications that are submitted pursuant to this Ordinance shall be accompanied by a non-refundable per *person* license fee. The purpose of the fee is to cover the administrative costs associated with processing the application, including but not limited to conducting and reviewing the background checks, and regulating *solicitors* within the Township. The fees shall be established and set forth by resolution of the Holland Charter Township Board.

#### **Sec. 21-7. Prohibition.**

- (1) No *solicitor* shall obstruct any street, alley, sidewalk, driveway, or other public place.
- (2) No *solicitor* shall operate or maintain any stand, vehicle, store, or place of solicitation on or near any highway.
- (3) No *solicitor* shall enter or call upon any residence or place of business posted "No Soliciting", "No Peddlers", or "No Trespassing".
- (4) No *solicitor* shall threaten or annoy any resident of the Township in the course of their *soliciting* or in any way engage in conduct which is or would tend to create a nuisance or breach of the peace.
- (5) No *solicitor* shall engage in *soliciting* without carrying and displaying the license issued pursuant to this Ordinance, unless exempted under Sec. 21-10.
- (6) No *solicitor* shall *solicit* within any Township Park or upon any property owned or controlled by the Township, without specific approval of the Township Board, separate from this license.

#### **Sec. 21-8. Hours of operation.**

*Soliciting* may take place within the Township between the hours of ten o'clock (10:00) a.m. and one (1) hour before sunset.

#### **Sec. 21-9. Suspension and revocation.**

In addition to the penalties which may be imposed under Section 1-11 and 1-13 of the Holland

Charter Township Code of Ordinances, a license issued pursuant to the provisions of this Ordinance may be revoked or suspended by the Township Board for any of the following reasons:

- (1) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, services or merchandise.
- (2) Any fraud, misrepresentation, or false statement contained in the application.
- (3) Any violation of federal, state or local laws or ordinances.
- (4) Any conviction of licensee of any felony or misdemeanor involving theft or dishonestly.

**Sec. 21-10. Exempted persons.**

The *persons* or groups listed below shall be exempt from the licensing requirements of this Ordinance, however, such *persons* or groups shall be subject to the other provisions of this Ordinance. This includes without limitation the prohibited activities stated in section 21-7 and the hours of operation stated in section 21-8 contained herein.

- (1) *Persons* that are eighteen (18) year of age or younger *soliciting* for the benefit of any public or private school, youth activities such as but not limited to Girl Scouts, Boy Scouts, church youth groups, or youth athletic leagues.
- ~~(2)~~ Any *person* engaged in canvassing, distributing printed material, or obtaining signatures for political candidates, ballot issues, or other political issues.
- (3) Any veteran licensed with Ottawa County under P.A. 1921, No. 359, as amended.
- ~~(4)~~ Any *person* selling the products of the *person's* own farm, orchard or garden.
- (5) Exemptions may be granted by the Board at its sole discretion and under any conditions that the Board may prescribe.
- (6) Nothing in this Ordinance shall exempt any *person* from the licensing requirements for Transient Merchants as described in Public Act 51 of 1925, as amended.

**Sec. 21-11. Violation and penalties.**

Any *person* who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of this Ordinance, shall be responsible for a municipal civil infraction, and shall be punished by a fine not to exceed \$500.00 and all applicable 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.

**Sec. 21-12. Right to appeal.**

Any *person* aggrieved by the Township's action to deny an application for a license as provided in this Ordinance, or in the decision with reference to the revocation of a license 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. 21-13. Severability.**

In the event that any sentence, word, phrase, or part of this Ordinance shall be held invalid by the courts of this state, such holding shall not affect the balance of the provisions hereof.

**SECTION 2. Effective date.**

This Ordinance was approved and adopted by the Township Board of Holland Charter Township, Ottawa County, Michigan on March 21, 2013, after introduction and first reading on March 7, 2013, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective on April 5, 2013.

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Terry Nienhuis, Township Supervisor

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Michael Dalman, Township Clerk

## **CERTIFICATE**

We, Terry Nienhuis and Michael Dalman, the Supervisor and Clerk, respectively, for the Charter Township of Holland, Ottawa County, Michigan, do hereby certify that the foregoing Holland Charter Township Ordinance was adopted at a regular meeting of the Township Board held on March 21, 2013. The following members of the Township Board were present at the meeting: Nienhuis, Dalman, Bush, Nykamp and TeSlaa. The following members of the Township Board were absent: Becker and Hossink. The Ordinance was adopted by the Township Board with all members present voting in favor and no members of the Board voting in opposition. The Ordinance was published in the *Holland Sentinel* on March 27, 2013.

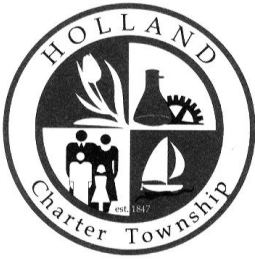
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Terry Nienhuis, Township Supervisor

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Michael Dalman, Township Clerk





## APPLICATION FOR SOLICITOR'S LICENSE

353 North 120th Avenue · Holland, MI 49424 · Phone: 616.395.0151

### BUSINESS INFORMATION

Name of Business:

Business Address:

Business Phone:

Michigan Sales Tax Number:

Number of Solicitors (if part of a group):

Number of Vehicles (if part of a group):

### SOLICITOR'S INFORMATION

Solicitor's Name:

Date of Birth:

Solicitor's Address:

Length of Time at this Address:

Solicitor's Phone:

E-Mail Address:

Type of Vehicle (Make / Model / Color / Year):

License Plate Number:

Driver's License Number:

Length of Time in Holland Charter Township (Start Date):

Length of Time in Holland Charter Township (End Date):

Have You Previously Applied for a Solicitor's License in  
Holland Charter Township?

☐ YES

☐ NO

If Yes, Please Indicate the Date You Applied for the License,  
Including Business Name if Different from Above:

Have You Ever Been Convicted of a Felony or Misdemeanor?

☐ YES

☐ NO

If Yes, Please Indicate what Charge(s) You were Convicted of:

Nature of Business:

Goods and Services to be Sold:

Locations Where Goods and Services are to be Sold:

Method of Soliciting (on foot, handcart, car, truck, etc.):

Method of Delivering Goods:

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### APPLICANT'S STATEMENT

By signing below, I certify the following:

- (1) The information provided in this application for solicitation is true and complete to the best of my knowledge.
- (2) 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.
- (3) I agree to abide by all federal, state, and local laws and ordinances.
- (4) I understand that if there is a warrant that has been issued for my arrest, this application will be rejected, and I cannot reapply for a solicitor's license for sixty (60) days.
- (5) I have read and understand and agree to the Solicitors Regulation Ordinance, and agree to following the guidelines provided therein.
- (6) I consent to the filing of this application.

Applicant's Signature:

Applicant's Printed Name:

### FOR OFFICE USE ONLY

- ☐ Application Fee Received
- ☐ Copy of Driver's License Attached (both sides)
- ☐ Background Check Completed
- ☐ Copy of Approved Application Given to Solicitor
- ☐ Copy of Regulation of Solicitors Ordinance to Solicitor

☐ Application Approved By: \_\_\_\_\_

☐ Application Denied By: \_\_\_\_\_