

ARTICLE R65

SECTION R 65.01 SOLICITATION AND PEDDLING ORDINANCE

AN ORDINANCE TO REGULATE COMMERCIAL DOOR-TO-DOOR SOLICITATION, PEDDLING, AND TRANSIENT MERCHANTS

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

SECTION R 65.02 PURPOSE AND FINDINGS

The Township Board finds and declares:

- A. Door-to-door commercial solicitation, peddling, and transient sales, while lawful, create recurring opportunities for fraud against residents, particularly vulnerable residents, and for persons to gain access to private property under commercial pretenses.
- B. The Township has a significant governmental interest in protecting its residents from fraudulent and high-pressure commercial sales practices, in protecting the well-being, tranquility, and privacy of the home, and in promoting public safety.
- C. The Township intends to advance these interests through the least restrictive means reasonably available. This Ordinance therefore requires registration and issuance of a permit only on commercial solicitation, peddling, and transient sales, that is, activity proposing a commercial transaction or the sale of goods or services, because consumer fraud and high-pressure sales practices are most closely associated with commercial transactions and solicitations for payment.
- D. The Township further finds that a resident's posting of a "No Solicitation" or "No Trespassing" notice, together with each resident's unquestioned right to decline to speak with any visitor, provides direct and effective protection for residents who do not wish to be approached, and that this Ordinance is intended to give legal effect to those resident choices.
- E. This Ordinance is intended to be applied without regard to the content or viewpoint of any message, and to operate as a content-neutral regulation of the time, place, and manner of door-to-door activity.

SECTION R 65.03 DEFINITIONS

For purposes of this Ordinance, the following terms have the meanings set forth below. Terms not defined have their ordinary meaning.

- A. "Commercial solicitation" means going upon any private residential premises, without the prior invitation of the occupant, for the purpose of taking or attempting to take orders for, selling, or offering to sell goods, wares, merchandise, or services, or for the purpose of proposing or making any commercial transaction, whether or not payment or delivery is immediate.

- B. "Peddler" means any person who carries goods, wares, or merchandise and offers or
- C. exposes them for sale, or who sells or offers them for sale, directly to occupants by going from residence to residence within the Township.
- D. "Transient merchant" means any person, whether as principal or agent, who engages in temporary or itinerant retail business in the Township, and includes any person required to obtain a license under the Transient Merchants Act.
- E. "Registrant" means a person who has obtained a valid permit under this Ordinance.
- F. "Noncommercial canvassing" means going upon private residential premises for the purpose of communicating, disseminating, or distributing information, or seeking support, signatures, or contributions, in connection with a religious, political, charitable, philanthropic, educational, civic, or other noncommercial cause, where no commercial transaction is proposed. Noncommercial canvassing is not subject to the registration and permit requirement of Section 64.04.
- G. "Residential premises" means any private dwelling, house, apartment, condominium unit, or other private residence, and the surrounding property.
- H. "Township Clerk" means the Clerk of the Township or his or her designee.

SECTION R 65.04

REGISTRATION AND PERMIT REQUIRED

- A. Requirement. No person shall engage in commercial solicitation, peddling, or business as a transient merchant within the Township without first registering and obtaining a permit from the Township Clerk as provided in this Ordinance. This requirement applies only to commercial activity as defined in Section 3 and does not apply to non-commercial canvassing.
- B. Application contents. An applicant for a permit shall submit a written application, signed under penalty of perjury, containing:
 - 1. The applicants full legal name, residential address, date of birth, and telephone number;
 - 2. The name, address, and telephone number of the employer or organization, if any, on whose behalf the applicant will act, and the name of the supervising contact;
 - 3. A brief description of the goods, services, or commercial transactions to be offered;
 - 4. The proposed dates or period of activity and the general area or routes within the Township to be covered;
 - 5. A description and number of any vehicle to be used; and
 - 6. One form of current government-issued photographic identification, presented for verification.
- C. Fee. The application shall be accompanied by a registration fee in an amount established by resolution of the Township Board. The fee shall be set to recover no more than the reasonable administrative and enforcement costs incident to processing the application and administering this Ordinance, and shall not exceed those costs.
- D. Identity verification and review. The Township Clerk, or the law enforcement agency serving the Township, may verify the applicant's identity and may conduct a review

of the applicant's criminal history. Issuance shall not be condition on the content or viewpoint of any message.

- E. Issuance of Permit. The Township Clerk shall act on a complete application within five (5) business days. Upon approval, the Clerk shall issue a permit bearing the registrant's name, photograph, the name of the employer or organization, and the expiration date. A registrant shall carry the permit while engaged in regulated activity and shall display it upon request of any resident or law enforcement officer.
- F. Term. A permit is valid for one (1) year, and is non-transferable.

SECTION R 65.05

GROUND FOR DENIAL OR REVOCATION

- A. The Township Clerk may deny or revoke a permit only upon a finding of one or more of the following:
 - 1. Material misrepresentation or omission in the application;
 - 2. A conviction, with the preceding five (5) years, of a crime involving fraud, theft, false pretenses, or a crime against a person, where the nature of the conviction bears a direct and substantial relationship to the activity regulated by this Ordinance; or
 - 3. A violation of this Ordinance by the registrant.
- B. A denial or revocation shall be in writing and shall state the specific grounds. The criteria in this Section are the exclusive grounds for denial or revocation, and shall be applied without regard to the content or viewpoint of any message.

SECTION R 65.06

PERMISSIBLE HOURS

- A. No person shall engage in commercial solicitation, peddling, or transient sales at any residential premises except between the hours of 9:00a.m. and 8:00p.m. (or sunset, whichever is later), Monday through Saturday.
- B. The hours in this Section apply on a content-neutral basis to the manner of door-to-door commercial activity. Nothing in this Section authorizes the Township to enforce a time restriction in a manner not supported by the Township's findings regarding residential privacy and public safety.

SECTION R 65.07

DO NOT SOLICIT OPT-OUT AND POSTED NOTICES

- A. Posted notice. No person engaged in commercial solicitation, peddling, or transient sales shall enter upon residential premises that display, at or near the principal entrance or driveway, a sign or placard reading "No Solicitation," "No Solicitors," "No Trespassing," or words of similar import. A resident's posting of such a notice, together with the resident's right to decline to engage any visitor, is the Township's primary means of protecting residential privacy.
- B. Do Not Solicit registry. The Township Clerk shall maintain a Do Not Solicit registry on which any resident may, without charge, list his or her residential address. The Clerk shall make the current registry available to each registrant at the time of

- registration. No registrant shall engage in commercial solicitation, peddling, or transient sales at any address appearing on the registry.
- C. Right to refuse. Any person engaged in regulated activity shall promptly and peaceably leave any residential premises upon the request of an occupant.

SECTION R 65.08 EXEMPTIONS

The registration and permit requirements of Section 65.04 does not apply to the following:

- A. Any veteran who has a valid license issued by a County Clerk pursuant to Public Act 359 of 1921;
- B. Non-commercial canvassing, including religious, political, charitable, philanthropic, educational, civic, or other expression in which no commercial transaction is proposed;
- C. Any person acting at the prior express invitation of the occupant;
- D. Any federal, state, or local government officer or employee acting in the course of official duties, including census takers and election officials;
- E. Delivery of goods previously ordered by the occupant; and
- F. Lawful activity by minors associated with recognized youth, school, or scouting organizations.

All persons remain subject to the post-notice and Do Not Solicit provisions of 65.07 and to generally applicable laws.

SECTION R 65.09 PROHIBITED CONDUCT

No person, whether or not registered, shall:

- A. Misrepresent his or her identity, affiliation, or the purpose, price, or character of any goods or services;
- B. Remain on residential premises after being asked to leave by an occupant or after entry is barred under Section 65.07;
- C. Engage in any threatening, fraudulent, or deceptive act in connection with door-to-door activity; or
- D. Engage in commercial solicitation, peddling, or transient sales without a valid permit where one is required by this Ordinance.

SECTION R 65.10 APPEAL AND HEARING

- A. Any applicant or registrant aggrieved by a denial or revocation under Section 65.05 may, within fourteen (14) days after the date of the written decision, file a written appeal with the Township Clerk.
- B. The Township Board shall hold a hearing within thirty (30) days after the appeal is filed. The appellant shall have the right to appear, to be represented, to present

evidence, and to respond to the grounds stated. The Board shall issue a written decision stating its findings.

- C. A permit that has been revoked remains suspended pending appeal, except that, on a showing of good cause, the Board may stay the suspension during the pendency of the appeal.

SECTION R 65.11 ENFORCEMENT AND PENALTIES

- A. Municipal civil infraction. A violation of this Ordinance is a municipal civil infraction, subject to a civil fine as established by the Township Board, plus costs and other sanctions authorized by law.
- B. Each day a separate violation. Each day on which a violation occurs or continues constitutes a separate offense.
- C. Revocation as additional remedy. The penalties in this Section are in addition to revocation of a permit under Section 65.05

SECTION R 65.12 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION R 65.13 REPEAL

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

SECTION R 65.14 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

ADOPTED: July 20, 2026

PUBLISHED: July 26, 2026

EFFECTIVE: August 25, 2026