



CITY of NOVI CITY COUNCIL

**Agenda Item 1
November 13, 2017**

SUBJECT: Consideration to introduce Ordinance No. 17-187.01, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 26, "Peddlers, Solicitors, Commercial Handbills," Section 26.1, "Definitions," Section 26.3, "Non-Commercial Solicitation Permits," and Section 26.10, "Hours of Operation" in order to conform existing regulations relating to charitable solicitation in rights-of-way to state law. **FIRST READING**

SUBMITTING DEPARTMENT: City Attorney

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

Last year, in response to an opinion of the State's Attorney General that solicitation with a local right-of-way violated the state's Motor Vehicle Code, the City amended its Peddlers and Solicitors Ordinance to preclude such activity (it had historically been permitted under limited circumstances). Apparently in response to the Attorney General's opinion (and the negative reaction of certain charitable groups to it) the State legislature recently enacted Public Act 112 of 2017, amending the Michigan Vehicle Code to add language to MCL 257.676b that specifically allows a charitable or civic organization to collect charitable solicitations within an intersection in a public street or highway, subject to local regulations.

The new state law contains a provision requiring that any local government with a contrary rule in its local ordinances to conform to the new state rule: "A local government that, on the effective date of the amendatory act that added this subsection, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later than 60 days after the effective date of the amendatory act that added this subsection."

The attached ordinance amendment approved in October 2016 amends Chapter 26, "Peddlers, Solicitors, Commercial Handbills," in the City of Novi Code of Ordinances to be compliant with the amendments to MCL 257.676b, but imposes some reasonable local regulations, as authorized by state law, on charitable solicitations within public streets and highways in the City of Novi.

RECOMMENDED ACTION: Introduction of Ordinance No. 17-187.01, an Ordinance to amend the City of Novi Code of Ordinances, at Chapter 26, "Peddlers, Solicitors, Commercial Handbills," Section 26.1, "Definitions," Section 26.3, "Non-Commercial Solicitation Permits," and Section 26.10, "Hours of Operation" in order to conform existing regulations relating to charitable solicitation in rights-of-way to state law. **FIRST READING**



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November 1, 2017

Cortney Hanson, City Clerk
City of Novi
45125 Ten Mile Road
Novi, MI 48375

Re: *Ordinance Code Amendment to address Charitable Solicitation in Public Roadways*

Dear Ms. Hanson:

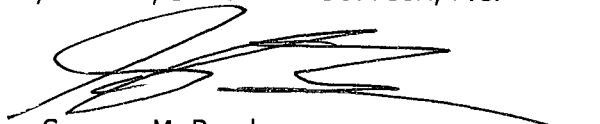
Attached is a proposed draft amendment to Chapter 16, "Peddlers, Solicitors, Commercial Handbills," of the City's ordinance code. The amendment addresses recent changes in state law that make it lawful for a charitable or civic organization to solicit charitable contributions within an intersection in a public road right of way.

As you may remember, in October 2016, the City amended its ordinance code to prohibit charitable solicitations within a roadway in order to remove conflicts with state law. This action was taken due to the Michigan Attorney General's Opinion No. 7291, which provided that charitable solicitations in roadways violates MCL 257.676b of the Michigan Vehicle Code. Recently, the legislature amended MCL 257.676b to allow charitable solicitations in a public roadway if the charitable or civic organization complies with applicable local regulations. The attached ordinance code amendment provides specific regulations proposed by the City's Police Department. After your review, we recommend that it be placed on the agenda for adoption at the next City Council meeting.

Please feel free to contact me with any questions or concerns in regard to this matter

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Spencer M. Bondy

CC: Lt. Keith Wuotinen, City Police

November 1, 2017
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Tom Schultz, Esq.

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17-187.01

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 26, "PEDDLERS, SOLICITORS, COMMERCIAL HANDBILLS," SECTION 26.1, "DEFINITIONS," SECTION 26.3, "NON-COMMERCIAL SOLICITATION PERMITS," AND SECTION 26.10, "HOURS OF OPERATION" IN ORDER TO CONFORM EXISTING REGULATIONS RELATING TO CHARITABLE SOLICITATION IN RIGHTS-OF-WAY TO STATE LAW.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 26, "Peddlers, solicitors, commercial handbills," Section 26.1, "Definitions," of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 26-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial handbill means any printed or written matter, and any sample or device, dodger, circular, leaflet, booklet, pamphlet, sheet, or other kind of printed matter or literature of any kind that:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of promoting the interests thereof by sales; or
- (3) Is predominantly and essentially an advertisement.

A newspaper or a sign is not a commercial handbill.

Charitable or civic organization means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the international revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

Noncommercial solicitation means the request of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value, or any part thereof, will be used for a charitable, religious, patriotic, civic, educational, or philanthropic purpose. The said words shall also mean and include the sale or offer to sell any article, tag, ticket, emblem, publication, advertisement, subscription, or other thing, whether of value or not, on the pleas or

representation that such money, credit, property, financial assistance, or other thing of value, or any part thereof, whether received by the solicitor or purchased by the buyer, will be used for a charitable, religious, patriotic, civic, educational or philanthropic purpose.

Peddler means any person traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, from house to house, or from street to street:

- (1) Carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale;
- (2) Making sales and delivering articles to purchasers;
- (3) Who takes or attempts to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

Peddler shall not include a person who conducts such activities at a social gathering within a home at the invitation of the occupant of the home. The word "peddler" shall be synonymous with the phrase "transient merchant."

PART II. That Chapter 26, "Peddlers, solicitors, commercial handbills," Section 26.3, "Non-commercial Solicitation Permit," of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 26-3. - Noncommercial solicitation permit; application.

- (a) Applications for permits for noncommercial solicitation shall be filed with the city clerk upon forms to be furnished by the city. Such applications for permit to solicit shall be sworn to and filed with the city clerk not less than fourteen (14) days, nor more than sixty (60) days, prior to the time when the permit is desired to commence. The application shall contain the following information:
 - (1) Name, address, telephone number, and headquarters of the person applying for the permit.
 - (2) If the applicant is not an individual, the names and addresses of the applicant and the principal officers and managers.
 - (3) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts therefrom; or property purchased if the same is to be distributed by solicitor.
 - (4) The names and addresses of the person, or persons, who will be in direct charge of conducting the solicitations. The names and addresses of the person, or persons, who will participate in the solicitations.
 - (5) An outline of the method, or methods, to be used in conducting the solicitations.
 - (6) If the applicant intends to conduct solicitations while remaining in a fixed or limited area within a public right-of-way, which shall not include the travelled portion of the roadway, the specific location(s) of such solicitation.

- (7) The time when solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitations and the hours of the days thereof.
- (8) A statement as to whether or not an applicant has been convicted of any felony, or any misdemeanor.
- (9) If the applicant intends to conduct solicitations while in or on any portion of a public roadway, all of the following must be provided and/or otherwise satisfied:
- a) The applicant must specify the location and apply for specific portion of the roadway (intersection) upon which the applicant seeks to solicit;
 - b) Solicitation may only occur in an intersection having traffic control devices;
 - c) Solicitation is not permitted in a work zone;
 - d) Solicitation is not permitted in any intersection identified by the City of Novi Police Department, in its sole discretion and judgment, as being unreasonably dangerous or otherwise inappropriate for solicitation, based upon factors including, but not limited to, traffic crash data, traffic violator data, sight distance or other features of the area, obstructions, traffic volume, traffic flow, or weather conditions;
 - e) The applicant must furnish proof that it is a charitable or civic organization as that term is defined in this Chapter and MCL 257.676b(6) of the Michigan Vehicle Code;
 - f) The applicant must certify and acknowledge that it is soliciting contributions on behalf of the charitable or civic organization;
 - g) Soliciting is only lawful during daylight hours, beginning no earlier than 9:00 AM and no later than thirty (30) minutes prior to sunset;
 - h) The charitable or civic organization must maintain at least \$500,000.00 in liability insurance, and must submit adequate proof of this insurance with its application to the City;
 - i) All persons soliciting on behalf of the charitable or civic organization must be at least 18 years of age or older, and each person soliciting must be identified by full legal name on the application, including date of birth, address, and the applicant must attach a copy of a government issued form of identification for all persons soliciting to the permit application, including, but not limited to a government issued driver's license, identification card, passport, or other official government identification that adequately identifies the applicant;
 - j) All persons soliciting on behalf of the charitable or civic organization must wear high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association, meeting ANSI/ISEA 107-2010 Class 2 or greater visibility standards;
 - k) The applicant confirms and agrees that the City of Novi is not liable for any claim for damages arising out of the charitable or civic organization's use of the roadway;
 - l) All persons soliciting on behalf of the charitable or civic organization will not impede the free movement of vehicles, intimidate or threaten occupants of

vehicles, touch any vehicles or their occupants, yell or scream at vehicle occupants in a threatening manner, or otherwise cause traffic delays or interference; and

m) A City Official or police officer may revoke a permit granted to a charitable or civic organization at any time for non-compliance of any provisions or requirements of this Section.

- (b) A permit for noncommercial solicitation shall be issued upon receipt of the completed application, and receipt of a permit application fee in an amount set by resolution of the city council. A permit for solicitation within the city limits shall remain valid for a period of ninety (90) days; provided, however, that a permit allowing solicitation while remaining in a fixed or limited area within a public right-of-way, ~~which shall not include the travelled portion of the roadway,~~ shall be valid for a period of ten (10) consecutive days only, for each applicant. No applicant shall receive more than two (2) such permits for solicitation in any one (1) calendar year.

PART III. That Chapter 26, "Peddlers, solicitors, commercial handbills," Section 26.10, "Hours of Operation," of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 26-10. - Hours of peddling/solicitation; additional requirements.

- (a) No peddling or solicitation may be conducted after 9:00 p.m. or dusk (whichever is earlier) or before 9:00 a.m., prevailing time.
- (b) No person under the age of fourteen (14) shall solicit after 7:00 p.m., prevailing time, unless accompanied by an adult. No minor shall engage in solicitation while remaining in a fixed or limited area within a public right-of-way, including a street corner or intersection.
- (c) No peddler or solicitor shall enter into property which has posted a "No Solicitation," "No Trespassing," "No Peddlers or Agents," "No Advertisements" sign, or its equivalent, of at least sixteen (16) square inches in a conspicuous and prominent location, or whose address is at that time on the Do-Not-Knock Registry.
- (d) No peddling of goods or services shall be permitted within a public right-of-way, including any street corner or intersection, or on other public property.
- (e) No peddler or solicitor shall obstruct the free flow of vehicular or pedestrian traffic on any street, lane, sidewalk, or driveway.
- (f) No peddler or solicitor shall engage in such activity in any public right-of-way or on any street, sidewalk, or other public place after being ordered to leave or desist by a police officer or public official or employee authorized to issue civil infraction violation notices.
- (g) No peddler or solicitor shall threaten or harass any resident of the city in the course of their activities or in any way engage in any conduct that would tend to threaten the health and safety of another or cause a nuisance, including, but not limited to, shouting, crying out, blowing horns, or ringing bells or similar devices designed to attract the attention of the public so as to be audible within an enclosed structure.

~~(h) No solicitor shall engage in solicitation while in the travelled portion of the roadway.~~

(hi) No peddler or solicitor shall remain on private property after having been asked or directed to leave the premises by any person lawfully in possession of the premises.

(i) Solicitation within a public right-of-way: Solicitation in a public roadway may only occur within an intersection, if the charitable or civic organization submits an application for a permit for this specific purpose and the permit is granted for that specific intersection or intersections. The City, its Officials or its police officers, at their sole discretion, may immediately suspend or terminate any issued intersection solicitation permit for any reason at any time, including, but not limited to, a change in the conditions of the area, visibility conditions, adverse weather conditions, traffic flow, traffic patterns, vehicle crashes, police incidents, safety concerns, or any other reason. Under this section, it is unlawful for any solicitor to:

- 1) Solicit in a portion of the roadway that is a work zone; or
- 2) Solicit in a portion of the roadway that is not solely within an intersection; or
- 3) Solicit in a portion of the roadway where traffic control devices are not present; or
- 4) Solicit in a portion of an intersection or roadway that has been identified by the Novi Police Department as being unreasonably dangerous or otherwise inappropriate for solicitation activity; or
- 5) Solicit in a portion of an intersection or roadway or other location not specifically authorized under the permit granted; or
- 6) Solicit in an intersection unless the solicitor is a charitable or civic organization as defined by this Chapter and MCL 257.67b(6) of the Michigan Vehicle Code, and fail to provide adequate proof of status upon demand by a police officer or other City Official; or
- 7) Solicit in an intersection prior to 9:00 AM or at any time after 30 minutes prior to sunset; or
- 8) Solicit in an intersection during hours that are not daylight hours; or
- 9) Solicit in an intersection without having a minimum of \$500,000.00 of general liability insurance, or fail to provide adequate proof of this insurance upon demand by a police officer or city official; or
- 10) Solicit in an intersection without having a City of Novi permit in the immediate possession of the solicitor, or fail to present such a permit upon demand of a police officer or other city official; or
- 11) Be under 18 years of age while soliciting in a roadway or intersection, or fail to show adequate proof of age to a police officer or City official upon demand; or
- 12) Solicit in a roadway or intersection and fail to properly wear high-visibility safety apparel on the upper torso position of the person that otherwise covers at least 50% or more of the person's exterior body, which is clearly visible to the other people in the area, and that meets current American standards promulgated by the International Safety Equipment Association, meeting ANSI/ISEA 107-2010 Class 2 or greater visibility standards; or

- 13 Solicit, stand, or be present in a roadway or intersection in a manner that unreasonable impedes the free movement of vehicles, or for the solicitor to intimidate or threaten occupants of a vehicle, touch any vehicle or its occupants, yell or scream at vehicle occupants in a threatening manner, or otherwise cause unreasonable traffic delays or interference; or
- 14) Fail to immediately comply with the orders or instructions of a police officer or any City Official.

PART IV.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART VI.

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VII.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2017.

Cortney Hanson, City Clerk

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 17-187.01

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 26, "PEDDLERS, SOLICITORS, COMMERCIAL HANDBILLS," SECTION 26.1, "DEFINITIONS," SECTION 26.3, "NON-COMMERCIAL SOLICITATION PERMITS," AND SECTION 26.10, "HOURS OF OPERATION" IN ORDER TO CONFORM EXISTING REGULATIONS RELATING TO CHARITABLE SOLICITATION IN RIGHTS-OF-WAY TO STATE LAW.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 26, "Peddlers, solicitors, commercial handbills," Section 26.1, "Definitions," of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 26-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial handbill means any printed or written matter, and any sample or device, dodger, circular, leaflet, booklet, pamphlet, sheet, or other kind of printed matter or literature of any kind that:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of promoting the interests thereof by sales; or
- (3) Is predominantly and essentially an advertisement.

A newspaper or a sign is not a commercial handbill.

Charitable or civic organization means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the international revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

Noncommercial solicitation means the request of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value, or any part thereof, will be used for a charitable, religious, patriotic, civic, educational, or philanthropic purpose. The said words shall also mean and include the sale or offer to sell any article, tag, ticket, emblem, publication, advertisement, subscription, or other thing, whether of value or not, on the pleas or

representation that such money, credit, property, financial assistance, or other thing of value, or any part thereof, whether received by the solicitor or purchased by the buyer, will be used for a charitable, religious, patriotic, civic, educational or philanthropic purpose.

Peddler means any person traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, from house to house, or from street to street:

- (1) Carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale;
- (2) Making sales and delivering articles to purchasers;
- (3) Who takes or attempts to take orders for sale of goods, wares and merchandise, books or magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

Peddler shall not include a person who conducts such activities at a social gathering within a home at the invitation of the occupant of the home. The word "peddler" shall be synonymous with the phrase "transient merchant."

PART II. That Chapter 26, "Peddlers, solicitors, commercial handbills," Section 26.3, "Non-commercial Solicitation Permit," of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 26-3. - Noncommercial solicitation permit; application.

- (a) Applications for permits for noncommercial solicitation shall be filed with the city clerk upon forms to be furnished by the city. Such applications for permit to solicit shall be sworn to and filed with the city clerk not less than fourteen (14) days, nor more than sixty (60) days, prior to the time when the permit is desired to commence. The application shall contain the following information:
 - (1) Name, address, telephone number, and headquarters of the person applying for the permit.
 - (2) If the applicant is not an individual, the names and addresses of the applicant and the principal officers and managers.
 - (3) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts therefrom; or property purchased if the same is to be distributed by solicitor.
 - (4) The names and addresses of the person, or persons, who will be in direct charge of conducting the solicitations. The names and addresses of the person, or persons, who will participate in the solicitations.
 - (5) An outline of the method, or methods, to be used in conducting the solicitations.
 - (6) If the applicant intends to conduct solicitations while remaining in a fixed or limited area within a public right-of-way, which shall not include the travelled portion of the roadway, the specific location(s) of such solicitation.

- (7) The time when solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitations and the hours of the days thereof.
- (8) A statement as to whether or not an applicant has been convicted of any felony, or any misdemeanor.
- (9) If the applicant intends to conduct solicitations while in or on any portion of a public roadway, all of the following must be provided and/or otherwise satisfied:
 - a) The applicant must specify the location and apply for specific portion of the roadway (intersection) upon which the applicant seeks to solicit;
 - b) Solicitation may only occur in an intersection having traffic control devices;
 - c) Solicitation is not permitted in a work zone;
 - d) Solicitation is not permitted in any intersection identified by the City of Novi Police Department, in its sole discretion and judgment, as being unreasonably dangerous or otherwise inappropriate for solicitation, based upon factors including, but not limited to, traffic crash data, traffic violator data, sight distance or other features of the area, obstructions, traffic volume, traffic flow, or weather conditions;
 - e) The applicant must furnish proof that it is a charitable or civic organization as that term is defined in this Chapter and MCL 257.676b(6) of the Michigan Vehicle Code;
 - f) The applicant must certify and acknowledge that it is soliciting contributions on behalf of the charitable or civic organization;
 - g) Soliciting is only lawful during daylight hours, beginning no earlier than 9:00 AM and no later than thirty (30) minutes prior to sunset;
 - h) The charitable or civic organization must maintain at least \$500,000.00 in liability insurance, and must submit adequate proof of this insurance with its application to the City;
 - i) All persons soliciting on behalf of the charitable or civic organization must be at least 18 years of age or older, and each person soliciting must be identified by full legal name on the application, including date of birth, address, and the applicant must attach a copy of a government issued form of identification for all persons soliciting to the permit application, including, but not limited to a government issued driver's license, identification card, passport, or other official government identification that adequately identifies the applicant;
 - j) All persons soliciting on behalf of the charitable or civic organization must wear high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association, meeting ANSI/ISEA 107-2010 Class 2 or greater visibility standards;
 - k) The applicant confirms and agrees that the City of Novi is not liable for any claim for damages arising out of the charitable or civic organization's use of the roadway;
 - l) All persons soliciting on behalf of the charitable or civic organization will not impede the free movement of vehicles, intimidate or threaten occupants of

vehicles, touch any vehicles or their occupants, yell or scream at vehicle occupants in a threatening manner, or otherwise cause traffic delays or interference; and

- m) A City Official or police officer may revoke a permit granted to a charitable or civic organization at any time for non-compliance of any provisions or requirements of this Section.
- (b) A permit for noncommercial solicitation shall be issued upon receipt of the completed application, and receipt of a permit application fee in an amount set by resolution of the city council. A permit for solicitation within the city limits shall remain valid for a period of ninety (90) days; provided, however, that a permit allowing solicitation while remaining in a fixed or limited area within a public right-of-way shall be valid for a period of ten (10) consecutive days only, for each applicant. No applicant shall receive more than two (2) such permits for solicitation in any one (1) calendar year.

PART III. That Chapter 26, "Peddlers, solicitors, commercial handbills," Section 26.10, "Hours of Operation," of the City of Novi Code of Ordinances is hereby amended to read as follows in its entirety:

Sec. 26-10. - Hours of peddling/solicitation; additional requirements.

- (a) No peddling or solicitation may be conducted after 9:00 p.m. or dusk (whichever is earlier) or before 9:00 a.m., prevailing time.
- (b) No person under the age of fourteen (14) shall solicit after 7:00 p.m., prevailing time, unless accompanied by an adult. No minor shall engage in solicitation while remaining in a fixed or limited area within a public right-of-way, including a street corner or intersection.
- (c) No peddler or solicitor shall enter into property which has posted a "No Solicitation," "No Trespassing," "No Peddlers or Agents," "No Advertisements" sign, or its equivalent, of at least sixteen (16) square inches in a conspicuous and prominent location, or whose address is at that time on the Do-Not-Knock Registry.
- (d) No peddling of goods or services shall be permitted within a public right-of-way, including any street corner or intersection, or on other public property.
- (e) No peddler or solicitor shall obstruct the free flow of vehicular or pedestrian traffic on any street, lane, sidewalk, or driveway.
- (f) No peddler or solicitor shall engage in such activity in any public right-of-way or on any street, sidewalk, or other public place after being ordered to leave or desist by a police officer or public official or employee authorized to issue civil infraction violation notices.
- (g) No peddler or solicitor shall threaten or harass any resident of the city in the course of their activities or in any way engage in any conduct that would tend to threaten the health and safety of another or cause a nuisance, including, but not limited to, shouting, crying out, blowing horns, or ringing bells or similar devices designed to attract the attention of the public so as to be audible within an enclosed structure.
- (h) No peddler or solicitor shall remain on private property after having been asked or directed to leave the premises by any person lawfully in possession of the premises.

- (i) Solicitation within a public right-of-way: Solicitation in a public roadway may only occur within an intersection, if the charitable or civic organization submits an application for a permit for this specific purpose and the permit is granted for that specific intersection or intersections. The City, its Officials or its police officers, at their sole discretion, may immediately suspend or terminate any issued intersection solicitation permit for any reason at any time, including, but not limited to, a change in the conditions of the area, visibility conditions, adverse weather conditions, traffic flow, traffic patterns, vehicle crashes, police incidents, safety concerns, or any other reason. Under this section, it is unlawful for any solicitor to:
- 1) Solicit in a portion of the roadway that is a work zone; or
 - 2) Solicit in a portion of the roadway that is not solely within an intersection; or
 - 3) Solicit in a portion of the roadway where traffic control devices are not present; or
 - 4) Solicit in a portion of an intersection or roadway that has been identified by the Novi Police Department as being unreasonably dangerous or otherwise inappropriate for solicitation activity; or
 - 5) Solicit in a portion of an intersection or roadway or other location not specifically authorized under the permit granted; or
 - 6) Solicit in an intersection unless the solicitor is a charitable or civic organization as defined by this Chapter and MCL 257.67b(6) of the Michigan Vehicle Code, and fail to provide adequate proof of status upon demand by a police officer or other City Official; or
 - 7) Solicit in an intersection prior to 9:00 AM or at any time after 30 minutes prior to sunset; or
 - 8) Solicit in an intersection during hours that are not daylight hours; or
 - 9) Solicit in an intersection without having a minimum of \$500,000.00 of general liability insurance, or fail to provide adequate proof of this insurance upon demand by a police officer or city official; or
 - 10) Solicit in an intersection without having a City of Novi permit in the immediate possession of the solicitor, or fail to present such a permit upon demand of a police officer or other city official; or
 - 11) Be under 18 years of age while soliciting in a roadway or intersection, or fail to show adequate proof of age to a police officer or City official upon demand; or
 - 12) Solicit in a roadway or intersection and fail to properly wear high-visibility safety apparel on the upper torso position of the person that otherwise covers at least 50% or more of the person's exterior body, which is clearly visible to the other people in the area, and that meets current American standards promulgated by the International Safety Equipment Association, meeting ANSI/ISEA 107-2010 Class 2 or greater visibility standards; or
 - 13) Solicit, stand, or be present in a roadway or intersection in a manner that unreasonable impedes the free movement of vehicles, or for the solicitor to intimidate or threaten occupants of a vehicle, touch any vehicle or its occupants,

yell or scream at vehicle occupants in a threatening manner, or otherwise cause unreasonable traffic delays or interference; or

- 14) Fail to immediately comply with the orders or instructions of a police officer or any City Official.

PART IV.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART VI.

Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VII.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2017.

Cortney Hanson, City Clerk