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CITY of NOVI CITY COUNCIL

Agenda Item 3
October 26, 2015

SUBJECT: Consideration of approval of Ordinance Amendment 15-186, as recommended by the Ordinance Review Committee, to amend the City of Novi Code of Ordinance, at Chapter 26, "Peddlers, Solicitors, Commercial Handbills, to add a new Section 26-12 entitled "Do-Not-Knock Registry" and to amend Section 26-10, "Hours of Peddling/Soliciting; Additional Requirements," to refer to same. **FIRST READING**

SUBMITTING DEPARTMENT: City Clerk

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

There are several communities in Oakland County that have established a Do-Not-Knock Registry within their ordinance to allow residents the option of putting their address on a "no soliciting" list. The purpose of the registry is to restrict commercial peddlers and solicitors from door-to-door sales at the homes of those residents. The list is then provided to all door-to-door peddlers and solicitors once they obtain a peddlers license from the City Clerk's Office.

Not all peddlers and solicitors would be subject to this ordinance. Exempt peddlers and solicitors include religious groups, some charitable organizations, and political groups whose First Amendment speech rights are different from those engaged in commercial activities.

The Clerk's Office and Police Department have received numerous complaints regarding peddlers throughout the years. Many of those complaints involve residents who do not want to be disturbed by peddlers. Allowing residents the option of placing their home on the registry may decrease the chance of unwanted solicitation by peddlers.

As of the end of September, the Clerk's Office has issued 97 peddlers licenses and noncommercial solicitation permits. Of those, 93 were peddlers where the person went door-to-door selling goods or services. The other four were noncommercial solicitation and include groups like the Novi Lions Club, which solicits for charitable purposes at intersections instead of going door-to-door.

Feedback from surrounding communities

Clawson, Royal Oak, and Troy have each instituted a Do-Not-Knock Registry and have reported the experience as overwhelmingly positive. The residents appreciate the option to sign up and there are rarely complaints. They have reported little to no cost associated with implementing the registry. Once created, minimal staff time is required to maintain the list since residents sign up online.

The only complaints they have encountered are from residents who are on the registry and still find peddlers knocking at their door. This is usually the result of the peddler not obtaining a license in the first place, in which case they do not have access to the registry. Those situations

are referred to the Police Department, which then issues a warning to the peddler and/or a ticket for not having obtained the appropriate license.

The Ordinance Review Committee met on October 12, 2015 and has favorably recommended the ordinance amendment to City Council.

RECOMMENDED ACTION: Approval of **FIRST READING** of Ordinance Amendment 15-186, as recommended by the Ordinance Review Committee, to amend the City of Novi Code of Ordinance, at Chapter 26, "Peddlers, Solicitors, Commercial Handbills, to add a new Section 26-12 entitled "Do-Not-Knock Registry" and to amend Section 26-10, "Hours of Peddling/Soliciting; Additional Requirements," to refer to same.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15-186

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 26, "PEDDLERS, SOLICITORS, COMMERCIAL HANDBILLS, TO ADD A NEW SECTION 26-12 ENTITLED "DO-NOT-KNOCK REGISTRY" AND TO AMEND SECTION 26-10, "HOURS OF PEDDLING/SOLICITING; ADDITIONAL REQUIREMENTS," TO REFER TO SAME.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 26, "Peddlers, Solicitors, Commercial Handbills" of the City of Novi Code of Ordinances is hereby amended to add a new Section 26-12 entitled "Do-Not-Knock Registry" and to amend Section 26-10, "Hours of Peddling/Soliciting; Additional Requirements," to refer to same read as follows:

Chapter 26 - PEDDLERS, SOLICITORS, COMMERCIAL HANDBILLS

Sec. 26-1. - Sec. 26-9. [Unchanged]

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 remaining in a fixed or limited area within a public right-of-way, including a street corner, or intersection, unless he or she is wearing a reflective safety vest or other apparel identifying the individual as a solicitor or representative of the individual or entity on whose behalf the solicitor is acting.
- (i) 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.

Sec. 26-11. [Unchanged]

Sec. 26-12. - Do-Not-Knock Registry

(a) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling within the City may request that the City place and maintain his or her residence, house, apartment, or dwelling on the Do-Not-Knock Registry by submitting a written request on a form supplied by the City Clerk. The written request shall contain the following:

- (1) The name of the person completing the form.
- (2) The complete address of the residence, house, apartment, or dwelling to be placed on the registry.
- (3) The date the form was completed.
- (4) A statement that solicitors and/or peddlers shall not knock, ring the doorbell, or otherwise physically call at his or her residence, house, apartment, or dwelling.
- (5) Any other information reasonably required by the City to verify the identity of the person completing the form as a lawful occupant and possessor of the residence, house, apartment, or dwelling.

(b) Every person who requests that the City place and maintain his or her residence, house, apartment, or dwelling on the Do-Not-Knock Registry shall be required to re-register his or her residence, house, apartment, or dwelling every five years. Any residence, house, apartment, or dwelling that is not re-registered shall be removed from the registry pursuant to subsection (d).

(c) Any person in lawful possession and occupancy of any residence, house, apartment, or other dwelling within the City may request that the City remove his or her residence, house, apartment, or other dwelling from the Do-Not-Knock Registry by submitting a written request on a form supplied by the City Clerk. The written request shall contain the following:

(1) The name of the person completing the form.

(2) The complete address of the residence, house, apartment, or dwelling to be removed from the registry.

(3) The date the form was completed.

(4) A statement that his or her residence, house, apartment, or dwelling shall be removed from the Do-Not-Knock Registry.

(5) Any other information reasonably required by the City to verify the identity of the person completing the form as a lawful occupant and possessor of the residence, house, apartment, or dwelling.

(d) After being placed on the Do-Not-Knock Registry, a residence, house, apartment, or other dwelling shall remain on the registry until one of the following occurs:

(1) The City Clerk receives a written request to remove the residence, house, apartment, or dwelling from the registry pursuant to this Section.

(2) The City receives written notice that that person who submitted the request to have the residence, house, apartment, notice, or dwelling added to the registry pursuant to Section 22 is no longer a lawful possessor or occupant of the premises.

(3) The expiration of five calendar years, expiring on December 31 of the fifth full calendar year, from the date of the form submitted pursuant to Section 22.

(e) The City Clerk shall provide a copy of the then-current Do-Not-Knock Registry to each person issued a peddler's license or door-to-door solicitation permit pursuant to this chapter. A copy of the Do-Not-Knock Registry shall also be available for public inspection in the City Clerk's office during regular business hours.

(f) The failure to add a residence, house, apartment, or other dwelling to the Do-Not-Knock registry, or to remove a residence, house, apartment, or other dwelling from the registry, shall not be grounds for any claim against the City.

PART II.

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 III.

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 IV.

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.

Robert J. Gatt, Mayor

Maryanne Cornelius, 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 _____, 2015.

Maryanne Cornelius, City Clerk

ORCM 15-10-12 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To postpone discussion of a proposed Ordinance Amendment to amend prohibited locations for solid waste receptacles until a later meeting date.

5. Discussion regarding the creation of a Do-Not-Knock Registry related to Peddlers.

Ms. Hanson explained that several surrounding communities have established Do Not Knock Registries for their residents. It would allow residents the option of putting their address on a "no soliciting" list. The list is then provided to all licensed peddlers so they know which homes do not want any type of soliciting.

Mayor Gatt said he felt this was long overdue and a great idea. Member Wrobel agreed. He asked if there was any way to include the groups listed as being exempt. Mr. Schultz explained that they are protected under freedom of speech.

Member Mutch thought it was a good idea, especially because it is voluntary. He asked if the residents who chose to be on the list would need a sticker for their door to indicate they were on the list. Ms. Hanson explained some communities require the resident to post a sticker like he was describing, but ultimately it was up to the Committee if they would want to require a sticker. Mayor Gatt suggested the City offer the option of a sticker for those who want it, but not make it a requirement.

ORCM 15-10-13 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment regarding the creation of a Do-Not-Knock Registry related to Peddlers.

6. Discussion regarding potential changes to the Noxious Weeds Ordinance.

Mr. Cardenas explained that this issue was brought to ORC as the request of Council Member Wrobel. A resident was concerned about a bank-owned property on Picara because the bank was cutting the lawn, but was not doing anything about the garden beds which were becoming extremely overgrown and unsightly. Member Wrobel wanted to discuss if there was anything that could be done within the ordinance to help situations like this. Mr. Schultz said he didn't think they would ever have the right to go onto private property and clean the garden beds; however the HOA should be able to include wording in their bylaws to address those situations. Member Mutch said it would be difficult to even determine what types of plants would be deemed as noxious weeds in a garden bed since everyone has different opinions. The Committee decided not to move forward with any type of changes.

The meeting was adjourned at 6:09 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk