

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF BLOOMFIELD

SUMMARY OF ORDINANCE NO. 671

SOLICITATION ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 26, PEDDLERS AND SOLICITORS, ARTICLE II, SECTIONS 26-29, TO AMEND PENALTY FOR VIOLATION TO A MUNICIPAL CIVIL INFRACTION AND TO AMEND THE DEFINITION OF SOLICITOR

The purpose of Proposed Ordinance 671 is to amend the Bloomfield Township Code of Ordinances to revise the penalty for an infraction from a misdemeanor to a municipal civil infraction and to amend the definition section to reflect that a solicitor includes one who acts through agents or employees to solicit.

A full copy of Proposed Ordinance 671 is posted and available in the Bloomfield Township Clerk's Office, 4200 Telegraph Road, Bloomfield Hills, MI 48302 and on the Township website at <https://www.bloomfieldtp.org/Government/Legal-Notices.aspx>.

**MARTIN C. BROOK
BLOOMFIELD TOWNSHIP CLERK**

Posted: June 29, 2021

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THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

Section 1. Amendment to impose municipal civil infraction penalty.

Chapter 26. Peddlers and Solicitors. Article II. Section 26-29. Penalty, shall be amended to read as follows:

Sec. 26-29. Penalty.

(a) Notwithstanding any other fees required by any other section of this chapter, any person who shall violate the provisions of this chapter shall be responsible for a municipal civil infraction, subject to the following penalties:

(1) Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:

a. First offense. The civil fine for a first offense violation shall be in an amount of \$75.00, plus costs and other sanctions, for each offense.

b. Repeat offense. The civil fine for any offense which is a repeat offense shall be in an amount of \$150.00, plus costs and other sanctions for each offense.

(2) Enforcement. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ, or order necessary to enforce, or enjoin violation of this chapter.

(3) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

(4) Remedies not exclusive. In addition to any remedies provided for by this chapter, any equitable or other remedies available may be sought.

(b) The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.

(c) A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

Section 2. Amendment to definitions section.

The definition of *Solicitor* found in Chapter 26. Peddlers and Solicitors. Article II. Section 26-20. Definitions, shall be amended to read as follows:

Solicitor.

(1) A person who solicits, or who acts through agents or employees to solicit, when traveling either by foot, wagon, automobile, motor truck, or other means of conveyance from place to place, from house to house or from street to street.

(2) A person who hires, leases, uses or occupies any building, structure, hotel, room, shop or any other place for the sole purpose of exhibiting samples or soliciting material and taking orders for future delivery.

(3) The word solicitor shall include but not be limited to the words canvassers, peddler, and hawker.

Section 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 6. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect immediately upon publication.

Section 7. Adoption.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Bloomfield at a meeting thereof duly called and held on the 28th day of June 2021 and ordered to be given publication in the manner prescribed by the Charter Township of Bloomfield.

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Board of Trustees of the Charter Township of Bloomfield at a meeting held on June 28, 2021, and that the original of this Ordinance is on file in my office.

Martin Brook
Bloomfield Township Clerk

Introduced: June 14, 2021
Published: June 20, 2021
Adopted: June 28, 2021
Published: July 4, 2021