

MARSHALL TOWNSHIP
ORDINANCE NO. 317

AN ORDINANCE OF MARSHALL TOWNSHIP AMENDING SECTIONS 135-8, 120-8, and 120-11 OF CHAPTER 135 ("PEDDLING AND SOLICITING") AND SECTION A144-10 OF CHAPTER A144 ("FEES") OF THE CODE OF MARSHALL TOWNSHIP SO AS TO FURTHER REGULATE AND LICENSE PEDDLERS, SOLICITORS, AND CANVASSERS BY PROVIDING FOR FEES RELATED TO THEIR LICENSOR, PROVIDING FOR THE CREATION, MAINTENANCE, AND DISTRIBUTION OF A LIST OF ALL RESIDENCES AND DWELLING UNITS AT WHICH CERTAIN PEDDLING, SOLICITING, AND CANVASSING IS PROHIBITED BY REQUEST OF THEIR OWNERS/OCCUPANTS, AND PROVIDING FOR SEVERABILITY AND FOR THE REPEAL OF ALL PRIOR INCONSISTENT ORDINANCES.

WHEREAS, Ordinance No. 160B was previously enacted by Marshall Township to regulate and license peddlers, solicitors, and canvassers so as to prevent crime, protect the citizens and residents of Marshall Township from persons posing as peddlers, solicitors, and canvassers, and to protect the privacy interests of the citizens and residents of Marshall Township; and

WHEREAS, Ordinance No. 160B was codified as Chapter 135 ("Peddling and Soliciting") of the Code of Marshall Township pursuant to the adoption of Ordinance No. 263 by Marshall Township on October 5, 1994; and

WHEREAS, the above-described purposes and the promotion of the general health, safety, and welfare of the citizens and residents of Marshall Township will be better served by the amendment of certain sections of said Chapter 135 and Chapter 71 ("Fees") of the Code of Marshall Township pursuant to the terms of this Ordinance.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by Marshall Township, and it is hereby ordained and enacted by the authority of same that Chapter 135 ("Peddling and Soliciting") of the Code of Marshall Township, is hereby amended as follows:

Section 1. Section 135-8 ("Fees") of said Chapter 135 of the Code of Marshall Township is hereby deleted and amended to read in its entirety as follows:

- A. Every applicant for a license under the provisions of this Chapter for the business of peddling, canvassing or soliciting shall pay the following fees:

Investigation of applicant: \$175.00

License (each person, including helpers/assistants): \$15.00 per day

Chapter 71 ("Fees") of the Code of Marshall Township shall be revised and amended so as to delete Section "H", paragraphs 1 and 2, and insert the language of this section as paragraph A of said Section "H" of Chapter 71.

Section 2. Section 135-11 of Chapter 135 of the Code of Marshall Township shall be amended so as to add the following additional provisions thereto as paragraph D thereof:

- D. No person, whether or not required to obtain a license under the provisions of this Chapter shall peddle, canvass or solicit within Marshall Township without first obtaining from the Chief of Police or the Clerk, as the case may be, a list of all residences and dwelling units within Marshall Township where the owner/occupant of the residence or dwelling unit has provided written notification that they do not desire to be visited on such premises at any time by any person performing any peddling, canvassing, or soliciting activity. No person shall peddle, canvass or solicit at any residence or dwelling unit designated on such list. Any such written notice from an owner/occupant to Marshall Township may be revoked in writing at any time by such owner/occupant. The Chief of Police or the Clerk, as the case may be, shall maintain the aforementioned list and update it in its entirety no less often than twice per year. In the event that the identity of an owner/occupant changes, any written notification of the prior owner/occupant shall not be applicable and the new owner/occupant shall need to provide written notification of their desire to be designated on such list.
- (1) The peddler, canvasser or solicitor shall pay to Marshall Township its standard copying charge, as otherwise required by the provisions of the Code of Marshall Township, for the cost of copying and providing the aforementioned list.
 - (2) Any peddler, canvasser or solicitor who shall violate the provisions of this paragraph D of Section 135-11 regarding non-visitation to certain residences or dwelling units as designated on the aforementioned list may have his/her license immediately suspended by the Chief of Police pending proceedings for the revocation of same pursuant to Section 135-14 of the Code of Marshall Township.
 - (3) The provisions of this paragraph (D) of Section 135-11 relating to the prohibition of peddling, soliciting, and canvassing at residences or dwelling units designated on the aforementioned list shall not apply to any resident of Marshall Township.

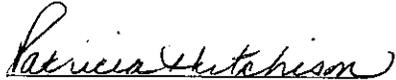
Section 3. Section 135-7 of Chapter 135 of the Code of Marshall Township shall be amended so as to provide that the organizations, individuals, and activities already exempted from compliance with the provisions of Sections 135-5 and 135-8 of said Chapter 120 shall additionally be exempted from compliance with the provisions of paragraph D of Section 135-11 of the Code of Marshall Township (Section 2 of this Ordinance).

Section 4. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 5. All Resolutions, Ordinances, or parts thereof of the Code of Marshall Township which are contradictory to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such contradiction or inconsistency.

ORDAINED and ENACTED by Marshall Township on the 29 day of Nov., 1999.

ATTEST:


Title: Secretary

TOWNSHIP OF MARSHALL


Title: Chairman, Board of Supervisors