

**VILLAGE OF MILFORD  
ORDINANCE NO. 231-231  
PEDDLERS AND SOLICITORS AMENDMENT**

**AN ORDINANCE TO AMEND CHAPTER 22, BUSINESSES, OF THE CODE OF ORDINANCES FOR THE VILLAGE OF MILFORD, BY REPEALING ARTICLE II, PEDDLERS, SOLICITORS AND STREET VENDORS, IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE II, PEDDLERS, SOLICITORS AND STREET VENDORS, IN ORDER TO UPDATE THE VILLAGE REGULATIONS TO COMPLY MORE CLOSELY WITH CURRENT STATE AND FEDERAL CASE LAW REQUIREMENTS FOR PEDDLING AND SOLICITING IN THE VILLAGE.**

**THE VILLAGE OF MILFORD ORDAINS:**

**Section 1. Amendment.**

Article II, Peddlers, Solicitors and Street Vendors, of Chapter 22, Businesses, of the Code of Ordinances for the Village of Milford, shall be repealed in its entirety and replaced with the following new Article II, Peddlers, Solicitors and Street Vendors, which shall read as follows:

**CHAPTER 22 – BUSINESSES  
ARTICLE II- PEDDLERS, SOLICITORS AND STREET VENDORS**

**Sec. 22-31 Definitions.**

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

*Canvasser* means a person who, without prior specific invitation or appointment, attempts to enlist noncommercial support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or distributes handbills or flyers advertising a noncommercial event or service, including student and youth support and solicitation of proceeds for an educational, recreational, civic or religious purpose which directly benefits the student and/or sponsoring organization.

*Peddler* means any person who, without prior specific invitation or appointment, offers, exposes for commercial sale or makes available for a commercial price, makes, sells and/or delivers commercial articles to purchasers, or takes or attempts to take commercial orders for sale of goods, foodstuffs, or services of any kind, for immediate or future delivery or performance, whether or not such person has, carries or exposes for sale a

forms provided at the Village office, which information shall be further investigated by the Village police department:

- (1) The name of the person(s) who will engage in peddling within the Village, including the person's current home address and length of residence at such address, business address if other than the residence address, business and residence telephone numbers, driver's license or state identification number, and a physical description including height, weight, and color of hair and eyes.
- (2) A brief description of the business or activity to be conducted including the methods to be used and a description of the types of goods or services to be sold.
- (3) The dates, hours and location for which the right to engage in peddling or soliciting is sought.
- (4) Proof that the applicant has obtained all licenses or permits, if any, required by state law.
- (5) If employed by or acting as an agent for another entity, the name, address and telephone number of the other entity that is being represented, and when this entity was formed, including the form of its organization.
- (6) A statement as to whether the applicant's parent organization has ever been found to have violated a municipal ordinance regulating peddling or soliciting, and if "yes," the details thereof.
- (7) A current ICHAT (Internet Criminal History Access Tool) Report (within the last 30 days) for each employee who will be engaging in peddling as to whether the peddler, or an officer or director of the peddler's parent organization has/have ever been convicted of a felony, and/or of any sex offense, and if so, the date and location of such conviction, and a brief description of the offense. A waiver to perform a criminal background search shall be provided by the Village which must be signed by each person.
- (8) A current photograph of the applicant and a photograph of the person(s) who will be engaged in the peddling, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches in size showing the face and shoulders of the peddler, in a clear and distinguishing manner.
- (9) The motor vehicle make, model, year, color, state license plate and number of any vehicle which will be used by each person peddling/soliciting;
- (10) The mailing or website address where residents having subsequent questions can go for more information;
- (11) Copies of literature to be distributed, other municipal references, etc.
- (12) The application shall be signed by the applicant stating that the information contained therein is true and correct, that the Village shall have the right to investigate and verify the information contained in the application, and that the applicant has read the Peddlers and Solicitors Ordinance and agrees to abide by its terms.

sample of the subject of such sale or whether or not he or she is collecting advance payments on such sale, by any of the following means:

- (1) Traveling by foot, automotive vehicle, or other conveyance, from place to place, house to house, or street to street, carrying, conveying or transporting such goods, wares, merchandise or foodstuffs;
- (2) Hiring, leasing or occupying any building or structure for the exhibit or sale of such goods, foodstuffs, or services, while not on the Village tax rolls, including a person who associates temporarily with a local merchant or dealer, which building or structure is not otherwise used for that purpose;
- (3) Offering out of doors such goods, foodstuffs or services from a stationary cart, stand, wagon, automotive vehicle or from one's person.

*Person* means any individual, firm, co-partnership, corporation, company, association, or joint stock association, house of worship, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, subcontractor, agent or other similar representative thereof.

*Solicitor* means a person who, without prior specific invitation or appointment, attempts to obtain a commercially driven donation for a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or distributes a handbill or flyer advertising a commercial event or service.

**Sec. 22-32 Penalty.**

Any person violating any of the provisions of this article shall be guilty of a misdemeanor punishable by up to 90 days in jail and/or a \$500 dollar fine.

**Sec. 22-33 License Required.**

It shall be unlawful for any person, either as principal or agent, to operate as a peddler or as a solicitor in the Village without having first obtained a license in the manner provided in this article. A canvasser is not required to obtain a license; however, canvassers may voluntarily make application for a license to the Village Clerk for their own business purposes. Processing of a license does not constitute an endorsement by the Village of the subject activity.

**Sec. 22-34 Application for License.**

(a) Any person who shall operate as a peddler or a solicitor within the Village shall be required to make application for a license to the Village Clerk in accordance with the provisions of this section.

(b) Prior to the date of beginning operations in the Village, any person operating as a peddler or a solicitor must provide the following information to the Village Clerk on

(13) The applicant shall sign a hold harmless agreement releasing the Village from any claims made against the Village that arise out of the actions of the peddler or solicitor.

(c) An application for peddling/soliciting shall be accompanied by a fee. Such fee shall be established by resolution of the Village council. No fee shall be charged to:

- (1) Village merchants, representatives and charities engaging in year-round business with a permanent location in the Village.
- (2) Any honorably discharged veteran who is a resident of this state and who has obtained a veteran's license from a county Clerk within the state.

(d) Information submitted under this section shall remain valid for up to six months, however, a peddler/solicitor shall, within three calendar days after a change occurs, report to the Village Clerk in writing any material change in any information previously provided on the application form. A new application is required to be submitted to the Village Clerk and the Village police department for any peddling/soliciting activity conducted beyond six months after the current application.

#### **Sec. 22-35 Filing False Application.**

No person shall knowingly file or cause to be filed an application for peddling/soliciting or a document supporting such an application containing one or more false statements.

#### **Sec. 22-36 Approval/Denial.**

(a) Upon the receipt of an application for approval of peddling/soliciting activities required by this article, the Village Clerk shall, within 48 hours of the time of such receipt, refer such application to the Chief of Police or his or her designated representative for making any necessary investigation. The officer charged with the duty of making the investigation shall make recommendation thereon, favorable or otherwise, within 30 days after receiving the application. The officer shall then forward the application and recommendation to the Village Clerk. Upon completion of the required investigation, the peddling/soliciting activity shall be approved upon a determination that the applicant has met all provisions of this article, including:

- (1) The required fees have been paid;
- (2) The applicant has not made a material misrepresentation of fact in and/or falsified any of the contents of the application, unless the applicant can demonstrate that the falsehood was the result of excusable neglect;
- (3) The applicant has not had a peddler's or solicitor's permit denied or revoked by the Village within a period of two years prior to the date of the application;
- (4) The applicant has never been convicted of a felony, a misdemeanor involving moral turpitude and /or convicted of any sexual offenses.

(5) The applicant has met all other requirements of this article.

(b) If the Village denies peddling/soliciting activity, such denial shall be immediately conveyed in writing to the applicant by the Village Clerk. Within 48 hours of the denial, the Village Clerk shall prepare a written report which shall be issued, either by email communication, facsimile correspondence or first-class mail, to the applicant, and the applicant shall be invited to respond to the report and present evidence in support of his or her response.

(c) Denials may be appealed to the Village council by the filing of a written appeal within seven days of the denial. The Village council shall make a determination after presentation by the applicant, supported by a preponderance of the evidence, as to whether or not the grounds for denial should be upheld. The Village council's decision may be reviewed by a court of competent jurisdiction.

**Sec. 22-37 Revocation of Peddling/Soliciting Activity.**

(a) Peddling/soliciting activity may be revoked for any of the following reasons:

- (1) The peddler/solicitor has violated any of the provisions of this article, this Code for the Village, or any state or federal laws, rules or regulations pertaining to peddling or soliciting statute of the state.
- (2) Fraud, misrepresentation, or incorrect statements have been made by the peddler/solicitor in the course of carrying on an activity or in application for peddling/soliciting activity.
- (3) The peddler/solicitor has been convicted of any felony or misdemeanor involving moral turpitude within the last seven years prior to or while peddling/soliciting in the Village.
- (4) The peddler/solicitor has conducted an activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- (5) The peddler/solicitor has had a written complaint filed against him or her for violation of this article and probable cause exists for substantiation of the complaint.

(b) If upon investigation by the Village, it is discovered that a peddler/solicitor has violated any regulations of this article, written notice of such violation shall be issued, by certified mail, to that person. Immediately upon the giving of such notice, approval for the peddling/soliciting activity shall become null and void.

(c) Revocations may be appealed in the same manner as denials.

**Sec. 22-38 Other Licenses or Permits.**

Permission obtained under this article shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by any other ordinance, regulation, statute or administrative rule. No peddler or solicitor shall be allowed to distribute food until the applicant and any vehicle and equipment used by such applicant are approved by the health department for the state or the county, if such approval is required by law.

**Sec. 22-39 Regulations, Conduct.**

No peddler or solicitor shall:

- (a) Peddle or solicit upon a premise in defiance of a posted notice stating, "No Trespassing" or "No Solicitors or Peddlers";
- (b) Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors;
- (c) Fail to immediately and peacefully depart from a premise when requested to do so by the occupant;
- (d) Use or attempt to use any entrance other than the front or main entrance to a dwelling;
- (e) Fail to accurately reveal all information contained in the application for peddling/soliciting and all information required to be revealed by state law to any person requesting such information;
- (f) Represent that the peddling/soliciting activity approved under this article is an endorsement by the Village;
- (g) Stop for the purposes of selling or offering to sell any products within a distance of 500 feet from any public, private or parochial school building, or the lands on which such school buildings are located in the Village on any days during which such school is in session.
- (h) Occupy a stationary location on a public street, sidewalk, parkway, park, parking lot or any other public property, which is used by pedestrians or persons operating motor vehicles, unless otherwise approved by the Village. A peddler or solicitor shall be presumed to have occupied a stationary location if he or she has conducted business in any such public place for a period in excess of ten minutes;
- (i) Use or employ any flashing lights on any vehicle, or any other device for the purpose of attracting attention to any goods, wares or merchandise the peddler or solicitor proposes to sell.
- (j) Threaten or harass any person in the course of their activities or in any way engage in conduct that threatens the health and safety of another or causes a nuisance.
- (k) No person shall engage in abusive peddling or solicitation. Abusive activity shall include, but not be limited to, one or more of the following while peddling or soliciting or immediately thereafter: coming closer than three feet to the person peddled or solicited unless and until such person indicates

he or she wishes to make a purchase or otherwise receive the peddling or solicitation; blocking or impeding the passage of the person being peddled or solicited; repeating peddling or solicitation after the person has indicated his or her objection to the peddling or solicitation; following a person by proceeding behind, ahead or alongside such person after the person has indicated his or her objection; threatening a person with physical harm by word or gesture; abusing a person being peddled or solicited with words which are offensive and inherently likely to provoke an immediate violent reaction; or touching the person being peddled or solicited without consent.

- (l) No peddler or solicitor shall request a person being peddled or solicited to retrieve something from inside his or her home which requires him or her to leave the front door.
- (m) No peddler or solicitor shall request a person being peddled or solicited to allow him or her to enter the person's residence.
- (n) During a parade which proceeds through the Village no peddler or solicitor shall sell, peddle, solicit or canvass in the street which is part of the parade route.
- (o) Sell, peddle or solicit on any Village block that has demonstrated by a petition signed by 51 percent of the residents on that block, being submitted to the Village, that it is an exempt block.

**Sec. 22-40 Stands, Regular Places of Business Require Approval.**

It shall be unlawful for any licensee to sell, peddle or solicit on the public streets, alleys or other public places of the Village at any established stand or location, or use any place on the highways as a regular place of business, or use any place on private property as a regular place of business without first obtaining approval from the Village.

**Sec. 22-41 Identification Card.**

Any police or code official may require any person seen soliciting or peddling, who is not known by such official to hold an approved application, to show proof of identity for verification with the Village Clerk, and to enforce the provisions of this article against any person found to be violating them.

**Sec. 22-42 Manner of Canvassing – Duties of Canvassers.**

No canvasser shall:

- (a) Canvass upon a premise in defiance of a posted notice stating, "No Trespassing," "No Peddlers or Solicitors" or "No Canvassers";
- (b) Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors;
- (c) Fail to immediately and peacefully depart from a premise when requested to do so by the occupant;

- (d) Use or attempt to use any entrance other than the front or main entrance to a dwelling;
- (e) Fail to accurately reveal all information required to be revealed by state law to any person requesting such information;
- (f) Represent that the canvassing activity is endorsed by the Village.
- (g) Request a person being canvassed to retrieve something from inside his or her home which requires him or her to leave the front door.
- (h) Request a person being canvassed to allow him or her to enter the person's residence.

**Sec. 22-43 Hours in Residential Areas.**

No person shall engage in peddling, solicitation or canvassing in residential areas prior to 9:00 a.m. or after 8:00 p.m. or sunset, whichever is earlier.

**Sec. 22-44 Records of Licenses.**

The Village Clerk shall file with the police chief a copy of each approved application and the police chief shall report to the Village Clerk any complaints against any license holder and any convictions, pleas or other findings of responsibility for violations of this article. The Village Clerk shall keep a record of all such complaints and violations.

**Section 2. Repealer.**

This Ordinance hereby repeals any ordinances in conflict herewith.

**Section 3. Savings Clause.**

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 4. Severability.**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**Section 5. Adoption and Effective Date.**

This Ordinance is hereby declared to have been adopted by the Village of Milford Village Council at a meeting thereof duly called and held on the 20th day of May, 2019, and ordered to be given effect as mandated by Charter and statute.