

**CITY OF WIXOM  
ORDINANCE NO. 2019-04**

**PEDDLERS, SOLICITORS AND CANVASSERS**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF WIXOM, TO AMEND CHAPTER 5.10, PEDDLERS, SOLICITORS AND CANVASSERS, SEC. 5.10.074, OBSTRUCTING TRAFFIC, TO REMOVE CERTAIN PRIOR REGULATIONS; SEC. 5.10.078, FIXED STANDS PROHIBITED, MISCELLANEOUS, TO REMOVE THE REFERENCE TO SOLICITOR AND CANVASSER; AND SEC. 5.10.079, POSTED PROPERTY, ACCESS TO PREMISES RESTRICTED, TO REPEAL FORMER SUBSECTIONS (B) AND (C).**

**THE CITY OF WIXOM ORDAINS:**

**Section 1. Amendment of Chapter 5.10**

Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.074, Obstructing Traffic, shall be amended to read as follows:

5.10.074 - Obstructing traffic.

Subject to the provisions below, A peddler, solicitor or canvasser shall not block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public highway, public parking lot, street, road, alley, drive or sidewalk or within public buildings and other public areas within the city by means of a barricade, object or device, or with his person.

Notwithstanding, the above prohibitions do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization, during daylight hours, if all the following conditions are satisfied:

- A. Only charitable and civic organizations are permitted to solicit or complete solicitation transactions within the roadway. As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)3 or 501 (c)(4) of the Internal Revenue Code, 26 USC 501, or a veteran's organization that has tax-exempt status under the Internal Revenue Code.
- B. All persons engaged in permitted solicitation shall wear high visibility safety apparel meeting the current American Standards promulgated by the International Safety Equipment Association.
- C. Such persons shall attempt to move off the roadway portion of the road when traffic is moving.
- D. No person under the age of eighteen shall be permitted to solicit on behalf of any charitable or civic organization.
- E. Solicitation shall not occur at any time when there is inclement weather such as snow, ice, or fog, as determined by the director of public safety and/or his/her designee.
- F. Solicitation shall occur only during daylight hours which is defined to mean one-half hour after the sunrise and one-half hour before sunset based on published sunrise and sunset times on the applicable day where solicitation occurs.
- G. Solicitation is not permitted within any work zone.
- H. Solicitation shall not occur at any permitted intersection where traffic-controlled devices are either not present or not functioning.

**Section 2. Amendment of Chapter 5.10**

Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.078, Fixed Stands Prohibited, Miscellaneous, shall be amended to read as follows:

5.10.078 – Peddler fixed stands prohibited; miscellaneous.

- A. No peddler shall establish a fixed stand and/or store for peddling upon any street, road, highway, lane, sidewalk, driveway, alley, public parking lot or publicly-owned property.
- B. Peddler temporary stands shall not impede access to the entrance, parking lot or driveway of any adjacent building. Such stands shall be located on private property within the city, only when permission of the property owner has been obtained, unless permission to be located on public property is granted by the city for a special event in accordance with Section 5.10.077(B). Nothing herein shall be construed as relieving an applicant from applying for any other approvals that may be required by the City Code.
- C. All peddlers selling food or beverages must provide trash receptacles adjacent to or as a part of their stands.

**Section 3. Amendment of Chapter 5.10**

Chapter 5.10, Peddlers, Solicitors and Canvassers, Sec. 5.10.079, Posted Property; Access to Premises Restricted, shall be amended to read as follows:

Sec. 5.10.079. Posted Property; Access to Premises Restricted.

- (a) No peddler, solicitor, or canvasser shall enter into or upon private property that has posted a "no trespassing," "no peddling," "no soliciting," "no canvassing" or similar notice. A sign posted under this subsection should be a weatherproof sign measuring a minimum of three (3) inches by four (4) inches, the letters must be at least one-third (1/3) inch in height, and the sign must be exhibited upon or near a main entrance door to the main structure, building or residence on the property.
- (b) No peddler shall engage in peddling in any residential subdivision, condominium or other neighborhood that has a privately posted "no peddling," "no solicitation," "no trespassing" sign, or similar notice at each entrance to the subdivision, condominium or other neighborhood. A sign posted under this subsection should be a weatherproof sign measuring a minimum of two (2) square feet, the letters must be at least two (2) inches in height, and the sign must be exhibited in a location visible to the drivers of vehicles at each entrance to the subdivision, condominium or other neighborhood. A sign must comply with all otherwise applicable requirements of this Code and City standards, including, without limitation, the requirement to obtain a permit if the sign is to be located within a public right-of-way. Any such sign shall be a freestanding sign, and shall not be affixed to any utility pole, traffic control sign or any other public structure.

**Section 4. Savings Clause.**

Nothing in this Ordinance hereby adopted shall 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 5. 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 6. Adoption.**

This Ordinance is hereby declared to have been adopted by the City of Wixom City Council at a meeting thereof duly called and held on the 28th day of May, 2019, and ordered to be given effect upon publication as mandated by Charter and statute.

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Richard Ziegler, City Mayor

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Catherine Buck, City Clerk

Notice of adoption published in the Spinal Column on June 5, 2019.

**CERTIFICATION OF CLERK**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Wixom, County of Oakland, State of Michigan, at a regular meeting of the City Council duly called and held on 28th day of May, 2019.

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Catherine Buck, City Clerk