

05/09/2013

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 78-163, 78-166 AND 78-198 OF ARTICLE III, OF CHAPTER 78, PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR ITINERANT MERCHANT APPLICANTS; MODIFY THE HOURS DURING WHICH DOOR-TO-DOOR COMMERCIAL SOLICITATION IS PERMITTED; CHANGE LICENSE DURATION; REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 78-163 of Article III of Chapter 78 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 78-163. Basis for issuance.

The city clerk shall issue a license required under this division whenever the clerk shall find the following facts to exist:

- (1) There are no facts to cause a reasonable belief that the activities of the applicant will not become an annoyance or a nuisance to the citizens of the city. Such activities shall inure to the benefit of the citizenry of the city.
- (2) The applicant has not been convicted of a felony or a misdemeanor involving moral turpitude.
- (3) There has been compliance with this article, including payment of the applicable fee.
- (4) There have been no violations of this article in the past, which would form a basis of a reasonable belief of further violations of this article.
- (5) Criminal background check has been conducted through the Internet Criminal History Access Tool (ICHAT).

Section 2. Section 78-166 of Article III of Chapter 78 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 78-166. Duration.

A licenses issued under this division shall be issued for a period of ~~up to one year as determined by the city clerk with consideration of the application, and all licenses shall expire March 31 of each year~~ 90 days. If additional time is needed, the applicant may reapply.

Section 3. Section 78-198 of Article III of Chapter 78 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 78-198. Hours.

Under this article, ~~no~~ door-to-door sales or solicitations or sales or solicitations on private property shall be permitted between the hours of ~~6:00 p.m. or sunset, whichever is later, and 8:00 a.m., except by invitees~~ 9:00 a.m. and 7:00 p.m. while daylight savings time is in effect and between 9:00 a.m. and 5:00 p.m. when daylight savings time is not in effect.

Section 4. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 5. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 6. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2013, following its publication in the *Oakland Press* on _____, 2013.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2013.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2013.

Tina Barton, Clerk
City of Rochester Hills