

CHAPTER 5.28
SOLICITORS, CANVASSERS AND PEDDLERS

Note: Prior ordinance history: Ords. 618, 904, 1284, 1380 and 1398.

§ 5.28.010. Permit required.

No solicitor, canvasser or peddler as defined in this code, shall go from place to place in the city or from house to house, for any of the purposes hereinbefore specified or indicated, without having first procured a written permit from the city licensing official authorizing the same. To obtain such permit, each such solicitor, canvasser or peddler shall personally appear before the licensing official, or designee thereof, and file a written application for such permit, which application shall set forth the true name and address of the applicant, and such other information as the licensing official shall require, including detailed information as to the employer of the applicant, or the name of the concern he or she purports to represent, the nature of his or her business in the city as such a solicitor, canvasser or peddler, and such other information as may be required by California Business and Professions Code Section 17510, et seq. For this purpose the licensing official shall provide printed forms for use by each applicant, and each applicant shall verify the information given under penalty of perjury. All such applications shall be filed and permanently retained by the licensing official for at least two years as public records. Each applicant shall pay a permit fee to defray the costs of administering this section, in such amount as may be established by resolution of the city council.

(Prior code § 6560.1; Ord. 1835 § 13, 2008)

§ 5.28.020. Issuance of permit.

Once the business license official has verified the information provided, the applicant shall be issued a permit to engage as such solicitor, canvasser or peddler within the city, for a period of 30 days or for such longer period as permitted by the business license official.

(Prior code § 6560.2; Ord. 1835 § 14, 2008)

§ 5.28.030. Contents of permit.

The permit required under Section 5.28.010 shall be a printed card in such form and containing such information as may be required by the business license official, including, but not limited to, the identity and address of the solicitor and of the solicitor's employer, if any, and in substance authorizing and permitting the applicant to act as such solicitor, canvasser or peddler within the city for a period stated. Every such permit may also contain instructions in regard to the conduct of the solicitor, canvasser or peddler to whom the same is granted, while soliciting, canvassing or peddling in the city, and every such solicitor, canvasser or peddler to whom a permit has been granted shall exhibit the same promptly upon making contact with any resident or to any police officer requesting to inspect it.

(Prior code § 6560.3; Ord. 1835 § 15, 2008)

§ 5.28.040. Business license required.

In addition to the requirement of a permit as provided in this chapter, and in addition to any and all applicable provisions of this title, this code, or any other ordinance or requirement, every solicitor, canvasser or peddler selling any goods, merchandise or service shall be required to pay a business license fee as provided in Section 5.04.400 of this title.

(Prior code § 6560.4)

§ 5.28.050. Solicitation in public parks.

No solicitor, canvasser or peddler, whether licensed under this chapter or not, shall solicit, take orders, sell or vend, or attempt to sell or vend wares, merchandise or articles of merchandise in any public park or public building in the city without first having obtained a permit to do so from the city council.

(Prior code § 6565.5)

§ 5.28.060. Charity solicitation permit.

- A. No person shall solicit, collect or receive money or property, or solicit the sale of, or sell any article, or thing, service, of any kind where it is represented that the proceeds of such solicitation or sale or any part thereof, are to be used for purposes of charity, relief or benefit, or otherwise engage in any "solicitation for charitable purposes," as that phrase is defined in California Business and Professions Code Section 17510.2, without first obtaining and being the holder of a valid permit so to do for each drive or campaign for funds or property. Such permit shall be known as a "charity solicitation permit" and shall be obtained through the business license official. The fee for such permit shall be \$3.00 or such other amount as may be set by resolution of the city council.
- B. The foregoing permit shall be required only of the person in charge of charitable solicitations, but no person shall solicit as agent, servant or representative of an unpermitted person required under the provisions of this chapter to have a charity solicitation permit. A copy of such permit shall be displayed by each solicitor at all times while engaged in solicitation activities.
- C. Before any such permit shall be issued, and as a condition to the issuance thereof, the person applying therefor shall file with the business license official a sworn statement and publish a copy thereof at least once in a newspaper in the city, in a space not less than two inches by four inches in size, and in type not less than eight-point news style in size. The statement shall contain the name of the person or organization, or a brief description of the class of persons for whose benefit solicitation is to be made together with the address and telephone number of such person or organization, (and if an organization, the names and business addresses of its officers); the name of the person or persons who are to solicit; the total amount to be raised; the estimated total amount to be expended as compensation or reward for such solicitation, or the percentage of the total amount intended to be raised or realized in the drive or campaign such estimated total of expenditures represents;

and the purpose for which the money or property derived from such solicitation is to be used. This statement shall be verified by declaration or affidavit of the person, or chief officer of the organization, for whom solicitation is to be made, or if solicitation is to be for an unorganized class of persons, verification shall be made by the person in charge of such solicitation.

- D. Before issuing a charity solicitation permit, the business license official may make inquiry of the applicant, or any other person, concerning the plan of solicitation, the disposition of the proceeds thereof, and the matters set forth in the sworn statement herein required, and if upon such inquiry or from such statement the business license official discovers any false statement or representation, or that the applicant does not represent a bona fide charity as defined in California Business and Professions Code Section 17510.2, or that the solicitation activities proposed would violate any provision of California Business and Professions Code Section 17510, et seq., or any other law, the application shall be denied.
- E. Any charity solicitation permit may be revoked or suspended by the business license official, pending a hearing, when there is probable cause to believe that any fraud or misrepresentation has been committed by the permittee or agents thereof in connection with any permitted solicitation, or that the permittee included any statement or representation in the application which was not truthful. Upon any such revocation or suspension, the business license official shall schedule a hearing to occur within not less than seven calendar days nor more than 21 calendar days thereof, and shall provide notice by first class mail of such hearing to the permittee at the address set forth in the application on file. The hearing shall be held before the city manager or designee whose decision shall be based upon written findings and shall be final.

(Prior code § 6560.6; Ord. 1835 § 16, 2008)

§ 5.28.070. Identification.

Each solicitor, peddler, hawker, or transient vendor shall wear a photo identification badge at all times while soliciting. The badge shall identify the bearer thereof, and shall contain the bearer's employer's name and business address, or if none, the bearer's permanent address. The badge shall be issued by the business license official at the cost of the applicant. The fee for issuing the badge shall be in such amount as may be established by resolution of the city council, which fee shall cover the cost of film, badge materials and labor.

(Prior code § 6560.7; Ord. 1835 § 17, 2008)