

CHAPTER 8. PEDDLERS AND SOLICITORS

Sec. 3-8.01. Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain works and phrases used in this chapter are defined as follows:

(a) “Hawker” shall mean a peddler who not only carries goods for sale but solicits purchasers by shouting or by attracting notice and attention to goods for sale by the actual exhibition or exposure of them, by placards or labels, by the sound of a horn, or by other means.

(b) “Peddler” shall mean a person who goes from house to house or from place to place seeking to make concurrent sales and deliveries of the goods, wares, and merchandise in which he deals.

(c) “Solicitor,” “drummer,” or “canvasser” shall mean a person who goes from place to place or from house to house taking or attempting to take orders for the sale of goods, wares, and merchandise of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has a sample or whether or not he collects advance payments.

(d) “Telephone solicitor” shall mean a person who, by use of the telephone, solicits invitations from owners or occupants of private residents for the purpose of taking or attempting to take, or who takes or attempts to take, orders for the sale of goods, wares, and merchandise of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has a sample or whether or not he collects advance payments.

(e) “Transient merchant” or “itinerant merchant” shall mean a person who occupies a building or other place for the exhibition and sale of his goods or wares with the intention and determination to remain in business for a short period of time only, whether such period is a definite or indefinite one, or until a particular stock of merchandise is disposed of, or until the local market for the commodity handled by the dealer has been exhausted.

(§§ 2342 and 2342.1 through 2342.5, T.O.O.C., as added by Ord. 158)

Sec. 3-8.02. Permits: Required: Exception.

(a) Required. No person or entity shall engage in the act of or business of peddler, hawker, transient or itinerant merchant, solicitor, drummer, canvasser, or telephone solicitor within the City without first obtaining a City permit as specified in this chapter. The employer, if any, of any such peddler, hawker, transient or itinerant merchant, solicitor, drummer, canvasser or vendor shall obtain a permit. In addition to said permit for the employer, each employee engaged in any act of solicitation, peddling, hawking drumming within the City for that company, employer or entity shall obtain a City identification card. The permit and all identification cards shall not be transferable.

At all times when performing any act of soliciting or peddling, the employee or such persons so engaged shall have displayed or on their person any City-issued vendors decal (issued under Chapter 23 of Title 5 of this Code) and permit or the employee identification card. Such persons shall exhibit the employee identification card or permit whenever requested to do so by a law enforcement or code enforcement officer.

(b) Exception. The provisions of this section shall not be applicable to a business owner or employee who merely operates a vehicle from a fixed place of business, and engages only in delivering a service, a product, food or merchandise to a specified address in response to a customer request, order or invoice made to a fixed place of business.

(§§ 2341 and 2341.1, T.O.O.C., as added by Ord. 158, as amended by § XXIV, Ord. 241-NS, eff. November 25, 1971 and § 2, Ord. 1188-NS, eff. October 12, 1993)

Sec. 3-8.03. Permits: Applications: Form.

Every employer applicant and employee engaged in any act referred to in Section 3-8.02, shall personally appear before the Finance Department and the Police Department, if so directed, and make a written application on the City form providing the following information:

- (a) The name, address, telephone number and description of applicant;
- (b) The name, address, telephone number of the business, or employer, and the nature of solicitation or business activity to be conducted within the City;
- (c) A statement as to whether or not the applicant has been convicted of a felony or misdemeanor, the nature of the offense, exclusive of any violation of a traffic law or any misdemeanor under the State Vehicle Code;
- (d) Picture, fingerprints, and such other information as the Chief of Police, or his/her designee, shall require.

The application shall contain an acknowledgement that the applicant has read and agrees to follow the City regulations for solicitation or peddling and shall be signed by the applicant.

(§ 2343, T.O.O.C., as added by Ord. 158, as amended by § XXIV, Ord. 241-NS, eff. November 25, 1971 and § 2, Ord. 1188-NS, eff. October 12, 1993)

Sec. 3-8.04. Permits: Applications: Approval.

If the Chief of Police finds that the application provided for in Section 3-8.03 of this chapter complies with all the requirements of this chapter, he shall approve the application.

(§ 2345, T.O.O.C., as added by Ord. 158, as amended by § XXIV, Ord. 241-NS, eff. November 25, 1971)

Sec. 3-8.05. Permits: Form.

(a) Time limitation. No person shall engage in the business of peddler, hawker, transient or itinerant merchant, solicitor, drummer, canvasser, or vendor in a door-to-door manner or area canvassing in a residential zone, except between the hours of 9:00 a.m. and 5:00 p.m., Pacific Standard Time, and between 9:00 a.m. and 7:00 p.m., Pacific Daylight Savings Time. This subsection shall not apply to any person soliciting or peddling goods or publications for the sole and bona fide purpose of generating funds for a religious, charitable or political organization, which has a federally recognized nonprofit tax status.

(b) Posted signs. No person shall engage in the business of peddler, hawker, transient or itinerant merchant, solicitor, drummer, canvasser, or vendor at a premise, home or address where a sign stating "No Peddlers or Solicitors," or words of same import, is clearly posted.

(c) Form. The permit shall be on a City-approved form and contain the name of each person and the company for whom those persons work.

(§ 2346, T.O.O.C., as added by Ord. 158, as amended by § XXIV, Ord. 241-NS, eff. November 25, 1971 and § 2, Ord. 1188-NS, eff. October 12, 1993)

Sec. 3-8.06. Permits: Fees.

The fee for the processing of applications and permits pursuant to this chapter shall be as established by City Council resolution.

(§ 2341, T.O.O.C., as added by Ord. 158, as amended by § XXIV, Ord. 241-NS, eff. November 25, 1971 and § 2, Ord. 1188-NS, eff. October 12, 1993)

Sec. 3-8.07. Photographs and fingerprints: Criminal conduct: Ineligibility for permits.

Each applicant for a permit to engage in the business of peddler, hawker, transient or itinerant merchant, solicitor, drummer, canvasser, or telephone solicitor shall be photographed and fingerprinted.

Except as otherwise provided in this section, the conviction (including pleas of guilty and nolo contendere) of a felony or misdemeanor shall be prima facie disqualification of an applicant for such permit.

The City licensing authority, however, may disregard such conviction if it is found and determined by such licensing authority that mitigating circumstances exist. In making such determination, the City licensing authority shall consider the following factors:

- (a) The type of business license or permit for which the person is applying;
- (b) The nature and seriousness of the offense;
- (c) The circumstances surrounding the conviction;
- (d) The length of time elapsed since the conviction;
- (e) The age of the person at the time of the conviction;
- (f) The presence or absence of rehabilitation or efforts at rehabilitation; and
- (g) Contributing social or environmental conditions.

The City licensing authority shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application.

An applicant who is disqualified for a City business license or permit under this provision may appeal such determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) days after the date of the notice of disqualification. The City Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the City Manager on the appeal shall be final.

Pursuant to Section 11105 of the Penal Code of the State, the following officers of the City are hereby authorized to have access to and to utilize State summary criminal history information when it is needed to assist them in fulfilling the licensing duties set forth in this section: the City Manager, City Attorney, and Finance Director.

(§ 2344, T.O.O.C., as added by Ord. 158, as amended by § XXIV, Ord. 241-NS, eff. November 25, 1971, and § III, Ord. 619-NS, eff. April 7, 1977)

Sec. 3-8.08. Temporary permits.

Each applicant who complies with the provisions of Sections 3-8.02, 3-8.05, and 3-8.06 of this chapter may be issued a temporary permit to expire thirty (30) days after the date of issuance. Such permit shall be surrendered to the Finance Department at the time the regular permit is issued or the thirty (30) day time period elapses, whichever occurs first.

(§ IX, Ord. 241-NS, eff. November 25, 1971)