

## Chapter 9.108

### NONCHARITABLE SOLICITING

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#### Sections:

- 9.108.010 Permit required.
- 9.108.020 Application for permit.
- 9.108.030 Permit filing fee.
- 9.108.040 Application investigation--Permit issuance conditions.
- 9.108.050 Possession of permit required.
- 9.108.060 Permit denial and revocation.
- 9.108.070 Appeal procedure.

#### **9.108.010 Permit required.**

It is unlawful for any person to engage in commercial solicitation activities as a noncharitable solicitor within the city without first obtaining a permit therefor in compliance with the provisions of this chapter. For purposes of this chapter, the term "noncharitable solicitor" shall mean any person who, for noncharitable purposes, travels from house to house, from business to business, or otherwise from place to place, taking or attempting to take orders for the sale of goods or merchandise, personal or intangible property of any nature for future delivery, or for services of any kind to be furnished or performed in the future, whether or not such person has, carries or displays for sale a sample of the subject of such sale or is collecting advance payments for such sales or services.

"Noncharitable solicitor" also means any person who, for noncharitable purposes, travels from house to house, from business to business, or otherwise from place to place, carrying, conveying or transporting goods, merchandise or personal or intangible property of any nature, and offering and/or displaying the same for sale or making sales and delivering such items, or services of any kind, to any person at the place of sale or elsewhere.

For purposes of this section, the term "noncharitable purposes" shall mean and include purposes not intended to benefit nor benefitting, any "charity," as defined in California Business and Professions Code Section 17510.2(d).

(Ord. 520 § 1 (part), 1998).

#### **9.108.020 Application for permit.**

Applicants for a permit under this chapter shall file with the finance director a sworn application in writing on a form to be furnished by the director, providing the following:

- (a) The name, birth date, and description of the applicant;
- (b) The permanent home address and full local and business address of the applicant and the applicant's employer, if any;
- (c) A brief description of the nature of the business, the goods or services to be sold, proposed method of delivery, and any vehicles to be utilized in connection therewith;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the permit is desired, not to exceed one year;
- (f) A statement as to whether or not the applicant has been convicted of any misdemeanor or felony within the previous ten years, the nature of the offense, the date of conviction, and the punishment or penalty imposed therefor;
- (g) A statement as to the nature and date of any revocation of any permit held by the applicant to sell goods or services to the public within the previous ten years;
- (h) Evidence of the applicant or applicant's employer possessing a current city business license to conduct solicitation activities;

Where the applicant is a business entity utilizing noncharitable solicitors, the applicant shall provide all of the required information as to such business entity and as to each person who shall actually solicit.

(Ord. 520 § 1 (part), 1998).

#### **9.108.030 Permit filing fee.**

At the time of filing the application for a permit under this chapter, a fee in an amount established by resolution of the city council shall be paid to the finance director to cover the cost of investigation of the facts stated therein, and the cost of the identification card required to be carried by each solicitor. Such fee shall be paid by each business entity applicant on behalf of each person who shall actually solicit.

(Ord. 520 § 1 (part), 1998).

#### **9.108.040 Application investigation--Permit issuance conditions.**

(a) Upon receipt of a complete application for a permit under this chapter, the finance director may cause an investigation of the applicant and application to be made. The application shall be approved or denied within fourteen days of receipt.

(b) If, as a result of such investigation, the finance director determines that any false or material misrepresentation has been made, or that the applicant does not satisfy the requirements of this chapter, the applicant shall be provided written notice that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the applicant is found to satisfy the requirements of this chapter, the finance director shall approve the application and issue a permit and an identification card for each solicitor. Such card shall contain the signature of the issuing officer, and shall show the name and business or residential address of the permittee, the kind of goods or services permitted to be sold thereunder, the date of issuance and the term of the permit, as well as a description of any vehicle to be used by a permitted solicitor. Each card shall also clearly state that issuance of such permit and identification card does not constitute an official endorsement by the city of the permittee or of anything sought to be sold by the solicitor. No permittee shall sell or attempt to sell goods or services of a different nature than described in the permit. Each permittee shall provide written notice to the finance director of any changes occurring with respect to information set forth in an application made pursuant to this chapter, within five business days thereof.

(d) The finance director shall keep a written record of all permits issued for such time as required by law.

(e) Each permittee shall comply with the provisions of Section 9.109.040 of this title, with respect to the manner of solicitation.

(Ord. 520 § 1 (part), 1998).

#### **9.108.050 Possession of permit required.**

Each permitted solicitor shall maintain in his possession, at all times while soliciting, the original identification card and a valid driver's license, identification card or other form of identification bearing the solicitor's name and photograph, and shall exhibit the card and picture identification to each prospective customer or law enforcement officer for inspection upon request.

(Ord. 520 § 1 (part), 1998).

#### **9.108.060 Permit denial and revocation.**

(a) Any permit applied for or issued under the provisions of this chapter may be denied or revoked after notice and hearing opportunity for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for a permit;
- (2) Fraud, misrepresentation or false statement made in the course of solicitation activities;
- (3) Any violation of this code;

(4) Conducting the business in an unlawful manner or in such a manner as to constitute a threat to the health, safety or general welfare of the public;

(5) Conviction of a misdemeanor or felony involving fraud, theft, dishonesty, or injury to any person, within the previous ten years, or revocation of any permit to sell goods or services to the public within the previous five years;

(b) A permit may be revoked pursuant to the procedures set forth in Section 9.109.050 of this title, applicable to revocation of charitable solicitation permits.

(Ord. 520 § 1 (part), 1998).

#### **9.108.070 Appeal procedure.**

Any person aggrieved by a denial of a permit may appeal such denial in accordance with the provisions of Section 9.109.060 of this title, applicable to denials of charitable solicitation permits, provided, however, that a nonrefundable fee in such amount as may be established by resolution of the city council shall be paid by the appellant at the time of filing such appeal.

(Ord. 520 § 1 (part), 1998).