

TOWN OF SAN ANSELMO

ORDINANCE NO. 929

AN ORDINANCE OF THE TOWN OF SAN ANSELMO
ENACTING A NEW CHAPTER 17 ENTITLED
"COMMERCIAL SOLICITATION"

The San Anselmo Town Council does hereby ordain as follows:

SECTION 1. Chapter 17 of Title 4 of the San Anselmo Municipal Code entitled "Commercial Solicitation" is hereby enacted and is to be read as follows:

CHAPTER 17 - COMMERCIAL SOLICITATION

Section 4-17.01	Purpose
Section 4-17.02	Definitions
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Section 4-17.01 Purpose

The purpose of this chapter is to protect the public health, safety, and welfare by regulating door-to-door commercial solicitation and commercial solicitation conducted on public streets, rights of way and other public property within the Town of San Anselmo.

Section 4-17.02. Definitions

The following words and phrases shall, for purposes of this chapter, have the meaning ascribed to them by this section:

(a) "Agent" shall mean a person who has authorization from a holder of a commercial solicitation permit to solicit in the name of the permit holder.

(b) "Chief of Police" shall mean the Chief of Police of the Town or his or her designee.

(c) "Commercial canvasser" shall mean a person who conducts a poll or survey or who otherwise canvasses from door to door within the Town for commercial purposes.

(d) "Commercial peddler" shall mean any person who travels by foot, vehicle, or by any other type of conveyance from door to door, house to house, or street to street, carrying, conveying or transporting food, goods, wares, merchandise or other personal property of any nature whatsoever, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from any vehicle, conveyance, structure or from any other place other than a permanent store building. The word "peddler" shall mean and include the words "hawker," "huckster," or "itinerant vendor."

(e) "Commercial solicitation" shall mean the conducting, managing or carrying on of any activities of a commercial peddler, commercial solicitor or commercial canvasser as defined in this section. Commercial solicitation as defined in this section does not include solicitation by telephone or solicitation through the United States mail.

(f) "Commercial solicitor" shall mean any person who travels either by foot, vehicle or any other type of conveyance from door to door, house to house, or street to street, taking or attempting to take subscriptions, contracts of sale, or orders for the sale of foods, goods, wares, merchandise, or other personal property of any nature whatever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale, or whether or not he or she collects advance payments on such sales. The word "solicitor" shall include any person who uses or occupies any vehicle, conveyance, structure or other place other than a permanent store building within the Town for the purposes of exhibiting samples and taking orders for future delivery.

(g) "Commercial solicitation permit" shall mean a permit issued to a commercial peddler, commercial solicitor or commercial canvasser by the Chief of Police under Section 4-17.03.

(h) "Permittee" shall mean any person who has been issued a commercial solicitation permit by the Chief of Police.

(i) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint-stock organization, church, religious sect, religious denomination, society,

organization, or league and shall include any agent, trustee, receiver, assignee, or other similar representative thereof.

(j) "Public Agency" shall mean the United States, State of California, town, any city, county, city and county, district, municipal or public corporation or any department, agency or instrumentality thereof.

(k) "Residential Dwelling" shall mean a building designed for or occupied by one or more families as a residence including single-family residences, duplexes, and apartments.

Section 4-17.03 Permit Required for Commercial Solicitation

It shall be unlawful for any person to engage in door-to-door commercial solicitation at residential dwelling or upon residential property or non-residential building within the Town, without first obtaining a commercial solicitation permit from the Chief of Police.

It shall be unlawful for any person to engage in commercial solicitation in or on any public street, sidewalk, square, park or other public property.

Section 4-17.04 Contents of Commercial Permit Application

A verified application for a commercial solicitation permit shall be filed with the Chief of Police which shall contain the following information:

- (a) The name and physical description of the applicant.
- (b) Permanent home and address and telephone number of applicant.
- (c) Permanent business address and telephone number of applicant.
- (d) Local residence and business address if different from (b) and (c).
- (e) A brief description of the business or activity to be conducted.
- (f) If employed, the name, address and telephone number of the employer. If acting as an agent, the name, address, and telephone number of the principal who is being represented.
- (g) The length of time for which the right to do business is desired.

- (h) A color photograph of the applicant and any persons who will be soliciting, taken within sixty days immediately prior to the date of filing of the application, measuring a minimum two inches by two inches, and showing the head and shoulders of the solicitor or peddler in a clear and distinguishing manner.
- (i) A statement as to whether or not the applicant or persons or agents conducting the solicitation have been convicted of any criminal offence, whether felony, misdemeanor or infraction, other than minor traffic violations. As to any such conviction, the date and place of conviction, the nature of the offense, and the punishment or penalty assessed therefor.
- (j) Proof of possession of any license or permit which under federal, state, or local laws or regulations the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this chapter.
- (k) The year, model and license number of any motor vehicle(s) which will be used during the course of commercial solicitation and the applicant's driver's license number.

Section 4-17.05 Amended Application

If while the application is pending or during the term of any permit granted, there is a change in fact that would alter the information provided in the application form, the applicant shall notify the Chief of Police within one business day of such change.

Section 4-17.06 Commercial Solicitation Permits

The Chief of Police shall issue the commercial solicitation permit within five business days after receipt of a completed application. The permit will be good for one year from the date of its issuance. Such permit shall extend to the applicant and all agents thereof. Any person acting or claiming to act, or operate, under or by virtue of any permit issued pursuant to this chapter, shall upon request of the Chief of Police, exhibit to him/her such permit, or inform him/her of the number and date of issuance thereof, or alternatively, if such person is an agent of the permit holder, he or she shall exhibit evidence of such agency as in addition to providing the number and date of issuance of any permit under which he/she is soliciting.

Section 4-17.07 Form of Permit

The permit shall be in a form prescribed by the Town and shall include the following information:

- (a) The name of the permittee and the permittee's employer (if any).
- (b) The date(s) the permit is valid.
- (c) A statement that the permit does not constitute an endorsement of the commercial solicitation by the Town, of any of its departments, officers or employees.

Section 4-17.08 Fee

The application for a commercial solicitation permit shall be accompanied by a fee in an amount established by the Town Council sufficient to cover the cost to the Town of processing the application.

Section 4-17.09 Renewal of Permit

Commercial solicitation permits may be renewed annually by filing a verified application updating information provided to the Chief of Police in the original application.

Section 4-17.10 Permit Nontransferable

Commercial solicitation permits are nontransferable. It is unlawful for the permittee to transfer the permit to any other person.

Section 4-17.11 Manner of Solicitation

- (a) It shall be unlawful for a person engaging in commercial solicitation to affix any object to the person of any member of the public without first receiving express permission thereof.
- (b) Permittees engaging in door-to-door commercial solicitation shall carry a commercial solicitation permit on their person. Upon request of any person contacted, the commercial solicitor shall provide his or her name and a copy of the permit issued under this chapter.
- (c) It shall be unlawful for a commercial solicitor to misrepresent his or her identity or the identity of the organization or other person conducting the commercial solicitation for which he or she is an agent.

- (d) It shall be unlawful to represent that the commercial solicitation permit issued under this chapter is an endorsement by the Town, or any department or employee thereof of the commercial solicitation.
- (e) It shall be unlawful to refuse to leave residential property after being requested to do so by its owner(s) or occupant(s).

Section 4-17.12 Prohibition by Sign

- (a) No commercial solicitor shall contact or attempt to contact in person the occupant(s) of any residential dwelling within the Town where there is posted at the front of the dwelling, in letters not less than one inch in height and clearly visible from the normal entryway to such dwelling a sign prohibiting soliciting or peddling.
- (b) No commercial solicitor shall attempt to contact in person the occupant(s) of any commercial premises within the Town where there is posted at all entrances thereto, in letters not less than one inch in height and clearly visible to persons a sign or placard prohibiting soliciting or peddling.

Section 4-17.13 Enforcement

It shall be the duty of the police department to investigate any complaints of violations of this chapter and to enforce the provisions of this chapter.

Section 4-17.14 Permit Denial, Revocation or Suspension

- (a) A commercial solicitation permit may be denied, revoked or suspended by the Chief of Police for any of the following reasons:
 - (1) Information contained in the application, or supplemental information requested from the applicant is false in any material detail.
 - (2) The applicant has failed to notify the Chief of Police of a change in facts subsequent to filing of the application as required in section 4-17.05 of this chapter.
 - (3) The applicant, or his or her agent, has been convicted of a felony or any misdemeanor or infraction reasonably related to any charitable, political, or commercial solicitation.

(4) The applicant, or his or her agent, is a minor under 18 years of age and is not in possession of a valid work permit.

(b) Notice of permit denial, revocation or suspension stating the grounds therefor shall be personally served or served by mail on the permittee. Service by mail shall be deemed complete upon posting in the United States mails. The applicant may appeal a permit denial suspension or revocation by filing a notice of appeal with the Town Clerk within 10 days of service of the permit revocation/or suspension. If an appeal is timely filed, the Town Council shall hold a hearing on the next available agenda. The Town Council may affirm, modify or overrule the decision of the Chief of Police.

Section 4-17.15 Fund-Raising as a Business

An organization in the business of fund-raising (seeking a profit and paying its solicitors), even if engaged by a non-profit organization, shall be considered a "Business" and must comply with Title 6 of the San Anselmo Municipal Code. If such an organization is soliciting on behalf of a non-profit organization, the non-profit organization shall obtain a permit pursuant to section 4-16.07.

Section 4-17.16 Violations

A violation of any provisions of this chapter shall constitute either an infraction or a misdemeanor.

SECTION 2. The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on May 12th, 1992, and was thereafter duly adopted at a regular meeting of the Town Council held on May 26th, 1992, by the following vote:

AYES: Chignell, Yarish, Zaharoff, Kanis

NOES: (None)

ABSENT: (None)



GUS KANIS, MAYOR

ATTEST:


CAROLINE FOSTER, Town Clerk