



Permit # _____

Date issued _____

Application for Solicitation Permit

City of Davis, 23 Russell Boulevard, (530) 757-5651

Application must be submitted not less than 5 days prior to the beginning of the solicitation period

Today's date: _____

A. Name of business or organization: _____

B. Address of business or organization: _____

C. State Resale Permit No: _____ Federal ID Number: _____

D. The following person will be in direct charge of conducting the solicitation:

Name: _____ Title: _____

Address: _____ Phone #: _____

E. Names of business or organization's owner or principal officers and managers:

Name	Address	Phone Number
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a. Owner / President: _____

b. Vice-President: _____

c. Secretary: _____

d. Manager: _____

e. Directors: _____

E. The method or methods to be used in conducting the solicitation are as follows:

F. The receipts from the solicitation will be used, or disposed of as follows:

H. The proposed dates for the solicitations are: _____ through _____

I. If this is a Non-profit please provide full statement of the character and extent of the charitable work being done by the applicant within the City of Davis (Attach a separate sheet if more space is needed.):

J. The following is additional information believed by applicant to be useful to the City Clerk in determining the kind and character of the proposed solicitation (attach additional sheets if necessary):

K. The following people will be participating in the solicitation. I understand that each person participating must carry a valid solicitation permit issued by the City of Davis City Clerk while soliciting within the city limits. (Attach additional sheets if necessary). **2 passport size photos of each person participating in the solicitation must be submitted with this application.**

	Name	Address	Phone Number
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____

Is the business a Non-Profit? (Circle one) Yes No

If yes, **attach copies of proof of Non-Profit status, either California State Franchise Tax Board (section #23701D) or Internal Revenue Service (section #501C3).** Registered Non-Profit Corporations are charged a \$10.00 registration fee and .50 per permit:

Number of people	permit fee		registration fee		total due
X	.50	+	0	=	

If no, you will be charged by number of solicitors and number of days you are soliciting:

Number of people	number of days	full year		registration fee		total due
X	30.00	or 450.00	+	10.00	=	

initial

_____ I understand that this permit only allows solicitation between the hours of 8 a.m. to 8 p.m.

_____ I understand that this permit will not be used or represented in any way as an endorsement by the City of Davis or by any department or office thereof.

_____ No solicitor participating in this campaign shall go onto residential property to solicit if there is a conspicuous sign indicating that the residents do not desire to have their privacy disturbed.

_____ I understand that the violation of the above mentioned restrictions shall constitute a violation of this solicitation permit and subject the permit to revocation in accordance with section 18-14 of the of the Davis Municipal Code.

All of the above statements are true to the best of my knowledge, information and belief:

Signed by: Name Title Address Phone

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Date: _____

ORDINANCE NO. 1972

AN ORDINANCE OF THE CITY OF DAVIS AMENDING CHAPTER 18 OF
THE DAVIS MUNICIPAL CODE RELATING TO PEDDLER'S, SOLICITORS
AND TRANSIENT VENDORS

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. Articles I and II of Chapter 18 of the Davis Municipal Code are hereby repealed.

SECTION 2. Article I of Chapter 18 of the Davis Municipal Code is hereby amended to read as follows:

Article I. In General.

Sec. 18-1. Findings.

The City Council hereby finds that unregulated peddlers, solicitors and transient vendors can result in public nuisance and other dangers to public health and safety.

The City Council finds that the public interest, convenience and necessity require the regulation of peddlers, solicitors and transient vendors in order to promote free speech activities while safeguarding the safety of the residents of the city. Requiring registration and permitting of all peddlers, solicitors and transient vendors will assist in protecting the public against persons of criminal habits or tendencies representing themselves as peddlers, solicitors or transient vendors.

Sec. 18-2. Uninvited entry prohibited.

The practice of going in and upon private residences or residential property in the city by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or occupant of such private residences, for the purpose of soliciting donations, contracts or services, orders for the sale of contracts, services, goods, wares or merchandise or for the purpose of disposing of, or peddling, or hawking the same, or any of them, is prohibited and declared to be a nuisance except as provided for in this chapter.

Sec. 18-3. Exempt persons.

The provisions of this chapter shall not extend to any person exempt from such regulation under any provision of the Constitution or laws of the United States or the Constitution or any statute or code of this state.

Sec. 18-4. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Solicit" and "solicitation" means the request, directly or indirectly, of money, contribution, credit, property, financial assistance or other thing of value. These words shall also mean and include the sale of, offer or attempt to sell, any contract, service, wares or merchandise.

A "solicitation" as defined in this article shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this article.

(b) A "permit" is the revocable permission issued by the city pursuant to this article granting to an individual the right to solicit on private property and residential property, subject to the provisions of this article.

Sec. 18-5. Restricted Entry.

No person shall enter or go onto residential property or premises to solicit if there is placed on residential property or premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Solicitation" or "No Trespassing" or any similar notice indicating in any manner that the residents of such premises do not desire to have their privacy disturbed. In addition to any other remedies available under law, any entry on to property, which displays such a sign, shall be in violation of the solicitation permit and subject the permit to revocation in accordance with section 18-14.

Sec. 18-6. Permit--Application.

An application for a permit to solicit as provided by section 18-7 shall be made to the city clerk upon forms provided by the city. Such application shall be sworn to and filed with the city clerk at least ten days prior to the time at which the permit applied for becomes effective; provided that the city clerk may for good cause shown allow the filing of an application less than five days prior to the effective date of the permit applied for. The city clerk shall either grant or deny the requested permit within five days of the date the application is made. In the event the city clerk fails to act within the time prescribed herein, the permit shall be deemed granted.

Sec. 18-7. Permit--Application--Contents.

The application required under this article shall contain the following information, or, in lieu thereof, a detailed statement of the reason why such information cannot be furnished:

- (a) The name, address and phone number of the person applying for the permit.
- (b) The name, address and phone number of the person who will managing the solicitation, as well as the name, address and phone number of the company represented, if any, including national, state, regional or local headquarters.
- (c) An outline of the method to be used in conducting the solicitations.
- (d) The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of such solicitations.
- (e) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the city, or by any department or officer thereof.
- (f) Two passport photos, one for use on the permit, the other to remain with the records of the city clerk.
- (g) If solicitation is on behalf of a non-profit organization, copies of any certification issued by a federal, state or county taxing authority indicating the tax-exempt status of the applicant.

(h) Such other information as may reasonably be required by the city clerk in order to determine the kind and character of the proposed solicitation and whether such solicitation will endanger the physical health or safety of the inhabitants of the city, including, but not limited to, the following:

(1) The names, addresses and phone numbers of all persons connected or to be connected with the proposed solicitation.

(2) A full statement of the character and extent of the work being done by the applicant within the city.

Sec. 18-8. Permit--Issuance.

The city clerk shall issue the permit provided for in this article whenever the city clerk finds the following facts to exist:

(a) That the applicant has properly completed the application and all of the statements made therein have been declared to be true by the applicant. A verified application may be considered as evidence of the truth of the statements made therein.

(b) That the kind, character and method of the proposed solicitation, the time when it will take place, and its duration are such that the solicitation will not endanger the physical health or safety of the public.

(c) That, if the applicant has solicited in the city on prior occasion while this article was in effect, applicant complied in every respect with the regulations contained in this article.

Sec. 18-9. Permit--Issuance--Filing statement of decision; notification of applicant.

The city clerk shall file for public inspection a statement of the decision upon each application, and shall notify the applicant of such decision.

Sec. 18-10. Permit--Fee.

Together with the application for a permit under this article, there shall be paid to the city treasurer, to cover the cost of processing the permit, a sum to be set by resolution of the City Council, as amended from time to time, to cover the cost of reviewing the application and processing the permit.

Sec. 18-11. Permit--Form.

Permits issued under this article shall bear the name and address of the person who will make the solicitation(s), the number of the permit, the date issued, the dates within which the permit holder may solicit and a statement that the permit does not constitute an endorsement by the city or by any of its departments, officers or employees for the purpose of or the person conducting the solicitation. All permits shall be signed by the city clerk and contain a picture identification of the permit holder.

Sec. 18-12. Permit—Terms and Conditions.

(a) Term. No permit may grant the right to solicit longer than ninety days from its date, but the city clerk shall renew the permit within ten days of such request if the factual information upon which the original application was granted remains unchanged and that no violation of this article has been committed. If factual information in the original application has changed, a new application shall be required.

(b) Proscribed Hours. The permit shall only grant the right to solicit during the hours of 8 a.m. to 8 p.m. daily. Any violation of the proscribed hours shall result in the revocation of the permit in accordance with section 18-14.

(c) A permittee shall carry and display the permit at all times when engaged in solicitation.

Sec. 18-13. Permit--Nontransferable.

Any permit issued under this article shall be nontransferable and shall be returned to the city clerk within two days of its date of expiration.

Sec. 18-14. Permit—Revocation.

Whenever it is shown, or whenever the city clerk has knowledge, that any person to whom a permit has been issued under this article has violated any of the provisions of this article, including any solicitation taking place before 8 a.m. or after 8 p.m. daily, the city clerk shall immediately suspend the permit and give the permit holder written notice by registered, special delivery mail of a hearing to be held within two days of such suspension to determine whether or not the permit should be revoked. This notice shall contain a statement of the facts upon which the city clerk has acted in suspending the permit. At the hearing, the permit holder, and any other interested person, shall have the right to present evidence as to the facts upon which the city clerk has based the suspension of the permit, and any other facts which may aid the city clerk in determining whether this article has been violated. If, after such hearing, the city clerk finds that the article has been violated, the city clerk shall, within two days after the hearing, file for public inspection and serve upon the permit holder by mail, a written statement of the facts upon which such findings are based and shall immediately revoke the permit. If, after such hearing, the city clerk finds that the article has not been violated, the city clerk shall, within two days after the hearing, give to the permit holder a written statement canceling the suspension of the permit and stating that no violation was found to have been committed.

Sec. 18-15. Permit--Same--Notification of chief of police.

The chief of police shall be notified forthwith by the city clerk of the suspension or revocation of any permit issued under this article.

Sec. 18-16. Investigations by city clerk.

The city clerk shall examine all applications filed under this article and shall attempt to verify all the information supplied by the application.

Sec. 18-17. Notification of city clerk as to changes in fact, policies or methods.

If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the city clerk in writing thereof within twenty-four hours after such change.

Sec. 18-18. Credentials of solicitors.

All persons to whom permits have been issued under this article shall furnish proper credentials for such solicitation. No solicitor shall solicit under any permit granted under this article without the credentials required by this section. The permit shall be displayed to all persons solicited and to any police officer of the city.

Sec. 18-19. Referral to City Council.

The city clerk may refer any application for a permit under this article to the City Council for its decision thereon.

Sec. 18-20. Appeals from decisions of city clerk.

Within five days after receiving notification that an application for a permit to solicit under this article has been denied, or that a permit has been revoked, any applicant may file a written request for a public hearing on such application or revocation before the City Council, together with written exceptions to the findings or reasons upon which the city clerk based the denial or revocation of the permit. Upon the filing of such a request with the city clerk, the city clerk shall notify the applicant of the hearing. The hearing shall be held at the earliest regularly scheduled City Council meeting for which proper notice can be accomplished. At the hearing, the applicant may present evidence showing that he is entitled to a permit. Any interested person may, in the discretion of the City Council, be allowed to participate in the hearing and present evidence in opposition to the issuance or reissuance of a permit. Within ten days after the conclusion of the hearing, the City Council shall render a written report either granting or denying the permit. This report shall be filed in the city clerk's office for public inspection and a copy shall be served by mail upon the applicant and all parties to the hearing.

Sec. 18-21. Misrepresentations, deceptions, etc., prohibited.

No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial conditions, social condition or residence. No person shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation of any purpose in the city, or in any application or report filed under this article.

Sec. 18-21.1 Authority of city clerk.

Nothing in this article shall be construed as granting to the city clerk, or to any other person, the authority to grant, deny, revoke, renew, or suspend any permit for any reason not specifically provided for in this article.

SECTION 3. If any action, subsection, sentence, clause or phrase of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED on the 10th day of February, 1999, and PASSED AND ADOPTED on the 17th day of February, 1999, by the following vote:

AYES: BOYD, FORBES, FREEMAN, WAGSTAFF, PARTANSKY.

NOES: NONE.

ABSENT: NONE.

Julie Partansky, Mayor

ATTEST:

Bette Racki, City Clerk