

TOWN OF SAN ANSELMO

ORDINANCE NO. 784

AN ORDINANCE OF THE TOWN OF SAN ANSELMO ADDING CHAPTER 16 TO TITLE 4 OF THE SAN ANSELMO MUNICIPAL CODE AND AMENDING TITLE 6 BY DELETING SECTION 6-1.42(a) AND (b)

The Town Council of the Town of San Anselmo does ordain as follows:

Section 1. Chapter 16 entitled "Solicitors and Peddlers" is hereby added to Title 4 of the San Anselmo Municipal Code to read as follows:

Chapter 16

Solicitors and Peddlers

Section 4-16.01 - Definitions

Unless it is apparent from the context that another meaning is intended, the following words, when used herein, shall have the meaning ascribed to them by this section:

(a) Nonprofit Organization - A nonprofit organization is any organization which has achieved a tax-exempt status from the Internal Revenue Service and the California State Franchise Tax Board, including charitable associations, nonprofit corporations, or associations, and churches.

(b) Chief of Police - "Chief of Police" shall mean the San Anselmo Police Chief or his designee.

(c) Person - "Person" shall mean any individual, firm, partnership, corporation, company, association, or joint-stock organization, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent, or other similar representative thereof.

(d) Solicit and Solicitation - "Solicit" and "Solicitation" shall mean the request, directly or indirectly, of money, pledges, credit, property, financial assistance, or other thing of value. A solicitation shall be deemed completed when made, whether or not the person making the same receives any contribution, or makes any sale referred to herein.

(e) Peddler - "Peddler" shall mean and include every person not having a regularly established place of business in the Town who travels from place to place, or has a stand upon any public street, alley, or other public place, doorway, or any building, unenclosed or vacant lot, or parcel of land who sells or offers for sale any goods, wares, or merchandise in his possession.

Section 4-16.02 - Peddlers, Solicitors and Order Takers

(a) The practice of going in and upon private residences in the Town by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, where and when such persons have not been requested or invited so to do by the owners or occupants of such private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or for the purpose of peddling or hawking the same is hereby prohibited and declared to be unlawful and a nuisance.

(b) No solicitor, peddler, hawker, itinerant merchant, or transient vendor shall go upon or be within any private residence or apartment premises in the Town for the purpose of practicing his business or profession without first being expressly invited or requested so to do by the owner or occupant thereof.

Section 4-16.03 - Nonprofit Solicitors

No person shall within the Town conduct, carry on, or manage any solicitation for a nonprofit purpose without obtaining a permit.

Section 4-16.04 - Exemptions

(a) The provisions of section 4-16.03 shall not apply to any person organized and operated wholly or partly for nonprofit purposes, if the solicitation by such person is conducted only among the members thereof by other members or officers, voluntarily and without remuneration for making such solicitation, or if the solicitation is in the form of collections or contributions taken or made at the regular assemblies or services of any such person.

(b) The provisions of section 4-16.03 shall not apply to political fund-raising and canvassing.

Section 4-16.05 - Application for Permit

Any person desiring a permit under this chapter shall make application to the Chief of Police by submitting a letter of determination from the Internal Revenue Service and a letter of good standing from the State Franchise Tax Board, showing that the applicant has achieved a tax-exempt status. In addition, the applicant must fill out a "notice of intention to solicit" which will be provided by the Chief of Police. This form will contain the following information:

The name of the organization and the names and addresses of the officers of the organization and the purpose of the solicitation.

Section 4-16.06 - Permit

Upon receiving the application for the permit, the Chief of Police shall issue a permit to the applicant. Such permit

shall be renewed annually by submitting an updated letter of good standing from the State Franchise Tax Board, and an updated "notice of intention to solicit" form. Such permit shall extend to the applicant and all agents and employees 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 such permit, or inform him of the number and date of issuance thereof, or alternatively, if such person is an agent or employee of the permit holder, he shall exhibit evidence of such agency or employment.

Section 4-16.07 - 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 nonprofit 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 Nonprofit Organization, the nonprofit organization shall obtain a permit pursuant to section 4-16.05.

Section 4-16.08 - Infraction

A violation of any provision of this chapter shall constitute an infraction.

Section 2. Subsections (a) and (b) of Section 6-1.42 of the San Anselmo Municipal Code are hereby repealed.

Dated: April 8, 1980.


A. C. SIGNORELLI, Mayor

ATTEST:


Deputy Town Clerk

The foregoing ordinance was read and introduced at a regular meeting of the San Anselmo Town Council held on March 25, 1980, and was thereafter at a regular meeting of the Town Council held on April 8, 1980, duly passed and adopted by the following vote:

AYES: Councilmen Toal, Convis, Capurro, Signorelli

NOES: None

ABSENT: Councilman Reed

M E Hansen
Deputy Town Clerk