

ORDINANCE NUMBER O- 17357 (NEW SERIES)

ADOPTED ON SEP 25 1989

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.1401 AND 33.1402, BY AMENDING AND RENUMBERING SECTION 33.14.07 TO READ SECTION 33.1406, BY ADDING SECTIONS 33.1407, 33.1408 AND 33.1409, AND BY AMENDING AND RENUMBERING SECTION 33.1406.1 TO READ SECTION 33.1410, AND BY RENUMBERING SECTION 33.1410 TO READ SECTION 33.1411, RELATING TO SOLICITORS, PEDDLERS AND INTERVIEWERS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.1401 and 33.1402 to read as follows:

SECTION 33.1401 DEFINITIONS

(a) For the purposes of this Division the term "solicitor" shall also include "hawkers," "salesmen," and "peddlers," and shall mean all persons, both principal or agent, who go from house to house or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public place in The City of San Diego, by foot or vehicle, who sell or solicit either by sample or otherwise the sale for value of goods, wares, merchandise, services, magazines, periodicals, or other publications, or subscriptions for the same, for themselves or for firms which do or do not have an

established place of business in The City of San Diego or who offer to sell or distribute for value to any person any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services.

(b) For the purpose of this Division, the term "interviewer" shall be construed to mean all persons, both principal or agent, who go from house to house, or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public place in The City of San Diego interviewing persons or soliciting answers to questions for marketing research, opinion research, attitude surveys or for any other poll or information gathering service. Persons acting on behalf of nonprofit, charitable, religious, or political organizations are included in this definition.

**SECTION 33.1402 SOLICITORS, PEDDLERS, INTERVIEWERS
- REGISTRATION AND IDENTIFICATION
REQUIRED**

All interviewers or solicitors, except nonprofit, charitable, religious or political organizations engaged in distributing information, collecting information or polling individuals in a household, as defined, who go from house to house, or to only one house, or upon any street, sidewalk, alley, plaza or in any park or public place in The City of San Diego, are hereby required to register

with the Police Department of The City of San Diego and to obtain an identification card showing such registration. Such persons, when so operating, shall display on the front of their person the identification card issued to them by the San Diego Police Department, and shall, in any case, exhibit said identification card on demand of any peace officer.

Section 2. That Chapter III, Article 3, of The San Diego Municipal Code be and the same is hereby amended by renumbering Section 33.1407 to read Section 33.1406 as follows:

SECTION 33.1406 SOLICITING, PEDDLING PROHIBITED IN CERTAIN AREAS

(No change in text.)

Section 3. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding sections 33.1407, 33.1408 and 33.1409 to read as follows:

SECTION 33.1407 NOTICE REGULATING SOLICITING

Any determination to permit or deny invitation and entry to solicitors is the responsibility of the residential occupants. For the purpose of this section, the term "solicitors" includes any "interviewer," as defined in Section 33.1401(b). Any residential occupant in The City of San Diego desiring to secure the protection of the regulations in this chapter must post notice denying invitation and entry to solicitors. Such

notice shall be posted on the premises and state "No Solicitors," "No Solicitation," "No Solicitors or Peddlers," "Solicitation Prohibited," or any similar language clearly denying invitation and entry to solicitors. The letters in the posted notice shall be at least one half inch (1/2") in height.

Such posting constitutes sufficient notice that the residential occupant is denying invitation and entry to solicitors.

SECTION 33.1408 DUTY OF SOLICITORS

Every solicitor has the duty to search for and examine the notice provided for in Section 33.1407 of this chapter, if any is posted, and be governed by the statement contained on such notice. For the purpose of this section, the term "solicitor" includes any "interviewer," as defined in Section 33.1401(b). If the notice states "No Solicitors," "No Solicitation," "No Solicitors or Peddlers," "Solicitation Prohibited," or any similar language clearly denying invitation and entry to solicitors, then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION 33.1409 UNINVITED SOLICITING PROHIBITED

It is unlawful for any person to ring the doorbell of a residence, rap or knock on any door or create any sound in a manner calculated to attract attention for the purpose of securing an audience with the occupant and engaging in activity as a "solicitor" or "interviewer," as defined in Section 33.1401(a) and (b), in defiance of the notice posted in accordance with the provisions of Section 33.1407 of this chapter.

Section 4. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 33.1406.1 to read Section 33.1410 as follows:

SECTION 33.1410 TIME LIMIT ON SOLICITING

No person shall operate as a solicitor or interviewer from 8:00 p.m. to 9:00 a.m., local time, except by prior appointment.

Section 5. That Chapter III, Article 3, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 33.1410 to read Section 33.1411.

**SECTION 33.1411 CURB PAINTING SOLICITORS - SPECIAL
REGISTRATION CARD**

(No change in text.)

Section 6. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By John C. C...
FOR: Joseph M. Battaglino
Deputy City Attorney

JMB:mk
03/07/89
06/21/89 REV. 1
07/05/89 REV. 2
08/04/89 COR. COPY
08/21/89 COR. COPY
08/22/89 COR. COPY
09/08/89 REV. 3
09/15/89 REV. 4
09/28/89 REV. 5
Or.Dept:Pol.
O-89-181
Form=o.code

OLD LANGUAGE - STRIKEOUT
NEW LANGUAGE - UNDERLINE

SECTION 33.1401 DEFINITIONS

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(b) For the purposes of this Division, the term "interviewer" shall be construed to mean all persons, both principal or agent, who go from house to house, or to only one house, or upon any street, sidewalk, alley, plaza, or in any park or public

place in The City of San Diego interviewing persons or soliciting answers to questions for marketing research, opinion research, attitude surveys or for any other poll or information gathering service / *except that persons engaged in religious, charitable or governmental activities shall be excluded from this definition.* Persons acting on behalf of nonprofit, charitable, religious, or political organizations are included in this definition.

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**SECTION ~~33.1407~~ 33.1406 SOLICITING, PEDDLING
PROHIBITED IN CERTAIN AREAS**

(No change in text.)

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SECTION ~~33.1406/1~~ 33.1410 HOURS FOR TIME LIMIT ON SOLICITING

No person shall operate as a solicitor or interviewer from 8:00 p.m. to 9:00 a.m., local time, except by prior appointment.

CORRECTED COPY

17357

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SEP 25 1989

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

Jena Martin
By....., Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 11 1989

SEP 25 1989

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

Jena Martin
By....., Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17357 Adopted SEP 25 1989