

Article 3: Police Regulated Occupations and Businesses

Division 14: Solicitors, Peddlers and Interviewers

(Amended 6-30-1971 by O-10607 N.S.)

§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.

(Amended 9-25-1989 by O-17357 N.S.)

§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.

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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.

(Amended 9-25-1989 by O-17357 N.S.)

§33.1403 Solicitors, Peddlers — Photographs and Fingerprints Required

Applicants for Police Registration cards under the terms of this Division may be required:

- (a) To furnish two satisfactory photographs of the applicant, one to be attached to applicant's registration card, and the other to be retained by the Police Department.
- (b) To file their fingerprint identification with the Police Department.
(Incorp. 1-22-1952 by O-5046 N.S., contained in O-3179 N.S. adopted 5-14-1946.)

§33.1405 Compliance with Requirements — Issuance of Registration Card

Registration cards shall be issued to all applicants who have paid an application fee, who have complied with Section 33.1403 of this Division and who have complied with all local, state and federal laws regulating such trade, business or employment, unless the proposed sales proposition shall include some element of trickery, fraud or deceit, or the applicant has been convicted of a felony involving moral turpitude within the past five (5) years or has been convicted of a felony involving moral turpitude and is on parole or has been convicted of any crime involving sexual matters within the previous ten (10) years, in which case, in the interest of public safety and protection, the applicant shall not be registered or license issued.

Registration cards shall be valid one (1) year from the date of issuance. Registration cards may be renewed upon application, the payment of a fee, and compliance with this Division.

(Amended 2-23-1987 by O-16812 N.S.)

§33.1406 Soliciting, Peddling Prohibited in Certain Areas

Notwithstanding any of the provisions of this Division, it shall be unlawful for any person, either as principal or agent, to solicit, peddle, hawk or sell or vend any goods, wares or merchandise, services, magazines, periodicals, or other publications, or subscriptions for the same, regularly published newspapers excepted, or offer to, or distribute to any person, any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services upon any street, sidewalk, alley, plaza, or in any park or public place within the following limits of the City of San Diego, to-wit:

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- (a) That territory lying between San Diego Bay and a line extending along Division Street on the south to Main Street; thence along Main Street to Sigsbee Street; thence along Sigsbee Street to National Avenue; thence along National Avenue to 14th Street; thence along 14th Street to Market Street; thence along Market Street to Park Boulevard; thence along Park Boulevard to “A” Street; thence along “A” Street to Sixth Avenue; thence along Sixth Avenue to Ash Street; thence along Ash Street to Pacific Highway; thence along Pacific Highway to Barnett Avenue; thence along Barnett Avenue to Lytton Street; thence along Lytton Street to Rosecrans Street; thence along Rosecrans Street to the boundary of Liberty Station and thence eastward to San Diego Bay. The line described above is to run along that line of the various streets which is farthest from San Diego Bay.
- (b) That territory lying westerly of the easterly line of Prospect Street, between the northerly line of Cave Street and the southerly line of Cuvier Street.
- (c) That territory beginning at the point where the west line of the San Diego and Arizona Eastern Railway right-of-way crosses the International Border westerly along the border to a point where a prolongation of Virginia Avenue intersects; thence northerly along the west line of Virginia Avenue to a point where prolongation of the west line of Virginia Avenue intersects the San Diego and Arizona Eastern Railway right-of-way; thence southerly along the west line of the San Diego and Arizona Eastern Railway right-of-way to the point of beginning.

Provided, however, that upon application, the City Manager may grant permits therefor upon such terms and conditions as he may find to be in the public interest.
(Amended 2-9-2004 by O-19261 N.S.)

§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.

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

(“Notice Regulating Soliciting” added 9–25–1989 by O–17357 N.S.)

§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.

(“Duty of Solicitors” added 9–25–1989 by O–17357 N.S.)

§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.

(“Uninvited Soliciting Prohibited” added 9–25–1989 by O–17357 N.S.)

§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.

(“Time Limit On Soliciting” renumbered from Sec. 33.1406.1, retitled and amended 9–25–1989 by O–17357 N.S.)

§33.1411 Curb Painting Solicitors— Special Registration Card

Solicitors engaged in painting or soliciting for the painting of street numbers on curbs shall not so operate without carrying on their person a special registration card which shall state thereon the maximum charge for the service. Such cards shall be obtained

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upon application to the Chief of Police and payment of a permit fee. Solicitors shall comply strictly with the provisions of Section 62.07 of this code and shall exhibit to the householder the special registration card and shall call attention to the maximum charge stated thereon at the time of securing the permission required in Section 62.07. Any failure to comply with this section, and Section 62.07 shall not only be a misdemeanor but shall be grounds for the summary revocation and seizure of the special registration card.

(Renumbered from Sec. 33.1410 on 9-25-1989 by O-17357 N.S.)