

ORDINANCE NO. 111 SOLICITORS, PEDDLERS AND ITINERANT SALESMEN BY SOLICITING LICENSES
AND REGISTRATION.

The City Council of the City of Redlands does ordain that Article 413 shall be added to Division 4, Chapter 40 of the Redlands Ordinance Code, as follows:

Article 413

SOLICITORS, PEDDLERS, & ITINERANT SALESMEN

Sec. 413.01 DEFINITIONS.

Sec. 413.01 SOLICITOR DEFINED. The term "Solicitor" as used herein shall include any person, whether a resident of the City of Redlands or not, who goes, either as principal or agent, from house to house or place to place, soliciting and taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, including subscriptions to magazines, periodicals, or other publications, or the distributing or offer to distribute any coupon, certificate, ticket, card, or other token which is redeemable in goods, discount, wares, merchandise, premium or services, whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

Sec. 413.02 PEDDLER DEFINED. The word "peddler" as used herein shall include any person, whether a resident of the City of Redlands or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this ordinance shall be deemed a peddler subject to the provisions of this ordinance. The word "peddler" shall include the words "hawker" and "traveller".

Sec. 413.03 ITINERANT SALESMAN DEFINED. An itinerant salesman within the meaning of this ordinance, is any person, firm, or corporation that shall engage in, do, or transact any temporary business at wholesale or retail for the sale of goods, wares, and merchandise, and who, for the purpose of carrying on such business shall have, use, or occupy a building, car, vehicle, booth, boat, or room for the exhibition and sale of such merchandise, whether such person, firm, or corporation be a principal, agent, or employee.

Sec. 413.04 VIOLATION OF THIS ARTICLE.

Sec. 413.01 POLICE DEPARTMENT. COMPLIANCE WITH REGULATIONS. It shall be unlawful for any solicitor, peddler, or itinerant salesman to commence or carry on any lawful solicitation or peddling in this City without first having procured a "Certificate of Registration" from the Chief of Police of the City of Redlands and complying with the applicable provisions contained in Chapters 21 and 22 of this Code pertaining to his proper conduct within the City of Redlands.

Sec. 4132 EXEMPTIONS.

Sec. 4132.1 WHOLESALE SALESMEN AND AGENTS. The provisions of this Article shall not apply to salesmen or agents for wholesale houses or firms who solicit orders from or sell to retail dealers for resale or to manufacturers or processors for manufacturing or processing purposes or to bidders for public works or supplies.

Sec. 4132.2. GROWERS SELLING OWN PRODUCE. The provisions of this Article shall not apply to any farmer, poultryman, vegetable gardner, or horticulturist selling, soliciting or peddling his own produce. This exemption shall not apply to any farmer, poultryman, vegetable gardner or horticulturist buying any goods, wares, or merchandise for resale.

Sec. 4132.21 The provisions of this Article shall not apply to vendors of milk, bakery products, groceries, or ice or other vendors who distribute their products to regular customers on established routes, nor shall it apply to newsboys.

Sec. 4132.22 The provisions of this ordinance shall not be held to include the acts of merchants with fixed and permanent locations within the City of Redlands nor to their employees while delivering goods or doing services in the regular course of business.

Sec. 4133 REGISTRATION PROCEDURE.

Sec. 4133.1 APPLICATION WITH THE CITY TREASURER. Every solicitor, peddler, and itinerant salesman shall make application for police registration at the Office of the City Treasurer on a form provided for that purpose and complying with the following provisions:

- (a) Giving the name of the applicant.
- (b) Giving the name and address of the person, employer, firm or corporation he is to represent and credentials showing the applicant's relationship to his employer or principal.
- (c) Giving a brief description of the nature of the activity and the kinds of goods, wares, or services to be solicited, peddled or sold.
- (d) Giving his present address and his permanent address and the local address from which sales will be made.
- (e) Giving the date he proposes to start his activity within the City of Redlands.

Sec. 4133.2 APPLICATION FEE NOT REFUNDABLE. At the time of making application for police registration, a non-returnable fee of five dollars (\$5.00) shall be paid to the City Treasurer to cover the cost of investigation and registration.

Sec. 4133.3 REGISTRATION WITH THE POLICE DEPARTMENT. The completed and signed application for police registration shall be presented by the applicant to the Chief of Police and such further information furnished as may be required to enable the Police Department properly to investigate and evaluate the applicant's record. At this time, said applicant shall be fingerprinted and photographed, unless he furnishes two satisfactory photographs of himself, taken within 60 days immediately prior to the date of filing application with the City Treasurer, which pictures shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishable manner; and said photographs and fingerprints shall be made a part of the permanent registration record.

4132.23 The provisions of this Chapter shall not apply to the solicitation or obtaining of subscriptions or advertising for, or sale of newspapers, published for the dissemination of local or telegraphic news and intelligence of a general character and printed or published at regular intervals.

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Sec. 4133.5 APPROVAL OF APPLICATION. If, after causing investigation as he deems necessary, the Chief of Police is reasonably satisfied that the applicant's character and business responsibility is such that he will not endanger the public safety and that the proposed activity does not include any element of trickery, fraud or deceit, he may then approve the application and register said applicant for the City of Redlands.

Sec. 4133.6 CERTIFICATE OF REGISTRATION. As evidence of compliance with the provisions of this Article, the Chief of Police shall issue to each applicant who complies and is registered, a "Certificate of Registration" which shall show the name and signature of the registrant, his photograph and a brief physical description. This certificate shall be dated, countersigned and show the expiration date of said registration.

Sec. 4133.7 REGISTRATION VALID ONE YEAR. The "Certificate of Registration" issued pursuant to the provisions of this Article shall be valid for a period of twelve months from the date of issuance and the holder thereof must re-register at the end of each twelve months period thereafter.

Sec. 4133.8 REVOKED REGISTRATION RENEWABLE BY COUNCIL ACTION. No "Certificate of Registration" shall be issued to any person who has had a certificate revoked pursuant to this Article, except upon the applicant's applying to the Council of the City of Redlands and the Council's authorizing the issuance of the certificate.

Sec. 4134 TEMPORARY CERTIFICATE OF REGISTRATION.

Sec. 4134.1 LICENSED ON DATE ORDINANCE EFFECTIVE. The City Treasurer is authorized and directed to prepare a certified list of all persons subject to the provisions of this Article who have paid a business license tax for the period in which the provisions of this Ordinance become effective. Said list is to contain such of the required information as is in the files of the City Treasurer and delivered to the Chief of Police within five (5) days after the effective date of this ordinance.

Sec. 4134.2 TEMPORARY CERTIFICATE OF REGISTRATION TO BE ISSUED. The Chief of Police is authorized and directed to issue a "Certificate of Registration" for each person whose name appears on the certified list from the City Treasurer provided for hereinabove without application. Said "Certificate of Registration" shall be clearly marked "TEMPORARY" in the space reserved for the photograph and shall include such other of the required information as is available.

Sec. 4134.3 DELIVERY. The Chief of Police shall deliver the "Temporary Certificate of Registration" to the respective individuals within thirty (30) days of the effective date of this ordinance. Delivery may be made in person or mailed, postage prepaid, to the last known address of record.

Sec. 4134.4 TEMPORARY CERTIFICATES VALID SIX MONTHS. A "Temporary Certificate of Registration" issued pursuant to the provisions of this Section shall be valid for a period of six months from the effective date of this Ordinance and the holder thereof must then register in the usual manner as provided in the remaining sections of this Article.

Sec. 4135 ENFORCEMENT.

Sec. 4135.1 Every solicitor, peddler, or itinerant salesman at all times while engaged in peddling or soliciting shall have in his immediate possession the "Certificate of Registration" issued to him under the provisions of Section 4133 of this Article and when so peddling or soliciting shall display the same upon demand of any police officer of the City of Redlands and upon demand of any person.

Sec. 4135.2 HOURS TO PEDDLE OR SOLICIT. It shall be unlawful for any solicitor, peddler or itinerant salesman to peddle or solicit before the hour of 8:00 A.M. of any day, or after the hour of 6:00 P.M. of any day.

Sec. 4135.2. EXCEPTION. Provided that he may peddle or solicit at other hours if in answer to a specific appointment previously made.

Sec. 4135.3 DUTY TO ENFORCE. The Chief of Police is hereby directed to carry into effect the provisions of this Article.

Sec. 4135.4 USE OF CERTIFICATE BY OTHER PERSON. It shall be unlawful for any solicitor, peddler or itinerant salesman to transfer, loan or permit the use by any other person of a "Certificate of Registration" issued under provisions of this Article.

Sec. 4135.5 DEFENSES. Nothing herein shall prevent a criminal prosecution for any violation of the provisions of this Article nor shall any legal action taken under the provisions of this Article prevent or preclude the collection of any fees or taxes due under any other Division, Chapter, or Article of this Code.

Sec. 4136 REVOCATION.

Sec. 4136.1 REASONS FOR REVOCATION. A "Certificate of Registration" issued pursuant to the provisions of this Article may be revoked by the Chief of Police of the City of Redlands, after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation or any false statement contained in the application for registration or any other information furnished for the purpose of registration.
- (b) Fraud, misrepresentation or false statement made in the course of the applicant's soliciting, peddling, or operation as an itinerant salesman.
- (c) Any violation of this Article.
- (d) Conviction of the registrant of any crime or misdemeanor, involving moral turpitude.
- (e) Conducting the soliciting, peddling or operation as itinerant salesman in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the people of the City of Redlands.

Sec. 4136.2 NOTICE OF THE HEARING. Notice of the hearing for revocation of a "Certificate of Registration" shall be given in writing, stating the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the registrant at the permanent address given on the application for police registration, at least ten (10) days prior to the date set for the hearing.

Sec. 4136.3 RIGHT OF APPEAL. Any person aggrieved by the denial or revocation of a Certificate of Registration by the Chief of Police shall have the right to appeal to the City Council of the City of Redlands. Such appeal shall be taken by filing with the City Clerk a written statement of the grounds for the appeal within fifteen (15) days after notice of the action complained of has been mailed to such person's permanent address, as such address is stated in the application.

Sec. 4136.4 COUNCIL HEARING. The Council shall set the time and place for hearing such appeal, and notice of such hearing shall be given by the City Clerk in the manner hereinabove provided for notice of hearing in Section 4136.2.

Sec. 4136.5 COUNCIL DECISION FINAL. The decision of the Council of the City of Redlands on such appeal shall be final.

Sec. 4137 VIOLATION.

Sec. 4137.1 PENALTY. Any solicitor, peddler or itinerant salesman who shall violate any of the provisions of this Article shall be guilty of a misdemeanor; and upon conviction thereof and, in addition to automatic revocation of his "Certificate of Registration", shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the City Jail, or the County Jail of the County of San Bernardino, for a period of not more than six (6) months or by both such fine and imprisonment.

Sec. 4137.2 CONTINUING VIOLATION. Every violator of any provision of this Article shall be guilty of a separate offense for every day of such violation, and shall be subject to the penalty imposed for each and every such separate offense.

Sec. 4138 SEVERANCE CLAUSE. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand, notwithstanding the invalidity of any part.

Sec. 4139 REPEAL OF CONFLICTING ORDINANCES. All ordinances or part of ordinances inconsistent with the provisions of this ordinance, be and the same are hereby repealed.

Sec. 4140 EFFECTIVE DATE. This ordinance shall take effect from and after its passage and publication as provided by law.

Note: Introduction and first reading - May 1, 1956

ADOPTED, SIGNED, AND APPROVED this 4th day of September, 1956

Ray J. Lamm
Mayor of the City of
Redlands, California



I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Redlands, at a regular meeting thereof, held on the 4th day of September, 1956, by the following vote:

AYES: Councilmen Hooper, Surr, Wilson and Mayor Lamm
NOES: None
ABSENT: None
VOTING 'PRESENT': Councilman Romo

Harry R. Whaley
City Clerk

APPROVED FOR FORM

Edward F. Taylor
City Attorney

