



SOLICITOR'S LICENSE APPLICATION

Applicants for the position of solicitor must complete the following application to solicit door-to-door or without appointment in the City of Merced.

As part of this process, you must have your fingerprints taken at one of the participating agencies in the area (for a listing, please see the Live Scan Form that will be given to you with this application).

You should come to your fingerprinting appointment with the following materials:

- o Request For Live Scan Service Form (available at Planning Dept.)
- o Appropriate payment method as stated by the fingerprinting agency you choose to use.
- o Valid California driver's license or identification.

After fingerprinting, please return this completed application, with the third copy of the completed Live Scan Form, to the **Planning Department** at 678 W. 18th Street, City Hall 2nd Floor, for further processing. Your application will be forwarded to the Police Department. Please be advised that a felony conviction or a conviction for a crime of moral turpitude may be considered grounds for denial of a solicitor's license.

NAME: _____ DOB: _____
ADDRESS: _____ CITY: _____
TELEPHONE: _____ DRIVERS LICENSE: _____

The issuance of a solicitor's license is conditional and may be revoked in the event you fail any portion of this process.

*****TO BE COMPLETED BY THE POLICE DEPARTMENT*****

_____ Alpha Check	_____ Finger Prints
_____ Warrants Check	_____ License
_____ Drivers License	_____ Payment Amount \$ _____
_____ NCIC, CII	
_____ APPROVED	_____ DENIED

BY: _____ DATE: _____

CITY OF MERCED

Application for License to Solicit

Date: _____

Name: _____

Permanent Address: _____

Local Address: _____

Name of Employer: _____

Address of Employer: _____

Length of Employment with this Employer: _____

Description Of Job For Last Preceding Year With This Employer: _____

Residences For Last Preceding Year: _____

Description of Articles or Services to be Sold: _____

Description of Applicant: Age: _____ Height: _____ Weight: _____

Eye Color: _____ Hair Color: _____ Sex: _____

Drivers License #: _____ Social Security #: _____

I certify that the above statements are true and correct.

Applicant Signature

Merced City Municipal Code Section 5.08.830 requires a statement as to any convictions of any crimes, misdemeanors, violations of municipal ordinances, the date, the nature of the offense, and the penalty assessed therefore. If this section applies to you, please attach a statement to your application. If not, then please sign here indicating that you have never been convicted of any offense:

(Signature)

●.....●
NOTE: *Falsification of this application is a misdemeanor and grounds for revocation of any permit.*

Excerpts from Merced Municipal Code, Article III:

- A fee of \$5.00 must accompany this solicitor's license application to cover cost of processing. This is not a business license fee. Unless otherwise exempt, a business license fee is payable before the business license and solicitor's license can be issued.

Applicant Name: _____

Date: _____

- This application must be accompanied by two front-view photographs of the applicant, not to exceed 2' x 2". The applicant must be fingerprinted by the Merced City Police Department.
- Veterans claiming exemption from the business license fee under 16001 of the Business and Professions Code must be approved by the Veterans Service Officer of the County of Merced.
- Applicant claiming exemption from business license fee, vending farm fruits, vegetables or meat grown and produced by his/her own labor on real property belonging to or possessed by him/her, must be approved by the Merced County Agricultural Commissioner.
- Applicants claiming exception from the business license fee under Interstate Commerce must file a verified statement with this application as provided under Section 5.04.200. The solicitor's license must be obtained regardless of any business license exceptions.

For Office Use Only:

Approved: _____ Denied: _____ Approved: _____ Denied: _____

Police Chief (or Designee)

Date

Finance Officer (or Designee)

Date

Permit Issued for the Period: _____ to _____

Business License Account #: _____ Date Issued: _____

Revised 06/05

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Solicitation-related Ordinances of the City of Merced, California

Chapter 5.08 - LICENSE TAXES, RELATED PROVISIONS, AND REGULATIONS FOR SPECIFIC BUSINESSES

5.08.800 - Solicitor—Defined.

"Solicitor" means any person who goes from house to house or from place to place in the city selling or taking orders for or offering to sell or take orders for goods, wares and merchandise for present or future delivery or for services to be performed immediately or in the future whether such person has, carries or exposes a sample of such goods, wares and merchandise or not and whether he is collecting advance payments on such sales or not.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.101).

5.08.810 - Solicitor—License required.

It is unlawful for any person to act as solicitor within the city without having first obtained a license issued pursuant to this chapter.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1564 § 2, 1984: prior code § 15.102).

5.08.820 - Solicitor—Application for license.

Applicants for license under this chapter shall file with the finance officer an application in writing on a form to be prescribed by the finance officer.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.103).

5.08.830 - Solicitor—Contents of application.

The application shall contain the following information:

- A. The name and address of the solicitor;
- B. The name and address of the person, firm or corporation by whom employed;
- C. The length of service of each solicitor with such employer;
- D. The place of residence and nature of the employment of the solicitor with such employer during the last preceding year;
- E. The nature or character of the goods, wares merchandise or services to be offered by the solicitor;
- F. A personal description of the solicitor;
- G. A statement as to any convictions of any crimes, misdemeanors, violations of municipal ordinances, the date, the nature of the offense and the penalty assessed therefor.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 1, 1984: prior code § 15.104).

5.08.840 - Solicitor—Other information.

Such information shall be accompanied by such credentials and other evidence of good moral character and identity of each solicitor as may be reasonably required by the finance officer.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.105).

5.08.850 - Solicitor—Application fees.

- A. The application fee for solicitors hereunder shall be as follows:
 - 1. For each new application where an investigation is required, five dollars (\$5.00) for each application payable in advance;

2. For each replacement application or issuance of a new identification card, five dollars (\$5.00) for each such replacement.

B. Fees and investigations as used in this section refers solely to individuals and not to firms.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 2, 19984: prior code § 15.106).

5.08.860 - Solicitor—Photograph required.

Each application for a license as required by this chapter must be accompanied by two (2) prints of a recent photograph of the solicitor, which photographs shall not exceed two (2) inches square in size and shall be full front views of the face and head only of such solicitor.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 3, 1984: prior code § 15.101).

5.08.870 - Solicitor—Fingerprints required.

At the time of making the application for a license, each solicitor shall present himself at the office of the chief of police of the city for the purpose of being fingerprinted and supplying routine information required on the fingerprinting forms provided without expense by the city, including the physical characteristics of each person, identifying marks or scars, age, name, address and signature. Such fingerprint records are to be taken in triplicate and each individual so presenting herself is advised that the city reserves the right to retain one (1) of such fingerprint records in its files for permanent safekeeping, and to send one (1) such fingerprint record to the Federal Bureau of Investigation of the Department of Justice at Washington, D.C., and to the Criminal Investigation Department of the California Department of Justice at Sacramento, California, for the purpose of filing. No fingerprint records will be returned in the event the license applied for is not issued or is subsequently suspended or revoked.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.108).

5.08.880 - Solicitor—Investigation—Character and business responsibility.

The original copy of the application shall promptly be referred to the chief of police, who shall promptly make an investigation of the applicant's character and business responsibility. If the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and the reason therefor and return the application to the finance officer. The finance officer shall notify the applicant that his application is disapproved and that no license will be issued. If the chief of police finds that the applicant's character and business responsibility are satisfactory, he shall endorse his approval on the application and return it to the finance officer, who shall promptly issue the license and identification card.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 4, 1984: prior code § 15.109).

5.08.890 - Solicitor—License and identification card to be carried on person.

Each applicant for a license must at all times retain in his possession the business license issued by the finance officer and each applicant issued an identification card must retain the same in his personal possession at all times were engaged in the business so licensed within the city and must produce and show the same on the demand of any person solicited or of any police officer or official of the city. No person issued an identification card shall alter, remove or obliterate any entry made upon such license or card, or deface such license or card in any way. Each license and card shall be personal and not assignable or transferable, nor shall any license or card be used by any person other than the licensee or the person for whom issued.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: Ord. 1534 § 5, 1984: prior code § 15.110).

5.08.900 - Solicitor—Conditions and regulations.

The following conditions and regulations shall also apply to the exercises of the privileges granted by licenses issued under the provisions of this chapter in addition to those set forth in other parts of this chapter or elsewhere in this code:

- A. Shouting—calling wares. No person acting under authority of any license issued under this chapter shall shout or call his wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens or dwellers in the city.
- B. Identification by comparing signature with that on license. Every solicitor, upon the request of any police officer or other officer of the city, shall sign his name for comparison with the signature upon the license or card or the signature upon the license application.
- C. Order to be written in duplicate. Any person acting under authority of any license issued under this chapter who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount ordered and the amount to be paid on or after delivery. One copy of such order shall be given to the customer.
- D. Loitering on streets or private property. No solicitor shall stop or remain in any one place upon the streets, alleys or public places in the city longer than necessary to make a sale to a customer wishing to buy, nor shall any solicitor stop or remain upon any private property within the city without the consent of the owner thereof or some person having authority to grant such permission.
- E. Every solicitor shall, upon request of any person solicited, provide his/her name, business address and telephone number and the name, business address and telephone number of the person, organization, or entity on whose behalf solicitation is being made.

(Ord. 1888 § 1 (part), 1994: Ord. 1733 § 1, 1989: Ord. 1609 § 1 (part), 1986: prior code § 15.111).

5.08.910 - Solicitor—Revocation of license.

- A. A license issued under this chapter may be suspended or revoked by the chief of police for any of the following causes:
 - 1. Fraud, misrepresentation or false statement contained in the application for license;
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor;
 - 3. Any violation of this chapter;
 - 4. Conviction of any crime or misdemeanor involving moral turpitude;
 - 5. Conducting the business of soliciting or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. This section shall be self-executing and the suspension or revocation shall be effective immediately. The city clerk shall give notice of the suspension or revocation of license and sufficient notice shall be given if mailed or delivered to the licensee at his last known local address.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.112).

5.08.920 - Solicitor's license—Appeals to city council.

In the event that any applicant desires to appeal from any order, revocation or other ruling of the finance officer, the chief of police or any other officer of the city, made under the provisions of this chapter, such applicant or any other person aggrieved shall file written notice of such appeal with the city clerk and such matters shall be heard at the next regular meeting of the city council, at which time the city council shall hear and receive evidence, written and oral upon all matters involved. The decision of the city council may be final upon all parties concerned.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.113).

5.08.930 - Solicitation unlawful where "No Peddlers" sign posted.

It is unlawful for any person described in Section 5.08.800 of this chapter to perform or attempt to perform the acts described in such section by ringing the doorbell or knocking at the door or otherwise calling attention to his presence or at any residence whereon a sign bearing the words "No Peddlers", "No Solicitors" or words of similar import is painted or affixed so as to be exposed to public view, and no such person, described in Section 5.08.800 shall perform or attempt to perform any of the acts described in such section in any building, structure or place of business whereon or wherein a sign bearing the words "No Peddlers", "No Solicitors" or words of similar import, is painted or affixed so as to be exposed to public view.

(Ord. 1888 § 1 (part), 1994: Ord. 1609 § 1 (part), 1986: prior code § 15.114).

Chapter 9.50 - AGGRESSIVE SOLICITATION

9.50.010 - Definitions.

"Solicitation," for the purpose of this chapter, is any request made in person seeking an immediate donation of money, food, cigarettes or items of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. A person is not soliciting for the purpose of this chapter when he or she passively displays a sign or gives any other indication that he or she is seeking donations, and where he or she does not address his or her solicitation to any specific person other than in response to an inquiry by that person. This chapter does not apply to peddling and soliciting activity governed by Chapter 5.08 of this code.

(Ord. 1872 § 1 (part), 1994).

9.50.020 - Time of solicitation.

Any person who solicits after sunset or before sunrise is guilty of an infraction.

(Ord. 1872 § 1 (part), 1994).

9.50.030 - Place of solicitation.

Any person who solicits in any of the following places, or any person who solicits when the person solicited is in any of the following places, is guilty of an infraction:

- A. Within ten (10) feet of any bus stop;
- B. In any public transportation vehicle or facility;
- C. In any vehicle on the street;
- D. On private property, unless the solicitor has permission from the owner or occupant;
- E. Within ten (10) feet of any entrance way into or exit from any building open to the public other than those referenced in subparagraph f.;
- F. Within fifty (50) feet of any bank, savings and loan, or other financial institution buildings, including their outdoor automatic teller machines;
- G. In the parking lot of any bank, savings and loan, or other financial institution;
- H. Within fifty (50) feet of all cash disbursal machines, outdoor vending machines, outdoor money changing machines, or any other outdoor machine or device which disburses or accepts coins or paper currency, except parking meters and newspaper vending machines.

(Ord. 1872 § 1 (part), 1994).

9.50.040 - Manner of solicitation.

Any person who solicits in any of the following manners is guilty of an infraction:

- A. By coming within three (3) feet of the person solicited, until that person has indicated that he or she wishes to make a donation;
- B. By blocking the path of the person solicited along a sidewalk or street;
- C. By following a person who walks away from the solicitor;
- D. By using profane or abusive language, either during the solicitation or following a refusal;
- E. By soliciting in a group of two (2) or more persons; or
- F. While under the influence of alcohol or any illegal narcotic or controlled substance.

(Ord. 1872 § 1 (part), 1994)

9.50.050 - False or misleading solicitation.

- A. Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of an infraction. False or misleading representations include, but are not limited to, the following:
 - 1. Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
 - 2. Stating that the donation is needed to meet a need which does not exist;
 - 3. Stating that the solicitor is from out of town and stranded, when that is not true;
 - 4. Stating that the solicitor is homeless, when he or she is not;
 - 5. Stating that the solicitor is soliciting on behalf of an organization which does not exist or which has not authorized the solicitor to seek donations on its behalf.
- B. Any person who knowingly solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of an infraction.

(Ord. 1872 § 1 (part), 1994).