

Chapter 42

PEDDLERS AND SOLICITORS

- Sec. 42-1. Definitions.
- Sec. 42-2. Permit required.
- Sec. 42-3. Application for permit; fee.
- Sec. 42-4. Identification badges.
- Sec. 42-5. Denial, revocation and suspension of permit.
- Sec. 42-6. False information.
- Sec. 42-7. Charitable, religious and political organizations; additional requirements.
- Sec. 42-8. Exemptions.
- Sec. 42-9. Posting of notice on premises inviting or denying solicitation.
- Sec. 42-10. Duty of solicitors, peddlers and canvassers.
- Sec. 42-11. Uninvited soliciting, peddling and canvassing prohibited.
- Sec. 42-12. Time limit on soliciting, peddling and canvassing; exception.
- Sec. 42-13. Soliciting on streets or highways prohibited.
- Sec. 42-14. Telephone solicitations.

Sec. 42-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser means any person who goes through the city in order to solicit political support, to determine opinions or sentiments, to seek votes or to survey persons to ascertain the probable vote before an election.

Charitable organization means any benevolent, philanthropic, patriotic, not-for-profit or eleemosynary group, association or corporation which solicits and collects funds for charitable purposes. "Charitable purpose" shall mean any charitable, benevolent, philanthropic, patriotic or eleemosynary purpose.

Peddler or solicitor means any individual, whether a resident of the city or not, going from house to house or street to street, in the residential areas of the city, for the purpose of taking or seeking orders for goods, wares, merchandise or services of any kind, character or description whatever for any kind of consideration, and/or for the purpose of disposing of and/or peddling or hawking the same, whether for present or future delivery or for magazines or periodicals or newspaper or magazine advertising.

(Code 1976, §15-2(a))

Sec. 42-2. Permit required.

Application must be made to the police department for a permit prior to any soliciting, peddling or canvassing. Permits shall be valid for a period not to exceed 30 days.

(Code 1976, §§15-1(b), 15-2(b))

Sec. 42-3. Application for permit; fee.

(a) The application for a permit under this chapter shall contain the following information for each solicitor, peddler or canvasser:

- (1) Name.
- (2) Home address.
- (3) Home telephone number.
- (4) Date of birth.
- (5) Name of employer.
- (6) Address of employer.
- (7) Telephone number of employer.
- (8) Nature of business of employer.
- (9) Description of automobile of applicant, including license number and year.
- (10) Applicant's driver's license number and state of issue.

(b) Each application shall be accompanied by an application fee of \$10.00, plus \$25.00 for each person authorized to solicit, peddle or canvass under the application. No more than six persons shall be authorized to solicit, peddle or canvass per application. At such time as the police department issues a permit, the applicant, solicitor, peddler and/or canvasser shall be considered registered for purposes of this chapter, and for such time as provided in this chapter or the permit application, whichever is less.

(Code 1976, §15-2(c))

Sec. 42-4. Identification badges.

(a) Applicants and solicitors, peddlers and canvassers for the applicants, if not the same persons, shall submit themselves to the police department for photographing and fingerprinting. Identification badges, with photographs, must be clearly visible at all times by being clipped either to the clothing or purse of the solicitor, peddler or canvasser.

(b) At the time any solicitor, peddler or canvasser submits themselves for photographing to the police department, such person must present one of the following documents:

- (1) Valid Florida driver's license;
- (2) Brevard County voter registration; or
- (3) A letter from a sponsoring organization, sufficiently identifying the proposed solicitor, peddler or canvasser.

(Code 1976, §15-2(d); Ord. 724, §1, 6-3-98)

Sec. 42-5. Denial, revocation and suspension of permit.

The police department shall deny issuance of any permit provided in this chapter or revoke or suspend the permit if it is determined that an applicant or permit holder has:

- (1) Been convicted of or entered a plea of guilty or nolo contendere to a crime against the laws of this state or any other state, the United States, or violated ordinances of this city or any other city or county in this state or any other state involving moral turpitude, fraudulent or dishonest dealing or the illegal use or sale of a controlled substance, or been convicted of or entered a plea of guilty or nolo contendere to a violation of any of the provisions of F.S. §§501.021-- 501.055 or any successor thereto, and/or this chapter.
- (2) Obtained a permit by fraud, false statement, misrepresentation or failure to truthfully answer any question in the required permit application.
- (3) Failed to obtain any county or municipal occupational licenses required by the licensing agencies.
- (4) Failed in any material respect to comply with the provisions of this chapter.

(Ord. 611, §1(15-2(e)), 10-19-94)

Sec. 42-6. False information.

No person required to obtain a permit under this chapter shall furnish any false, untrue or misleading information or statement in connection with the permit process.

(Code 1976, §15-10)

Sec. 42-7. Charitable, religious and political organizations; additional requirements.

In addition to the information required to be submitted under section 42-3, a charitable, religious or political organization shall be required to submit the following information:

- (1) Name of sponsoring organization, including state and federal identification numbers and state and federal tax exempt numbers, if applicable.
- (2) The dates and times soliciting, peddling or canvassing will be undertaken.
- (3) The information in the permit application must be verified under oath by a responsible officer of the organization desiring to solicit the funds.
- (4) At the time any solicitor, peddler or canvasser submits himself for photographing to the police department, he must present one of the following documents:
 - a. Valid Florida driver's license;
 - b. Brevard County voter's registration; or
 - c. A letter from a sponsoring organization, sufficiently identifying proposed solicitor or canvasser.

(Code 1976, §15-3; Ord. 724, §2, 6-3-98)

Sec. 42-8. Exemptions.

Charitable, religious or political organizations and candidates for elective office or persons working on behalf of candidates or referendum or initiative issues shall not be required to submit an application fee when submitting an application under this chapter; require the individual solicitors or canvassers to submit to fingerprinting; or be required to comply with the identification badge requirements of section 42-4. (Code 1976, §§15-3, 15-4; Ord. 724, §3, 6-3-98)

Sec. 42-9. Posting of notice on premises inviting or denying solicitation.

Every person desiring to secure the protection of the regulations contained in this chapter shall comply with the following requirements: notice of the determination by the occupant of giving invitation to solicitors, peddlers and canvassers, or the refusal of invitation to solicitors, peddlers and canvassers to any residence, shall be given by notice posted on the premises in the following manner:

"ONLY SOLICITORS, PEDDLERS AND
CANVASSERS REGISTERED IN
SATELLITE BEACH, FLORIDA, INVITED"

or

"NO SOLICITORS, PEDDLERS
OR CANVASSERS INVITED"

The letters shall be at least two inches in height. For the purpose of uniformity, the cards shall be provided by the city to persons requesting them, at the cost thereof. Such cards so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon. (Code 1976, §15-5)

Sec. 42-10. Duty of solicitors, peddlers and canvassers.

(a) It shall be the duty of every solicitor, peddler or canvasser, upon entering upon any premises in the city, to examine and look for the notice provided for in section 42-9, if any is posted, and be governed by the statement contained in the notice. If the notice states "ONLY SOLICITORS, PEDDLERS AND CANVASSERS REGISTERED IN SATELLITE BEACH, FLORIDA INVITED," then any solicitor, peddler or canvasser not possessing a valid permit shall immediately and peacefully depart from the premises; and if the notice states "NO SOLICITORS, PEDDLERS OR CANVASSERS INVITED," then the solicitor, peddler or canvasser, whether registered or not, shall immediately and peacefully depart from the premises.

(b) Any solicitor, peddler or canvasser 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. (Code 1976, §15-6)

Sec. 42-11. Uninvited soliciting, peddling and canvassing prohibited.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or to create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, peddling or canvassing in defiance of the notice exhibited at the residence in accordance with the provisions of section 42-9. (Code 1976, §15-7)

Sec. 42-12. Time limit on soliciting, peddling and canvassing; exception.

It is unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, peddling or canvassing prior to 9:00 a.m. or after 6:00 p.m. of any day. However, any person soliciting, peddling or canvassing on behalf of a charitable, religious or political organization or any candidate for elective office or persons working on behalf of that candidate or referendum or initiative issues shall be allowed to conduct such activities until 9:00 p.m.

(Code 1976, §15-8; Ord. 724, §4, 6-3-98)

Sec. 42-13. Soliciting on streets or highways prohibited.

No person shall stand on a street or highway and solicit, or attempt to solicit employment, business or contributions from the occupants of any vehicle.

(Code 1976, §15-9)

State Law Reference: Soliciting on streets, etc., F.S. §316.2045

Sec. 42-14. Telephone solicitations.

(a) No solicitor, peddler, canvasser, promoter, vendor or any other person in the city shall use any telephone in the city for the purpose of contacting another person in the city to offer for sale or to sell products or services, or to promote any plan, scheme, device or means, any commercial or business plan, project or venture, without having been requested or invited to do so by the person called, or without the existence, prior to the enactment of this section, of a current business or commercial relationship between the person making such use of a telephone and the person to whom the call is placed.

(b) The actions prohibited by subsection (a) are hereby declared to be a nuisance and may be abated as such.

(Code 1976, §15-12)

END CHAPTER 42