

Council/Agency Meeting Held: _____ Deferred/Continued to: _____ <input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	_____ City Clerk's Signature
Council Meeting Date: 12/15/08	Department ID Number: CA 08-37

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jennifer McGrath, City Attorney

PREPARED BY: Jennifer McGrath, City Attorney

SUBJECT: Adoption of Ordinance Modifying Chapter 9.90 Door-to-Door Solicitation

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: City Council has requested modification to Huntington Beach Municipal Code Chapter 9.90 regulating Door-to-Door Solicitation.

Funding Source: No funds are required.

Recommended Action: Motion to: Adopt Ordinance No. 3821 **AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 9.90 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO DOOR-TO-DOOR SOLICITATION**

Alternative Action(s): Do not adopt Ordinance No. 3821.

Analysis: City Council has requested a change to Chapter 9.90 to enhance the prohibition of door-to-door solicitation. Citizens have expressed their safety concerns regarding uninvited persons who come onto their property to leave flyers and debris and/or attempt to engage them for the purpose of sales. Displaying a sign which indicates that any person who violates the no solicitation prohibition may be guilty of a misdemeanor will discourage unwanted solicitation and provide security for citizens of Huntington Beach.

The ordinance has been prepared to permit the alternative signage rather than replace the existing signage requirement as there are currently citizens in the community that have the existing sign posted.

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 12/15/08

DEPARTMENT ID NUMBER:

Strategic Plan Goal: Create an environment that promotes tourism to increase revenues to support community services and transform the city's economy into a destination economy.

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	Ordinance Amending Huntington Beach Municipal Code Chapter 9.90 Relating to Door-to-Door Solicitation
7	2.	Legislative Draft of Chapter 9.90

ATTACHMENT NO. 1

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AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 9.90 OF THE HUNTINGTON BEACH MUNICIPAL
CODE RELATING TO DOOR-TO-DOOR SOLICITATION SIGNAGE

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Subsection 9.90.020(b) of the Huntington Beach Municipal Code is hereby amended to read as follows:

9.90.020 Regulations applicable to all soliciting

- (a) No person shall engage in solicitation upon any private property after having been asked by the owner or occupant thereof to leave such property. (3623-12/03)
- (b) Unless invited by the legal occupants or owners of a private property, it shall be unlawful for any person to engage in solicitation upon any private premises or residence or business located thereon if such premises or residence is posted against solicitation by means of a notice, prominently displayed upon which is printed:

SOLICITING AT THIS LOCATION IS A VIOLATION OF LAW

OR

WARNING
SOLICITING AT THIS LOCATION IS A VIOLATION OF THE
LAW AND IS PUNISHABLE AS A **MISDEMEANOR**.
HUNTINGTON BEACH MUNICIPAL CODE CHAPTER 12.32

For purposes of the preceding sentence, a private property, either residence or business, shall be deemed to be posted against solicitation if there is exhibited, on or near the main entrance to the property or on or near the main door to any structure located thereon, above ground level, a sign conspicuously posted, which bears either of the above legends. (3623-12/03)

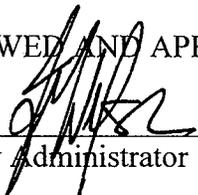
SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

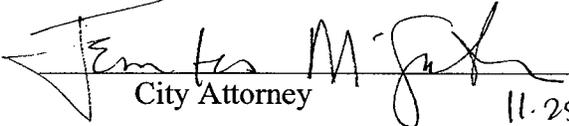
ATTEST:

City Clerk

Mayor

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED AS TO
FORM:


City Attorney 11.25.08

ATTACHMENT NO. 2

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ORDINANCE NO. 3821

LEGISLATIVE DRAFT

Chapter 9.90

DOOR-TO-DOOR SOLICITATION

(Repealed Chapter 9.64 (Registration of Canvassers) – 746-2/60, 851-8/61, 1023-1/64, 2266-3/78)
(Chapter 9.90 - 3623-12/03)

Sections

- 9.90.010 Definitions
- 9.90.020 Regulations applicable to all soliciting
- 9.90.030 Provisions nonexclusive

9.90.010 Definitions

- (a) “Soliciting” shall mean, for the purposes of this ordinance, offering a good or service, seeking contributions of any kind, for whatever purpose or cause, or soliciting support for or opposition to any person, cause, organization, philosophy or venture. This shall include, but not be limited to, commercial solicitors and peddlers as defined in Chapter 5.04 of this Code. This definition includes persons approaching a residence to solicit or disseminate information of any kind. (3623-12/03)
- (b) “Private property” shall mean a privately owned building, either a residence or commercial enterprise. (3623-12/03)

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- (b) Unless invited by the legal occupants or owners of a private property, it shall be unlawful for any person to engage in solicitation upon any private premises or residence or business located thereon if such premises or residence is posted against solicitation by means of a notice, prominently displayed upon which is printed:

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For purposes of the preceding sentence, a private property, either residence or business, shall be deemed to be posted against solicitation if there is exhibited, on or near the main entrance to the property or on or near the main door to any structure located thereon, above ground level, a sign conspicuously posted, which bears either of the above legends. (3623-12/03)

- (c) No person who engages in solicitation shall use any plan, scheme or ruse or make any statement which indicates or implies that the purpose of such person's solicitation is other than to obtain orders for or to make sales of goods or services. (3623-12/03)
- (d) No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law. (3623-12/03)
- (e) It shall be unlawful for any person to engage in solicitation at any time of day if such time of day is clearly posted on the no soliciting sign posted pursuant to this Ordinance. (3623-12/03)
- (f) No solicitor shall solicit by shouting or by using any sound device in connection with soliciting, including bells or amplifying systems. (3623-12/03)
- (g) No solicitor shall step onto or over the threshold of a doorway of a residence, unless invited to do so by the occupant or place hands, legs or any portion of the solicitor's body in the doorway so that it reasonably appears that the door may not be closed, unless allowed to do so by the occupant. (3623-12/03)
- (h) It shall be unlawful to make false statements or misrepresentations about the purpose of the solicitation. (3623-12/03)

9.90.030 Provisions nonexclusive. Nothing in this chapter shall be construed as to replace or eliminate any of the provisions or requirements of Title 5 of the Huntington Beach Municipal Code requiring business licenses. (3623-12/03)