



City of Camarillo

Office of the City Clerk
601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248
(805) 388-5353 • FAX (805) 388-5318

INFORMATION SHEET

SOLICITATIONS FOR NON-PROFIT ORGANIZATIONS

1. A permit is required to solicit (directly or indirectly) contributions for any charitable purpose.
2. Permits will be issued for dates specified on application or until December 31st following the date of issuance.
3. Solicitations shall not be conducted by any person under sixteen years of age unless supervised by an adult.
4. Each solicitor (including minors) will carry an authorized solicitation permit and shall show it upon request.
5. The full name and address of each solicitor shall be on file at the agency/organization and shall be made available to the City of Camarillo and/or the Camarillo Police Department upon request.
6. Any information provided on the application that changes during the time of the approved permit period shall be forwarded to the City Clerk within twenty-four hours.
7. Upon request you must be prepared to provide a written receipt for any money received in excess of \$5 with the name of the permit holder and the solicitor, the permit number, the date and the amount received.
8. **Solicitation shall take place between the hours of 9:00 a.m. and 8:00 p.m.**
9. **Solicitation shall not obstruct free movement of the public, shall not persistently request contributions when solicitation has been declined, and shall not solicit in locations where "NO SOLICITORS" signs are posted.**

If you have any questions or need any assistance in applying for a permit for non-profit solicitations, contact:

Jeffrie Madland, City Clerk
City of Camarillo
601 Carmen Drive
Camarillo, CA 93010
Phone: (805) 388-5353



NON-PROFIT SOLICITATION APPLICATION

City of Camarillo City Clerk • 600 Carmen Drive • Camarillo CA 93010
(805) 388-5397 • FAX (805) 388-5318 • cityclerk@cityofcamarillo.org

This is an application only - not a permit. If approved, a permit will be issued with the City Clerk's signature.

Applicant Information

Name: _____

Address: _____

Telephone: _____ Cell phone: _____

Email: _____

Relationship to Organization: Volunteer Officer Employee Independent Contractor Agent

Non-Profit Organization

Name: _____

Local/State address: _____

Name of Principal Officers: _____

Telephone: _____

Attach copy of IRS and/or CA Franchise Tax Board documentation showing organization's tax exempt status.

Solicitation Method

Person in Charge of Solicitation: _____ Cell phone: _____

Dates of solicitation: from _____ to _____

Hours of solicitation: from _____ to _____

Purpose for solicitation proceeds: _____

Solicitation Method: *Storefront Door-to-Door Residential Other _____

*See attached memo from Attorney's office regarding storefront solicitation.

Attach copy of driver's license or identification card for each solicitor. (CMC Section 5.28.040 C.1.)

I certify that to the best of my knowledge that all of the solicitors submitted for this permit have not been convicted of any of the following crimes, or convicted of an attempt or conspiracy to commit any of the following crimes as defined by the California Penal Code: murder, mayhem, kidnapping, robbery, assault with intent to commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons.

I further certify that if a permit is granted, it will not be used or represented in any way as an endorsement by the City or any department or officer.

I certify under penalty of perjury that the foregoing is true and correct.

Signature: _____ Date: _____

WARNING! You should review sections 17510 to 17510.7 of the California Business and Professions Code which require disclosure of specified information relating to certain charitable solicitations to persons being solicited in addition to that required by the city.



City of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248
Office of the City Attorney • (805) 388-5308

MEMORANDUM

TO: Local Businesses
FROM: Donald M. Davis, Assistant City Attorney *DMD*
SUBJECT: City Regulation of Solicitors on Private Commercial Property
DATE: April 2010

This memorandum summarizes the City of Camarillo Municipal Code (CMC) regulations regarding non-commercial solicitors (e.g., charitable, political, and religious speech) and commercial solicitors on private property, and provides some information about the ability of businesses to restrict or prohibit solicitors on their property.¹

Solicitation Permit Required

All solicitors are required to have a City-issued permit and have such permit on their person at all times when soliciting and to show the permit upon request.²

General Conduct Regulations

All solicitors must abide by the City's regulations on the manner of soliciting, which include the following:³

1. Solicitations may only take place between 8:00 a.m. and 9:00 p.m.
2. Solicitations may not be conducted by any person under 16 years old, unless supervised by an adult.
3. No solicitor may affix any object to the person of any contributor or member of the public without first receiving express permission.
4. No solicitor may persistently and importunately request a donation or continue to engage in any solicitation from any member of the public after such member of the public expresses his or her desire not to make a donation or is not interested in the solicitation.
5. No solicitor may intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally.

Restrictions on Soliciting Allowed in Non-Public Forums

Courts have upheld private policies prohibiting or restricting solicitation, including noncommercial speech, at certain types of shopping centers and at stand-alone stores. Unlike a shopping mall, these types of stores did not have any plazas or courtyards for patrons to gather, and so the courts found that the areas around the stores did not constitute a "public forum." (See *Albertson's, Inc. v. Young* (2003) 107 Cal.App.4th 106; and *Van v. Target Corp.* (2007) 155 Cal.App.4th 1375.) Each store should consult with its own legal counsel to see if these cases are applicable, and if so, develop an appropriate policy regarding solicitors. Where private property is posted for "no solicitors" or there is a policy in place that restricts the time, place and manner of solicitations on private property, the City's police department can enforce such policies under CMC sections 5.28.090.A.3 and 5.32.080.A.3.

If any of these regulations are being violated, please call the Camarillo Police Department at 388-5100.

¹ See CMC Chapter 5.28 (Non-commercial Solicitation) and Chapter 5.32 (Commercial Solicitation).

² See CMC sections 5.28.090.C and 5.32.080.C.

³ See CMC sections 5.28.090 and 5.32.080 for further details.

Chapter 5.28 - CHARITABLE AND RELIGIOUS SOLICITATION—PERMIT PROCEDURE

Sections:

5.28.010 - Definitions.

For purposes of this chapter, the following definitions shall apply:

"Applicant" means the person applying for a solicitation permit on behalf of the permit holder.

"Charitable" means benevolent, civic, educational, patriotic, political, philanthropic or other similar purposes.

"Contribution" means and includes: food, clothing, money, property, subscriptions or pledges and donations, including those under the guise of loans of money or property.

"Permit holder" means the person who has been granted a permit pursuant to this chapter for the purpose of charitable and religious solicitation.

"Person" means any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

"Religious" or "religion" shall have the meaning established by the Supreme Court of the state or the Supreme Court of the United States.

"Solicit" and "solicitation" mean the request, directly or indirectly, of money, credit, property, financial assistance or other things of value, on the plea or representation that such money, credit, property, financial assistance or other things of value, or any portion thereof, will be used for a charitable or religious purpose, as those purposes are defined in this section, conducted door-to-door, in any place of public accommodation, in any place of business open to the public generally, on the city streets and sidewalks, in the public parks or in any public place. "Solicit" and "solicitation" also mean and include, but are not limited to, the following methods of securing such money, credit, property, financial assistance, or other thing of value, when conducted in the manner set forth in this subsection:

1. Any oral or written request;
2. The local distribution, circulation, posting or publishing of any handbill, written advertisement or other local publication;
3. The sale of any goods or services; and
4. The sale of any ticket or right to admission to any amusement, show, entertainment, lecture or other enterprise, where such solicitation is made to persons other than the bona fide members of the organization or institution causing the solicitation of, for or on whose behalf the solicitation is made, and where it is represented or made to appear that such solicitation, or any part of the proceeds therefrom, shall be used for charitable or religious purposes.

"Solicitation," as defined in subsection G of this section, shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution referred to in this section.

"Solicitor" means a person who solicits or who engages in a solicitation as defined in this section.

(Ord. 802 § 1 (part), 1994.)

5.28.020 - Permits required for charitable and religious solicitations.

No person shall, directly or indirectly, solicit contributions for any charitable or religious purpose unless a valid permit has been issued pursuant to the provisions of this chapter.

(Ord. 802 § 1 (part), 1994.)

5.28.030 - Exemptions.

The provisions of this chapter shall not apply to:

- A. Solicitations conducted solely by means of radio, telephone, facsimile machines, television broadcasts, newspapers, magazines or through the United States mail;
- B. Charitable or religious solicitations which are conducted among the members of the soliciting group by other members, whether at regular assemblies, services or otherwise;
- C. Solicitation on premises owned or controlled by the solicitor;
- D. Solicitation which is subject to disclosure under state or federal political disclosure laws.

(Ord. 802 § 1 (part), 1994.)

5.28.040 - Applications for permits.

- A. Applications for charitable or religious solicitation permits shall be made to the city clerk upon forms prescribed by the city. The application shall be declared to under penalty of perjury and filed with the city clerk not less than three consecutive business days prior to the time at which the permit applied for shall become effective.
- B. An application fee may be required in an amount to be set by resolution of the city council, based solely upon the administrative costs in processing the application and issuing the permits.
- C. Such applications shall contain the following information and documentation:
 - 1. The full name, mailing address, principal business or residential address, telephone number, date of birth and physical description of the applicant;
 - 2. If the applicant is not an individual, or will be soliciting on behalf of an organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any;
 - 3. The nature of the relationship between the applicant and the permit holder, including whether the applicant is a volunteer, paid officer or employee, independent contractor or an agent of the permit holder;
 - 4. The purpose for which the proceeds of the solicitations are to be used;
 - 5. The full name and address of the person or persons who will be in charge of conducting the solicitation. The names and addresses of each solicitor who will actually be engaged in the solicitations shall be on file at the agency/organization conducting the solicitation and shall be made available to the city or Camarillo police department upon request at any time;
 - 6. When door-to-door solicitations of residences are to be made, a statement to the best of the knowledge of the permit holder that none of the solicitors have been convicted of any of the crimes specified in Section 5.28.110
 - 7. A short outline of the method or methods to be used in conducting the solicitation;
 - 8. The time when such solicitation will be made, including preferred dates and hours of the day for commencement and termination of solicitations;
 - 9. A statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by the city or any department or officer thereof; and
 - 10. If issued, documentation from the United States Internal Revenue Service or from the California Franchise Tax Board that the permit holder is tax exempt under federal or state income tax laws and Employers Identification Number.
- D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the city manager in writing thereof within twenty-four hours after such change.
- E. The application documents shall be available for public inspection.

(Ord. 802 § 1 (part), 1994.)

5.28.050 - Issuance and form of permits.

- A. The city clerk shall issue the permit, unless he/she finds that:
 - 1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so;
 - 2. The applicant has not provided the information required by this chapter and fails to provide the missing information after being requested to do so;
 - 3. The application indicates that the proposed solicitation will violate any of the requirements of this chapter and the applicant fails to amend the application to indicate compliance with said section after being requested to do so; or
 - 4. An applicant proposing to conduct door-to-door solicitations has been convicted of any of the crimes set forth in Section 5.28.110
- B. Nothing set forth in this chapter shall be construed as granting to the city clerk or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this section.
- C. The city clerk shall either issue or deny the requested permit within three consecutive business days after the date the application is made. In the event of denial, the city clerk shall give the applicant a written notice which states with specificity the reasons therefor. In the event the city clerk fails to act within the time prescribed, the permit shall be deemed issued.
- D. The permit, if issued, shall include the following information:
 - 1. The name and address of the permit holder;
 - 2. The dates for which the permit is valid;
 - 3. A statement of the charitable or religious purpose of the solicitation;
 - 4. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the solicitation;
 - 5. A permit number;
 - 6. A blank space for the individual solicitor to print or type his/her name prior to soliciting contributions; and
 - 7. The signature of the city clerk.

(Ord. 802 § 1 (part), 1994.)

5.28.060 - Term of permits.

Permits issued under this chapter shall be valid through December 31st following the date of issuance.

(Ord. 802 § 1 (part), 1994.)

5.28.070 - Renewal of permits.

On or before the expiration of any permit, and if requested in writing to do so, the city clerk shall renew the permit within three consecutive business days after such request if the factual information upon which the original application was granted remains unchanged. On such request for renewal, the applicant shall state that no change has occurred since the issuance of the original permit.

(Ord. 802 § 1 (part), 1994.)

5.28.080 - Nontransferability of permits.

No permit issued under this chapter shall be transferred or assigned, and any attempt at assignment or transfer shall be void.

(Ord. 802 § 1 (part), 1994.)

5.28.090 - Manner of solicitation.

A. Solicitations pursuant to permits under this chapter:

1. Shall take place between the hours of eight a.m. and nine p.m.;
2. Shall not be conducted by any person under the age of sixteen years, unless supervised by an adult; and
3. Shall not be made at any house, apartment or other dwelling nor at any business to where a sign is posted indicating "no solicitors" or similar indication that no solicitation contact is desired by the occupants thereof.

B. No solicitor shall:

1. Affix any object to the person of any contributor or member of the public without first receiving express permission therefor;
2. Persistently and importunately request any donation from any member of the public after such member of the public expresses his or her desire not to make a donation; or
3. Intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally.

C. Each solicitor shall carry a valid reproduction of the permit issued pursuant to this chapter and shall show the same to any person upon request.

(Ord. 802 § 1 (part), 1994.)

5.28.100 - Receipts.

Any person receiving money or anything of value in excess of five dollars from any contributor by means of a solicitation made pursuant to a permit shall, upon request, give each contributor a written receipt signed by the solicitor showing plainly the name of the permit holder and the solicitor, the permit number, the date and the amount received.

(Ord. 802 § 1 (part), 1994.)

5.28.110 - Door-to-door solicitation.

No person shall conduct door-to-door solicitation of residences within the meaning of this chapter if that person has been convicted of any of the following crimes, or convicted of an attempt or conspiracy to commit any of the following crimes, as defined in the California Penal Code: murder, mayhem, kidnapping, robbery, assault with intent to commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons.

(Ord. 802 § 1 (part), 1994.)

5.28.120 - Revocation of permit.

Revocation of a permit issued pursuant to this chapter shall be as provided for in Section 5.08.050. For purposes of revocation, the city clerk shall perform the functions of the director.

(Ord. 802 § 1 (part), 1994.)

5.28.130 - Appeals.

Appeals from any decision of the director are subject to the procedures provided in Section 5.08.060.

(Ord. 991 § 5, 2006: Ord. 802 § 1 (part), 1994.)