

ORDINANCE NO. 2013-305

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS ADDING
CHAPTER 9.09 TO THE CALABASAS MUNICIPAL CODE REGULATING DOOR TO
DOOR SOLICITATION IN THE CITY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CALABASAS:

Section 1. Chapter 9.09 is hereby added to the Calabasas Municipal Code to read as follows:

SOLICITATION

- 9.09.010 Purpose; Intent
- 9.09.020 Definitions
- 9.09.030 Manner of Solicitation and Prohibition
- 9.09.040 Violations; Penalties

9.09.010 Purpose; Intent.

(A) The purpose of this chapter is to regulate solicitation in the city to allow residents to protect their peace and tranquility, to allow the free and safe flow of pedestrian and vehicular traffic, and to deter fraud and other criminal behavior. It is the intent of this chapter to respect the rights of free expression guaranteed by the California and United States Constitutions; to constitute reasonable, content-neutral, time, place and manner restrictions; and to impose the smallest burden on expressive activity necessary to accomplish the objectives of this chapter. This chapter shall be construed in light of this intent.

(B) The exclusion of religious and political motivations from the purposes for solicitation regulated by this chapter is intended to provide greater protection for such expressive activity as required by judicial decisions and not to require city officials to determine what does and does not constitute bona fide religious and political motives except as necessary to do so. Accordingly, in the enforcement of this chapter, city officials shall accept claims that activity is politically or religiously motivated unless evidence is obtained demonstrating those claims to be untruthful.

9.09.020 Definitions.

(A) "Person" shall mean any individual, firm, partnership, corporation, joint venture, association, social club, league, fraternal organization, joint stock company, estate trust, business trust, receiver, trustee, syndicate, association, or any other group acting as a unit.

(B) "Solicitation" includes the act of any person, whether a resident of the

city or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, or from place to place within the city either: (1) requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value; (2) taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and (3) selling and making immediate delivery any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."

(C) "Solicitor" means any person engaged in solicitation.

A solicitation, as defined in this subsection, shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to in this subsection.

9.09.030 Solicitation - Prohibitions.

No person while soliciting shall do any of the following:

(A) Solicit at any dwelling, including but not limited to a house, apartment, or condominium where there is a sign posted in a conspicuous location indicating "No Solicitations," "Do Not Disturb," or words of similar clear import.

(B) Touch, come into physical contact with, or affix any object to the person of any member of the public, without the express permission of that member of the public.

(C) Persistently and importunately solicit any member of the public after such member of the public expresses his or her desire not to be solicited.

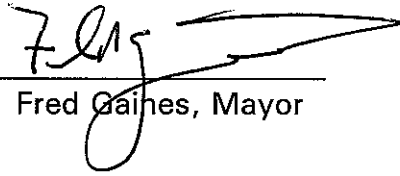
(D) Intentionally and deliberately obstruct the free movement of any member of the public on any street, sidewalk or other place or in any place open to the public.

(E) Threaten any harm to any member of the public who declines to be solicited.

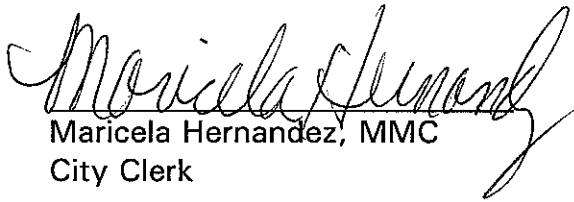
9.09.040 Violations; Penalties.

A violation of this chapter shall constitute a misdemeanor punishable pursuant to Section 1.16.020A of this code or, in the discretion of the prosecutor, as an infraction pursuant to Section 1.16.020B of this code.

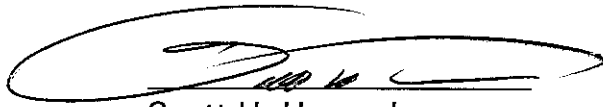
PASSED APPROVED AND ADOPTED this 11th day of September, 2013.


Fred Gaines, Mayor

ATTEST:


Maricela Hernandez, MMC
City Clerk

Approved as to Form:


Scott H. Howard
Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CALABASAS)

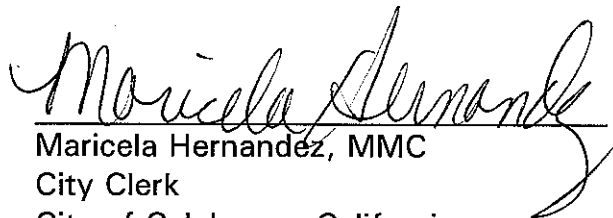
I, **MARICELA HERNANDEZ**, City Clerk of the City of Calabasas, California,
DO HEREBY CERTIFY that the foregoing ordinance, being **Ordinance No. 2013-305**
was duly introduced and approved by the City Council of the City of Calabasas at a
regular meeting held on the 14th day of August, 2013 and adopted and passed by
said Council at a regular meeting held on the 11th day of September, 2013 by the
following vote:

AYES: Mayor Gaines, Mayor pro Tem Shapiro, Councilmembers Bozajian,
Martin and Maurer.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Maricela Hernandez, MMC
City Clerk
City of Calabasas, California