

Chapter 5.20 SOLICITATION

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5.20.010 Definitions.

For the purposes of Sections 5.20.010 to 5.20.050 the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing. (Ord. 2777 §2(part), 1996)

5.20.020 Prohibited acts--Penalties.

A. It is unlawful for any person to:

1. Solicit before nine a.m. or after nine p.m. when the local time is daylight savings time or after eight p.m. when the local time is standard time, without the consent of the occupant to do so.
2. Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.
3. Leave written materials upon real property where a sign conforming to the requirements of Section 5.20.040 is posted.
4. Solicit upon real property where a sign conforming to the requirements of Section 5.20.040 is posted.

B. Violation of subsections (A)(1), (2) or (3) of this section is punishable by a fine not to exceed two hundred fifty dollars.

C. Violation of subsection (A)(4) of this section is punishable by a fine not to exceed five hundred dollars or by imprisonment not to exceed thirty days, or by both fine and imprisonment. (Ord. 2777 §2(part), 1996)

5.20.030 Consent to enter onto real property--Exemptions.

A. It shall be an affirmative defense to an alleged violation of Section 5.20.020 (A)(1), (3) or (4) that the person charged with the offense had received actual or constructive consent of the occupant prior to entering the real property.

Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

B. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of nine a.m. and nine p.m., when the local time is daylight savings time or between nine a.m. and eight p.m., when the local time is standard time, if they have not posted a "No Solicitation" sign, pursuant to Section 5.20.040.

C. Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided by law.

D. Officers, employees or agents of a governmental entity while performing activities within the scope of their office, employment or agency are exempt from the requirements of Chapter 5.20.

E. No person may be charged with a violation of any subsection of Section 5.20.020 in connection with an act committed between four p.m. and nine p.m. on each October 31st. (Ord. 2777 §2(part), 1996)

5.20.040 "No Solicitation" sign.

A. If an occupant of real property chooses to not invite solicitors onto their property, the occupant may post a "No Solicitation" sign pursuant to this section. The effect of the posting of such a sign is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit, except to those persons exempt from these provisions by Section 5.20.030.

B. Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry, and must be of such size and location as to provide clear and unobstructed notice to persons entering the property.

C. For real property possessing no apparent barriers to entry at the boundaries of the property which limit access to the primary entrance of a structure located on the property, placement of the sign at the primary entrance to the structure constitutes compliance with this section. (Ord. 2777 §2(part), 1996)

5.20.050 Evidentiary matters.

It shall be prima facie evidence of a violation of Section 5.20.020(A)(3) if written material is found on real property upon which a sign conforming to the requirements of Section 5.20.040 has been posted. The person responsible for such written material shall be the person identified in the written material as its proponent, sponsor, distributor or potential beneficiary of the communication conveyed. (Ord. 2777 §2(part), 1996)