

## Chapter 5.40

**PEDDLERS, SOLICITORS AND  
CANVASSERS**

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**5.40.010 Purpose.**

The purpose of this chapter is to establish reasonable restrictions on door-to-door peddlers in order to protect the citizens of the City of Cañon City from fraud, misrepresentation, crime, undo annoyance and loss of privacy, and to promote the public health, safety, and welfare of the inhabitants of the City. This chapter recognizes that differences exist between persons who peddle for commercial purposes and those who canvass and solicit for noncommercial purposes. It is not the intent of this chapter to regulate the content of speech or expressive activities. To that end, this chapter employs the least restrictive means necessary to serve its purposes. (Ord. 16-2008 § 2)

**5.40.020 Definitions.**

As used in this chapter, the following words have the meaning indicated:

A. “Canvasser” means a person who makes or attempts to make personal contact with a resident at his or her residence without a prior specific invitation from the resident or a prior specific appointment with the resident for the primary purpose of: (1) attempting to enlist support for or against a particular philosophy, ideology, political party, issue, candidate, or religion, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or (2) distributing a handbill or flyer advertising a noncommercial event or service.

B. “Door-to-Door Sales” means the selling, attempting to sell or the solicitation of orders for the sale of goods, wares, merchandise, services, magazines, contracts, policies of insurance, stocks, bonds, rights or

anything of value at residences within the City.

C. "No Solicitation Sign" means a sign indicating a prohibition against peddling, soliciting and/or canvassing that contains any of the following groups of words: "No Solicitation"; "No Solicitors"; "No Peddlers"; "No Solicitors or Peddlers"; "No Trespassing"; or words of similar import. (See also Section 5.40.150 of this chapter regarding size, placement and location of no solicitation signs.)

D. "Peddler" means a person who makes or attempts to make personal contact with a resident at his or her residence without a prior specific invitation from the resident or a prior specific appointment with the resident for the primary purpose of engaging in door-to-door sales.

E. "Person" means a human being, but also includes individuals, firms, corporations, limited liability companies, partnerships and other entities that employ or otherwise engage peddlers, solicitors and/or canvassers to perform on their behalf.

F. "Residence" means the private residences of the inhabitants of the City, including, but not limited to, single-family residences, duplexes, condominium units, townhouse units, apartments and/or the yards, grounds or hallways thereof.

G. "Sales Tax," "Sales Tax License" and "Sales Tax Return" shall have the meanings ascribed to such terms in Chapter 3.12 of the Cañon City Municipal Code, the City's Sales and Use Tax Ordinance.

H. "Solicitor" means a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation from the resident or a prior specific appointment with the resident for the

primary purpose of attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the exchange of some good or service for a donation to the organization. (Ord. 16-2008 § 2)

#### **5.40.030 Permits and licenses.**

A. Peddler's License Required. Each self-employed person who engages in door-to-door sales at residences within the City and each person (including natural persons and entities) who employs or otherwise engages any other person for salary, commission or other remuneration to conduct door-to-door sales at residences within the City, before such door-to-door sales have commenced, shall register, apply for and obtain a peddler's license from the City Clerk and pay the license fee as provided by this chapter.

B. Peddler's Permit Required. Each and every person who goes in or upon any residence within the City for the purpose of engaging in door-to-door sales, when not previously requested or invited to do so by the owner or occupant of the residence, shall register, apply for and obtain a peddler's permit from the City Clerk and pay the permit fee as provided in this chapter before going in or upon such residence. (Ord. 16-2008 § 2)

#### **5.40.040 Fees.**

A. Peddler's License. The annual license fee for each self-employed peddler and for each person (including natural persons and entities) who employs or otherwise engages any other person for salary, commission or

other remuneration to conduct door-to-door sales shall be fifty dollars (\$50.00), and such license shall be issued for one calendar year or portion thereof.

B. Peddler's Permit. The annual permit fee for each peddler engaging in door-to-door sales at residences within the City shall be thirty-five dollars (\$35.00), and such permit shall be issued for one calendar year or portion thereof.

C. Peddler's permits shall serve as an identification card for each person to whom a permit has been issued. (Ord. 16-2008 § 2)

#### **5.40.050 Application contents.**

A. Each applicant for a license or permit shall file with the City Clerk an affidavit on a form supplied by the City Clerk stating or containing:

1. The full name of the applicant;
2. The business address of the applicant;
3. The business telephone numbers of the applicant;
4. The residence addresses, temporary and permanent, of the applicant;
5. The residence telephone numbers of the applicant;
6. A physical description of the applicant, including height, weight, color of eyes and color of hair;
7. The number and state of issuance of the applicant's motor vehicle operator's license or chauffeur's license, if any, or other form of identification acceptable to the City Clerk;
8. The number on and state of issuance of the license plates or any motor vehicle owned, rented or being driven by the applicant and of any motor vehicle which the applicant intends to use in the course of door-to-door sales, a description of any such motor vehicle, and the

name and address of the owner of such motor vehicle;

9. A list of all cities in which a peddler's license or permit is presently held by the applicant;

10. A statement as to whether the applicant is presently on parole or probation for any criminal violations (with additional details if the applicant is on parole or probation);

11. A statement as to whether the applicant is required to register as a "convicted sex offender" pursuant to Section 16-22-103, C.R.S.;

12. A brief explanation of the nature of the merchandise to be sold or other activity that requires a license or permit under this chapter. Copies of promotional sales brochures may satisfy this requirement;

13. The names, business addresses, business telephone numbers, residence addresses and residence telephone numbers of all persons employing and/or supervising the applicant;

14. If the applicant is a foreign corporation or an employee of such corporation, a statement listing the name, address and telephone number of an agent for process residing in the State;

15. A statement that the applicant is a citizen of the United State of America or is otherwise legally in the United States, if such a statement is required by State or Federal law as a precondition to the issuance of the license or permit requested. (Proof that an applicant is legally in the United States may be required by such laws.)

16. Any additional information or document reasonably requested by the City Clerk. (Ord. 16-2008 § 2)

**5.40.060 License or permit—  
Investigation—Grounds for  
denial or revocation.**

A. Upon receipt of an application for a permit or license required hereunder, the City Clerk shall make an investigation of the applicant's character and responsibility by any means available and shall either issue or deny the permit or license within five (5) business days following the date upon which a complete application was filed with the City Clerk and the appropriate fee was paid.

B. The City Clerk may deny the issuance of a license or permit provided for in this chapter or revoke any previously-issued license or permit for any of the following reasons:

1. The applicant, licensee or permittee was convicted in a criminal court of record (in the City or elsewhere) of a crime having as an essential element fraud, deceit or misrepresentation arising from the door-to-door sales activities of the applicant within the five (5) year period immediately preceding the date of the denial or revocation;

2. The applicant, licensee or permittee violated or otherwise failed to comply with the provisions of this chapter;

3. A self-employed peddler or the employer of a peddler failed to: (a) obtain a sales tax license before engaging in business within the City; and/or (b) timely file with the City any required sales tax return; and/or (c) remit to the City any sales tax when due;

4. The applicant, licensee or permittee was convicted for crimes against the person or property of another, or institutionalization for mental illness which caused acts of violence against the person or property of another; provided, however, that the applicant's rehabilitation shall be considered with respect

to felony convictions or institutionalization occurring earlier than five (5) years preceding the date of application.

5. The applicant, licensee or permittee is legally obligated to register under the Colorado Sex Offender Registration Act pursuant to Section 16-22-103, C.R.S.; provided, however, that the applicant's rehabilitation shall be considered with respect to felony convictions occurring earlier than five (5) years preceding the date of application.

C. For purposes of this section:

1. Crimes or acts of violence against the person of another shall include homicide, attempted homicide, rape, attempted rape, sexual assault, assault, battery and other similar felonies involving moral turpitude by whatever name; and

2. Crimes or acts against the property of another shall include theft, burglary, breaking and entering, larceny and other similar felonies involving moral turpitude by whatever name.

D. Persons whose applications for licenses or permits have been denied shall be notified in writing of the reason for such denial.

E. The provisions of this section pertaining to the revocation of a previously-issued license or permit shall be self-executing and the revocation shall be effective immediately. The City Clerk shall give notice of the revocation of a license or permit. Sufficient notice shall be given by personal service of the notice upon the licensee or permittee or by mailing the notice to the licensee or permittee at his or her last known address by certified mail, return receipt required. The last known address of any licensee or permittee shall be the address shown on his or her application, unless a

written notice of change of address had been delivered to and received by the City Clerk prior to the date upon which the notice was mailed.

F. Upon written request to the City Clerk, any person whose license or permit was denied or revoked shall be entitled to an administrative hearing. The City Clerk, or another hearing officer designated by the City Clerk, shall serve as presiding officer. Any such hearing shall be conducted within ten (10) business days following the date the written request is filed. The presiding officer shall determine whether reasons for denial or revocation of the license or permit in fact exist, based upon the evidence and statements presented during the hearing. (Ord. 16-2008 § 2)

#### **5.40.070 Appeal to City Council.**

At his or her election, any person may appeal to the City Council any decision relating to his/her/its license or permit made by the City Clerk (or by a hearing officer designated by the City Clerk) pursuant to the provisions of Chapter 2.52 of the Cañon City Municipal Code. (Ord. 16-2008 § 2)

#### **5.40.080 Licenses and permits are nontransferable.**

A. No person shall transfer or attempt to transfer a peddler's license to any other person.

B. No peddler's license shall be used by any person other than the person to whom it was issued.

C. No person shall transfer or attempt to transfer a peddler's permit to any other person.

D. No peddler's permit shall be used by any person other than the person to whom it was issued. (Ord. 16-2008 § 2)

#### **5.40.090 Records.**

A. The City Clerk shall maintain records showing each license and permit issued pursuant to this chapter and the alleged violations of this chapter, if any, by each licensee and permittee; provided that no such records need be kept for longer than five (5) years.

B. Each person holding a license or permit issued pursuant to this chapter shall notify the City Clerk in writing of any change in the information reported on such person's application for such license or permit no later than ten (10) days after such change occurs. (Ord. 16-2008 § 2)

#### **5.40.100 Expiration of license or permit.**

Each license and each permit issued in calendar year 2008 shall cover the balance of calendar year 2008 and all of calendar year 2009, expiring on December 31, 2009, unless such license or permit is sooner forfeited or revoked as provided in this chapter. Thereafter, each license or permit shall expire on December 31st of the calendar year during which such license or permit was issued. On or prior to the expiration of a license or permit, any person may apply for the issuance of a new license or permit. If an application for a new license or permit is filed on or before December 31st, and if the applicable fee is paid upon such filing, the license or permit previously issued to such person, if valid when the application is filed, shall remain valid until a new license or permit has

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been issued or until the application has been denied. (Ord. 16-2008 § 2)

**5.40.110 Permits to serve as identification cards.**

A. A peddler's permit issued by the City Clerk shall also serve as an identification card and shall bear the words "Permitted Person" and include a photographic image of the permitted person.

B. At all times when engaged in door-to-door sales activities, each peddler must be in possession of his or her permit and conspicuously display such permit.

C. No person issued a permit shall alter, remove or obliterate any entry made thereon, nor deface such permit in any way. (Ord. 16-2008 § 2)

**5.40.120 Construction.**

It is the intent of the City Council that each peddler who engages in door-to-door sales in the City have a valid permit before engaging in such activities and that each principal on behalf of whom a peddler is acting shall have both a valid sales tax license and a valid peddler's license before such peddler engages in door-to-door sales activities in the City. (Ord. 16-2008 § 2)

**5.40.130 Exemptions.**

A. The following classes of persons shall not be required to obtain a license or permit otherwise required by this chapter: tax exempt and non-profit civic, religious, charitable or political organizations and natural persons authorized by such civic, religious, charitable or political organizations to function as solicitors or canvassers.

B. Organizations that employ or otherwise engage solicitors or canvassers to conduct activities door-to-door in the residential neighborhoods of the City are encouraged to register with the City Clerk for purposes of providing the City Clerk with information that may be used to reassure residents of the City that the solicitors and/or canvassers affiliated with such organizations appear to be operating in good faith for the benefit of the registered organization. No fee shall be charged to organizations that register with the City Clerk pursuant to this section. (Ord. 16-2008 § 2)

**5.40.140 Conditions and regulations.**

A. The following additional conditions and regulations also shall apply to the exercise of the privileges granted by a permit issued to a peddler under the provisions of this chapter.

1. Violation of Ordinances and Statutes. No person acting under authority of any permit issued under this chapter shall violate any City ordinance or any State or Federal statute while engaged in door-to-door sales activities within the City. Minor traffic violations are excepted from this provision.

2. Identification by Comparing Signature With That on Permit. Every peddler engaged in door-to-door sales activities shall display his or her permit and sign his or her name for comparison with the signature upon the permit or the permit application, upon the request of any police officer or other officer of the City.

3. Order to be Written in Duplicate. Any peddler acting under authority of any permit issued under this chapter who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount

ordered and the amount to be paid on or after delivery. One copy of such order shall be given to the customer.

4. Identification Upon Request. Every peddler engaged in door-to-door sales activities within the City shall, upon request, provide his or her name, business address and telephone number, and the name, business address and telephone number of the person, organization, or entity represented by such peddler to any person contacted at a residence by such peddler. (Ord. 16-2008 § 2)

**5.40.150 Peddling, soliciting or canvassing unlawful where a “No Solicitation” sign posted.**

A. Except as provided in subsection B of this section, it is unlawful for any peddler, solicitor or canvasser to:

1. Enter upon any residence where a no solicitation sign that is visible from the right-of-way (public or private) has been clearly posted in the front yard. Any such sign shall be at least one square foot in size and the words thereon shall be displayed in letters that are at least two (2) inches in height.

2. Remain upon any residence or residential property where a no solicitation sign that is clearly visible is placed upon or within two (2) feet of any door or entranceway leading into the residence.

3. Use or attempt to use any entrance other than the front or main entrance to the residence, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance of the residence, except by express invitation of the resident or occupant of the property.

4. Remove a no solicitation sign from the yard or other property of any person without the express permission of the owner of such property.

B. A peddler, solicitor, or canvasser may enter upon property posted with a no solicitation sign if he or she had an express invitation from, or a specific appointment with, the owner or occupant of the posted property authorizing him or her to enter upon such posted property at the time when such entry was made. (Ord. 16-2008 § 2)

**5.40.160 Times when unsolicited contact is prohibited.**

Unless he or she has been invited and has a specific appointment with the owner or other occupant of a residence, no peddler, solicitor or canvasser shall enter upon any private residence, knock on doors, ring doorbells or otherwise disturb persons in their residences between the hours seven p.m. and nine a.m. (Ord. 16-2008 § 2)

**5.40.170 Trespass laws not affected.**

Nothing in this chapter shall be construed to repeal or otherwise restrict or prohibit the enforcement of any ordinance or statute concerning trespassing on public or private property. (Ord. 16-2008 § 2)

**5.40.180 Distribution of handbills and commercial flyers.**

A. In addition to the other provisions of this chapter, a peddler, solicitor or canvasser leaving handbills or commercial flyers in and about the community shall observe the following regulations:

1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit

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shelter or other structure within a public right-of-way.

2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property. (Ord. 16-2008 § 2)

**5.40.190 Exceptions.**

This chapter shall not apply to a Federal, State or local government employee or a public utility employee engaged in the performance of his or her duties for his or her employer. (Ord. 16-2008 § 2)

**5.40.200 Penalties.**

A. Any person convicted of violating any provision of Sections 5.40.030, 5.40.080, 5.40.110, 5.40.140, 5.40.150, 5.40.160 or 5.40.180 shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in jail for not more than ninety (90) days, or by both such fine and such jail sentence.

B. A separate offense may be charged for each calendar day when any such violation occurs or continues to occur.

C. In addition to any penalty provided for in subsection A, any person convicted of violating any provision of Sections 5.40.030, 5.40.080, 5.40.110, 5.40.140, 5.40.150, 5.40.160 or 5.40.180 shall automatically forfeit any license or permit issued under the provisions of this chapter and such person shall be prohibited from obtaining a license or permit hereunder for a period of twenty-four (24) months. (Ord. 16-2008 § 2)