

# TRAINING BULLETIN



## PEDDLERS AND SOLICITORS

Bulletin Index Number:

III - D

Master Alphabetical Index:

Door-to-Door Salesmen

Peddlers

Solicitors

Publication Date:

20 Oct 83

---

### CONTENTS

### PAGE

INTRODUCTION

2

PEDDLERS AND SOLICITORS

2

HOW A POLICE CERTIFICATE IS OBTAINED

3

HOW TO VERIFY A PEDDLER OR SOLICITOR'S CERTIFICATE

3

ENFORCEMENT ISSUES

4

CITATIONS

4

CONCLUSION

5

INTRODUCTION

In recent years the City has experienced a marked increase in the number of "street vendors" selling food and other merchandise on streets, sidewalks and vacant lots. Most such vending is unlawful and calls for appropriate enforcement action -- not just by the Patrol Division but by all officers who encounter it.

PEDDLERS AND SOLICITORS

5-10.01(a) OMC, Peddler, defines a peddler as a person who "engages in the business of going from house to house...selling and making immediate delivery" of goods and merchandise. Vendors selling food and drink to regular customers along established routes (e.g., catering trucks) are

excluded from the definition, as are persons who sell from stands or vehicles on private property but who do not move from place to place.

5-10.01(b) OMC, Solicitor, defines a solicitor as a person who "engages in the business of going from house to house" selling goods and merchandise for future delivery.

5-10.02 OMC, Police Certificate, requires all peddlers and solicitors to have valid Police Certificates (see Figure 1).

5-1.01 OMC, Business License Tax, requires companies to have Oakland Business Licenses. A person working for a company must carry a valid Police Certificate but is not required to carry a Business

TF-802 (10/78)				PEDDLER'S OR SOLICITOR'S POLICE CERTIFICATE Oakland Police Department			
NAME				CERTIFICATE NUMBER			
PRESENT ADDRESS				TELEPHONE NUMBER			
SEX	RACE	AGE	DATE OF BIRTH	HEIGHT	WEIGHT	COLOR OF EYES	
AUTHORIZED TO PEDdle OR SOLICIT (KIND OF MERCHANDISE)							
NAME OF EMPLOYER				EMPLOYER'S ADDRESS			
LICENSE REQUIRED WITH CERTIFICATE				CERTIFICATE AUTHORIZED BY:			
MEMBER OR EMPLOYEE ISSUING CERTIFICATE				SERIAL NUMBER		DATE OF ISSUE	
SIGNATURE OF PERSON RECEIVING CERTIFICATE							

Figure 1. TF-802, Police Certificate

License. A self-employed "independent contractor" must carry both.

#### HOW A POLICE CERTIFICATE IS OBTAINED

The applicant obtains TF-827, Application for Peddler or Solicitor Certificate, at the Permits and Licenses Division of the City's Treasury Operations Department (Room 114, City Hall).

The applicant completes the form and brings it to the Police Department Records Division (Room 308). If the applicant's record is clear, he or she is provided with TF-652, Request for Identification Service, and sent to the Identification Bureau to be fingerprinted and photographed.

On returning to the Records Division, the applicant is issued a temporary TF-802, Peddler's or Solicitor's Police Certificate. The blue temporary permit is replaced by a permanent white permit at the end of one month. The permit is valid for one year.

Grounds for denial of a Police Certificate are generally limited to:

- verified information that the applicant has been convicted of a felony.
- a pending felony charge against the applicant; or
- a recent (within three years) conviction for a misdemeanor involving moral turpitude.

#### HOW TO VERIFY A PEDDLER OR SOLICITOR'S CERTIFICATE

The only documents valid in the City of Oakland are those issued by this City. Thus, if an officer contacts a person who has a license or permit issued by another jurisdiction, that person is not licensed by that document to peddle or solicit in Oakland.

If the person displays a Police Certificate, the following boxes on the form should be checked (see Figure 1):

- Date of Issue. The Police Certificate is valid for one year after the date of issue. If the certificate has expired, regardless of any pending application procedures, he or she is in violation of the law.
- Name and Physical Description. Check other identification against the certificate. The certificates are non-transferable. A person with a certificate issued to someone else is the same as a person without a certificate.
- Merchandise Authorized to Peddle or Solicit. The permit holder can solicit or peddle only the items listed on his or her certificate. When the items differ, the person shall be considered to be without a valid permit.
- License Required With Certificate. The Records Division places a "yes" or a "no" in this box. "Yes"

indicates that the person must possess a City License, and "no" indicates that one is not necessary. If the word "yes" appears in the box and the person does not have the City license, he or she is in violation of OMC Section 5-10.02.

#### ENFORCEMENT ISSUES

The effect of the various pertinent ordinances can be summarized in the following manner:

- all peddling is prohibited in the Central Traffic District;
- the only peddling permitted anywhere else in the City is from door-to-door or from a stand on private property.

5-10.05 OMC, Peddling Foodstuffs from Vehicles, prohibits the display of food stuffs in or from stands or vehicles on streets or sidewalks except when going house-to-house.

5-10.09 OMC, Peddling in Certain Districts, prohibits all peddling in the Central Traffic District, except at a fixed place of business conducted in a building or store lawfully occupied.

5-10.08 OMC, Peddlers Carts, Stands, prohibits vending from any vehicle or stand on any portion of any street, lane, alley or sidewalk, or within 500 feet of the entrance or exit to any park, public building, or public ground.

#### CITATIONS

Violations of the OMC sections discussed in this bulletin are infractions.

Violators shall be cited in the manner provided by Special Order No. 4180, Modification of Reporting Requirements (1 Sep 83):

...a Crime Report is no longer required...when arresting or citing for any violation of the Oakland Municipal Code...(when) the violation occur(s) in your presence. Situations involving a citizen's arrest or where the complaint-warrant process will be invoked require the completion of an offense report or citation.

If an offense report is not required, document your observation of the violation on the arrest report or citation. Write "no report" at the top of the citation or, in physical arrest situations, write "no report" along the bottom line of the Consolidated Arrest Report.

Violators who are eligible for a citation release shall be directed to appear at the Oakland-Piedmont Municipal Court Traffic Violations Bureau within 15 days by checking the appropriate box on line 23 of the Notice to Appear (835-001). Booking is not required. Instruct violators to contact the Traffic Violations Bureau for questions regarding the posting of bail or scheduling of a hearing date.

CONCLUSION

Most door-to-door salesmen and solicitors are honest people providing useful services. Nothing in this bulletin should be taken as indicating a Departmental intent to obstruct them in the pursuit of their lawful occupations. On the contrary, officers should always be courteous in their contacts with salesmen and solicitors.

The Department has, however, an obligation to enforce the provisions of the Municipal Code which are designed to regulate legitimate business activity in an orderly fashion. It also has an obligation to the community to curtail the illicit operations of unscrupulous people who use door-to-door sales and solicitations as a cover for criminal activity. To achieve these purposes, it is Departmental policy that all persons observed peddling or soliciting are to be detained in order to determine whether they are properly licensed and certified.

