





City of Long Beach
Working Together to Serve

Office of Gerrie Schipske, R.N.P., J.D.
Councilwoman, Fifth District
Memorandum

R-7

Date: May 15, 2012

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske, Fifth District 
Councilmember Patrick O'Donnell, Fourth District 

Subject: **AGENDA ITEM: Creating a "No-Solicitation" Registry to Keep Door to Door Solicitors and Handbills Away from Residential Properties that Do Not Want Them**

DISCUSSION: Despite City codes requiring a business license and/or permit for commercial or charitable organizations who do door-to-door soliciting, residents continue to express concern that individuals are going door-to-door without any type of identification that shows the resident that the solicitor is properly licensed and permitted by the City.

The City of Long Beach does not currently require the display of a business license or permit by the solicitor, nor does the solicitor have to display identification (as other cities require) when he or she is walking door-to-door.

Additionally, handbills, door hangers, newspapers, flyers and business cards are left on porches, lawns and in door screens causing litter in neighborhoods.

Long Beach residents need a tool to stop these solicitors from invading their residential privacy.

"No Solicitation" Registry: To empower residents, while at the same time recognizing First Amendment rights of those who go door-to-door, several cities have enacted laws giving their residents options for dealing with solicitors and handbills on their property by:

- Allowing residents to post a "No Trespassing" or "No Solicitation" sign which prohibits all door-to-door solicitation whether commercial or non-commercial and prohibits the placement of handbills, flyers or other materials at a residence displaying such signs or signs with similar wording ; and
- Allowing residents to annually request to have their addresses included on a registry of residential properties whose occupants do not wish to receive unsolicited handbills or solicitation. In most cities, the registry is maintained by the City Manager's Office and through the City's website, and is available on the City's website to the public and all potential commercial and noncommercial solicitors. These "No Soliciting" registries are similar in concept to the "Do Not Call" and "Do Not Mail" lists that allow residents to be free from unwanted telephone calls and junk mail.

Non-commercial solicitors are allowed to go door-to-door if a residence does not have a "No Trespassing" or "No Solicitation" sign posted. This includes religious, political, non-

HONORABLE MAYOR AND CITY COUNCIL
No Soliciting Registry
Councilwoman Gerrie Schipske, Fifth District
May 15, 2012
Page 2

profit, public entities such as schools and government, newspapers and magazine subscriptions.

It would be a violation of these city's codes for any commercial or noncommercial solicitor to solicit or distribute handbills at or to any dwelling unit that is included on the City's "no soliciting" registry or at which a residence is displaying "No Soliciting" signs, or signs with similar wording. The violator can be cited for an infraction and fine and or a misdemeanor and fine.

Other Requirements Concerning Handbills: Long Beach does not have current regulation of the placement of unsolicited handbills (flyers, business cards, door hangers, etc.) on residential properties. In addition to the above referenced requirements by other cities that these items not be placed if a resident has posted a "No soliciting" sign or placed their address on a "No Solicitation" registry, several cities require:

- All handbills distributed to, or deposited or placed in, any residential property shall contain a legible notice to the effect that anyone who does not desire to receive additional handbills may notify the person or organization responsible for the distribution, whose name, address and phone number shall be listed on the handbill.

Conclusion: The City of Long Beach has a legitimate interest in protecting its residents from the invasion of privacy at their residences by unwanted solicitors or their advertising materials. The city must therefore update its code concerning licenses and permits and regulations concerning door-to-door solicitors and the placement of handbills on private property, in order to increase this protection.

RECOMMENDATION: By motion of the City Council, the City Attorney is requested to revise the City code concerning licenses and permits and regulations for door-to-door solicitors and the placement of handbills on private property, to include provisions requiring: 1) display of a license and permit and identification by commercial solicitors ; 2) requirements that handbills contain contact information for the person or organization responsible for the distribution of same; 3) allowing residents to post a "No Trespassing" or "No Solicitation" sign which prohibits all door-to-door solicitation whether commercial or non-commercial and prohibits the placement of handbills, flyers or other materials at a residence displaying such signs or signs with similar wording; and 4) establishing a "No Soliciting" registry that puts commercial solicitors on notice they may not solicit at residences who have indicated they do not want to be solicited.

FISCAL IMPACT: The initial costs of creating an on line form that allows residents to register for the "No Soliciting" list and the uploading of the list on line should be minimal and can be recovered by licensing fees and permits for solicitors and fines for those who violate the ordinance.