

CHAPTER 24

SOLICITORS

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ARTICLE I. IN GENERAL

SECTION 24-1. SOLICITATION OF ALMS.

It shall be unlawful for any person to beg or solicit alms on any of the streets, sidewalks or public places in the City. This section shall not be construed to prohibit solicitations by a corporation, trust, church, association, community chest, fund or foundations organized and operated exclusively for religious, charitable, scientific, literary, community or educational purposes. Any person convicted of a violation of this section shall be guilty of a Class 3 misdemeanor. (Ord. of 10-8-74)

SECTIONS 24-2 - 24-15. RESERVED.

ARTICLE II. DOOR-TO-DOOR SOLICITORS

DIVISION 1. GENERALLY

SECTION 24-16. DEFINITION.

For the purpose of this article, a solicitor is each individual who goes from house to house or from place to place in the City, selling or taking orders for, or offering to sell or take orders for, goods, wares or merchandise, or any article for future delivery, or for services to be performed presently in the future or for the making, manufacturing or repairing of any article or thing for present or future delivery and who demands, accepts or receives payment or a deposit of money in advance of final delivery. A solicitor does not include, however, solicitors or hucksters of fresh farm products produced by such solicitors or hucksters, solicitors of newspapers or persons licensed by the Commonwealth of Virginia under Title 38.2 of the Code of Virginia, pertaining to the sale of insurance.

(Code 1959, §21-4)(Ord. No. 047-95, 9-12-95; Ord. No. 2011-21, 10-11-11)

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Cross reference--License tax, §28-78.

State Law References--Authority of city to regulate or prohibit peddling, Code of Virginia, §15.1-866; Authority of city to regulate door-to-door solicitors, Code of Virginia, §15.1-37.3:1.

SECTION 24-17. FORM AND CONTENTS OF ORDERS; COPY TO BE GIVEN TO PURCHASER.

All orders taken by solicitors shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser. (Code 1959, §21-5)

SECTIONS 24-18 - 24-24. RESERVED.

DIVISION 2. PERMIT

SECTION 24-25. REQUIRED.

It shall be unlawful for any person to act as a solicitor within the City without first having secured a permit from the police department to do so. (Code 1959, §21-6)

SECTION 24-26. APPLICATION.

Any person desiring a permit required by this division, shall make application therefor to the police department on a form to be provided by that department, stating the name and address of the applicant, the name and address of the person, firm or corporation that he represents, and the kind of goods offered for sale, or the kind of services to be performed. (Code 1959, §21-9)

SECTION 24-27. APPLICANT'S BOND.

Each application for a solicitor's permit shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000), payable to the City, with a surety company licensed in this state, or with two (2) responsible freeholders residing in the City, as security, or in lieu thereof, by a cash bond of equal amount, conditioned upon the making of the final delivery of the goods ordered, or the performance of the services to be rendered, in accordance with the terms of such order, or failing therein, that the advance payment on such order shall be refunded. Any person aggrieved by the action of any such solicitor shall have a right of action on the bond for the recovery of money or damages, or both. In case of a cash deposit, the deposit shall be retained by the City for a period of ninety (90)

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days after the expiration of any such permit, unless sooner released by the city council. The bond herein required shall be filed with and kept by the City Treasurer. (Code 1959, §21-10)(Ord. No. 047-95, 9-12-95)

State Law Reference--Code of Virginia, §15.1-906

SECTION 24-28. FEE.

The person securing a solicitor's permit shall pay a fee of twenty dollars (\$20.00) therefor to the City Treasurer. (Code 1959, §21-8)(Ord. No. 047-95, 9-12-95)

Cross reference--Code of Virginia, §15.1-37.3:2, §15.1-907.

SECTION 24-29. ISSUANCE.

Upon the filing of an application and a bond and the payment of the fee, all as provided for in this division, the police department shall issue to the applicant a permit. This permit shall not be construed to replace or supersede any requirement upon an individual to obtain a business license within the City. (Code 1959, §21-11; Ord. No. 2011-21, 10-11-11)

SECTION 24-30. TERM.

A permit issued under this division, shall be in effect for a period of one year. (Code 1959, §21-7)(Ord. No. 047-95, 9-12-95)

SECTION 24-31. TO BE CARRIED AND PRODUCED FOR INSPECTION.

Every permit issued under this division, shall be carried at all times by the holder of the permit and shall be produced for inspection upon demand of any police officer of the City or person being solicited. (Code 1959, §21-12)

SECTIONS 24-32 - 24-42. RESERVED.

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ARTICLE III. COMMERCIAL SOLICITATIONS FOR CHARITABLE ORGANIZATIONS

SECTION 24-43. EXEMPTIONS FROM ARTICLE.

This article shall not apply to the public solicitation of funds by the sale of tickets, tags, contributions, advertising or otherwise, for events, activities and enterprises described in Section 24-44, by the regularly constituted and duly authorized members of bona fide nonprofit organizations, religious, charitable, fraternal, patriotic, political, civic, or philanthropic, where the entire funds or proceeds derived from such enterprise revert to and belong to such organization. (Code 1959, §21-2)(Ord. No. 047-95, 9-12-95)

SECTION 24-44. LICENSE REQUIRED.

It shall be unlawful for any person representing or pretending to represent, directly or indirectly, or using the name of, any nonprofit, charitable, philanthropic, educational, patriotic, political or labor organization, lodge or club or any other like association or society, to solicit funds for a public dance, entertainment, charity advertising scheme or similar purposes, through the sale of tickets, tags, contributions, advertising or any other method, where such person shares or receives, directly or indirectly, any part of such fund for such solicitation and promotion, without having first procured a license to do so pursuant to the provisions of §24-25, *et seq.* (Code 1959, §21-1)

State law reference--Solicitation of charitable contributions, Code of Virginia, §57-48, *et seq.*

SECTION 24-45. MISREPRESENTATIONS IN APPLICATION FOR LICENSE.

Any misrepresentation or misstatement of a required fact in an application for a license required by Section 24-44 shall be sufficient ground for the withholding or revocation of the license and shall constitute a Class 3 misdemeanor. (Code 1959, §21-3)(Ord. No. 047-95, 9-12-95)