

TITLE 3

CHAPTER 5

SOLICITOR PROVISIONS

SECTION:

- 3-5-1: Purpose
- 3-5-2: Definitions
- 3-5-3: Permit Required
- 3-5-4: Application for Permit
- 3-5-5: Criminal Background Check
- 3-5-6: Use of Person's Name Without Consent for Soliciting Contributions Prohibited
- 3-5-7: Investigation and Issuance of License
- 3-5-8: Fee; Term of Permit
- 3-5-9: Permits and Badges
- 3-5-10: Non-Transferability of Permits
- 3-5-11: Additional Requirements
- 3-5-12: Exceptions
- 3-5-13: Deceptive Soliciting Practices Prohibited
- 3-5-14: No Solicitation Notice
- 3-5-15: Duties of Solicitors
- 3-5-16: Time of Day Restrictions
- 3-5-17: Buyer's Right to Cancel
- 3-5-18: Penalties
- 3-5-19: Revocation
- 3-5-20: Notice of Revocation
- 3-5-21: Appeal

3-5-1: PURPOSE

To outline boundaries of door-to-door sales/solicitors and to protect citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

3-5-2: DEFINITIONS

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

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| BCI (Bureau of Criminal Identification) REPORT: | An original or copy, of either:

A. Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or

B. Verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history |
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rising to the level of a disqualifying status exists for the applicant.

- CANVASSER OR SOLICITOR:** Any individual, whether or not a resident of this community, traveling from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise for future delivery. This also includes services to be furnished or performed in the future.
- CHARITABLE ORGANIZATION:** Any organization that is benevolent, philanthropic, patriotic, educational, political, religious, charitable, or one purporting to be such. One that is tax exempt under applicable provisions of the internal revenue code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.
- CONTRIBUTION:** The promise or grant of any money or property of any kind or value.
- DOOR-TO-DOOR SOLICITATION:** The practice of engaging in or attempting to engage in conversation with any person at a residence, in order to secure a sale of goods and/or services.
- PERSON:** Any individual, organization, group, association, partnership, corporation, or any combination of them.

3-5-3: PERMIT REQUIRED

It shall be unlawful for any solicitor or canvasser to engage in such business without first obtaining a permit in compliance with the provisions of this chapter.

3-5-4: APPLICATION FOR PERMIT

The River Heights City Recorder shall provide a standard application form for the registration of solicitors. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

- A. Review of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.
- B. Contact Information:
 - 1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
 - 2. Applicant's telephone number, home address and mailing address, if different;
 - 3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and

4. The address by which all notices to the applicant required under this chapter are to be sent.
- C. Proof of Identity:
1. Valid driver's license issued by any state; or
 2. Valid passport issued by the United States; or
 3. Valid identification issued by a branch of the U.S. military.
- D. The length of time for which the applicant desires to engage in business within the city.
- E. The places within the city where the applicant proposes to carry on his or her business.
- F. A photograph of the applicant, taken within six (6) months prior to the date of filing the application, being two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.
- G. A statement as to whether or not the applicant or any of his employees have been convicted of any crime, misdemeanor, or violation of any municipal ordinance and the nature of the offense and the punishment or penalty assessed.
- H. If the applicant desires to sell fresh vegetables, fruits, meats or other foodstuffs, a copy of the appropriate permit from the health department shall be required, allowing the sale of such item.
- I. If the applicant is employed by another person, firm, or corporation, documentation showing the entity is authorized to do business in the State of Utah.
- J. Applicant must be eighteen (18) years of age or older to obtain a permit.

3-5-5: BCI – CRIMINAL BACKGROUND CHECK

The applicant shall provide an original or copy, dated no older than 180 days prior to the date of the application, of either:

- A. Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or
- B. Verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

3-5-6: USE OF PERSON'S NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED

No charitable organization, professional fundraiser, or professional solicitor seeking to raise funds for charitable purposes, shall use the name of any other person to solicit contributions without the written consent of the person.

3-5-7: INVESTIGATION AND ISSUANCE OF LICENSE

On receiving the application, the City Recorder shall investigate the applicant's business standing and moral character for the protection of the public good.

- A. Unsatisfactory result of Investigation: If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the City Recorder shall mark the application denied, together with the reason. The City Recorder shall then notify the applicant that his application has been disapproved and that no permit will be issued.
- B. Satisfactory Result of Investigation: If the character and business responsibility of the applicant is found to be satisfactory, the City Recorder shall mark the application approved and upon payment of the permit fee, issue a permit. Such permit shall show the name, address and photograph of the licensee and the kind of goods to be sold, pursuant to the application, together with an expiration date.

3-5-8: FEE; TERM OF PERMIT

- A. The permit fee is listed on the fee schedule held at the River Heights City office.
- B. No permit shall be valid for more than one (1) year. Expiration of permit will be commensurate with payment of fee.
- C. River Heights City will allow the responsible permit applicant/holder to be issued additional individual permits for their organization. In that instance, additional permit fees will be required, per the fee schedule.

3-5-9: PERMITS AND BADGES

- A. Issuance:
 - 1. The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor," and the badge number, in letters with figures easily discernable from a distance of five feet (5').
 - 2. A permit will be issued with a permit number, expiration date, solicitor and company information and signature of City licensing administrator. Permit shall be carried by the registered solicitor at all times while soliciting in the City. (3-2018, 8-14-18)

- B. Such badge shall be worn by the solicitor at all times while soliciting in the city and be on the front of their outer garment.
- C. The identification badge shall bear the logo of River Heights City and shall contain:
 - 1. The name of the solicitor;
 - 2. Address and phone number of the solicitor (or the name, address, and phone number of the responsible person or entity;
 - 3. A recent photograph of the solicitor; and
 - 4. The date on which the permit expires.

3-5-10: NON-TRANSFERABILITY OF PERMITS

Permits shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The permit shall be nontransferable.

3-5-11: ADDITIONAL REQUIREMENTS

This chapter does not waive the provisions and requirements of any other ordinance of the city. The requirements and fees listed for the solicitor permit are in addition to any other requirements and fees of any other ordinance of the city.

- A. Application Information: The City Recorder will confirm the legitimate address of the home office of the business involved and telephone number.
- B. Confirmation of Legitimate Business: The City Recorder will call the Better Business Bureau in the city of the home office to determine if the business is legitimate.

3-5-12: EXCEPTIONS

Any church, school or charitable organization is not required to obtain a permit for solicitation purposes.

3-5-13: DECEPTIVE SOLICITING PRACTICES PROHIBITED

- A. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face to face solicitation:
 - 1. The name of the solicitor;
 - 2. The name and address of the entity with whom the solicitor is associated; and

3. The purpose of the solicitor's contact with the person. This requirement may be satisfied through use of the badge and an informational flyer.
- C. No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.
- D. No solicitor shall represent directly or by implication that the permit issued by River Heights City is an endorsement of their product. River Heights City does not endorse any product and/or services.

3-5-14: NO SOLICITATION NOTICE

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "no solicitation" sign on their property.
- B. The display of such sign or placard shall constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
- C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

3-5-15: DUTIES OF SOLICITORS

- A. If a "no soliciting" sign or placard is posted, solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a permit does not in any way relieve any solicitor of this duty.
- B. It is a violation of this chapter for any person soliciting to knock on the door, ring the doorbell, or attempt to attract the attention of an occupant of a residence that bears a "no solicitation" sign or similar sign for the purpose of soliciting.
- C. It is a violation of this chapter for any solicitor through ruse, deception, or fraudulent concealment to solicit or take action in order to secure an audience with an occupant at a residence.
- D. Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- E. The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.
- F. The solicitor shall not follow a person into a residence without their explicit consent.
- G. The solicitor shall not continue repeated soliciting after a person has communicated clearly and unequivocally their lack of interest in the subject,

goods or services of the solicitor.

H. The solicitor shall not use obscene language or gestures.

3-5-16: TIME OF DAY RESTRICTIONS

It shall be unlawful for any person, whether permitted or not, to solicit at a residence before nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. Mountain Time, unless the solicitor has express prior permission from the resident to do so.

3-5-17: BUYER'S RIGHT TO CANCEL

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by Utah State Code, or a current version thereof, or any state or federal law modifying or amending such provision.

3-5-18: PENALTIES

Any person who violates any term or provision of this chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months.

3-5-19: REVOCATION

Licenses issued pursuant to this chapter may be revoked by the city, after notice, for any of the following causes:

- A. Fraud, misrepresentation or a false statement contained in the application for the license.
- B. Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor, canvasser, peddler or itinerant merchant.
- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting the business of a solicitor, canvasser, peddler or itinerant merchant in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

3-5-20: NOTICE OF REVOCATION

Notice of revocation of a permit shall be given in writing, specifically listing the grounds of complaint/reason. Such notice shall be mailed, emailed, faxed or otherwise given to the permit holder at his last known address or at the address shown on his application.

3-5-21: APPEAL

Any person aggrieved by the action of the city in the denial or revocation of a permit, pursuant to this chapter, may file an appeal. Such written appeal must be received by the City Council within fourteen (14) calendar days after mailing of the denial/revocation notice. All notices will be mailed to the person's last known address on the business application. A time and place to hear such appeal shall be set and given/mailed to the applicant.