

MIDWAY CITY

Planning Office

75 North 100 West
Midway, Utah 84049

Phone: 435-654-3223 x 105
Fax: 435-654-2830
mhenke@midwaycityut.org

Solicitor Application for Certificate of Registration Application Fee: \$65.00 plus \$1,000 Bond

Please Note: Applicants are subject to the Midway Municipal Code TITLE 7 BUSINESS LICENSES AND REGLATIONS, Chapter 7.02 Door To Door Solicitation.

Please answer all questions – enter N/A if an item is not applicable

Name and address of organization for which the applicant will be soliciting: _____

Names and addresses of applicant's (or organization's) officers and managers and aliases, if any:

Business Entity/DBA: _____

Utah State Special Event Sales Tax No. (call 801-297-6303): _____

If different from Applicant: Responsible Party Name: _____

Address: _____

Address for Notices: _____

Please provide the name and required information for each solicitor on the following page. If needed, page two may be reproduced for additional solicitors.

FOR OFFICE USE ONLY

STAFF:

Date Received: _____
Received By: _____
Fee Paid: _____

Application Number _____
Zone: _____
Tax ID Number: _____

PLANNER:

Complete / Incomplete
Date: _____ Reviewed by: _____

True, correct and legal name of Applicant (**solicitor**) _____

Former names and aliases: _____

Applicant Home Address: _____

Applicant Mailing Address: _____

Applicant Phone Number: _____ Commerce Entity No.: _____

Applicant – Date of Birth: _____

Applicant State Drive License/Id Card No: _____

True, correct and legal name of Applicant (**solicitor**) _____

Former names and aliases: _____

Applicant Home Address: _____

Applicant Mailing Address: _____

Applicant Phone Number: _____ Commerce Entity No.: _____

Applicant – Date of Birth: _____

Applicant State Drive License/Id Card No: _____

True, correct and legal name of Applicant (**solicitor**) _____

Former names and aliases: _____

Applicant Home Address: _____

Applicant Mailing Address: _____

Applicant Phone Number: _____ Commerce Entity No.: _____

Applicant – Date of Birth: _____

Applicant State Drive License/Id Card No: _____

True, correct and legal name of Applicant (**solicitor**) _____

Former names and aliases: _____

Applicant Home Address: _____

Applicant Mailing Address: _____

Applicant Phone Number: _____ Commerce Entity No.: _____

Applicant – Date of Birth: _____

Applicant State Drive License/Id Card No: _____

Describe the type and nature of the soliciting that will be done and a description of the types of products or services that will be offered to consumers: _____

Provide a brief description of the method of presentation that will be made: _____

Provide dates and times for which soliciting is planned: _____

Have you or any of your solicitors ever had any permit, license or certificate of registration in connection with soliciting revoked by any jurisdiction (circle one)? Yes No

If yes, provide a complete explanation of the circumstances: _____

Have you ever been convicted of a felony or of any crime involving theft, violence, moral turpitude, or other serious offenses within the past five years (circle one)? Yes No

If Yes, provide a complete explanation of the circumstances: _____

CHECKLIST:

- Two photographs of the applicant taken within forty-five days of application, showing the face, head and shoulders of the applicant. The portion of the photographs showing the face, head and shoulders of the applicant shall be approximately no larger than two and one-half inches on each side and no smaller than one and one half inches on each side.
- One of the following to verify true identity:
 - ✓ Valid driver’s license issued by any state within the United States;
 - ✓ Valid United States Uniformed Service Identification Card;
 - ✓ Valid passport of the United States;
 - ✓ Such other identification as the Business License Officer may deem acceptable.
- Completed application and payment of all fees.

Section VI: Waiver Statement and Applicant Acknowledgement of Written Disclosures and Disqualifying Status

I, the undersigned do hereby verify, under penalty of perjury, that the information provided herewith is complete, truthful and accurate to the best of my knowledge and belief. I do hereby agree to allow the City to obtain a name/date of birth BCI background check for enforcement purposes of the Midway City Ordinance number 2004-04. I agree to conduct business in complete accordance with all laws, ordinances, and regulations, governing operation of such business. I acknowledge that soliciting without a valid certificate in plain view may result in revocation of such and/or citation. I understand that once the certificate of registration is issued, it becomes invalid if any of the application information changes and a new application will be required to update the information on record.

Signature of Applicant: Date:

Approval of City Planner: Date:

Conditions of Approval:

CHAPTER 7.02 DOOR TO DOOR SOLICITATION

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Section 7.02.010 Definitions

For the purposes of this Chapter, the following definitions shall apply:

A. Solicitation or soliciting. Any of the following activities conducted at a privately owned residence or dwelling:

1. Seeking to sell or to obtain orders for the sale or exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether contemporaneous, advance or delayed payment is sought.
2. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications.
3. Seeking to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program.
4. Seeking to obtain orders or prospective customers for goods or services.
5. Other activities falling within the commonly accepted definition of “Soliciting.”

B. Solicitor or solicitors. A person or persons engaged or intending to engage in the activities defined as “soliciting.”

C. Solicitation Business License. A license described by and issued pursuant to this Title.

Section 7.02.020 Solicitation Prohibited

Unless otherwise authorized or permitted pursuant to the terms and provisions of this Title, solicitation, as defined by this Title, within the boundaries of Midway City, is prohibited and is punishable as set forth in this Title.

Section 7.02.030 Exception for Invited Solicitor

The prohibition under this Section shall not apply if the owner or occupant of the residence or dwelling has previously and specifically invited the solicitor to the residence or dwelling for purposes of solicitation.

Section 7.02.040 Penalties

The terms and provisions of this Title do not apply to persons engaged in noncommercial distribution of religious tracts and information, door-to-door canvassing and pamphleteering as vehicles for the dissemination of ideas, or political activities conducted by a candidate or on behalf of a candidate in a recognized national, state or local election.

Section 7.02.050 Charitable Exception

A solicitor shall not be required to obtain a solicitation business license if the solicitor represents a charitable organization recognized as such under regulations issued by the Internal Revenue Service (IRS) pursuant to its authority created by the terms of 26 U.S.C. Sec. 501. Any solicitor claiming such exception shall provide written verification to the Business License Officer and receive approval from the Business License Officer prior to engaging in any soliciting within the City. The charitable exception shall apply generally to persons making solicitations for a church, religious organization or charitable organization recognized by the IRS as a non-profit corporation, and shall include any unincorporated association or corporation under the supervision and control of any church, charitable organization or religious organization, if the church or organization is tax exempt under IRS regulations. The charitable exception shall apply to students soliciting contributions to finance educational and/or extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved by the school principal or superintendent of schools. Solicitation under this Section is permitted; however, if the owner or occupant of the residence or dwelling has complied with the "No Soliciting" provisions in this Chapter, then soliciting is prohibited.

Section 7.02.060 Registration of Solicitors

All persons not exempted or excepted as provided in this Title who desire to engage in soliciting within the City shall, prior to doing so, apply to the Business License Officer for a solicitation business license. The solicitation business license executed by the Business License Officer or designee shall be maintained by the Business License Officer and a legal copy shall be carried by the solicitor at all times while soliciting. While engaging in soliciting, a solicitor shall show proof of a valid solicitation business license for inspection upon request by the Business License Officer or designee, an owner or occupant of a residence or dwelling, or a law enforcement officer.

Section 7.02.070 Application for Solicitation Business License

A. The Business License Officer shall provide a standard form business license application for solicitors. Applicants shall state upon oath or affirmation that the information is truthfully provided to the best of the knowledge and belief of the applicant. The applicant shall supply the following information on the application form:

1. The applicant's true, correct and legal name, including any former names and aliases;
 2. The applicant's home mailing address;
 3. The name and address of any organization for which the applicant will be soliciting;
 4. The names and addresses of applicant's officers and managers and aliases, if any;
 5. The type and nature of the soliciting that will be done and a description of the types of products or services that will be offered to consumers;
 6. A brief description of the method of presentation that will be made;
 7. The dates, times and location for which soliciting is planned;
 8. Whether a permit, license or certificate of registration in connection with soliciting has ever been revoked by any jurisdiction, and if so, an explanation of the circumstances;
 9. A statement of whether the applicant has been convicted of a felony or of any crime involving theft, violence, moral turpitude, or other serious offenses within five years prior to application and if so, an explanation of the circumstances. The Business License Officer shall have authority and discretion to verify said criminal history by background check, or by any lawful means, and the applicant shall be required to cooperate in such verification by providing authorization for release of information from government agencies or other entities as necessary. Such authority for investigation and requirement of cooperation shall continue in force throughout all periods during which a solicitor holds a solicitation business license issued by the City.
- B. If any of the information listed in items 1. through 9. above has changed, a person holding a valid solicitation business license must notify the City in writing of such change prior to engaging in any further soliciting.

Section 7.02.080 License Photograph Required

A. The applicant shall provide to the Business License Officer two photographs of the applicant taken within 45 days of application showing the face, head and shoulders of the applicant. The portion of the photographs showing the face, head and shoulders of the applicant shall be approximately no larger than two and one-half inches on each side and no smaller than one and one half inches on each side.

B. Upon review of an application, the Business License Officer shall issue a solicitation business license by the close of business on the third business day (not including the day of application) after receipt of the application if the application is complete and satisfactory.

Section 7.02.090 Business License Officer May Refuse to Issue License

Upon review, the Business License Officer may refuse to issue a solicitation business license or renewal license to the applicant for any of the following reasons:

- A. The location and/or time of solicitation would endanger the safety and welfare of solicitors or their customers.
- B. The applicant has falsified information on the application.
- C. The applicant has been convicted of a felony or of any crime involving theft, violence, moral turpitude, or other serious offenses within five years prior to application.
- D. There is no satisfactory proof as to the authority of the applicant to serve as an agent to the principal.
- E. The applicant has been denied a license under this Title within the immediate past year, unless the applicant can and does show to the satisfaction of the Business License Officer that the reasons for such earlier denial no longer exist.
- F. The application is incomplete.
- G. Any other reason rendering it manifestly inappropriate to issue a solicitation business license.

Section 7.02.100 Refusal Must be Documented by Business License Officer

In the case of rejection of an application, the Business License Officer's rejection and the reasons for rejection shall be communicated in writing to the applicant by personal service or by mail to the address shown on the application.

Section 7.02.110 Proof of Identification Required

- A. No solicitation business license shall be issued to any applicant until the applicant establishes proof of identification.
- B. The Business License Officer shall verify an applicant's true identity by use of any of the following which bear a photograph of said applicant:
 - 1. A valid driver's license issued by any state within the United States.
 - 2. A valid United States Uniformed Service Identification Card.
 - 3. A valid passport of the United States.
 - 4. Such other identification as the Business License Officer may deem acceptable.

Section 7.02.120 Fees

Any person applying for or renewing a solicitation business license shall pay to the City Treasurer the current applicable fee as set by the City Council from time to time.

Section 7.02.130 Registration Complete with Issuance

Registration shall be complete when the Business License Officer issues the solicitation business license.

Section 7.02.140 Form of License and Badge

- A. Each solicitation business license shall list the name and address of the individual solicitor and of any organization on whose behalf the solicitor is authorized to solicit, the date on which the license expires, the kinds of goods or services to be offered for sale, and shall be dated and signed by the Business License Officer or designee.
- B. Each registered solicitor shall, at all times while the solicitor is engaged in soliciting, wear prominently on his or her person a badge issued by the City displaying the name and address of the solicitor and the organization with which the solicitor is associated, and one of the two photographs submitted with the application.

Section 7.02.150 Maintenance of Registry

The Business License Officer shall maintain and make available for public inspection a record of every application received together with any information and photographs pertaining thereto, all solicitation business licenses issued, and all denials of applications.

Section 7.02.160 Renewal of Solicitation Business License

A solicitation business license shall be valid for the calendar year in which it was issued and shall expire at midnight on December 31st of the year issued without regard to the date of issuance. Any solicitation business license in good standing may be renewed upon request of the registered solicitor. The applicant shall be required to complete a renewal application providing the information required in the initial registration.

Section 7.02.170 Non-transferability

Solicitation business licenses shall be issued only in the name of the applicant and the firm, corporation, or association on whose behalf the applicant is authorized to solicit. The solicitation business license shall be non-transferable from an individual to another individual, from individual to firm, from firm to firm, and from firm to individual. It shall be a violation of this Title a solicitor whose solicitation business license authorizes soliciting on behalf of a firm named in the license to solicit on behalf of any other firm, organization, or association, or for any purpose other than that specified on the application. Any solicitation business license used by a person other than the person for whom it was originally issued shall be forfeited, confiscated and immediately cancelled.

Section 7.02.180 Deceptive Soliciting Practices Prohibited

A. No solicitor shall intentionally or recklessly make any materially false or fraudulent statement in the course of soliciting.

B. A solicitor shall immediately disclose to all consumers during face-to-face solicitation the name of the solicitor, the name of the entity (if any) with whom the solicitor is associated, and the purpose of the solicitor's contact with the consumer.

C. No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name and the true and correct name of the entity with whom he or she is associated.

D. No solicitor shall represent directly or by implication that the City endorses the solicitation or that the granting of a solicitation business license implies any endorsement by the City of the solicitor's product or service or of the individual solicitor.

Section 7.02.190 Revocation of Solicitation Business License

The Business License Officer shall revoke any solicitation business license issued pursuant to the provisions of this Title if the registrant is determined to have violated this Title or is determined to no longer meet the qualifications for the license as set forth in this Title. Notice of revocation shall be immediately given to the licensee by personal service or by mail to the address listed on the application and to the organization, if any, with which the registrant is associated. Immediately upon the giving of such notice, the license shall become null and void and shall remain so unless the revocation order is rescinded.

Section 7.02.200 Appeal

Appeal shall be as provided in this Title.

Section 7.02.210 "No Soliciting" Notice

A. Any owner or occupant of a residence or dwelling desiring to secure the protection of this Title shall give notice of a desire to refuse solicitors by displaying a placard or sign no smaller than twelve square inches stating "No Soliciting," "No Solicitors," "No Trespassing" or words of similar import which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence or dwelling.

B. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence or dwelling does not desire to receive and/or does not invite solicitors.

Section 7.02.220 Duties of Solicitors

A. Every solicitor shall, prior to entering the premises on which a residence or dwelling is located, examine the sidewalk leading to the residence or dwelling unit and the door and areas near the door for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Trespassing" and "No Solicitors" signs. If such sign or placard is posted the solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a solicitation business license does not in any way relieve any solicitor of this duty.

B. It is a violation of this Title for any solicitor to knock on the door, ring the doorbell or in any other manner attempt to attract the attention of an occupant of a residence or dwelling that bears a "No Soliciting" or similar sign or placard. It is a violation of this Title for any solicitor through ruse, deception, or concealment of a purpose to solicit, to take action calculated "or similar sign or placard.

C. Any solicitor who is at any time asked or told by the occupant of a residence or dwelling to leave shall immediately and peacefully depart.

Section 7.02.230 Time of Day Restrictions

It shall be unlawful for any person, whether licensed or not, to solicit any person at a residence or dwelling between the hours of 7 p.m. and 10 a.m. Mountain Standard Time, or 7 p.m. and 10 a.m. Mountain Daylight Time, unless the solicitor has prior express permission from the resident to do so.