

River Heights City

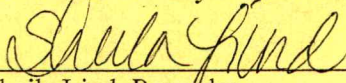
RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, November 16, 2016

Notice is hereby given that the River Heights City Planning Commission will hold their regular meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Adoption of Prior Minutes
- 7:05 p.m. Discuss Solicitor Licensing
- 7:35 p.m. Discuss Code Revisions
- 8:00 p.m. Adjourn

Posted this 10th day of November 2016



Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

1 River Heights City Planning Commission

2 Minutes of the Meeting

3 November 16, 2016

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5 Present: Commission members: Mark Malmstrom, Chairman

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Danny Petersen

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Cindy Schaub

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9 Councilmember

Blake Wright

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Recorder

Sheila Lind

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12 Excused Commissioner Jake Zollinger

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14 Others Present: Brigham and Jeanette Schiess, Brian Cascio

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Motions made during the Meeting

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Motion #1

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20 Commissioner Petersen moved to “approve the minutes of the November 2, 2016
21 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with
22 Malmstrom, Petersen and Schaub in favor. No one opposed. Zollinger was absent.

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Proceedings of the Meeting

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27 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie
28 Council Chambers on November 19, 2016.

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29 Adoption of Prior Minutes: Minutes for the November 2, 2016 Planning Commission
30 Meeting were reviewed.

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31 **Commissioner Petersen moved to “approve the minutes of the November 2, 2016
32 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with
33 Malmstrom, Petersen and Schaub in favor. No one opposed. Zollinger was absent.**

34

34 Discuss Solicitor Licensing: Commissioner Schaub presented the second draft of the
35 solicitor ordinance. Discussion was held on whether each employee should carry a badge,
36 license or permit. They liked the idea of a ‘permit,’ which would be designed by the office staff
37 and printed on paper which would slip into a plastic sleeve, which each employee would wear.
38 Only one application and fee would be charged per business, not per employee.

39 Councilmember Wright informed, the specific fees will be adopted by resolution and not
40 included in the ordinance. Background checks will be submitted by each employee. Permits
41 need to have the expiration date on them. Commissioner Petersen suggested the
42 representative of the company submit a list of employees who would be going door-to-door.
43 Each solicitor would then need to come into the city to get their own permit.

44 Discussion was held on non-profit and youth groups.

45 Commissioner Malmstrom asked the definition of 'eleemosynary.' Councilmember
46 Wright found it to mean 'charitable organizations or institutions.' Discussion was held on
47 whether to require election candidates going door-to-door to be licensed. They decided not to
48 include political requirements.

49 Commissioner Malmstrom suggested a business might come to River Heights, but not
50 knock doors – but rather just talk to people on the street. There are also people who leave
51 flyers on porches without knocking. The Commission didn't feel these types of businesses
52 needed to be licensed.

53 Councilmember Wright asked for the Commissions suggestions on fees since he will
54 need to present them to the Council, at some point. They agreed on \$5/week, \$10/month or
55 \$30/year.

56 It was decided that the city recorder would have authority to issue the licenses.

57 The Commission was impressed with the draft and wanted to discuss it one more time
58 before a public hearing.

59 The group wondered if River Heights could collect taxes from items sold in the city.
60 Since they didn't know how this would work, they will leave it out of the ordinance.

61 Discuss Code Revisions: Commissioner Malmstrom suggested replacing the word
62 *operator* on the last line with *owner*.

63 *Outdoor displays* was discussed and decided at the last meeting.

64 In regards to the recent adoption of *Rear Lot Fences*, Commissioner Malmstrom
65 explained the safety concern where a rear lot may meet a side yard of an adjacent lot. He read
66 some proposed verbiage that could be added to the end of the reference:

67 *"Where rear yard on street abuts a side yard or potential side yard on street; the fence*
68 *must not exceed 4' in height from property corner to 20' in from property corner. EXCEPTION –*
69 *fence must not exceed 6' if it is more than 50% open. Examples would include chain link or open*
70 *metal fence."*

71 After a lengthy discussion of situations that may occur, in regards to six-foot fences,
72 Commissioner Malmstrom suggested simply changing one line and adding another to the *Fence*
73 *and Walls* section of 10-12-2:A:

74 *Rear yard on a street (except corner lot) [6 feet in all zones]*

75 *Rear yard on a street (corner lot) [4 feet in all zones]*

76 Councilmember Wright explained the last change for discussion on the list. The new
77 *Street Lighting Document* will be inserted into the *Public Works Specifications and Standards*.
78 Therefore, it will be referenced in section 11-6-7:C so readers will know where to find the
79 specifications.

80 The next Commission meeting will be held Jan 4, 2017 when they plan to make their
81 final ordinance changes. A public hearing will be set for two weeks after that.

82 Councilmember Wright reminded they will also need to elect a new chair and vice chair
83 at the first meeting of the year. He hopes to have Nina Knowles' replacement ready to go for
84 that meeting. Commissioner Petersen informed that he may not be able to serve much longer
85 due to his health.

86 The meeting adjourned at 8:20 p.m.

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Sheila Lind, Recorder

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93 Mark Malmstrom, Chairman

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.

DEFINITIONS

BCI (Bureau of Criminal Identification): An original or copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either: a) 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.

CANVASSER OR SOLICITOR: means 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, religious, or eleemosynary 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: means 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, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and/or services.

PERSON: means any individual, organization, group, association, partnership, corporation, or any combination of them.

LICENSE REQUIRED

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

APPLICATION FOR LICENSE; FEE

The City Recorder shall provide a standard application form for use 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:
 - Valid Driver's license issued by any state
 - Valid Passport issued by the United State
 - 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 immediately prior to the date of filing the application, which photograph shall be 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, the nature of the offense and the punishment or penalty assessed therefor.
- H. If the applicant desires to sell fresh vegetables, fruits, meats or other foodstuffs, a statement by a reputable physician of the state, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable diseases.
- I. If the applicant is employed by another person, firm or corporation documents showing that the person, firm or corporation for whom the applicant proposes to do business is authorized to do business within the state.

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.

USE OF PERSONS NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED

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

INVESTIGATION AND ISSUANCE OF LICENSE

A. On receiving the application, the city recorder shall refer it to the city's Mayor who shall cause such investigation of the applicant's business and moral character to be made as it deems reasonable and necessary for the protection of the public good.

B. 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's Mayor shall endorse such upon the application, together with a statement of its reasons therefor, and return the application to the city recorder who shall notify the applicant that his application has been disapproved and that no license will be issued.

C. Satisfactory Result of Investigation: If the character and business responsibility of the applicant is found to be satisfactory, the city's Mayor shall endorse such upon the application and return it to the city recorder who shall, upon payment of the prescribed license fee, issue a license. Such license shall contain the signature of the issuing officer and 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.

FEE; TERM OF LICENSE

- A. The license fee which shall be charged by the recorder/clerk for any license issued shall be: _____.
Examples: \$1.00 per day, \$5.00 per week, \$10.00 per month, or \$30 per year.
- B. Expiration of License: All licenses shall expire one (1) year (or _____) from date of issuance.

LICENSES AND BADGES

- A. Issuance: The city recorder shall issue to each licensee, an identification badge which shall contain the words "Licensed Solicitor", the number of the license, in letters with figures easily discernible from a distance of five feet (5').
- B. Such badge shall be worn by the registered solicitor at all times while soliciting in the city and be on the front of their outer garment in such a way as to be conspicuous.
- C. The identification badge shall bear the logo of the city and shall contain:
 - 1) the name of the registered solicitor;
 - 2) address and phone number of the registered solicitor (or the name, address, and phone number of the responsible person or entity is provided);
 - 3) a recent photograph of the registered solicitor; and
 - 4) the date on which the certificate expires.

NONTRANSFERABILITY OF CERTIFICATES:

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

REVOCAION

Licenses issued pursuant to this chapter may be revoked by the city, after notice and hearing, 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

NOTICE OF REVOCATION

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with section _____ of this code.

APPEAL

Any person aggrieved by the action of the city in the denial of a license issued pursuant to this chapter, may file an appeal. Such appeal shall be taken by filing with the city council within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. A time and place for the hearing on such appeal and notice of such hearing shall be set and given to the applicant in the same manner as provided in section _____ of this chapter.

ADDITIONAL REQUIREMENTS

A.This chapter shall not be construed so as to waive the provisions and requirements of any other ordinance of the city and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of the city.

B. Application Information: The city treasurer and/or city recorder will confirm the legitimate address of the home office of the business involved and telephone number.

C. Conformation of Legitimate Business: The city treasurer and/or city recorder will call the Better Business Bureau in the city of the home office and by them determine if the business is legitimate.

EXCEPTIONS

The provisions of this chapter shall not apply to any individual who is, at the time he is engaged in any activity which would otherwise require licensing by this chapter, engaged in an activity which is authorized by any church or charitable organization.

ISSUANCE OF LICENSE

If determination has been approved by the city Mayor to grant the solicitors request for a license, the license may then be issued.

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 and/or competent individual. This requirement may be satisfied through the 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 granting of a certificate of registration implies any endorsement by the city of the solicitor's goods or services or of the individual solicitor.

NO SOLICITATION NOTICE

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "no solicitation" sign 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.
- B. The display of such sign or placard shall be deemed to 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.

DUTIES OF SOLICITORS

- A. Every person soliciting or advocating shall check each residence 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 solicitation" signs. If such sign or placard is posted such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a certificate of registration does not in any way relieve any solicitor of this duty.
- B. It is a violation of this chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "no solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door to door soliciting, or soliciting.
- C. It is a violation of this chapter for any solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated 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 and/or competent individual 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.

TIME OF DAY RESTRICTIONS

It shall be unlawful for any person, whether licensed 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.

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 section 70C-5-103, Utah Code Annotated, 1953, or a current version thereof or any state or federal law modifying or amending such provision.

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.

Code changes for Planning Commission Discussion
November 16, 2016

3-1-3: DEFINITIONS

HOME OCCUPATION: A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. The owner of the business must live in the home. Conditional use of that property will become void when business operator moves from the home.
owner

3-1-8: PERMITTED USES REQUIRING A CONDITIONAL USE PERMIT AND LICENSE

Add: J. Outdoor Displays

10-13-15: REAR LOT FENCES

Fences on rear yards must conform to clear view of intersecting streets. Any fence constructed on said owner's lot cannot exceed (6') feet in height. If the rear lot is adjacent to a public road the fence may not be built closer than one (1') from the sidewalk and the property owner is responsible to maintain the section between fence and sidewalk. Refer: 10-12-2.

*Decide which zones the new rear yard six-foot fence allowance applies to.

11-6-7:C: OTHER GENERAL STANDARDS (Design Standards Section)

Street Lighting: Street lighting shall be provided and installed by the subdivider and conform to the ~~design~~ City Public Works Construction Specifications and Standards and, the rules and regulations of the city outdoor lighting ordinance, title 9, chapter 3 of this code. The subdivider shall work with the city engineer to determine the style, size and location of street lighting in subdivisions. (5-2014, 8-26-2014)

10-12-2:A:
Add:

Rear yard on a street (except corner lot) [6 feet in all zones]
Rear yard on a street (corner lot) [4 feet in all zones]