

River Heights City

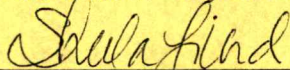
RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, November 2, 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. Public Hearing to Discuss a Conditional Use Permit Request from Brynn Wangsgard to have a Beauty Salon in Her Home at 550 S 600 E
- 7:25 p.m. Discuss Solicitor Licensing
- 7:45 p.m. Revisit Code Pertaining to Home Occupations
- 7:50 p.m. Revisit Ordinance Changes Pertaining to Fences
- 8:10 p.m. Adjourn

Posted this 27th day of October 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

River Heights City Planning Commission

Minutes of the Meeting

November 2, 2016

1
2
3
4
5 Present: Commission members: Danny Petersen, Vice-Chair
6 Nina Knowles
7 Cindy Schaub
8 Jake Zollinger
9

10 Mayor James Brackner
11 Councilmember Blake Wright
12 Recorder Sheila Lind
13 Public Works Director Clayton Nelson
14

15 Excused Commission Chair Mark Malmstrom
16

17 Others Present: Brynn Wangsgard, Lisa Roberts, Donnie Davis
18

Motions made during the Meeting

Motion #1

21
22 Commissioner Zollinger moved to “approve the minutes of the October 19, 2016
23 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with
24 Knowles, Petersen, Schaub and Zollinger in favor. No one opposed. Malmstrom was absent.
25

Motion #2

26
27 Commissioner Zollinger moved to “approve Brynn Wangsgard’s Conditional Use request
28 for a hair salon at 550 South 600 East with the following conditions: 1) Only two customer cars
29 will park in the driveway at a time. No parking will be allowed on the east side of 600 East. 2)
30 Hours of operation will be Mon-Sat, between 9:00 am and 8:00 pm. 3) Only one owner/stylist.”
31 Commissioner Schaub seconded the motion, which carried with Knowles, Petersen, Schaub and
32 Zollinger in favor. No one opposed. Malmstrom was absent.
33

Proceedings of the Meeting

34
35
36
37 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie
38 Council Chambers on November 2, 2016.

39 Adoption of Prior Minutes: Minutes for the October 19, 2016 Planning Commission
40 Meeting were reviewed.

41 **Commissioner Zollinger moved to “approve the minutes of the October 19, 2016**
42 **Commission Meeting.” Commissioner Schaub seconded the motion, which carried with**
43 **Knowles, Petersen, Schaub and Zollinger in favor. No one opposed. Malmstrom was absent.**

44 Public Hearing to Discuss a Conditional Use Permit Request from Brynn Wangsgard to
45 have a Beauty Salon in Her Home at 550 S 600 E: Commissioner Petersen asked Ms. Wangsgard
46 her intentions. She reported they have a separate entrance to their basement and plan to turn
47 one of the bedrooms into a salon. She will have a baby in January and plans to work no more
48 than 30 hours/week, between Monday and Friday. She would be the only employee.

49 Commissioner Schaub brought up the written comment received from a neighbor, who
50 had a concern with the parking situation. She said there had been a ‘No Parking’ sign in front of
51 the Wangsgard’s home before they purchased it, but it was knocked down. The neighbor was
52 unsure the Wangsgards knew that parking wasn’t allowed on the street.

53 Councilmember Wright asked about the ‘No Parking’ signs. If the Commission
54 authorizes parking in the street, there may be a problem since the city posted the signs. Ms.
55 Wangsgard assured that her customers would park in her driveway. Mayor Brackner informed
56 that the city has plans to redo 600 East next year which will include a red marked curb for no
57 parking.

58 In regards to hours of operation, Ms. Wangsgard said she plans to work between the
59 hours of 9:00 am and 8:00 pm. Councilmember Wright asked if she would ever want to work
60 on a Saturday. Ms. Wangsgard agreed this could be a possibility.

61 **Commissioner Zollinger moved to “approve Brynn Wangsgard’s Conditional Use**
62 **request for a hair salon at 550 South 600 East with the following conditions: 1) Only two**
63 **customer cars will park in the driveway at a time. No parking will be allowed on the east side**
64 **of 600 East. 2) Hours of operation will be Mon-Sat, between 9:00 am and 8:00 pm. 3) Only**
65 **one owner/stylist.” Commissioner Schaub seconded the motion, which carried with Knowles,**
66 **Petersen, Schaub and Zollinger in favor. No one opposed. Malmstrom was absent.**

67 Donnie Davis, Cache County Building Inspector, said he doesn’t have a problem with one
68 salon chair in a home business. More than one complicates the building code requirements.

69 Discuss Solicitor Licensing: Commissioner Schaub said a lot of cities in the county follow
70 Logan’s ordinance. She felt River Heights could get by with a much shorter version, although,
71 she likes Logan’s application. She feels if a solicitor doesn’t want to go through the application
72 process, they don’t need to solicit in River Heights.

73 Councilmember Wright made some recommendations on combining some things and
74 removing some of the wordiness. He felt the draft was a great start for the needs of River
75 Heights. He asked Mayor Brackner if solicitors charged sales tax, would River Heights get a
76 portion of it. Mayor Brackner said it probably would depend on where they filed their taxes.

77 Councilmember Wright questioned the 18 year-old age requirement. He mentioned
78 that high school students periodically go door-to-door for fundraisers and wondered if they
79 would fall outside of this ordinance. Commissioner Schaub read some verbiage on who would
80 be exempt. Mr. Wright also recommended requiring the salesperson to have the city logo on
81 their proof of identity badge.

82 Commissioner Schaub and Councilmember Wright will work on pairing the draft down
83 further before the next meeting.

84 Revisit Code Pertaining to Home Occupations: Commissioner Petersen discussed the
85 verbiage suggested by Commissioner Malmstrom. He felt the word 'operator' should not be
86 used since it sounds like it could refer to an employee. He recommended changing the wording
87 to; "... 'owner' of the business needs to live in the home." The Commission agreed. This will
88 be added to the list of upcoming changes.

89 Commissioner Petersen would like outdoor displays to not be permitted at all.
90 Discussion was held on the current 3-1-9:F. They felt it wasn't clear in regards to outdoor
91 display items. Commissioner Schaub doesn't have a problem with the display of swing sets.
92 Councilmember Wright felt, under the right conditions, certain displays could be acceptable.
93 Commissioner Zollinger gave the example of a display of pumpkins for sale. They all agreed
94 there are situations that would not be a disruption to the neighborhood, therefore 'outdoor
95 displays' would be added as a permitted use which would require a conditional use permit.

96 Revisit Ordinance Changes Pertaining to Fences: PWD Nelson reported safety issues in
97 regards to the recent adoption of six foot fences in rear yards. If a neighbor's driveway is next
98 to a six-foot fence, they will not be able to see what is on the other side at all and could back
99 over someone coming along the sidewalk. Councilmember Wright explained when the change
100 was approved, they didn't realize the definition of a rear yard included the side yard in the
101 back.

102 Don Davis showed photos of illegal six foot fences in River Heights and discussed
103 problems associated with them. PWD Nelson would like to see the ordinance changed back to
104 only allowing a four-foot fence, 25 feet from a street. He would also like the code to not allow
105 a fence to be reconstructed if it is out of compliance from current ordinances. Councilmember
106 Wright wasn't sure they could do this on a legally existing non-compliant fence. He explained
107 that some council members (upon adoption of the recent code changes) said they were more
108 concerned about safety than esthetics. He would like to see a way to go back to the four-foot
109 fence requirement, but still allow back yards on a street to have a six-foot fence. PWD Nelson
110 brought up the new Ellis home (which is in this situation), and explained the possible safety
111 problem. The home next to theirs has a driveway that will be behind a six-foot fence.

112 Councilmember Wright suggested recording restrictions on certain houses. He also
113 pointed out that 400 South may become a collector road someday and the city has already
14 approved a number of homes in the Saddlerock subdivision to back out onto this street.

115 Commissioner Schaub suggested leaving the six-foot allowance for rear yards on a street
116 unless the home is on a corner, and unless there are certain safety concerns. Councilmember
117 Wright pointed out the code is easier to enforce if it's not subjective.

118 PWD Nelson suggested there may be other situations, aside from fences, where there is
119 a safety concern. He'd like the code to state that any type of permit could be rejected due to
120 safety. Commissioner Knowles feels this could open the city up for liability if there were an
121 accident that wasn't foreseen as a safety issue at the time of the permit granting.

122 Don Davis suggested allowing see-through fences on corner lots.

123 Councilmember Wright discussed the fence height chart (10-12-2:A). He will suggest
124 revisions for considerations at the next meeting.

125 Mayor Brackner felt the city's code should address intrusive indoor lighting. He said
126 North Logan is currently drafting an ordinance of this nature. Councilmember Wright explained
127 it doesn't matter whether light originates indoors or outdoors, if it spills outside then it's
128 outdoor light.

129 The meeting adjourned at 8:05 p.m.

130

131

132

133

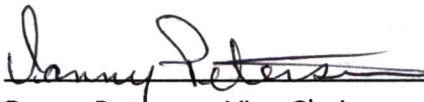


Sheila Lind, Recorder

134

135

136



Danny Petersen, Vice-Chairman

**River Heights City
Conditional Use Application**

For office use	
Date Received	<u>Oct 18, 2016</u>
Receipt #	_____
Hearing Date	<u>Nov 3, 2016</u>
Approved	_____ Denied _____

Please fill out all applicable information.

1. APPLICANT

Name: Brynn Wangsgard

Mailing Address: 550 South 600 East

Phone #: (435) Fax #: _____ e-mail. _____

Please check one of the following: owner buyer renter agent other

2. PROJECT INFORMATION

Name: Triple B Beauty

Address/Location: 550 South 600 East

Property Tax ID: _____ Existing zone: R-1-8

What is the current use of the property? Home

How many employees will be working at this location including applicant, immediate family members, and non-family members? 1

How many vehicles will be coming and going daily, weekly, or monthly? 5 daily 15 weekly

I agree to abide by the River Heights City Parking Ordinance (10-13). Initial BW

I agree to abide by the River Heights City Sign Ordinance (10-14). Initial BW

Description of Request: I would like to open an at home Salon in my basement. I would be accepting clients monday through friday ^{between} starting at 9 am til 8 pm. The clients I have will park in my driveway and there wouldn't be more than two clients at my house at one time. Thank you for your consideration. I don't plan to work more than 30 hours a week at my busiest.

licensed cosmetologist

October 28, 2016

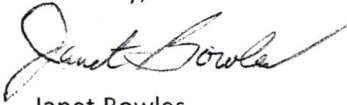
City of River Heights
Attn: Commissioner Mark Malmstrom
520 South 500 East
River Heights, UT 84321

RE: Conditional Use Permit for a hair salon at 550 South 600 East

Commissioner Mark Malmstrom,

As a property owner, I have no objection to this request. I do, however, believe that the parking issue be addressed. I do not believe that Mrs. Wangsgard is aware of the current parking restrictions on our street, because at the time of the writing of this letter, Thursday October 27, 2016 at 4:05 p.m., there are three vehicles in her driveway and three more on the street in front of her house. The cars come and go at regular intervals conducive to a hair salon. The "No parking at any time" sign in front of their home that was installed by the city several years ago, was knocked down by the previous occupants. I do not know if Mrs. Wangsgard is a sole operator or if there will be others (manicurists, massage therapists, etc.). Again, I have no obligations except for the parking situation.

Sincerely,



Janet Bowles

Sheila

1st Draft for Solicitor Ordinance

Solicitors, Canvassers, Peddlers, and Itinerant Merchants

Purpose

Definitions

License Required

Application for License; Fee

Use of Person's Name Without Consent For Soliciting Contributions Prohibited

Investigation and Issuance of License

Fee; Term of License

Licenses and Badges

Non-transferability of Certificates, Licenses

Revocation

Notice of Revocation

Appeal

Duties of Solicitors

Time of Day Restrictions

Buyers Right to Cancel

Penalties

Additional Requirements

Exceptions

Issuance of License

PURPOSE:

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 the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, 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, personal property of any nature whatsoever for future deliver, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.

PEDDLER: as used in this part shall include any person, whether or not a resident of the municipality, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this part shall be deemed a peddler subject to the provisions of this part. The word "peddler" shall include the words "hawker" and "huckster".

TRANSIENT MERCHANT, ITENERANT MERCHANT or ITINERANT VENDOR: is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this part merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

CHARITABLE ORGANIZATION: Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

1. A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
2. For the benefit of a public safety, law enforcement, or firefighter fraternal association; or
3. Established for any charitable purpose; and

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;

PROFESSIONAL FUND RASIER: means any person who for compensation or any other consideration plans, conducts, or manages the solicitation of contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons as independently engaged in the business of soliciting contributions for such purpose, but shall not include a bona fide officer or employee of a charitable organization.

PROFESSIONAL SOLICITOR: means any person who is employed or retained for compensation by a professional fund raiser to solicit contributions in this municipality for charitable purpose.

SOLICITING OR SOLICIT OR SOLICITATION:

Any of the following activities:

- A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought.
- B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications.
- C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity.
- D. Seeking to obtain orders or prospective customers for goods or services.
- E. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale.
- F. Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling

SOLICITOR OR SOLICITORS: A person(s) engaged in door to door solicitation.

LICENSE REQUIRED

It shall be unlawful for:

- A. Transient Merchant, Itinerant Merchant Or Vendor: A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefor in compliance with the provisions of this chapter.
- B. Peddler: Any person to engage in the business of peddler without first obtaining a license therefor as provided in this chapter.
- C. Solicitor or Canvasser: Any solicitor or canvasser to engage in such business without first obtaining a license therefor in compliance with the provisions of this chapter.

APPLICATION FOR LICENSE: FEE

Applicants for licenses under this chapter shall file a sworn application in writing signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the city recorder, which shall give the following information:

- A. The name of the applicant and if the applicant is an employee or agent of a corporation, the name of the corporation.
- B. The address of the applicant and if the applicant is an agent or employee of a corporation, the address of the corporation.
- C. A brief description of the nature of the business and the goods to be sold and from whom or where the applicant obtains the goods to be sold.
- D. If the applicant is employed by or an agent of another person, the name and permanent address of such other person.
- E. The length of time for which the applicant desires to engage in business within the city.
- F. The places within the city where the applicant proposes to carry on his or her business.
- G. A list of the other municipalities in which the applicant has engaged in business within the six (6) month period preceding the date of the application.
- H. 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.
- I. 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.
- J. 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.
- K. 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.

PROOF OF IDENTITY

Acceptable identification includes a valid:
 Driver's license issued by any state
 Passport issued by the United States
 Identification issued by a branch of the U.S. military

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; provided that this section shall not apply to religious corporations or organizations, charities, agencies, and organizations operated, supervised or controlled by or in connection with a religious corporation or organization.

INVESTIGATION AND ISSUANCE OF LICENSE

A. On receiving the application, the city recorder shall refer it to the city's _____, 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 _____ 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, as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the city's _____ 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 shall be as established by resolution of the city council. (*See below for add'l wording*)
- B. Interstate Commerce: None of the license fees provided for by this chapter shall be applied as to occasion an undue burden upon interstate commerce. In any case, where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair to interstate commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee.
- C. The license will be valid for _____ from date of issuance.

Examples:

The license fee which shall be charged by the recorder / clerk for any license issued pursuant to this part shall be \$1.00 per day, \$5.00 per week, \$10.00 per month, or \$30 per year. (Hyde Park's)

LICENSES AND BADGES

- A. Issuance: The city recorder shall issue to each licensee at the time of delivery of his license, a badge which shall contain the words "Licensed Solicitor", "Licensed Transient Merchant", or "Licensed Peddler", as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet (5'). Such badge shall, during the time peddlers or solicitors are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.
- B. Exhibit License: Any person licensed pursuant to this chapter shall exhibit such license at the request of any citizen of the city.

- C. Produce License Upon Request: It shall be the duty of any law enforcement official to require any person seen soliciting, canvassing or peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this chapter.
- D. Expiration of License: All licenses issued pursuant to this chapter shall expire on the date specified on the license.

FORM OF CERTIFICATE AND IDENTIFICATION BADGE

- A. Certificate Form: Should the licensing officer determine that the applicant is entitled to a certificate, the licensing officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the licensing officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the city.
- B. Identification Badge: With both the temporary and annual certificates, the city shall issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the city. The identification badge shall bear the name 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 1-4-3 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 3-4-7 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 (as previously defined) which has a permanent structure located within the state, provided such church or charity has had such permanent structure for at least six (6) months prior to the date when the individual engaged in the activity would otherwise require licensing by this chapter.

ISSUANCE OF LICENSE

If such determination is made (refer to subsection _____ of this article), 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.
- D. The provisions of this section shall apply also to solicitors who are exempt from registration pursuant to the provisions of this chapter.

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 in an emergency, 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.

INTRODUCTION TO
SOLICITOR REGISTRATION
IN THE CITY OF LOGAN

City of Logan

John Doe

Solicitor's Door-to-Door, Inc.
290 N 100 W, Logan, UT 84321
435-716-9030

Expiration:
2 June 2011

Registered Solicitor

11111

LOGAN
CITY UNITED IN SERVICE



Business Licensing
is a Division of the
Community Development Department

435-716-9230 office
435-716-9001 fax
290 North 100 West Logan, UT 84321
Monday - Friday, 8:00am - 5:00pm

FREQUENTLY ASKED QUESTIONS

What is considered "Door-to-Door Solicitation"?

The practice of engaging in or attempting to engage in conversation with any person at a residence, while making or seeking to make a home solicitation sale, or attempting to further the sale of goods and/or services.

What is the purpose of Solicitor Registration?

Based on the collective experiences of:

- city officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door to door solicitation;
- the City law enforcement officers, and
- those affected by door to door canvassing and solicitation;

as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door solicitation, the City adopts this chapter to promote the City's substantial interests in:

- A. Respecting citizens' decisions regarding privacy in their residences;
- B. Protecting persons from criminal conduct;
- C. Providing equal opportunity to advocate for and against religious belief, political position, or charitable activities; and
- D. Permitting truthful and nonmisleading door to door solicitation regarding lawful goods or services in intrastate or interstate commerce.

Are there exceptions to the requirement to register as a solicitor?

Each individual engaging in door-to-door solicitation is required to have a solicitation certificate except:

- A. Persons specifically invited to a residence prior to arrival at the residence;
- B. Persons whose license, permit, certificate or registration with the state of Utah permits them to engage in door to door solicitation;
- C. Persons delivering goods to a residence pursuant to a previously made order;
- D. Persons advocating or disseminating information for, against, or in conjunction with, any religious belief or political position regardless of whether goods, services, or other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
- E. Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular programs, provided that the solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

What do I get to identify me as a registered solicitor?

Certificate:

The licensing officer will issue a certificate to the applicant that lists the name of the registered solicitor and the responsible person or entity, and the certificate expiration date.

Identification Badge:

The City will issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the city.

Where does a certificate and badge from the City of Logan allow me to solicit?

Only within the City of Logan corporate limits. You will similarly need to register with each business licensing office of outlying communities and the County that regulates residential solicitation.

Are solicitor certificates transferable from one person to another?

No. A separate application, certificate, and badge are required for each solicitor.

Can I leave door hangers where people aren't home?

Logan Municipal Code, Section 12.04.050:

Posting Bills Without Permission

It is unlawful for any person, acting for herself or himself or through an agent or for such agent, to print, paint, write, mark or in any way post up any notice, card or advertisement, or other device upon any wall, fence, tree, post, pole, building or other property without the permission of the owner or person in charge thereof.

What is the "Buyer's Right to Cancel" notice?

In any home solicitation sale, the 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 (www.le.utah.gov).

What happens if I solicit without a certificate?

Any person who violates any term or provision of Chapter 5.31 will be guilty of a Class B Misdemeanor and will be punished by a fine of not to exceed \$1,000 and/or a jail sentence of not to exceed six months.

Incomplete applications cannot be accepted.

This publication is intended for informational purposes only.
Please consult the Chapter 5.31 of Logan's Municipal Code, found at www.loganutah.org, for complete and specific requirements.

Publication Edition: March 2012



1 of 2

REGISTRATION REQUIREMENTS FOR A SOLICITATION CERTIFICATE

RESPONSIBILITIES OF SOLICITORS

Every individual engaging in door to door solicitation, even those with exemptions, is required to follow Sections 5.31.170, 5.31.180, 5.31.190 of the Municipal Code; which are summarized as follows:

No Solicitation Signs and Conduct

- A. Every person soliciting or advocating shall check each residence for any notice on the premises, such as, but not limited to, "no solicitation" signs.
- B. It is a violation for any person 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.
- C. It is a violation 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 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 is unlawful for any person to solicit at a residence before 9:00am or after 9:00pm MST, unless the solicitor has express prior permission from the resident.

Implied Municipal Endorsement

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.

A Solicitor Registration application packet

- Application
- Responses to "Disqualifying Status" questions
- An affirmation of review of "Written Disclosures"

BCI - Criminal Background Check (publicsafety.utah.gov/bci/yourcrimrecord.html)

Bureau of Criminal Identification - 3888 West 5400 South, Salt Lake City, Utah 84118
801-965-4445 office / 801-965-4749 fax
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.

Proof of identity

Acceptable identification includes a valid:
• driver's license issued by any state • identification issued by a branch of the U.S. military
• passport issued by the United States

Business License application form

Required only if the business is based in Logan, but does not yet have a Logan business license.

(?)

Proof of registration with the Utah Department of Commerce

Please refer to publication "Introduction to Business Licensing".

Proof of state or federal requirements

The applicant shall provide any other licenses or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.

(?)

Utah State Tax Commission Sales Tax Number (www.tax.utah.gov)

If sales are conducted in Logan, regardless of where billing emanates from, applicable state sales tax must be collected and remitted to a tax account with a Logan outlet (Location ID: 03038).
For a temporary account, call (801) 297-6303 (Special Events Unit).
For a regular account, complete Form TC69 for a new business, or Form TC-69B for a business with an existing sales tax account without a Logan outlet.
Consult the Utah State Tax Commission directly and/or a professional, such as an accountant, to understand your full obligation related to sales tax remittance.

Headshot photograph of the solicitor

The applicant may e-mail a headshot (.jpeg) to carrie.evans@loganutah.org or we can take one at the time of application for no additional fee. \$ _____

Application fee: \$75.00 per solicitor (non-refundable)

A certificate is valid for 365 days from the date of issuance. Payment will not be accepted after 4:30 p.m. on business days.



**DEPARTMENT OF
COMMUNITY DEVELOPMENT**
290 North 100 West, Logan, Utah 84321
Ph: 435-716-9230 / Fax: 435-716-9001
www.loganutah.org

Category:
Door-to-Door
Residential Solicitor

Type: New Application
 Application Amendment

License No. _____

Solicitor No. _____

Date Received _____

SOLICITOR REGISTRATION PACKET

For each individual engaging in non-exempted residential solicitation within Logan City limits.

SECTION I: Individual Solicitor Information

Solicitor Name: _____

Solicitor former names or aliases (last 10 years): _____ Not applicable

Home Address: _____ Contact Ph: _____
Street Address (include unit #) City, State, Zip Cell Home

Passport #: _____ Date of Birth: _____ Driver Lic. #: _____ (State: _____)

Mailing Address:
(For all correspondence): _____
ATTN. Street Address (include unit #) / PO Box City, State, Zip

SECTION II: Business Information (if different from the applicant)

Business Name (DBA): _____ **State Registration (DBA):**
 DBA Sole Proprietorship Corporation
 LLC Partnership Non-Profit Corporation

Business Name (Parent): _____ Same as "DBA"

State Registration (Parent): DBA Sole Proprietorship Corporation LLC Partnership Non-Profit Corporation

Business contact(s): _____ Title(s): _____

Business Address: _____ Contact Ph: _____
Street (include unit #) City, State, Zip

www. _____

SECTION III: Additional Information

Does this business have a current City of Logan Business License?
 Yes No, and the business IS based in Logan No, but the business IS NOT based in Logan

Utah State Tax Commission - Sales Tax Number (for Logan): _____

Regulatory Licenses (mark applicable regulatory agency/ies with which you are licensed)
It is the applicant's responsibility to determine and comply with any requirements from other regulatory agencies. Not Applicable

<input type="checkbox"/> Division of Occupational and Professional Licensing (DOPL)	<input type="checkbox"/> DOPL - Burglar Alarm company or agent	<input type="checkbox"/> DOPL - Contracting	<input type="checkbox"/> UT Div. of Securities	<input type="checkbox"/> UT Insurance Dept.
<input type="checkbox"/> UT Dept. of Agriculture and Food	<input type="checkbox"/> UT Division of Consumer Protection	<input type="checkbox"/> Other:		

Goods and/or services being marketed:

Solicitor Name: _____



Disqualifying Status Questions

Completion of this questionnaire is a requirement for a residential solicitation certificate.

1. Has the applicant been criminally convicted of:
- a) felony homicide,
 - b) physically abusing, sexually abusing, or exploiting a minor,
 - c) the sale or distribution of controlled substances, or
 - d) sexual assault of any kind?
- Yes
 No

2. Are any criminal charges currently pending against the applicant for:
- a) felony homicide,
 - b) physically abusing, sexually abusing, or exploiting a minor,
 - c) the sale or distribution of controlled substances, or
 - d) sexual assault of any kind?
- Yes
 No

3. Has the applicant been criminally convicted of a felony within the last ten (10) years?
- Yes
 No

4. Has the applicant been incarcerated in a federal or state prison within the past five (5) years?
- Yes
 No

5. Has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
- a) moral turpitude, or
 - b) violent or aggravated conduct involving persons or property?
- Yes
 No

6. Has a final civil judgment been entered against the applicant within the last five (5) years indicating that:
- a) the applicant had either engaged in fraud, or intentional misrepresentation, or
 - b) that a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19)?
- Yes
 No

7. Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device?
- Yes
 No

8. Does the applicant have an outstanding arrest warrant from any jurisdiction?
- Yes
 No

9. Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction?
- Yes
 No



Written Disclosures

For review by residential solicitation certificate applicants

No one under 18 years of age will be allowed a license as a solicitor in this community

- A.** The applicant's submission of the application authorizes the city to verify information submitted with the completed application including:
 - the applicant's address;
 - the applicant's and/or responsible person's or entity's state tax identification and special use tax numbers, if any; and
 - the validity of the applicant's proof of identity.

- B.** The City may consult any publicly available sources for information on the applicant, including, but not limited to, databases for any outstanding warrants, protective orders, or civil judgments.

- C.** Establishing proof of identity is required before registration is allowed.

- D.** Identification of the fee amount that must be submitted by applicant with a completed application.

- E.** The applicant must submit a BCI background check with a completed application.

- F.** To the extent permitted by state and/or federal law, the applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection.

- G.** The city will maintain copies of the applicant's application form, proof of identity, and identification badge. These copies will become public records available for inspection on demand at the city offices whether or not a certificate is denied, granted, or renewed.

- H.** The criteria for disqualifying status, denial, or suspension of a certificate under the provisions of this chapter.

- I.** That a request for a temporary certificate will be granted or denied the same business day that a completed application is submitted.

? within _____ business days.

By signing, I acknowledge that I have (i) received, (ii) read, (iii) sought clarification as required, and (iv) understand the above Written Disclosures.

Signature

Printed Name

Date

4 of 4

Code changes for Planning Commission Discussion
November 2, 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 operator 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 REQUIREING A CONDITIONAL USE PERMIT AND LICENSE

Add: J. Outdoor Displays

OR

~~3-1-9: OCCUPATIONS NOT PERMITTED~~

~~F. Outside displays or storage of supplies, equipment, materials and heavy equipment such as backhoes, cranes, etc.~~

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. ~~(Bump other sections down.)~~

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

(Blake will suggest changes next time.)
