

River Heights City

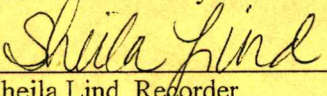
RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, October 19, 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. Revisit Code Pertaining to Home Occupations
- 7:45 p.m. Revisit Ordinance Changes Pertaining to Fences
- 8:00 p.m. Adjourn

Posted this 13th 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

1 River Heights City Planning Commission

2 Minutes of the Meeting

3 October 19, 2016

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5 Present: Commission members: Mark Malmstrom, Chairman
6 Nina Knowles
7 Cindy Schaub
8 Jake Zollinger

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10 Councilmember Blake Wright
11 Recorder Sheila Lind

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13 Excused Commissioner Danny Petersen

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15 Others Present: David, Donovan and Nathaniel Hansen

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17 Motions made during the Meeting

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19 Motion #1

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

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25 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.

29 Adoption of Prior Minutes: Minutes for the September 21, 2016 Planning Commission
30 Meeting were reviewed.

31 **Commissioner Schaub moved to “approve the minutes of the September 21, 2016
32 Commission Meeting.” Commissioner Zollinger seconded the motion, which carried with
33 Knowles, Malmstrom, Schaub and Zollinger in favor. No one opposed. Petersen was absent.**

34 Discuss Solicitor Licensing: Commissioner Malmstrom asked Recorder Lind to give some
35 background on why this issue has come up. Ms. Lind explained that each spring she gets calls
36 from companies that want to go door to door in River Heights. They ask what the requirements
37 are to do so. She explains there is no licensing procedure. This year she has heard more

38 complaints than usual from residents about solicitors. She feels the city should have something
39 in place that regulates these companies and allows the city to keep track of them.

40 Commissioner Malmstrom discussed a handout from Logan City about their
41 requirements for a solicitation certificate. He also discussed the application used by North
42 Logan which requires all employees to be listed and have background checks.

43 It was decided that charitable groups, such as school and church fundraisers, can be
44 handled as exempt from the process.

45 The Commissioners agreed the city should have something in place to regulate
46 solicitation in River Heights.

47 Commissioner Schaub suggested looking into Providence and Millville's guidelines.

48 Councilmember Wright suggested one person put a draft together and bring it back to
49 the Commission for discussion. Commissioner Schaub offered to do so and plans to get it out to
50 the members a few days ahead of the next meeting, which will be held November 2.

51 Revisit Code Pertaining to Home Occupations: Commissioner Malmstrom reminded that
52 the Commission discussed making a change to this ordinance but couldn't decide on the
53 wording so it was left off the recent code revisions. He suggested wording that would allow a
54 long-term renter to have a home business. He feels if a business owner moves, the business
55 would not be allowed to stay. The term 'operator of the business' could be used rather than
56 'home owner.' Mr. Malmstrom will reword this section of the code and send it to Recorder
57 Lind to have ready for discussion at the next meeting.

58 Revisit Ordinance Changes Pertaining to Fences: Commissioner Malmstrom informed
59 there have been a few safety issues that have come up since the recent change was adopted, in
60 regards to allowing a six-foot fence in rear yards. Councilmember Wright explained he recently
61 voted against the code changes (as a council member) because he didn't feel good about the
62 allowance of the six-foot solid fence.

63 Councilmember Wright drew a diagram to show the safety concern. In reading the
64 definition of rear yard, it's clear it includes all property from the back corners of the home,
65 extended horizontally, towards the back. A six-foot fence in a rear yard of a corner lot would
66 run along a neighbor's side yard. If the neighbor's driveway was on the other side of the fence,
67 it would create a safety hazard.

68 Commissioner Schaub clarified that when they recently discussed changing the code to
69 allow six-foot fences in rear yards along a street, she was thinking of the situation only on the
70 exterior of a subdivision, rather than the possibility of how it would affect the inside of a
71 subdivision.

72 Councilmember Wright suggested, if the Commission wants to recommend a change, to
73 not go to something more restrictive than was in place before the most recent changes. He
74 would like to find a way to allow back yard fences along a street, but not in a side yard

75 situation. Perhaps they could allow see-through fences that are six feet. He also pointed out
76 during the city council discussion, one council member said safety should come before visual.

77 Commissioner Schaub suggested the city could put a moratorium on fence permits until
78 they get it figured out. Recorder Lind said it would probably take as long to get a moratorium in
79 place as it would to change the code.

80 Recorder Lind feels that being next to a six-foot fence keeps people from being aware of
81 what could be on the other side. Four-foot fences may still block the view of a child, but drivers
82 are more cautious when the fence doesn't block their full view.

83 Councilmember Wright suggested the commissioners look at the four-foot fences in
84 town and imagine them as six feet, to get an idea of what it could be like.

85 Commissioner Malmstrom recognized there were a lot of directions they could take this.
86 Councilmember Wright suggested not over-figuring it. Recorder Lind suggested Public Works
87 Director Nelson may have a solution in mind that isn't too complicated.

88 Councilmember Wright said when people ask him how to get the fence they want when
89 it doesn't meet code, he tells them they have three options: 1) comply, 2) apply for a variance
90 (which would most likely not get approved), or 3) try to get the code changed.

91 Commissioner Malmstrom suggested changing the code back to the four-foot rule,
92 unless the signers of the permit could see there wouldn't be a safety issue, then they could
93 allow a six-foot fence.

94 Discussion was held on allowing backyard fences only on collector roads. They looked at
95 a General Plan map to see if this would be feasible.

96 It was decided this would be discussed again at the next meeting. Commissioner
97 Malmstrom would like to have Public Works Director Nelson at the next meeting to give his
98 input.

99 The meeting adjourned at 8:10 p.m.

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Sheila Lind, Recorder

Mark Malmstrom, Chairman

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:

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

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



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's 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



Hyde Park Municipal Code

1. "Person" means any individual, organization, group, association, partnership, corporation, or any combination of them;
2. "Professional fund raiser" 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.
3. "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 purposes.
4. "Charitable organization" means any organization that is benevolent, philanthropic, patriotic, or eleemosynary or one purporting to be such.
5. "Contribution" means the promise or grant of any money or property of any kind or value.

Adopted by Ord. 2015-03 on 5/13/2015

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.

Adopted by Ord. 2015-03 on 5/13/2015

1. A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefore in compliance with the provisions of this part.
2. Any person to engage in the business of peddler without first obtaining a permit and license therefore as provided in this part.
3. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefore in compliance with the provisions of this part.

Adopted by Ord. 2015-03 on 5/13/2015

1. "Transient merchant," "itinerant 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.

2. "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".

3. "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.

A recorder / clerk shall issue to each license at the time of delivery of his license a badge which shall contain the words "License 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. Such badge shall, during the time peddlers and 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.

1. Any person licensed pursuant to this part shall exhibit their license at the request of any citizen of the municipality.

2. It shall be the duty of any police officer of this municipality 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 part.

3. Revocation of license.

1. Permits and licenses issued pursuant to this part may be revoked by the chief of police or the recorder / clerk, after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or a false statement contained in the application for the license.

2. Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor or canvasser.

3. Any violation of this part.

4. Conviction of any crime or misdemeanor involving moral turpitude.

5. Conducting the business of soliciting, or of canvassing 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

2. 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 paid, 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 HPMC 1.40.

4. Any person aggrieved by the action of the chief of police or the recorder / clerk in the denial of a permit or a license issued pursuant to this part, or by the action of the city council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on this business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above provided in section D.

5. All licenses issued pursuant to this part shall expire on the date specified on the license.