

**CHAPTER 7a. AGRICULTURAL VENDORS;  
ITINERANT OR TRANSIENT MERCHANTS;  
SOLICITORS**

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**5-7a-1. Definitions.**

As used in this Chapter:

(1) "Agricultural vendor" means a person engaged in the sale of fruits and/or vegetables from stands, motor vehicles, or roadsides.

(2) "Itinerant" or "transient merchant" means any person who offers for sale at wholesale or retail any goods, wares or merchandise in or from any hotel, stall, tent, building, structure, stand, railroad car, motor vehicle, field, corner or other place and who does not occupy that place for the purpose of conducting a permanent business thereon or therein.

(3) "Solicitor" means any person selling, offering for sale or taking orders for merchandise or services door to door within the City. Solicitors include, but are not limited to, photographers, sellers of magazines, cosmetics, home care products, and any other person engaged in direct sales, but specifically excluding newspaper carriers.

(4) "Merchandise" includes all goods, food, wares, photographs, subscriptions to any kind of publication, tickets, coupons or receipts representing value.

(Ord. 2007-17, 6-20-2007)

**5-7a-2. License required - Display.**

(1) It shall be unlawful for any person to conduct the business of an agricultural vendor or itinerant or transient merchant without first securing a license for each place to be so operated. The licensee shall conspicuously display such license in or at the place of business so that the same is plainly visible to the public.

(2) It shall be unlawful for any person to conduct the business of a solicitor without first securing a license therefor. Each solicitor shall carry on the solicitor's person a copy of the business license.

(3) Agricultural vendors who sell fruits and vegetables produced and sold from their own homes or property immediately adjoining their own homes are exempt from licensing and the payment of license fees under this Chapter.

(Ord. 2007-17, 6-20-2007)

**5-7a-3. Application for license.**

All applications for a license under this Chapter shall be made to and upon forms provided by the Department. Each application form shall require disclosure and reporting by the applicant of the following information:

(1) Contact information, including the applicant's true, correct and legal name, former names or aliases used during the last ten (10) years; the applicant's telephone number, home address and mailing address, if different; and the address to which all notices are to be sent.

(2) Proof of identity by a valid driver license issued by any state, valid passport issued by the United States, valid identification card issued by any state, or a valid identification card issued by a branch of the United States military.

(3) Proof of registration with the Department of Commerce either by the applicant or the entity which the applicant is representing.

(4) Marketing information, including the nature of merchandise offered by the applicant, whether the goods will be offered door to door, and whether the merchandise will be simultaneously exchanged at the time of payment.

(5) If the applicant is a solicitor, responses to the following questions regarding disqualifying conditions as follows:

(a) Has the applicant been criminally convicted of felony homicide, physically abusing, sexually abusing, or exploiting a minor, sale or distribution of controlled substances, or sexual assault of any kind?

(b) Are any criminal charges currently pending against the applicant for felony homicide, physically abusing, sexually abusing, or exploiting a minor, sale or distribution of controlled substances, or sexual assault of any kind?

(c) Has the applicant been criminally convicted of a felony within the last ten (10) years?

(d) Has the applicant been incarcerated in a federal or state prison within the past five (5) years?

(e) Has the applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of moral turpitude, or violent or aggravated conduct involving persons or property?

(f) Has a final civil judgment been entered against the applicant within the last five (5) years indicating that the applicant had either engaged in fraud, or intentional misrepresentation?

(g) 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?

(h) Does the applicant have an outstanding arrest warrant from any jurisdiction?

(i) Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction?

(6) Execution and affirmation under oath and on penalty of perjury that based on the applicant's present information and belief the information provided is

complete, truthful, and accurate.

(7) In addition to furnishing the information requested on the application, each applicant for a solicitor's license shall submit a copy of the applicant's current criminal history on file at the Utah Department of Public Safety Bureau of Criminal Identification.

(8) Each applicant for an agricultural vendor license shall, prior to doing business, obtain a letter from the city building inspector indicating that the inspector has reviewed the plan for point of sale and that adequate and safe parking exists there. Upon receiving the letter, agricultural vendors exempt from licensing may commence business. Upon presenting the letter from the building inspector to the Department, a nonexempt applicant may then fill out and file with the Department a business license application.

(Ord. 2019-26, 11-20-2019) (Ord. 2007-17, 6-20-2007)

#### **5-7a-4. Fee.**

Each itinerant or transient merchant, agricultural vendor, or solicitor shall pay a \$40.00 annual fee. No proration will be granted.

(Ord. 2007-17, 6-20-2007)

#### **5-7a-5. Review of application and issuance of license.**

(1) Within five business days of receipt of the completed application and applicable documentation, the Department shall review the application for completeness and shall take such other reasonable action to verify the information appearing on the application.

(2) The Department shall issue a business license to the applicant if the information is complete and verified and the license fee has been paid.

(3) The license shall show the name of the licensee and the business permitted to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

(4) Licenses issued pursuant to this Chapter shall expire on December 31 of each year.

(Ord. 2019-26, 11-20-2019) (Ord. 2007-17, 6-20-2007)

#### **5-7a-6. Denial of license and right of appeal.**

(1) The Department, with authorization from the Director, shall refuse to issue a license to an applicant for any of the following reasons:

(a) The information submitted by the applicant is incomplete, incorrect, or misrepresented.

(b) The applicant has answered affirmatively to any of the questions set forth in Section 5-7a-3(5).

(c) The applicant fails to pay the requisite fee.

(2) Appeal of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2019-26, 11-20-2019) (Ord. 2013-07, 04-17-2013) (Ord. 2007-17, 6-20-2007)

#### **5-7a-7. Solicitor photographs and identity badges.**

Before commencing work, each solicitor who is, or

who will be, present in the City to conduct the applicant's business shall obtain an identity badge from the Department at a cost of \$10.00 and wear the badge at all times while conducting business in the City. The solicitor shall return the badge to the Department at the conclusion of the persons' business in the City or the end of the calendar year, whichever is earlier. Upon return of the identity badge, the Department shall refund \$5.00 of the cost of the badge.

(Ord. 2019-26, 11-20-2019) (Ord. 2017-22, 06-21-2017) (Ord. 2007-17, 6-20-2007)

#### **5-7a-8. Inspections.**

The City reserves the right to inspect any premises or location utilized for carrying on businesses regulated by this Chapter to assure compliance with the provisions of this Code and with the conditions of any City approval, permit, or license.

(Ord. 2012-35, 12-05-12); (Ord. 2007-17, 6-20-2007)

#### **5-7a-9. Deceptive soliciting practices prohibited.**

(1) No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

(2) A solicitor shall immediately disclose to the consumer during face-to-face solicitation:

(a) The name of the solicitor;

(b) The name and address of the entity with whom the solicitor is associated; and,

(c) The purpose of the solicitor's contact with the person.

(3) No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(4) No solicitor shall represent directly or indirectly that the City's grant of a license implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

(Ord. 2007-17, 6-20-2007)

#### **5-7a-10. "No Solicitation" notice.**

(1) Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign or sign of similar import which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

(2) 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.

(Ord. 2007-17, 6-20-2007)

#### **5-7a-11. Duties of Solicitors.**

(1) A solicitor shall check each residence for the presence of a "No Solicitation" notice or notice of similar import before attempting to make contact with any person in the residence.

(2) A solicitor shall not 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 sign or placard of similar import for the purpose of selling or attempting to sell merchandise or services. Possession of a license does not relieve any solicitor of this duty.

(3) A solicitor shall not attempt through ruse, deception, or fraudulent concealment to secure an audience with an occupant at a residence.

(4) A solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person’s consent.

(5) A solicitor shall not follow a person into a residence without the person’s express consent.

(6) A solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.

(7) A solicitor shall not continue to attempt to sell or offer to sell merchandise or services after the person to whom the solicitor is speaking has clearly communicated the person’s lack of interest in the solicitor’s merchandise or services.

(8) A solicitor shall not solicit at a residence by knocking on the door, ringing the doorbell, or otherwise between the hours of 9:00 p.m. and 9:00 a.m.

(Ord. 2016-09, 07-06-2016) (Ord. 2007-17, 6-20-2007)

**5-7a-12. Violation a misdemeanor.**

A violation of any provision of Sections 5-7a-2(1), 5-7a-2(2), 5-7a-7, 5-7a-9 and 5-7a-11 is a class C misdemeanor.

(Ord. 2007-17, 6-20-2007)