

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.*

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REGISTRATION REQUIREMENTS FOR A SOLICITATION CERTIFICATE

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.

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

- Every person soliciting or advocating shall check each residence for any notice on the premises, such as, but not limited to, "no solicitation" signs.
- 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.
- 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.
- Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.
- The solicitor shall not follow a person into a residence without their explicit consent.
- 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.
- 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.