

Chapter 5.20

SOLICITORS

5.20.010: PROHIBITED WHEN:

- A. It is unlawful for any person to call at the residence of any other person for the purpose of soliciting or taking orders, sale, barter, exchange, delivery of any goods, wares, or merchandise on any Saturday, Sunday or holiday. Soliciting is prohibited between the hours of eight o'clock (8:00) P.M. and nine o'clock (9:00) A.M. This chapter shall not apply to any person who was previously invited by the householder to come to such residence for any of the foregoing purposes.
- B. Solicitation permitted under this chapter does not authorize the entry onto any private property when such property displays a notice or sign such as "No Trespassing" or "No Soliciting" or other similar language. Soliciting at property where such a notice is posted could subject the solicitor to revocation of the solicitor's license and/or criminal citation. (Ord. 2014-07: Ord. 10-04)

5.20.020: LICENSE REQUIRED; BOND:

It is unlawful for any person to engage in the activities of a solicitor without first complying with the following requirements:

- A. Application; Required Information: Submit a completed business application which shall contain the following:
1. The name and address of the applicant, and if the applicant is an employee or agent of a corporation or other entity, the name and address of the corporation or entity,
 2. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold,
 3. The length of time for which the applicant desires to engage in business within the city,
 4. The place or places within the city where the applicant proposes to carry on his or her business or engage in soliciting,
 5. A list of other municipalities in which the applicant has engaged in business within the six (6) month period preceding the date of the application,
 6. Provide a current (within 6 months) bureau of criminal identification (BCI) background check for all solicitors,
 7. If the applicant is employed by another person, documents showing that the person for which the applicant proposes to do business is authorized to do business within the state;
- B. Current Photos: Furnish the city with two (2) photographs not larger than two inches by three inches (2" x 3") of the applicant taken within the last twelve (12) months. One shall be affixed to the

license in the files and records of Farr West City; the other will be used as photo identification that is to be worn in plain sight by the solicitor;

- C. Legal Signature: Sign his or her name to a registration card to be kept by Farr West City;
- D. Bond: Submit a corporate surety bond conditioned upon the observance of all laws and ordinances of the city and license conditions agreed to by the licensee. The amount of such bond shall be established and listed in the Farr West City fee schedule;
- E. License/Photo: The license must be kept on the solicitor's person at all times. The photograph must be visible and in plain sight while soliciting is being conducted. The license must be presented upon the demand of any person;
- F. Fee: Pay a license fee as specified in the Farr West City fee schedule. (Ord. 2014-07: Ord. 10-04: Ord. 10-03: Ord. 91-07)

5.20.030: LICENSE ISSUANCE; INVESTIGATION:

- A. On receiving the application, the city recorder shall cause such investigation of the applicant's business and moral character to be made as deemed reasonable and necessary for the protection of the public good.
- B. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the city recorder shall endorse such upon the application together with a statement of reasons therefor and submit it to the city council. If found to be unsatisfactory by the city council, the applicant thereupon shall be notified that his or her application has been disapproved and that no permit and license will be issued.
- C. If, as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the city recorder shall endorse such upon the application. Upon payment of the prescribed license fee (see [title 3, chapter 3.30](#), "Fee Schedule", of this code), the city shall deliver to the applicant his or her license. Such license shall contain a 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. (Ord. 2012-02: Ord. 91-07)

5.20.040: LICENSE REVOCATION:

- A. Causes For Revocation: Licenses issued pursuant to this chapter may be revoked by the city council, 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 or a false statement made in the course of carrying on his or her business or soliciting;

3. Any violation of this title;
 4. Conviction of any felony or misdemeanor involving moral turpitude;
 5. Conducting the business of soliciting 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.
- B. Hearing: 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 or her last known address or at the address shown on his or her application, or may be made by personal communication by any city officer or employee.
- C. Temporary Revocation: Any duly appointed license inspector may temporarily revoke the license of any solicitor when he or she has reasonable cause to believe that the solicitor has engaged in conduct which constitutes a breach of the peace or a menace to the health, safety or general welfare of the public. (Ord. 91-07)

5.20.050: SURRENDER OF LICENSE; RETURN OF BOND:

Upon the surrender by a licensee of his or her license to the city, the licensee's bond or cash deposit shall be returned, provided there have been no violations by the licensee of any of the conditions for which the bond or cash deposit was made. If the licensee applies for the renewal of this license, the bond or deposit shall be renewed or retained for the term of such newly acquired license. (Ord. 91-07)

5.20.060: LICENSE EXPIRATION:

Any license issued pursuant to this chapter shall expire on December 31 in the year it is issued. (Ord. 91-07)

5.20.070: EXEMPTIONS:

- A. Persons Holding Business License: Persons already licensed pursuant to the provisions of this title but who also engage in soliciting activities are exempt from the licensing requirements in this chapter, provided, that such solicitation is for the sale of merchandise from a location or business already licensed. All other solicitors doing business within the city are nonexempt and shall comply with the foregoing licensing provisions.
- B. Home Occupation Provisions Apply: Solicitors who reside in and do business in the city from their homes are exempted from the provisions of this chapter, but shall be licensed and regulated under the applicable provisions of the city zoning ordinance relating to home occupations.
- C. Exempt Purposes: Persons engaged in soliciting for bona fide charitable organizations, religious organizations, or those campaigning for elected public offices who reside in the city are exempted from the provisions of this chapter. (Ord. 10-04: Ord. 10-03: Ord. 91-07)

5.20.080: VIOLATION; PENALTY:

Any person violating any provision of this chapter is guilty of a class C misdemeanor and upon conviction shall be punished as is prescribed by law. (Ord. 10-04)