

PART

9-450. SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS.

9-451. LICENSE REQUIRED. It shall be unlawful for:

- A. 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 part.
- B. Any person to engage in the business of peddler without first obtaining a permit and license therefor as provided in this part.
- C. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefor in compliance with the provisions of this part.

9-452. DEFINITIONS.

- A. "Transient merchant," "itinerant merchant" or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, co-signee 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.
- B. "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".
- C. "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 delivery, 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.

9-453. APPLICATION FOR LICENSE.

- A. Applicants for permits and licenses under this part, 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 recorder/clerk which shall give the following information:
1. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.
 2. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.
 3. 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.
 4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.
 5. The length of time for which the applicant desires to engage in business within the municipality.
 6. The place or places within the municipality where the applicant proposes to carry on his or her business.
 7. A list of the other municipalities in which the applicant has engaged in business within the six month period preceding the date of the application.
 8. A photograph of the applicant, taken within six months immediately prior to the date of filing the application, which photograph shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
 9. A statement as to whether or not the applicant, or any of his employers 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.
 10. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician of the state of Utah, dated not more than ten

days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.

11. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.
- B. At the time of filing the application, a fee of \$ 5.00, which shall be deposited with the recorder/clerk, is required.

9-454. INVESTIGATION AND ISSURANCE OF LICENSE.

- A. On receiving the application, the recorder/clerk shall refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems 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 chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the recorder/clerk who shall notify the applicant that his 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 chief of police shall endorse such upon the application and return it to the recorder/clerk who shall upon payment of the prescribed license fee deliver to the applicant his permit and 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.

9-455. FEES.

- A. the license fee which shall be charged by the recorder/clerk for any license issued pursuant to this part shall be \$ 5.00 per day, \$ 10.00 per week, \$ 20.00 per month, or \$ 50.00 per year.
- B. None of the license fees provided for by this part shall be applied so as to engage 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 will not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six months after paying the prescribed license fee.

9-456. LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL.

- A. A recorder/clerk 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. 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. Any person licensed pursuant to this part shall exhibit their license at the request of any citizen of the municipality.
- C. 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.
- D. 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:
 - 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 or canvasser.
 - c. Any violation of this part.
 - d. Conviction of any crime or misdemeanor involving moral turpitude.
 - e. 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 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 Chapter 1-400.

- E. Any person aggrieved by the action of the chief of police or the recorder/clerk in the denial of a permit of 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 the 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 proved in section D.
- F. All licenses issued pursuant to this part shall expire on the date specified on the license.

9-457. ADDITIONAL REQUIREMENTS. This part shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.

9-458. EXCEPTIONS. The provisions of this part shall not apply to any individual who is at the time he is engaged in any activity which would otherwise require licensing by this part, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the state of Utah, provided such church or charity has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this part.