

CHAPTER 6-10 RESIDENTIAL SOLICITATIONS

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6-10-010 **Definitions.**

For the purposes of this Chapter the following definitions shall apply:

- (a) “City” means Woods Cross City
- (b) “Door to Door Solicitation” means the practice of engaging in or attempting to engage in conversation with any person at a Residence within the City while making or seeking to make or facilitate a Home Solicitation Sale or attempting to further the sale of Goods or Services.
- (c) “Goods” means one or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.
- (d) “Home Solicitation Sale” to make or attempt to make a sale of Goods or Services by a Solicitor at a Residence within the City by means of Door to Door Solicitation, regardless of
 - (i) the means of payment or consideration used for the purchase;
 - (ii) the time of delivery of the goods of services; or
 - (iii) the previous or present classification of the Solicitor as a Solicitor, peddler, hawker, itinerant merchant or other similar designation
- (e) “No Solicitation Sign” means a reasonably visible and legible sign that states “No Soliciting”, “No Solicitors”, “No Salespersons”, “No Trespassing”, or words of similar import.
- (f) “Residence” means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street or public rights of way.
- (g) “Services” means those intangible goods or personal benefits offered, provided or sold to a person at a Residence.
- (h) “Soliciting”, “Solicit”, or “Solicitation” means any of the following activities:
 - (i) seeking to obtain sales or orders for the exchange of Goods or Services regardless of whether advance payment is sought;

- (ii) seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications or publications;
 - (iii) seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
 - (iv) seeking to obtain orders or prospective customers for Goods or Services; or
 - (v) other activities falling within the commonly accepted definition of Soliciting such as hocking or peddling.
- (i) "Solicitor" or "Solicitors" means a person(s) engaged in Door to Door Solicitation.

6-10-020 Exemptions from Chapter.

Except as otherwise governed by applicable state law, the following are exempt from the requirements of this Chapter:

- (a) Persons specifically invited to a Residence by an occupant thereof prior to the time of the person's arrival at the Residence.
- (b) Persons delivering Goods to a Residence pursuant to a previously made order, or persons providing Services at a Residence pursuant to a previously made request by an occupant of the Residence.
- (c) 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.
- (d) Persons representing charitable organizations. This charitable exemption shall also apply to students Soliciting contributions to finance extra-circular social, athletic, artistic, scientific or cultural 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 school for which they are Soliciting.

6-10-030 Home Solicitation Sale Requirements.

The provisions of Title 70C-5-101 through 70C-5-105 of the Utah Code Annotated, as amended, are hereby adopted and by this reference made a part of the Woods Cross Municipal Code requirements for Home Solicitation Sales.

6-10-040 "No Solicitation" Notice.

- (a) Any occupant of a Residence may give notice of a desire to refuse Solicitors by displaying a "No Solicitation" sign 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.
- (b) 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.

(c) It shall be the responsibility of the Solicitor to check each Residence for the presence of any such notice.

6-10-050 Duties of Solicitors.

(a) Every person Soliciting shall check each Residence for any “No Soliciting” sign or placard or any other notice or sign notifying a Solicitor not to Solicit on the premises, such as, but not limited to, No Solicitation signs. If such a sign or placard is posted, such Solicitor shall desist from any efforts to Solicit at the Residence or dwelling and shall immediately depart from such property. Possession of a business license does not in any way relieve any Solicitor of this duty.

(b) It is a violation of this Chapter for any person Soliciting to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention the occupant of a Residence that bears a “No Solicitation” sign or similar sign or placard for the purpose of engaging in or attempting to engage in a Home Solicitation Sale or Door to Door Solicitation.

(c) It is a violation of this Chapter 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 a dwelling to leave shall immediately and peacefully depart the premises.

(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 that person’s explicit consent.

(g) The Solicitor shall not continue repeat Soliciting after a person has communicated clearly and unequivocally their lack of interest the subject, Goods or Services of the Solicitor.

(h) The Solicitor shall not use obscene language or gestures.

6-10-060 Time of Day Restrictions.

It shall be unlawful for any person to Solicit at a Residence before 9:00 a.m. or after 8:00 p.m. Mountain Time, unless the solicitor has obtained express prior permission from the occupant of the Residence to do so.

6-10-070 Penalties.

Any person who violates any term or provision of this Chapter shall be guilty of a class B misdemeanor and shall be punishable of a fine of not to exceed \$1,000 and/or a jail sentence of not to exceed six (6) months.