

**DUTIES OF SOLICITORS**  
See North Ogden City Code 4-4-18

**Please initial each item:**

1. \_\_\_\_\_ Every person soliciting or advocating 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 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 Certificate of Registration does not in any way relieve any solicitor of this duty.
2. \_\_\_\_\_ It is unlawful for any person soliciting or advocating 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 or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door-to-door soliciting, or soliciting.
3. \_\_\_\_\_ It is unlawful for any solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit or to take action calculated to secure an audience with an occupant at a residence.
4. \_\_\_\_\_ Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
5. \_\_\_\_\_ The solicitor shall not intentionally or recklessly make any physical contact with or touch another person without the person’s consent.
6. \_\_\_\_\_ The solicitor shall not follow a person into a residence without their explicit consent.
7. \_\_\_\_\_ The solicitor shall not continue repeated soliciting after a person and/or individual has communicated clearly and unequivocally their lack of interest in the subject, goods, or services of the solicitor.
8. \_\_\_\_\_ The solicitor shall not use obscene language or gestures.

**TIME OF DAY RESTRICTIONS**

See North Ogden City Code 4-4-19: \*Due to COVID-19 these hours have been reduced.

It shall be unlawful for any person to solicit at a residence **\*before 10am or after 7pm, Mountain Time**, unless the solicitor has express prior permission from the resident to do so.

## **WRITTEN DISCLOSURES**

See North Ogden City Code 4-4-8

1. The Applicant's submission of the Application authorizes the City to verify information submitted with the completed Application including:
  - a. The Applicant's address;
  - b. The Applicant's and/or Responsible Person or Entity's State Tax Identification and special use tax numbers, if any;
  - c. The validity of the Applicant's Proof of Identity.
2. The City may consult any publicly available sources for information on the Applicant, including but not limited to, databases for any outstanding warrants, protective orders, or civil judgements.
3. Establishing Proof of Identity is required before Registration is allowed:
4. Identification of the fee amount that must be submitted by Applicant with a Completed Application;
5. The applicant must submit a BCI background check (must be an original & dated within the last six months) as defined in 4-4-3:6 with a Completed Application;
6. To the extent permitted by State and/or Federal law, the Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;
7. The City will maintain copies of the Applicant's Application Form, Proof of identity, and identification Badge. These copies will become public records available for inspection on demand at the City offices whether or not a Certificate is denied, granted, or renewed.
8. The criteria for disqualifying status, denial or suspension of a Certificate under the provision of the Chapter (see pages 2 & 3);
9. A request for a temporary Certificate will be granted or denied the same business day that a Completed Application is submitted.

## **CERTIFICATION PROCESS**

See North Ogden City Code 4-4-10

1. Annual Certificate: With a completed application which includes: 1) application & verified I.D.; 2) two passport photos; 3) original BCI background check (dated within the last six months; 4) initialed copy of solicitors duties; the city shall:
  - a. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to, those disclosed with the application form.
  - b. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:
    1. Will be issued an annual certificate, eligible for renewal one year from the date of issuance of the temporary certificate; or
    2. Will not be issued an annual certificate for reasons cited in CCNO 4-4-14.
2. Renewal Certificate: An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at twelve o'clock (12:00) midnight on the anniversary date of issuance.

## **DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATE OF REGISTRATION**

See North Ogden City Code 4-4-14

1. Denial: Upon review, the licensing officer shall refuse to issue a certificate to an applicant for any of the following reasons:
  - a. Denial Of Temporary Certificate:
    1. The application form is not complete;

2. The applicant fails to: 1) establish proof of identity, 2) provide a BCI [must be original dated within the last six months], or 3) pay the fees;
  3. The completed application or BCI indicates that the applicant has a disqualifying status; or
  4. The applicant has previously been denied a certificate by the city or has had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.
- b. Denial Of Annual Certificate:
1. The information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;
  2. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
  3. Failure to complete payment of the fees;
  4. Since the submission of the application, the city has received a substantiated report regarding the past or present conduct of the applicant;
  5. Since the submission of the application, the city or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or
  6. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that: 1) the applicant had either engaged in fraud, or intentional misrepresentation, or 2) a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19).
- c. Denial Of Annual Certificate Renewal:
1. The information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect;
  2. Since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
  3. Failure to complete payment of the fees;
  4. Since the submission of the application or granting of a certificate, the city has received a substantiated report regarding the past or present conduct of the solicitor;
  5. The city or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or
  6. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that: 1) the applicant had either engaged in fraud, or intentional misrepresentation, or 2) a debt of the applicant was nondischargeable in bankruptcy pursuant to 11 USC section 523(a)(2), (a)(4), (a)(6), or (a)(19).
2. Suspension Or Revocation: The city shall either suspend or revoke a certificate when any of the reasons warranting the denial of a certificate occurs.
  3. Notice Of Denial Or Suspension: Upon determination of the licensing officer to deny an applicant's completed application or to suspend a registered solicitor's certificate, the city shall cause written notice to be sent to the applicant or registered solicitor by the method indicated in the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the city relied on to make the decision, the availability of the documentation for review by applicant upon one business day's notice to the city, and the date upon which the denial or suspension of the certificate shall take effect. It shall further state that the applicant or registered solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in CCNO 4-4-2, in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.