

APPLICATION TO SOLICIT OR CANVASS

NAME OF APPLICANT

DATE OF BIRTH / / SSN

PERMANENT HOME ADDRESS

LOCAL ADDRESS

(Street)

(City)

(State)

(Zip Code)

(Street)

(City)

(State)

(Zip Code)

A BRIEF DESCRIPTION OF THE NATURE OF THE BUSINESS AND THE GOODS TO BE SOLD OR SERVICE TO BE RENDERED:

NAME OF EMPLOYER (IF EMPLOYED)

ADDRESS OF EMPLOYER

HOURS OF SOLICITATION

DATES OF SOLICITATION

THE PLACE WHERE THE GOODS OR PROPERTY PROPOSED TO BE SOLD OR ORDERS TAKEN FOR THE SALE THEREOF ARE MANUFACTURED OR PRODUCED, WHERE SUCH GOODS OR PRODUCTS ARE LOCATED AT THE TIME SAID APPLICATION IS FILED, AND THE PROPOSED METHOD OF DELIVERY:

**2" X 2" PHOTO TAKEN
WITHIN THE 60 DAYS PRIOR TO
DATE OF FILING SHOWING THE
HEAD AND SHOULDERS OF THE
APPLICANT IN A CLEAR,
DISTINGUISHING MANNER.**

NAMES OF AT LEAST 2 RELIABLE PROPERTY OWNERS OF THE COUNTY WHO WILL CERTIFY AS TO THE APPLICANT'S GOOD CHARACTER AND BUSINESS RESPONSIBILITY OR, IN LIEU THEREOF, SUCH OTHER BUSINESS RESPONSIBILITY OF THE APPLICANT AS WILL ENABLE THE INVESTIGATOR TO PROPERLY EVALUATE SUCH CHARACTER AND BUSINESS RESPONSIBILITY. (See Attachment I)

ATTACHMENT I

I certify that I have known _____ for _____ years and is of good character and business responsibility.

Name

Date

I HEREBY CERTIFY that on this day _____, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ who is personally know to me or has produced _____ as identification and who did (did not) take an oath.

NOTARY PUBLIC

Printed Name

AFFIDAVIT

I certify I have not (have)** been convicted of any crime, misdemeanor, or violation of any municipal ordinance.

Name

Date

I HEREBY CERTIFY that on this day _____, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ who is personally known to me or has produced _____ as identification and who did (did not) take and oath.

NOTARY PUBLIC

Printed Name

****List nature of conviction of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.**

AFFIDAVIT

I certify I have not (have)** been convicted of any crime, misdemeanor, or violation of any municipal ordinance.

Name

Date

I HEREBY CERTIFY that on this day _____, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ who is personally known to me or has produced _____ as identification and who did (did not) take and oath.

NOTARY PUBLIC

Printed Name

**List nature of conviction of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

NO LICENSE SHALL BE TRANSFERRED.

HOURS OF SOLICITATION OR CANVASSING IN THE CITY IS LIMITED TO THE HOURS OF 9:00 A.M. TO SUNSET.

I CERTIFY THAT IF A LICENSE IS GRANTED IT WILL NOT BE USED OR REPRESENTED IN ANY WAY AS AN ENDORSEMENT BY THE CITY OR BY ANY DEPARTMENT, OFFICER, OR EMPLOYEE OF THE CITY OF WILTON MANORS.

I FURTHER CERTIFY THAT I AM PROPERLY AUTHORIZED TO APPLY FOR THE GROUP, ORGANIZATION OR PERSON AND ALL OF THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT.

NAME

DATE

I HEREBY CERTIFY that on this day _____, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

_____ who is personally known to me or has produced _____ as identification and who did (did not) take and oath.

NOTARY PUBLIC

PRINTED NAME

SEC. 10-142. Surety Bond.

Every applicant for a license under this Chapter shall file with the City dra surety bond, running to the City in the amount of one thousand and xx/100 dollars (\$1,000), conditioned that the applicant shall comply fully with all the provisions of this Code and other ordinances of this City and state law regulating and concerning the business of solicitor

Received from (Bond Company): _____

For (Applicant): _____

Amount of Bond: _____

Received by: _____

Date: _____

ARTICLE VI. SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT VENDORS*

***Editor's note:** Section 1 of Ord. No. 762, adopted April 8, 1997, repealed Art. VI, §§ 10-137--10-145, in its entirety. Formerly said sections pertained to peddlers, solicitors and itinerant vendors and derived from §§ 21-1-21-6 of the 1964 Code; and Ord. No. 712, § 4, adopted August 24, 1993. Section 2 of Ord. No. 762 added a new Art. VI, §§ 10-137--10-149, to read as herein set out.

Cross references: Sales near schools and parks restricted, § 12-4.

Sec. 10-137. Definitions.

For the purposes of this article, the term "solicitor" or "canvasser" means any person who attempts to solicit orders for the sale of goods, wares or merchandise, whether the sale is consummated in the city or to be consummated when approved by some other person elsewhere, or who bargains to sell any goods, wares or merchandise for cash or otherwise, by sample or by any other manner, personal property of any nature whatsoever, or for services to be furnished or performed, for present or future delivery, traveling by foot, wagon, automobile, motor truck, or any type of conveyance, from place to place, from house to house, or from street to street, including any person collecting or soliciting contributions or donations, cash, services, signatures, or otherwise, including any person who aids, abets, or otherwise authorizes and instructs another, on their behalf, to solicit or canvass to any charitable, nonprofit, or other eleemosynary organization; provided that the provisions of this article should not be applicable to any person who enters the residence or business of any resident of the city at the express prior request or invitation of such resident.

(Ord. No. 762, § 2, 4-8-97)

Sec. 10-138. License--Required.

It shall be unlawful for any solicitor or canvasser to engage in such business or collection within the corporate limits without first obtaining a license therefor in compliance with the provisions of this article.

(Ord. No. 762, § 2, 4-8-97)

Sec. 10-139. Same--Application.

(a) Applicants for a license under this article shall file with the office of local business tax receipts a sworn application in writing, in duplicate, provided by the office of local business tax receipts, which shall provide the following information:

- (1) The name of the applicant, date of birth, and social security number;
- (2) Permanent home address and full local address of the applicant;
- (3) A brief description of the nature of the business and the goods to be sold or service to be rendered;
- (4) If employed, the name and address of the employer, together with the credentials establishing the exact relationship;
- (5) The length of time and the time of day for which the right to do business is desired;
- (6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery;
- (7) A photograph of the applicant, taken within sixty (60) days prior to the date of filing the application, which picture shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear, distinguishing manner;
- (8) The names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business responsibility or, in lieu thereof, such other available evidence as to the good character and business responsibility of the applicant as will enable the investigator to properly evaluate such character and business responsibility;

- (9) A sworn statement as to whether or not the applicant has 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) A statement to the effect that if a license is granted it will not be used or represented in any way as an endorsement by the city or by any department, officer, or employee thereof;
- (11) The application must be signed by a person properly authorized to bind the person, group or organization applying for a license. The person applying must also sign a sworn statement that he has carefully read and completed the application and all of the information contained therein is true and correct;
- (12) If the applicant is associated with a charitable, nonprofit, or other eleemosynary organization, a brief description of the nature and purpose of such organization and the address of the main office of such organization.

(b) The applicant shall be fingerprinted by the city police department at the time designated by the police department for fingerprinting of the general public. Each applicant will be required to pay the applicable fee to the police department for fingerprinting.

(Ord. No. 762, § 2, 4-8-97; Ord. No. 914, § 2, 2-13-07)

Sec. 10-140. Same--Investigation of applicant; approval or disapproval of application; issuance; content; records.

(a) An applicant for a license under this article may be subject to investigation.

(b) If, as a result of an investigation, the applicant's character or business responsibility is found to be unsatisfactory, it shall be endorsed on such application with the disapproval and reasons for the same and the application shall be returned to the applicant, indicating that the application has been disapproved and that no license will be issued. For the purposes of this section, the applicant's character and business responsibility shall be deemed to be unsatisfactory for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) One (1) or more judgements outstanding from a court of any jurisdiction;
- (3) That the applicant has been found guilty within the past three (3) years of a felony, misdemeanor, or a violation of any municipal ordinance or governing authority involving moral turpitude or adversely affecting the applicant's character or business responsibilities;
- (4) That the applicant or the application does not comply with any of the requirements of this article.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the office of local business tax receipts shall endorse on the application the approval and execute a license, addressed to the applicant, for the carrying on of business applied for and, upon payment of the prescribed license fee by the applicant, deliver such license to the applicant. Such license shall contain the signature and seal of the office of local business tax receipts and shall show the name, address and photograph of the licensee, the kind of goods to be sold under such license, the amount of fee, the date of issuance, and length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The office of local business tax receipts shall maintain a file of all applications and licenses after such license has been issued.

(Ord. No. 762, § 2, 4-8-97; Ord. No. 914, § 2, 2-13-07)

Sec. 10-141. Same--Fee.

The license fee which shall be charged by the city for the license required by this article shall be set by resolution of the city commission, as may be amended from time to time.

(Ord. No. 762, § 2, 4-8-97; Ord. No. 848, 10-14-03)

Sec. 10-142. Surety bond.

Every applicant for a license under this article shall file with the city a surety bond, running to the city in the amount of one thousand dollars (\$1,000.00), conditioned that the applicant shall comply fully with all the

provisions of this Code and other ordinances of the city and state law regulating and concerning the business of solicitor.

(Ord. No. 762, § 2, 4-8-97)

Sec. 10-143. Carrying, exhibiting license.

(a) The license shall contain the words, "Licensed Solicitor," the period for which the license is issued, and the number of the license, in letters and figures easily discernible from a distance of ten (10) feet. Such license shall, during the time such licensee is engaged in soliciting, be worn constantly by the licensee on the front of his outer garment in such a way as to be conspicuous from a distance of ten (10) feet.

(b) Any person using the license of another shall be in violation of this article and shall be punished pursuant to section 10-148. No license shall be transferred.

(Ord. No. 762, § 2, 4-8-97)

Sec. 10-144. Authorized hours of solicitation or canvassing.

(a) The city desires to exercise its police power to establish reasonable hours of solicitation or canvassing for the purposes contained in this article. Furthermore, the residents of the city desire the quiet enjoyment of their private homes; and in this time of increased crime in South Florida there is a basis for a concern or apprehension of strangers going door-to-door, especially after sunset.

(b) Licensed solicitation or canvassing in the city is limited to the hours of 9:00 a.m. to sunset.

(Ord. No. 762, § 2, 4-8-97)

Sec. 10-145. Revocation of license.

(a) Licenses issued under the provisions of this article may be revoked by the supervisor of local business tax receipts after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensee's business as solicitor or canvasser;
- (3) Conviction of any felony, misdemeanor, or violation of any provision of this Code or other municipal ordinance involving moral turpitude or adversely affecting the applicant's character or business responsibility;
- (4) If the licensee has one (1) or more judgments outstanding from a court of any jurisdiction;
- (5) If the licensee is conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public;
- (6) Any violation of this article.

(b) Upon revocation, the office of local business tax receipts shall give notice of the termination in writing, setting forth the reasons for the revocation. Such notice shall be sent by U.S. mail to the licensee at his last known address, as reflected in the application for license.

(Ord. No. 762, § 2, 4-8-97; Ord. No. 914, § 2, 2-13-07)

Sec. 10-146. Appeals.

Any person aggrieved by the action of the office of local business tax receipts in denying the issuance of a license or revoking a license under this article shall have the right to appeal to the city manager or his designee. Such appeal shall be taken by filing with the city manager or his designee, within twenty (20) days after notice of the action complained of has been mailed to such person's address as aforesaid, a written statement setting forth fully the grounds for the appeal. The city manager or his designee shall set a time and place to hear the individual or group. The decision and order of the city manager or his designee shall be final and conclusive.

(Ord. No. 762, § 2, 4-8-97; Ord. No. 914, § 2, 2-13-07)

Sec. 10-147. Exemptions for eleemosynary organizations.

(a) The city commission shall have the right to waive the requirements of this article, for good cause shown, for any charitable, nonprofit, or other eleemosynary organization seeking to solicit contributions or donations, cash or otherwise.

(b) If the city commission waives the requirements of this article, the charitable, nonprofit, or other eleemosynary organization may be subject to a thirty-dollar-per-year administrative fee for the processing of applications and related expenses.

(Ord. No. 762, § 2, 4-8-97; Ord. No. 848, 10-14-03)

Sec. 10-148. Civil penalties.

The following schedule of civil penalties applies to this section:

- (1) First offense, one hundred fifty dollars (\$150.00);
- (2) Second offense, two hundred dollars (\$200.00);
- (3) Third offense, two hundred fifty dollars (\$250.00); and
- (4) Fourth offense, five hundred dollars (\$500.00) and/or imprisonment for not more than sixty (60) days.

(Ord. No. 762, § 2, 4-8-97)

Sec. 10-149. Loud noises; use of streets.

Solicitors and canvassers shall be subject to the following special provisions:

- (1) No solicitor or canvasser, or any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks, or other public places of the city, or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.
- (2) No solicitor or canvasser shall have exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where his operation might impede or inconvenience the public.

(Ord. No. 762, § 2, 4-8-97)