

CHAPTER 3

PEDDLERS, INTINERANT MERCHANTS

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2-3-1: DEFINITIONS

For the purpose of this Chapter a “transient merchant,” “itinerant merchant,” or “itinerant vendor” is defined as any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car or boat, public room in hotels, lodging houses, apartments, shops or any place within the city, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this Chapter 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. This definition shall not include any non-profit or public organization as determined by the State of Idaho.

2-3-2: LICENSE REQUIRED, TERM

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor to engage in such business within the City without first obtaining a license therefore in compliance with the provisions of this Chapter, and all such licenses issued under the provisions hereof shall expire ninety (90) days after the date of issuance thereof unless a prior expiration date is fixed therein.

2-3-3: LICENSE FEE

Licensee under this Chapter shall pay a fee as set by resolution on an annual basis.

2-3-4: APPLICATION OF LICENSE

Applicants for a license under this Chapter, whether a person, firm, or corporation, shall file a written sworn application signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the City Clerk showing:

- A. The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City,

- B. The local address of such person while engaged in such business,
- C. The permanent address of such person,
- D. The capacity in which such person will act (that is, whether as proprietor, agent, or otherwise),
- E. The name and address of the person for whose account the business will be carried on, if any,
- F. If a corporation, under the laws of the state the same is incorporated,
- G. The place in the City where it is proposed to carry on the applicant's business,
- H. The length of time during which it is proposed that said business shall be conducted,
- I. A statement of the nature, character, and quality of the goods, wares, or merchandise to be sold or offered for sale by the applicant in the City.
- J. Credentials from the person for whom the applicant proposed to do business, authorizing the applicant to act as such representative.
- K. And such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the City Clerk may deem proper to fulfill the purpose of this Chapter in the protection of the public good.

2-3-5: EXHIBITION OF LICENSE

The license issued under this Chapter shall be posted conspicuously in the place of business named therein. In the event that such person applying for said license shall desire to do business in more than one place within the City, separate licenses shall be issued for each place of business, and shall be posted conspicuously in each place of business.

2-3-6: LICENSE TRANSFER

No City license may be transferred to another person, unless the transferee first shall have obtained approval of the transfer from the required State and County authorities and from the City Council upon application containing substantially the same information required by Section 4 of this Chapter. If the transferee possesses all of the qualifications and none of the disqualifications for the license, the City Council shall approve the transfer and the City Clerk shall re-issue the license in the name of the transferee. The fee payable to the City for such transfer shall be fifty dollars (\$50).

2-3-7: LOUD NOISES AND SPEAKING DEVICES

No licensee under this Chapter, nor anyone in his behalf shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks, or other public places or upon any private premises in the City where sound of sufficient volume is emitted or produced therefore capable of being plainly heard upon the streets, avenues, alleys, or parks or other public places for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposed to sell.

2-3-8: UNINVITED PEDDLERS DECLARED NUISANCE

The practice of going in and upon private or public property in the City by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of said private or public property for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is declared to be a nuisance and punishable as such nuisance as a misdemeanor. Any property posting a sign restricting peddlers shall constitute a withdrawal of permission or invitation.

2-3-9: REVOCATION OF LICENSE

- A. The permits and licenses issued pursuant to this Chapter may be revoked by the council, after notice and hearing, for any of the following causes:
 - 1. Any fraud, misrepresentation or false statement contained in the application for license.
 - 2. Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or merchandise.
 - 3. Any violation of this Chapter.
 - 4. Conducting the business licensed under this Chapter in an unlawful manner or in such a 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. Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. (Ord. 2003-2; Ord. 2008-2)