

POTLATCH CITY ORDINANCE No. 506

AN ORDINANCE OF THE CITY OF POTLATCH, LATAH COUNTY, IDAHO PROVIDING FOR THE AMENDMENT OF, TITLE 2, CHAPTER 4, OF THE POTLATCH MUNICIPAL CODE RELATING TO PEDDLERS, AND SUBSTITUTING NEW LANGUAGE RELATING TO THE DOOR-TO-DOOR SOLICITATION; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND THE REPEAL OF SECTIONS 2-4-1 THROUGH AND INCLUDING 2-4-3, OF THE CURRENT POTLATCH MUNICIPAL CODE; INCLUDING MISDEMEANOR PENALTIES FOR VIOLATION OF THE NEW TITLE 2, CHAPTER 4; PROVIDING FOR THE ORDINANCE BECOMING EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF POTLATCH, LATAH COUNTY, IDAHO, AS FOLLOWS:

Section 1: The entirety of Title 2, Chapter 4, Section 1-3, of the Potlatch Municipal Code relating to peddlers is hereby repealed. In place thereof in new language to be codified as Sections 2-4-1 through and including 2-4-15 as set forth below.

Section Potlatch: The new Title 2, Chapter 4, shall read as follows;

Chapter 4

SECTION

- 2-4-1 Title
- 2-4-2 Effect of Regulations
- 2-4-3 Definitions
- 2-4-4 Exceptions
- 2-4-5 License Required
- 2-4-6 Application
- 2-4-7 Investigation and Issuance
- 2-4-8 Fees
- 2-4-9 Term
- 2-4-10 Suspension and Revocation of License
- 2-4-11 Right of Appeal
- 2-4-12 Hours
- 2-4-13 Nuisance Prohibited
- 2-4-14 Registry of Residences Prohibiting Solicitors
- 2-4-15 Written orders required

2-4-1 TITLE:

- A. This chapter shall be known as, and may be cited as “Door-to-Door Solicitation.”

2-4-2 EFFECT OF REGULATIONS:

- A. It shall be unlawful for any person to do any act forbidden or fail to perform any act required herein.
- B. Any violation of this chapter shall constitute a misdemeanor and be punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding three hundred dollars (\$300.00) or by both.

2-4-3 DEFINITIONS:

For the purpose of this chapter

- A. COMPANY means any and all persons, firms, associations, partnerships or corporations, and all employees of such persons, firms, associations, partnerships or corporations, engaged in the business of selling product or services, but

excluding companies as may be exempt from compliance with this chapter by applicable state or federal law.

- B. DOOR-TO-DOOR SOLICITATION means any unsolicited contact by any company with any person at a residence or dwelling in the City of Potlatch for the purpose of selling any product or service or soliciting orders for any product or service.

2-4-4 EXCEPTIONS:

The provisions of this chapter shall not apply to;

- a. Any sales under court order;
- b. Solicitors who sell to local retailers, local business, local governments, local schools, or local wholesale firms;
- c. Sale of newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- d. The occasional sale of admission or goods by local students for a function of their school or fundraising sales by local youth groups, service clubs or groups such as Elks, Lions, Boy or Girl Scouts;
- e. Any political group seeking funds or membership.

2-4-5 LICENSE REQUIRED:

It is unlawful for any company to solicit door-to-door as defined in the chapter without first having obtained a license from the City of Potlatch. Only one license per company shall be required for all bona fide employees of such company.

2-4-6 APPLICATION:

Companies applying for a license under this chapter must file with the city clerk a sworn application in writing (in duplicate) on a form to be furnished by the city clerk, which shall give the following information

- A. Name and description of the applicant and all employees who will be participating in the door-to-door solicitation;
- B. Permanent home address and full local address of the applicant and all employees who will be participating in the door-to-door solicitation;
- C. A brief description of the nature of the business and the goods or services to be sold or provided;
- D. If applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship;
- E. The length of time for which the right to do business is desired;
- F. If vehicles are to be used, a description of the same, together with license number or other means of identification;
- G. The names of at least two (Potlatch) reliable property owners of the county of Latah, Idaho who will certify as to the applicant's good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- H. A statement as to whether or not the applicant or any employees have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty therefore;

The Latah County Sheriff's Office may require such additional reasonable information as to the identity or character of the applicant applying for the license, or employees, or the method or plan of doing such business as the Latah County Sheriff's Office may deem proper to fulfill the purpose of the public good and to enable the Latah County Sheriff's Office to make an adequate investigation.

2-4-7 INVESTIGATION AND ISSUANCE:

- A. Upon receipt of such application the original shall be referred to the Latah County Sheriff's Office, who shall cause such investigation of the applicant's and employees business and moral character to be made as deemed necessary for the protection of the public good.
- B. If as a result of such investigation the applicant's or employee's character or business responsibility is found to be unsatisfactory, the Latah County Sheriff's Office shall endorse on such application its disapproval and the reasons for the same, and return the application to the city clerk, who shall notify the applicant the application is 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 and employees are found to be satisfactory, the Latah County Sheriff's Office shall endorse on the application its approval and return the application to the city clerk, who shall issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the kind of goods to be sold there under, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicles, used. The clerk shall keep a permanent record of all licenses issued.

2-4-8 FEES

The fees for a solicitation license are established at \$75.00 (Seventy Five Dollars) per day or \$300.00 (Three Hundred Dollars) per year. This fee will be adjusted periodically as required by council resolution.

2-4-9 TERM:

All licenses issued shall be valid for a period of one day or one (1) year from the date of issuance unless revoked by the Latah County Sheriff's Office.

2-4-10 SUSPENSION AND REVOCATION OF LICENSE:

The city clerk may suspend and, after notice and hearing, revoke a license issued pursuant to the provisions of this chapter 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 the door-to-door solicitation;
3. Any violation of this chapter;
4. The applicant or holder of such license, or any employees of the applicant or holder of such license, has been convicted within the five (5) years immediately prior to the submission of the application, of any felony, or of any violation of Federal, State or local law relating to sex offenses; the possession, use, sale or transfer of illegal drugs or controlled substances; the unlawful sale of alcoholic beverages; or of any crime involving moral turpitude;
5. The applicant or holder of such license, or any employee of the applicant or holder of such license, has forfeited a bond or otherwise failed to appear in court for any of the above described criminal offenses charged in any jurisdiction with the United States; or
6. Conducting business 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, morals or general welfare of the community.

Notice of suspension and of the hearing for revocation of the license shall be given in writing, setting forth specifically the reason for the suspension and the time and place of the hearing. Such notice shall be personally delivered, or mailed, postage prepaid, to the licensee at least five (5) days prior to the date set for hearing.

2-4-11 RIGHT OF APPEAL:

Any applicant who has duly made application for a license under the provisions of this chapter and has been denied such license, or any company holding a license which has been revoked under the provisions of this chapter, may file a written petition with the city clerk, demanding a hearing before the City Council for the purpose of contesting such denial or revocation and setting forth fully the grounds for the appeal. In the event such petition is filed, the City Council shall set a date for a hearing, which shall be within thirty (30) days of the filing date of the petition, of which all interested parties shall be notified. All evidence bearing on the questions of whether such denial or revocation is proper under the provisions of the chapter may be received at that hearing, If the city council shall determine upon such hearing that such denial or revocation is not proper under the provisions of this chapter, they shall so notify the city clerk who shall cause the license to be issued or reinstated forthwith. If the City Council determines upon such hearing that such license should be denied or revoked under the provisions of the chapter, they shall issue such order in writing.

2-4-12 HOURS:

Door-to-door solicitation shall only be allowed between the hours of nine o'clock (9:00) A.M. and sunset each day

2-4-13 NUISANCE PROHIBITED:

No company, licensed or not, shall solicit business at any home or business when such location has clearly posted any sign indicating that solicitation or peddling is prohibited.

2-4-14 REGISTRY OF RESIDENCES PROHIBITING SOLICITORS:

A Central registry is hereby established whereby a resident of the City may docket their physical address as notice that no solicitor may lawfully enter into said premises. Said registry will be kept by the city clerk, and open to the general public during normal business hours.

2-4-15 WRITTEN ORDERS REQUIRED:

All orders taken by solicitors shall be in writing, in duplicate, stating the terms thereof, and the amount paid in advance, and one copy shall be given to the purchaser at the time of the taking of the order. The buyer shall have the right to cancel the door-to-door within (3) three business days.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: This ordinance shall be effective upon its passage, approval and publication in the Moscow-Pullman Daily News.

Section 5: This ordinance passed under the suspension of the rule requiring three readings on separate days at the regular meeting of the City Council held this 25th day of September, 2017.

David L. Brown, Mayor

ATTEST:

Shelly M. Hammons, City Clerk-Treasurer