

IN THE MATTER OF LICENSING)
OF PEDDLERS AND SOLICITORS)

ORDINANCE NO. 110-78

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BONNEVILLE COUNTY, IDAHO

Whereas, the Board of County Commissioners desires to license peddlers and solicitors:

SECTION 1.0 PEDDLER DEFINED

1.1 Within the meaning of this ordinance a peddler is defined as one who goes from place to place and/or from house to house, within the County of Bonneville, carrying for sale and/or exposing to sale goods, wares and/or merchandise which he carries, whether traveling by foot or other method. The definition of peddler shall include persons who sell and/or offer to sell, goods, wares and/or merchandise on or alongside any public street, highway or alley, if such person is not on privately owned land with the consent of the owner.

1.2 Exempt from the above definition of peddlers are persons selling newspapers or religious tracts and persons representing charitable organizations.

SECTION 2.0 SOLICITORS DEFINED

2.1 A solicitor within the meaning of this ordinance is defined to be any person who goes from house to house, and/or from place to place within the County of Bonneville, taking orders for and/or offering to take orders for goods, wares or merchandise, or any article for future delivery, or for services to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery.

SECTION 3.0 LICENSE REQUIRED

3.1 It shall be unlawful for any person to act as a peddler or solicitor within the meaning and application of this ordinance, without first securing a license from the Clerk of the County.

SECTION 4.0 APPLICATION: BOND:

4.1 Any person desiring a license to engage as a peddler or solicitor within the County, shall make application therefor to the Clerk on forms to be provided, stating the name and address of the applicant, the name and address of the firm which he represents, and the kind of goods offered for sale, or the kinds of services to be performed. The application shall contain a

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 Bonneville County or by any department or officer thereof. Such application shall be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.00) executed by a surety company or by two (2) responsible Freeholders residing within Bonneville County, or in lieu thereof, a cash bond or equal amount, conditioned upon the making of final delivery of the goods ordered or services to be performed, in accordance with the terms of such order, or failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of such peddlers or solicitors shall have a right of action on the bond for the recovery of money or damages or both; payment from the bond will be made only upon final judgment against such peddler or solicitor. Such deposit shall be retained by the County for a period of ninety (90) days after the expiration of the license, unless sooner released by order of the Commissioners.

4.02 The bond required under this ordinance may be waived by the Bonneville County Clerk upon proof presented by the applicant that the applicant 1) owns real property located, or personal property registered in Bonneville County; 2) is a resident of Bonneville County; and 3) has his principal place of Business in Bonneville County.

4.3 Waiver of the bond requirement by means of section 4.2 does not in and of itself waive the requirement to pay a license fee.

SECTION 5.0 LICENSES

5.1 Licenses issued under this ordinance shall bear the name and address of the person by whom the solicitation is to be made, the date issued, and the date the license expires and the number of the license. Each license shall contain a statement that Bonneville County does not endorse the product or service in any way by issuing the license.

5.2 Any license under this ordinance shall be non-transferrable and shall be returned to the County Clerk within three (3) days after its date of expiration, together with any copies thereof.

5.3 If a person falling within the definition of either section 1.0 or section 2.0 has persons working under him as solicitors or peddlers, that person must apply for said license and shall

provide to the Bonneville County Clerk, a list of all subordinate persons. Said list shall be the responsibility of the applicant and any additions or deletions to the list must be brought to the attention of the Bonneville County Clerk immediately.

5.4 A copy of the license issued to the applicant must be given to each subordinate, and it shall be the responsibility of the applicant to collect all copies upon the completion of a subordinate's employment.

5.5 The license required under this ordinance shall be carried on the person of each solicitor or peddler and upon request it must be shown to all persons solicited and to any police officer. Before any solicitation at a residence, the solicitor must present the license for inspection by the occupant and must also clearly identify the purpose of his visit.

5.6 The license fee required under this ordinance may be waived by the Bonneville County Clerk upon proof presented by the applicant that said applicant has a State of Idaho Sales Tax Number.

5.7 Waiver of the fee requirement by means of Section 5.6 does not in and of itself waive the requirement to post a bond.

SECTION 6.0

ORDERS

6.1 All orders taken by licensed solicitors or peddlers shall be in writing, in duplicate, stating the terms thereof, and the amount paid in advance, and shall be signed by the peddler or solicitor showing plainly his name and license number, and one (1) copy shall be given to the purchaser at the time of the taking of the order.

SECTION 7.0 FEEES

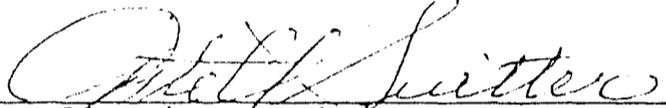
7.1 Peddlers or solicitors as defined by this ordinance shall be subject to the following license fees, payable to the county:

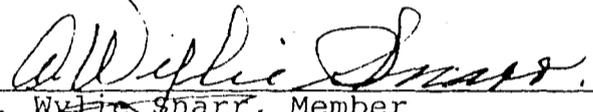
Quarterly-----\$12.50 Monthly-----\$5.00

SECTION 8.0 PENALTY

8.1 Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by imprisonment in the Bonneville County Jail not exceeding six (6) months, or by a fine not exceeding \$300.00, or by both.

BOARD OF BONNEVILLE COUNTY COMMISSIONERS


Artell Suitter, Chairman


A. Wylie Snarr, Member


Clyde A. Burtenshaw, Member

ATTEST:


DelRoy C. Bodily, Clerk

PUBLISHED:

July 1, 1978