



## City of Wendell

375 1<sup>st</sup> Ave W, Wendell, ID 83355  
(208) 536-5161 | Fax (208) 536-5527

### Transient Merchant, Vendors, Peddlers, & Solicitors License

*(The City Clerk shall issue a permit within ten days after receiving a completed application and payment of the fee.)*

This application is  New  For an Exemption  A Renewal

This applicant, being first duly sworn, upon oath deposes and says:

That he/she is the owner, agent, consignee, or employee, whether as a resident of the City of Wendell or not, and desires to engage in the TEMPORARY business of selling and delivering goods, wares, merchandise and/or services within the City of Wendell, and who in furtherance of such purposes, hires, leases, uses or occupies a public or private place, building, motor vehicle, tent, railroad boxcar, public room in a hotel, lodging house, apartment, shop or any street or other place within the City of Wendell, for the exhibition and sale of such goods, wares, merchandise and/or services, either privately or at public auction.

License #: \_\_\_\_\_ Expires: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Permanent address of business: \_\_\_\_\_

Address of business in Twin Falls: \_\_\_\_\_

Address where business is to be conducted: \_\_\_\_\_

Length of time business is to be conducted in the City: \_\_\_\_\_ Idaho State Sales Tax #: \_\_\_\_\_

Statement of nature, and quantity of the goods, wares, or merchandise to be sold or offered for sale: \_\_\_\_\_

Statement of nature and character of advertising done or proposed to be done to attract customers: \_\_\_\_\_

Business Capacity:  Individual  Partnership  Corporation

If a Corporation, under the laws of what State: \_\_\_\_\_ If a Corporation list the officers of the Corporation:

Name

Address

Title

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Has the applicant or other persons engaging in this business ever been convicted of any crime, misdemeanor, or felony?

If yes, give the place where the conviction occurred, nature of the crime, date, and punishment:  Yes  No

Name & address of all cities and towns where persons engaging in this business have conducted similar type of businesses within the past six months:

## City

## Address

Person(s) having management or supervision of the applicant's business during the time it is in the City of Wendell:

Applicant Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Phone #: \_\_\_\_\_

Local Address: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Capacity: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Phone #: \_\_\_\_\_

Local Address: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Capacity: \_\_\_\_\_ Social Security #: \_\_\_\_\_

### LIST OF PEOPLE SELLING UNDER THIS LICENSE

Name \_\_\_\_\_

Social Security #

Date of Birth

LIST OF PEOPLE SELLING UNDER THIS LICENSE (continued)

### **10-1-13-9: LICENSE FEES:**

A license will be issued for a specified period and in accordance with the fee schedule hereinafter enacted, as the same may be changed from time to time by resolution of the city council. Payment for the licenses shall be made upon filing of the application with the proper authority and shall be made in lawful currency of the United States.

The city shall collect license fees in the amounts set forth below:

Auctioneers holding regular auctions at a specified location within City limits	\$100.00 per yr
Circuses and carnivals	\$200.00 per day
Itinerant merchants, peddlers, agents, independent contractors, hawkers, hucksters, solicitors	\$15.00 per day
Selling from motor vehicles, pickups, trailers, trucks or wagons	\$25.00 per day
Sideshows or performances, whether human, animal, or nonhuman	\$25.00 per day
Street stands	\$25.00 per day
Transient auctioneers or auctioneers holding nonrecurring sales	\$15.00 per day
All other businesses not specified in this code	\$100.00 per yr

By accepting a fee and issuing a license, the city does not assume any liability for any actions or any conduct engaged in by the licensee. The city, nor any of its employees, shall endorse any products or services sold by any licensees and the city, employees of the city and any licensees shall not represent to any person that the city has any interest in any business carried on by the licensee. (Ord. 542-2021, - -)

CHECK LIST

- Photo(s) are attached.
- Finger printing
- Certificate from the Health Department is attached (if required)
- Bonding provided (\$500 for applicant and \$500 for each salesperson)
- License fee paid

Date paid: \_\_\_\_\_ Amount: \_\_\_\_\_

- Renewal fee paid

Date paid: \_\_\_\_\_ Amount: \_\_\_\_\_

(if a partnership, all partners must sign)

**Signature of applicant** \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of residence: \_\_\_\_\_

Length of residence in Idaho: \_\_\_\_\_ Social Security #: \_\_\_\_\_

**Signature of applicant** \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of residence: \_\_\_\_\_

Length of residence in Idaho: \_\_\_\_\_ Social Security #: \_\_\_\_\_

**Signature of applicant** \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of residence: \_\_\_\_\_

Length of residence in Idaho: \_\_\_\_\_ Social Security #: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed Notary Public \_\_\_\_\_

SEAL

Residing at \_\_\_\_\_

Commission expires \_\_\_\_\_

State of Idaho,

County of Gooding,

City of Wendell

For City Clerk questions call 208-536-5161

Return completed form to Deputy Clerk, City of Wendell, 375 1<sup>st</sup> Ave West, City of Wendell, ID 83355

### CITY STAFF USE ONLY:

Approval Police Department:

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

### Information

*The following is provided for informational purposes only. The official ordinance will prevail in any discrepancy with this information.*

Definitions:

1. Peddler: Any person traveling from house to house or from street to street carrying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from a vehicle or any other type of conveyance.
2. Solicitor or Canvasser: Any person traveling from house to house or from street to street taking orders for sale of goods, merchandise, or personal property of any nature for future delivery, or for services to be furnished or performed in the future, whether he/she is collecting advance payments on such sales or not. Such definitions shall include any person who, for himself, or for another person leases, uses or occupies any building, structure, tent, hotel room, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.
3. Transient Merchant, Itinerant Merchant or Itinerant Vendor: Any person, firm or corporation who engages in a temporary business of selling

and delivering goods, wares and merchandise within the City and who leases, uses or occupies any public or private place, building, motor vehicle, tent, public room in a hotel, lodging house, apartment, shop or any street or other place within the City for the exhibition and sale of such goods and merchandise, either privately or at public auction.

4. **Temporary Business:** A business which is expected to be in operation for six months or less within the City. This definition shall not include:

(A) Public or private auction for the disposal by an established business of its assets or an individual for items of personal and household use.

(B) Any person, partnership or corporation selling or dealing only with retail merchants within the City, and being exclusively wholesale sellers and dealers.

(C) Any religious or charitable corporation or organization engaging in any one or more of the above activities for strictly nonprofit purposes.

(D) Any arts or crafts shows or fairs where the items for sale are exhibited by the person producing the items; and, the exhibitor was invited by the sponsoring party; the names of participants are accumulated by the sponsoring party to be made available to the City Council or Clerk.

(E) Any sales pursuant to court order.

(F) The sale of farm or garden products by the persons producing such products.

(G) The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper.

(H) Political groups seeking funds or memberships.

(I) Sales of Christmas trees and wreaths.

#### 10-1-13-11: PROHIBITED ACTS:

A licensee, or any person acting on behalf of a licensee, or any agent of a licensee, shall not:

(A) Shout, make an outcry, blow a horn, ring a bell or use any sound device or musical instrument, including any loud speaking radio or sound amplifying system, on any of the streets, alleys, parks, or other public places of the city, or on any private premises within the city, where sound of sufficient volume is emitted or produced therefrom, to be capable of being plainly heard on 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.

(B) Have any mechanical devices in human or animal form or otherwise designed to create lights, sound or motion to attract passersby.

(C) Have any exclusive right to any location in the public streets, shall not be permitted a stationary location and shall not be permitted to operate in any congested area where licensee's operations might impede or inconvenience the public. For purposes of enforcement of this chapter, the judgment of any police officer, exercised in good faith, shall be deemed conclusive as to whether or not an area is congested or the public is impeded or inconvenienced by the presence of the licensee.

(D) Sell or offer for sale goods, wares, or merchandise from vehicles on any of the public streets of the city. Licensees shall not be allowed to double park or in any way impede the normal flow of traffic or create a hazard or a nuisance upon any public roadway.

(E) Be allowed to solicit or peddle from sundown to nine o'clock (9:00) A.M., or at any time when a sign has been clearly posted on a fence, driveway, front, back or side yard, or doorway which clearly informs a licensee that there shall be no solicitors or no peddlers, either using those words or in words to that effect. Providing, however, that a licensee may call upon the occupant of a residence at other times when he has expressed prior permission from such occupant to do so.

(F) Make any representation that he or she is soliciting or peddling for any nonprofit organization or for charitable or religious purposes if he or she in any way shall personally benefit by the funds or properties solicited.

(G) Cast, throw, distribute, deposit, scatter, pass out, give away, circulate or deliver any commercial or business handbills, dodgers, circulars, or other advertising materials or devices to any residents or businesses, or leave the same upon any porch, doorstep, entryway, vestibule or in any yard or public hallway, or in any vacant lot or upon other private property in the city, without first having obtained the expressed consent of the owner or lessee, or without the written or expressed request of any adult resident or occupant thereof.

(H) Make any false statement or claims as to the quality, value, origin, condition, durability, or purpose as to any product.

(I) Make false representations as to any product which he is soliciting for or peddling.

(J) No licensee shall distribute, sell, or hand out as a sample any consumable food products which have not been properly approved by the state health district, the South Central Public Health District, the federal trade commission or any other state or federal agency which has jurisdiction as to the quality or wholesomeness of any foodstuffs designed for human consumption. (Ord. 542-2021, - -)

#### 10-1-13-12: RIGHT TO CANCEL PURCHASES:

Any person purchasing from any solicitor or peddler or salesman pursuant to any home solicitation shall have three (3) business days from the day of sale to cancel any sale or any security or any contract created during the consummation of the sale. Any licensee, salesman, solicitor, or peddler shall have an affirmative duty to inform any purchaser of that person's right of cancellation. In the event of cancellation, the purchaser must make the product available to the seller at the purchaser's residence in as good a condition as the product was when it was received for a period of twenty (20) days after the notice of cancellation. If the salesman does not retrieve the product within twenty (20) days from the date of notice of cancellation, the purchaser may retain or dispose of the products without any further obligation. If, however, the purchaser fails to make the goods available to the seller during regular business hours, or if the purchaser agrees to return the goods to the seller at an agreed upon location and fails to do so, then the purchaser will remain liable for performance of all of the obligations under the contract. To cancel any transaction pursuant to this section, a purchaser must mail or deliver a signed and dated copy of the cancellation notice to the seller at the seller's place of business, not later than twelve o'clock (12:00) midnight of the third business day following the consummation of the sale.

"Business days" are defined as Monday through Friday from nine o'clock (9:00) A.M. to five o'clock (5:00) P.M. Notice of cancellation shall

not be required to carry the specific words "cancel or cancellation", but shall simply be worded in such a manner that any reasonable person would be on notice that the transaction has been absolutely and unequivocally canceled. (Ord. 542-2021, - -)

**10-1-13-13: APPEAL:**

Any person aggrieved by the decision of the city clerk in regard to the denial of application for a license as provided for in this chapter or in connection with the revocation of a license as herein provided, shall have the right to appeal to the council of the city. Such appeal shall be taken by filing with the council within fourteen (14) days after notice of the decision by the city clerk has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in this chapter for notice of hearing on revocation. The order of this council on such appeal shall be final. (Ord. 542-2021, - -)

**10-1-13-14: PENALTY:**

Any person who shall do any act, or transact any business, exercise or engage in or carry on, directly or indirectly as principal, agent or employee, within the city limits of the city, any trade, business, occupation, vocation or employment for which a license is required to be paid, without first obtaining or procuring said license or any bonds required hereunder, shall be guilty of a misdemeanor and upon conviction thereof, may be fined an amount not to exceed three hundred dollars (\$300.00) or sentenced to a period not to exceed six (6) months in jail or any combination thereof. (Ord. 542-2021, - -)

**10-1-14: PLAYING BALL IN STREETS:**

It shall be unlawful for any person to throw stones, play ball, marbles, tops or other games on the streets or sidewalks of the city, whereby such streets or sidewalks may be obstructed either to the inconvenience or endangerment of travelers along such streets or sidewalks or the endangerment of property adjacent thereto. (Ord. 9, 2-4-1910)

**10-1-15: CIGARETTES OR TOBACCO, SALE OF TO MINORS:**

(A) It shall be unlawful for any person to sell or give away, directly or indirectly, to any person under the age of eighteen (18) years, any cigarettes, tobacco, or any compounds of tobacco used in filling up or making up of a cigarette or to give or sell any cigarette papers to minors.

(B) It shall be unlawful for any person under eighteen (18) years of age to buy, accept, or have in his or her possession any cigarette, cigar or tobacco in any form or to buy, accept or have in his or her possession any cigarette paper or other paper or wrapper intended for the wrapping of tobacco in the form of a cigarette or to have in his or her possession any compounds of tobacco used in the filling or makeup of cigarettes. (Ord. 326, 2-25-1982)

**10-1-16: EXCESSIVE NOISE:**

(A) Purpose: It is hereby declared that the provisions and prohibitions hereinafter contained and enacted are in the necessity of the public interest and that said provisions and prohibitions are enacted in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the city of Wendell and its inhabitants.

(B) Definitions: For the purpose of this section, the following definitions shall apply:

CITY: Wendell, Idaho, or the area within the city limits of Wendell, Idaho.

EMERGENCY: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY VEHICLE: A motor vehicle belonging to a fire department, firefighting association, or fire district, an ambulance, or motor vehicle belonging to a federal, state, county or municipal law enforcement agency.

EXCESSIVE NOISE: Any noise which due to its volume, its duration or its location annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

PERSON: Any individual, association, organization, or entity having a legal recognized existence, whether public or private.

PLACE OF RESIDENCE: Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In the event the building is used for multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.) each individual unit shall be considered a separate residence for the purpose of this section.

SOUND TRUCK: A truck or other vehicle having one or more speakers, usually situated on top, typically used for broadcasting political or commercial messages.

(C) Excessive Noise Prohibited: Noise which due to its volume, its duration, or its location disturbs, injures or endangers the comfort, repose, health, peace, or safety of persons not voluntary listeners thereto is hereby declared to be excessive and inimical to the welfare of the citizens of the municipality. It is unlawful for any person to make, continue, cause to be made, or allow to be made on any premises or any public place or public right of way from any radio, CD player, tape player, musical instrument, phonograph, or sound amplifier or similar device, any excessive loud, unnecessary or unusual noise. Specifically prohibited is the playing, using, operating, or permitting to be played, used or operated, any device for playing, producing, or reproducing sound at a louder volume than is necessary for the hearing of persons who are voluntary listeners on the premises, or in the building, room, or chamber in which the sound is being played, produced, or reproduced. Provided, however, that persons engaged in school related or sports related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity.

(D) Excessive Noise From Vehicle Speakers And Similar Devices Prohibited: It is unlawful to use or operate any vehicle commonly known as a "sound truck" or other vehicle on or in which is mounted a loudspeaker and/or sound amplifier which emits amplified sound broadcast to the public at large. It is unlawful to use, operate, or permit to be used, played, or operated, radios, CD players, tape players, phonographs,

vehicle stereo systems, and similar devices mounted in or on a vehicle loudly enough to disturb the peace, quiet, or comfort of persons who are involuntarily subjected to the sound who are on or in premises other than the vehicle. Sounds louder than necessary for the hearing of persons in the vehicle are hereby deemed excessive. Provided, however, that emergency vehicles and persons engaged in school related or sports related promotional activities and lawful parades shall be exempt from the provisions of this section for the duration of the activity.

(E) Exemptions: The following sounds are exempt from the provisions of this section:

1. Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of an emergency.
2. Airplanes and other FAA regulated aircraft.
3. Sounds caused by activities upon any outdoor municipal, school, religious, or publicly owned property or facility, provided that such activities have been authorized by the owner of such property or facility or its agents.
4. Sounds caused by parades, fireworks displays, or any event for which a permit for that type of activity is required and have been obtained from the authorized governmental entity within such hours as may be imposed as condition for the issuance of said permit.
5. Sounds caused by locomotives or other railroad equipment.
6. Sounds caused by burglar alarms that are not in violation of this code.
7. Sounds caused by safety warning devices required by law.
8. Sounds caused by devices approved for use within the confines of the particular zoning designation that the device is located or pursuant to a conditional use permit (i.e., drive-through window speakers, car lot PA systems, construction sites).
9. Dairy Days and Independence Day celebrations/events.

(F) Enforcement, Authority Granted:

1. Enforcement Officials: The Wendell police department, animal control/ordinance officer or persons empowered to enforce the provisions of this code shall be the enforcement officials for this section and are authorized to issue citations for this section. These officials have the authority to act on behalf of the city in investigating complaints, issuing citations and taking other lawful actions as required to enforce the provisions of this section. Upon his/her own observation of a violation without the necessity of citizen complainant's signature on said citation, by signing the citation, the officer or person is certifying that he has reasonable ground to believe that the person cited committed the offense contrary to law.

2. Citizen Citation: A uniformed citation may also be signed by any citizen or person in whose presence an alleged violation of this section occurred and be witnessed by a peace officer or person empowered to enforce this provision of this code whose name shall be endorsed on the citation, allowing peace officer to cite offender with an ordinance violation citation giving the offender opportunity to pay the fine to the Wendell city clerk, if the ordinance violation citation is not taken care of within fourteen (14) days of the issuance of the citation the citizen signed uniformed citation will be turned over to the Wendell city/Gooding County prosecutor's office for prosecution.

(G) Violations And Penalties:

1. It shall be a violation of this section to:
  - (a) Fail to comply with any provision of this section, that is, to do that which is described as unlawful or to violate the requirements established by this section.
  - (b) Fail to comply with any lawful order given by any law enforcement officer, unless such order is lawfully stayed or reversed.
2. Any person that is convicted or pleads guilty of violating any part of this section shall be guilty of an infraction punishable by fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for the second offense within one year, and guilty of a misdemeanor for the third and subsequent offenses within one year of the first offense and ordered to pay a minimum fine of one hundred fifty dollars (\$150.00) to a maximum of five hundred dollars (\$500.00) and up to six (6) months in the county jail. (Ord. 513-2012, 5-17-2012)