

ORDINANCE #394 BY MC KINNEY

AN ORDINANCE REGULATING AND LICENSING ITINERANT MERCHANTS, PEDDLERS AND PHOTOGRAPHERS, AND PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF:

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1. That it shall be unlawful for any person, firm or corporation to engage in the business of itinerant merchant or in the business of a peddler, as defined, in this Ordinance, within the City of Payette, except in accordance with the provisions of this Ordinance and without having first procured a license as herein provided.

Section 2. That the term "itinerant merchant" shall mean and include any transient person who shall engage temporarily in the selling or offering for sale of any goods, wares or merchandise including the making or selling or offering for sale of photographs, within the said City of Payette regardless of whether such goods, wares or merchandise are peddled from house to house, or store to store or sold upon the streets or other public places or sold from room, building, structure or lot rented or leased for the purpose of carrying on such business, and also any person who brings goods, wares or merchandise into the City and opens a temporary place of business for the exhibition or sale thereof and who shall not have paid a tax thereon within Payette County, Idaho.

Section 3. That the term, "peddler", shall mean and include any person who goes from house to house or from place to place in the City of Payette selling or taking orders for, or offering to sell or take orders for goods, wares or merchandise.

Section 4. That the provisions of this Ordinance shall not apply to commercial agents selling to merchants in the usual course of business, nor to the sale of goods, wares or merchandise in original packages from other states, as permitted by law,

nor to the sale of farm produce by the grower or producer thereof, nor to any huckster or other person coming within the terms or provisions of any special licensing ordinance of the City: nor to any person who by the statutes of the state of Idaho is expressly permitted to operate as a peddler without meeting the requirements of this ordinance.

Section 5. That any person, firm or corporation desiring to engage in the business of an itinerant merchant or peddler, shall apply in writing to the City Clerk of the City of Payette, at least ten days prior to the time that he desires to commence such business. Such application shall state the name and residence of the applicant, the nature of the business, kinds of goods to be sold and where the sales are to be made at, the length of time for which the license is desired, the place where the goods are grown, manufactured, or produced, and the firm or corporation and its address, represented by the applicant. Such application shall be accompanied by a bond in the penal sum of \$250.00, executed by a surety company or by two freeholders of real estate within the City of Payette whose financial responsibility to the amount of the bond is approved by the City Clerk.

Upon filing of such bond and payment of the license fee herein provided for, the City Clerk shall give a license to the applicant for the period and purposes requested.

Section 6. That the license fee to be paid to the City Clerk by the applicant for such license shall be as follows:

Peddlers Licenses	Itinerant Merchant Licenses
For each and every day of such license \$5.00	\$100.00 for 30 days

Section 7. Where any person, firm or corporation claims to be exempt from the provisions of this ordinance by reason of an intention to establish or maintain a permanent as opposed to itinerant business within this City, such person, firm or corporation shall file with the City Clerk a bond with surety approved by the City Clerk, in the penal sum of \$300.00 and conditioned upon the continuous maintenance of said business for

ditioned upon the continuous maintenance of said business for a period of not less than three months.

Section 8. Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall upon conviction be fined not to exceed \$100.00, for each offence, and each 24 hours during which said violation shall be continued or perpetrated shall constitute a separate offence.

Section 9. Sections 87, 88, and 89 of General Ordinance of the City of Payette, and Ordinance #363 are hereby repealed, provided that all rights acquired and all suits, actions or proceedings pending or founded in point of time prior to the date hereof, shall and maybe maintained and prosecuted, unaffected by any provision of this Ordinance.

Section 10. This Ordinance shall be in force and effect from and after its passage and publication in the official newspaper of the City of Payette, Idaho.

Passed by the City Council of the City of Payette, Idaho, this day of December, A. D., 1932

J R Woodward
Mayor.

Attest:

A. J. Williams
City Clerk