

ORDINANCE 1312

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 16 OF TITLE 5 OF THE PAYETTE MUNICIPAL CODE BY ADDING NEW SECTIONS 5.16.070 INVESTIGATION OF APPLICANT; 5.16.080 UNLAWFUL CONDUCT; 5.16.090 DENIAL, REVOCATION SUSPENSION OF LICENSE; 5.16.100 APPEAL OF ACTION; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER.

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

Section 1. Chapter 16 of Title 5 of the Payette Municipal Code is hereby amended by adding Sections 5.16.070 Investigation of Applicant; 5.16.080 Unlawful Conduct; 5.16.090 Revocation of License are hereby and Penalty. Said sections shall read as follows:

Chapter 5.16
ITINERANT MERCHANTS & PEDDLERS

5.16.070 INVESTIGATION OF APPLICANT:

Upon receipt of an application, or application renewal, the city clerk shall refer the application to the chief of police. The chief of police shall conduct an investigation to determine the validity and completeness of information presented on the application. The chief of police shall conduct a background investigation to determine if the applicants or any persons employed by the applicants have been convicted of any felony or misdemeanor involving moral turpitude. The chief of police shall endorse upon the application the findings of the investigation and return it to the city clerk within five (5) working days. Where an application for renewal of a license is involved and the city clerk has received no complaints or allegations of any violation of this chapter or other laws by the applicant, the clerk may approve the application without referral of the application to the chief of police.

5.16.080 UNLAWFUL CONDUCT:

No licensee shall:

- (1) Misrepresent the purpose of solicitation;
- (2) Misrepresent affiliation of those engaged in the solicitation;
- (3) Continue efforts to solicit from a person once that person informed the solicitor that he does not wish to give anything or to buy anything from that solicitor;

(4) Represent the issuance of any license under this article as an endorsement or recommendation of the solicitation;

(5) Enter upon any premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect;

(6) Knowingly make any false statement on an application for a license.

(7) Employ a person who may, in the course of a solicitation, be allowed or required to enter the home of a resident of the City of Payette when that employee has been convicted of a felony or a misdemeanor involving moral turpitude.

5.16.090 DENIAL OR REVOCATION OF LICENSE:

The city shall have the authority to deny, revoke or temporarily suspend any license requested or issued in accordance with this article for any of the following reasons:

(1) Fraud, misrepresentation or false statements contained in the application;

(2) Fraud or misrepresentation or false statement made in the course of conducting the business or trade;

(3) Any violation of this article;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) 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 or general welfare of the public.

5.16.100: APPEAL OF ACTION: Any person whose license is revoked, suspended or denied may file an appeal to the City Council within 5 days of the adverse action. The City Council may uphold the action, reverse the action, modify the action or remand the action for further investigation.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

SUMMARY OF ORDINANCE 1312

Ordinance 1312 is an ordinance of the City Of Payette, Idaho, adopted April 5, 2010. The ordinance may be descriptively known as the Payette ordinance amending the itinerant merchant sections of the Payette City Code. Ordinance 1312 amends chapter 16 of title 5 of the Payette Municipal Code by adding new sections 5.16.070, which amendment authorizes the investigation of applicant for an itinerant merchant license. Section 5.16.080 creates sets out what kind of actions constitute unlawful conduct. Section 5.16.090 allows for the denial, revocation or temporary suspension of license while section 5.16.100 creates the right to appeal such action. The ordinance sets an effective date, allows for publication in summary form, establishes severability, establishes a penalty and it establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1312 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 6th day of April, 2010.



Bert L. Osborn