



Door to Door Peddler/Solicitor Application

Fee: \$100.00

(Permit expires 1 year from date issued)

200 S. Whitley Drive/P.O. Box 324 Fruitland, Idaho 83619 Phone: 208-452-4421 Fax: 208-452-7032

REQUIRED ITEMS TO BE PROVIDED WITH APPLICATION:



1. If selling prepared food: Southwest District Health Inspection Certificate	
2. Proof of Vehicle Insurance and Vehicle Registration: Documentation for all vehicles used by the applicant in relation to any of the activities covered through this application. This would include transportation to and from an area where the applicant will be traveling on foot.	
3. State of Idaho Resale Number:	
4. Photo and description of vehicle being used Make: _____ Model: _____ Year: _____ Plate #: _____ Description (color, company logo, wrapped, etc.)	
5. One recent passport-sized colored photo (2"x 2") of applicant for City issued ID Badge • Picture of applicant can be taken at City Hall	
6. Color copy of applicants valid Driver's License or state issued identification	
7. Copy of current ISP Criminal Background Check • https://isp.idaho.gov/bci/background-checks/ • Name Based Background Check • Idaho State Police 700 S. Stratford De. STE. 120 Meridian, ID 83642 • Phone: 208-884-7130 Fax: 208-884-7193	
8. Company letter authorizing Solicitor/Peddler as employee or agent	
9. If a motorized or non-motorized cart or unit is intended to be used in any way by an individual as they engage in licensed activities in accordance with this application, a picture and description of said cart or unit must be included with the application. Make: _____ Model: _____ Description: (color, company logo, wrapped, etc.)	
10. Nonrefundable application fee of \$100.00. No Proration	

INCOMPLETE APPLICATIONS WILL BE RETURNED UNPROCESSED

Date of Application: _____

Applicant Name: _____

Applicant's Phone Number: _____ DOB: _____

Driver's License State/Number: _____ E-mail: _____

Applicant Address: _____

Applicant's Temporary Address: _____

Self-employed Yes No Employer Name: _____

Employer's Address: _____

Employer E-mail Address: _____ Phone # _____

Supervisor Name: _____ Phone # _____

Nature of Business to be conducted: _____

Product(s) to be sold/offered for sale: _____

Owner of Goods: _____

Dates of Operation: _____

Have you or your employer ever been convicted of a crime violating any consumer protection laws or any peddlers or solicitors ordinances? Yes No

If yes, explain: _____

PROHIBITED ACTS:

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

- A. Blow a horn, ring a bell or use any sound device or musical instrument, including any 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. (Ord. 602, 8-10-2015)
- 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, right-of-ways or sidewalks, 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. (1984 Code § 3-6-7)
- E. Be allowed to solicit or peddle from eight o'clock (8:00) P.M. 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. (Ord. 602, 8-10-2015)

- 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. (1984 Code § 3-6-7)
- G. Cast, throw, distribute, deposit, scatter, pass out, give away, circulate or deliver any commercial or business handbills, 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. (Ord. 602, 8-10-2015)
- 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. Continue efforts to solicit from a person once that person has informed the solicitor that he does not wish to give anything or to buy anything from that solicitor;
- K. Represent the issuance of any license under this article as an endorsement or recommendation of the solicitation;

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 Southwest 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. (1984 Code § 3-6-7)

All facts set forth in this application are true and complete. In the event the product causes any damage to any resident of the city, I acknowledge the jurisdiction of the Idaho courts to resolve any disputes. I have read and agree to the "Prohibited Acts" as listed above.

Applicant Signature: _____ Date: _____

APPROVAL SIGNATURES

REVIEWER	SIGNATURE	DATE	DETERMINATION		
City Clerk			Approved		Denied
Police Chief			Approved		Denied

Denied for the following reasons: _____

Date License Granted: _____

Keep for you records:

DOOR TO DOOR PEDDLERS AND SOLICITORS

SECTION:

- 3-6-1: Definitions
- 3-6-2: Applications
- 3-6-3: License Required
- 3-6-4: License Nontransferable
- 3-6-5: License Fees
- 3-6-6: Violation, License Seizure
- 3-6-7: Prohibited Acts
- 3-6-8: Investigation of Applicant
- 3-6-9: Right to Cancel Purchases
- 3-6-10: Penalty

3-6-1: DEFINITIONS:

DOOR TO DOOR PEDDLER: Any person who goes from house to house, from business to business, from street to street, without invitation, carrying, conveying, selling or transporting any merchandise, wares, goods, services, products or provisions, including any food products, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same from a motor vehicle or a temporary or transportable platform. The word "peddler" shall include itinerant merchant or itinerant peddler.

DOOR TO DOOR SOLICITOR: Any person who goes from place to place, from house to house, from business to business, from street to street, taking or attempting to take orders, without invitation, for sale of wares, merchandise or any personal property of any nature whatsoever, for future delivery, or for services, whether or not such individual has, carries or exposes for sale a sample of the subject of such sales or whether he is collecting advance payment on such sales or not.

The words peddler and solicitor include any agent, employee, trainee, or any other person who acts on behalf of, either directly or indirectly, a person who is a peddler or a solicitor. (Ord. 602, 8-10-2015)

3-6-2: APPLICATIONS:

Applications for licenses by door to door_solicitors and peddlers shall be made to the city clerk or to his designee, and shall be sworn in writing and shall contain the following information:

- A. Name of applicant;
- B. Permanent address of applicant;
- C. Temporary address of applicant, if any;
- D. A brief description of the nature of the business to be conducted and the goods to be sold.
- E. A statement as to whether the applicant is self-employed or working for an employer and employer information, supervisor information including contact phone number. Applicant must also provide a letter from the Employer or company authorizing the applicant as an employee or agent;
- F. If the applicant is selling goods for another, a statement as to whom the owner of the goods are;
- G. A statement that in the event that the product causes any damage to any resident of the city, the applicant acknowledges the jurisdiction of the Idaho courts to resolve any disputes;

- H. The length of time for which the license requested shall be needed;
- I. A photo and description of the vehicle to be used in the solicitation or peddling, together with the license number thereof;
- J. A statement as to whether or not the applicant or applicant's employer has been convicted of any crime in violation of any consumer protection laws or of any peddler's or solicitor's ordinances. (Ord. 602, 8-10-2015);
- K. A copy of the driver's licenses or other acceptable form of identification of the applicant and all employees, and any other information that City staff determines will be necessary to process the permit.
- L. Each applicant must file with his application one recent passport sized photograph of himself, a copy of which shall be included on the license when issued, the original being retained with the application filed with the city clerk. Each licensee shall at all times have his license with him and shall exhibit the same upon request;
- M. Each applicant must request from the Idaho State Police, bureau of criminal identification, a name based background check. The back ground check results must be submitted with application. The Chief of Police shall have sole discretion to determine how often such background check shall be renewed and whether or not to grant a waiver for the background check requirements.
- N. If a vehicle will be used by the applicant in relation to any of the activities covered by this article, either directly or indirectly, and including simply in transportation to and from an area where the applicant will be traveling on foot, then satisfactory proof of registration and current insurance on said vehicle must be shown at the time of application. Where multiple applicants will be sharing a single vehicle, such fact should be stated on the application, and at least one of the applicants must produce the required documentation at the time of application;
- O. If a motorized or non-motorized cart or unit is intended to be used in any way by an individual as they engage in the activities licensed under this chapter, a picture and description of said cart or unit shall be included with the application;
- P. Applicant will need to show proof of a State of Idaho resale number;

3-6-3: LICENSE REQUIRED:

No person shall engage in, prosecute or carry on any business, as defined by section 3-6-1 of this chapter, either as a principal, an agent of, an employee of, a trainee of, or either directly or indirectly on behalf of a person who is defined as a "peddler" or "solicitor", without first obtaining a license and paying the required fee. The following organizations are exempt from payment of license fees:

- A. Nonprofit organizations soliciting funds on their own behalf wholly for charitable or nonprofit purposes. Proof of 501(c)(3) is required.

EXEMPTIONS: The following shall be exempt from having to obtain a door to door peddler/solicitor license:

- A. Youth church groups soliciting for charitable or fundraising purposes.
- B. Youth school groups soliciting for charitable or fundraising purposes.

3-6-4: LICENSE NONTRANSFERABLE:

No license issued or granted by the city shall in any manner be assignable or transferable or authorize any person other than the one therein named to do business or authorize any other business than is therein mentioned to be done or authorize the transaction of such business.

3-6-5: LICENSE FEES:

- A. A per person license will be issued for a period of ~~six~~ twelve months expiring 12 months from the date issued, and a license fee will be charged as set in accordance with a fee schedule enacted by a resolution adopted by the city council, as the same may be changed from time to time by future resolutions 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. Applicants shall be required to display the approved permit and provide a copy upon the request of any member of the public. (Ord. 602, 8-10-2015)
- B. 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.

3-6-6: VIOLATION, LICENSE SEIZURE:

In the event that the licensee shall violate any of the terms or conditions of the license, or in the event that any product offered by the licensee is a stolen item, or in the event that the licensee violates any municipal ordinance in reference to the business, the city police shall be authorized to seize and confiscate the license and hold the same pending a hearing before the city council. No business shall be conducted without a license. (1984 Code § 3-6-6)

3-6-7: PROHIBITED ACTS:

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

- L. Blow a horn, ring a bell or use any sound device or musical instrument, including any 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. (Ord. 602, 8-10-2015)
- M. Have any mechanical devices in human or animal form or otherwise designed to create lights, sound or motion to attract passersby.
- N. 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.
- O. Sell or offer for sale goods, wares or merchandise from vehicles on any of the public streets, right-of-ways or sidewalks, 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. (1984 Code § 3-6-7)

- P. Be allowed to solicit or peddle from eight o'clock (8:00) P.M. 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. (Ord. 602, 8-10-2015)
- Q. 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. (1984 Code § 3-6-7)
- R. Cast, throw, distribute, deposit, scatter, pass out, give away, circulate or deliver any commercial or business handbills, 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. (Ord. 602, 8-10-2015)
- S. Make any false statement or claims as to the quality, value, origin, condition, durability, or purpose as to any product.
- T. Make false representations as to any product which he is soliciting for or peddling.
- U. Continue efforts to solicit from a person once that person has informed the solicitor that he does not wish to give anything or to buy anything from that solicitor;
- V. Represent the issuance of any license under this article as an endorsement or recommendation of the solicitation;
- W. No licensee shall engage in the sale of any weapons;
- X. No licensee shall peddle or solicit on any federally recognized holiday.

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 Southwest 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. (1984 Code § 3-6-7)

3-6-8: INVESTIGATION OF APPLICANT:

Upon receipt of application, the city clerk shall review the application for completeness and compliance with applicable City Code, then refer the application to the Chief of Police for review of the criminal background check and investigate complaints or allegations of any violation of this chapter or other laws by the applicant.

No person shall be issued a license when that person:

- A. Would not be of sufficient age to be considered lawfully employable under title 44, chapter 13 of the Idaho Code, or other applicable state or federal laws;
- B. Is required to register as a sex offender, pursuant to the sexual offender registration notification and community right-to-know act, Idaho Code section 18-8301 et seq., and/or the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.;
- C. Has ever been convicted of or pled guilty to any violent felony offense, including, but not limited to, aggravated assault, aggravated battery, robbery, homicide, aggravated arson, kidnapping, stalking, rape or any felony of a sexual nature;

D. Has been, within ten (10) years prior to the date of making application for such license, arrested for, charged with, convicted of, paid any fines, been placed on probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any felony, or for any misdemeanor which, if committed in the state of Idaho, would have constituted a felony;

E. Has been, within five (5) years prior to the date of making application for such license, arrested for, charged with, convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any misdemeanor, involving:

1. The use of force against the persons or property of another;
2. The threat of force against the persons or property of another;
3. Theft or larceny;
4. The use, possession or sale of illicit drugs;
5. Possession of a concealed weapon;
6. Illicit sexual, lewd or obscene activity or materials, including, but not limited to, violations of Idaho Code sections 18-919, 18-1515, 18-4103 through 4105, or 18-4116;
7. Stalking, telephone harassment, or violations of protection orders or do not contact orders; or
8. Contributing to the delinquency of a minor.

F. Has, at the time of such application an outstanding warrant;

G. Has had a similar license revoked by the city or any other city of this state or of the United States within the preceding five (5) years.

H. Has violated this article, or any similar ordinance in any other city of this state or of the United States, within the preceding years, by acting as a "peddler" or "door-to-door salesperson" without first obtaining the requisite license.

I. If a person fails to qualify for a license for the sole reason that they have been arrested for or charged with a felony or enumerated misdemeanor under subsection (2)D or (2)E of this section, and the person can provide proof to the satisfaction of the police chief that such arrest did not result in charges or any charges filed were dismissed or resulted in acquittal, the city shall issue a license if the person otherwise qualifies.

3-6-9: RIGHT TO CANCEL PURCHASES:

Any person purchasing from any solicitor or peddler or salesperson 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, salesperson, 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 salesperson 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 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. (1984 Code § 3-6-8)

3-6-10: 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, any trade, business, occupation, vocation or employment for which a license is required to be paid, without first obtaining or procuring said license, shall be guilty of a misdemeanor and, upon conviction thereof, may be subject to penalty as provided in section 1-4-1 of this code. (1984 Code § 3-6-9; amd. 2014 Code)