

**ORDINANCE NO: 511-2012**

**AN ORDINANCE OF THE CITY OF WENDELL, IDAHO, REPEALING ORDINANCE 176, REGULATING VISITATION OF PRIVATE RESIDENCES BY SOLICITORS, PEDDLERS, HAWKERS, ITINERANT MERCHANTS AND TRANSIENT VENDORS OF GOODS OR MERCHANDISE, SETTING FORTH A PURPOSE, EXCEPTIONS, ENFORCMENT, SEVERABILITY AND PENALTIES FOR VIOLATIONS OF THIS CODE.**

**NOW, THEREFOR, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WENDELL, IDAHO:**

**Section 1: PURPOSE:** This ordinance has three purposes:

- A.** To protect the citizens from fraud, crime and unfair, deceptive or dishonest business practices by persons unlawfully engaged in the business of selling goods, wares, merchandise and services within The City of Wendell;
- B.** To protect the residents of The City of Wendell from unwanted intrusions on the privacy of their homes; and
- C.** To protect the health, safety, aesthetics and general welfare of The City of Wendell and its residents.

**Section 2: PROHIBITED:** The practice of going in and upon private residences in the City of Wendell, Idaho, by solicitors, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owners, occupant or occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of or peddling or hawking the same, is hereby declared a nuisance, and punishable as such nuisance as a misdemeanor.

**Section 3: EXCEPTIONS:** The provisions set forth shall not apply to:

- A.** Any sales under court order;
- B.** Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for future delivery, from local retailers, local businesses, local governments, local schools, local wholesale firms or established customers.
- C.** The sale of farm or garden products by the person producing the same;
- D.** The sale of a newspaper subscription in which the seller is a person engaged in both delivery and sale of the newspaper;
- E.** The occasional sale of admission by local school students to a function of their school; or fund raising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;

F. Any political group seeking funds or membership;

G. Any organization exempt from taxation as provided by 26 U.S.C. 501 and meeting all the requirements for the exemptions provided by U.S.C. 503;

H. Any activity conducted pursuant to a Special Event sponsored by The City of Wendell.

**Section 4: ENFORCEMENT:** The Chief of Police and Police Force of the City of Wendell are hereby required to abate any such nuisance as is described in Section 2 of this ordinance.

**Section 5: PENALTY:** Any person, business, firm, company or corporation who shall violate any of the provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished by a fine of no less than one hundred fifty dollars (\$150.00) but not to exceed one thousand dollar (\$1000.00); in addition to the fine the guilty party could be sentenced to thirty (30) days in the Gooding County Jail. Each day or violation continued shall be separate offenses, punishable as hereinabove described.

**Section 6: REPEAL CONFLICTING PROVISIONS:** All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7: SEVERABILITY:** If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable, for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

**Section 8:** This ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed by the Council and approved by the Mayor, of the City of Wendell, County of Gooding, State of Idaho, this 5<sup>th</sup> day of APRIL, 2012

CITY OF WENDELL

  
Brad Christopherson, Mayor

ATTEST:

  
Deborah Gibbs, City Clerk