

**ORDINANCE NO. 418**  
(Vendor, Solicitor, Temporary Merchant Permit)

**AN ORDINANCE OF THE CITY OF STAR, IDAHO REPEALING ORDINANCE NO. 227, THE VENDOR SOLICITOR, MERCHANT PERMITS, ENACTED ON January 17, 2017, AS AMENDED BY ORDINANCE NO. 136 ON October 18, 2005; AS AMENDED BY ORDINANCE NO. 173 ON FEBRUARY 6, 2007; PROVIDING FOR NEW REQUIREMENTS FOR VENDOR, SOLICITOR AND TEMPORARY MERCHANT PERMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Star, pursuant to Idaho Code §50-302, has the authority to adopt all Ordinances necessary for the maintenance of the peace, good government and welfare of the City; and

**WHEREAS**, the City of Star deems it necessary to protect its citizens by regulating vendors, solicitors and temporary merchants.

**WHEREAS**, the City of Star, pursuant to Idaho Code §67-3008, has the authority to require applicants to submit to fingerprinting and background checks provided by the Federal Bureau of Investigation.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STAR, IDAHO**, as follows:

**SECTION 1. DEFINITIONS:**

**MOBILE VENDING CART:**

A moveable push cart that is operated by a vendor.

**SOLICITOR:**

Any person, whether owner or otherwise, traveling by foot, mobile vending cart, motor vehicle or any other type of conveyance; from place to place, from house to house or from street to street, for the purpose of taking or attempting to take orders for goods, wares, or merchandise, or any article for future delivery, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

**TEMPORARY MERCHANT:**

Any person, whether owner or otherwise, who engages in a temporary business of selling and delivering goods, wares, merchandise and services within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure or motor vehicle within the City for the exhibition and sale of such goods, wares and merchandise.

**VENDOR:**

Any person, including an employee, representative

partner, or corporate member, who sells or offers to take orders for selling food, beverages, goods, or merchandise traveling by foot, from a mobile vending cart, mobile vending vehicle, or mobile vending trailer, or any other type of conveyance within the City.

**SECTION 2. PERMIT REQUIRED:**

It shall be unlawful for any vendor, solicitor or temporary merchant, as the same are herein defined, to engage in such business or to employ another in such business within the corporate limits of the City without first obtaining a permit from the City Clerk's Office in compliance with the provisions of this Ordinance. All vendors, solicitors, or temporary merchants must meet all applicable city, state, federal licensing requirements, along with Central District Health Department and Southwest District Health Department Regulations and Requirements.

### **SECTION 3. EXCEPTIONS:**

The provisions of this Ordinance 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, or local wholesale firms;
- C. The sale of a newspaper subscription in which the seller is a person engaged in both the direct delivery and sale of the newspaper.
- D. The sale of farm or garden products by the person producing the same;
- 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, memberships, or support;
- G. Garage, yard or similar sales by individuals at their residence not exceeding one sale per month or lasting no longer than three days. Yard sales are not commercial sales and business inventory or items purchased for resale at other garage or yard sales are prohibited.
- H. 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;
- I. Sales by youth (14 years or younger) of lemonade or like items from property which they reside or from other property with the owner's permission.

### **SECTION 4. APPLICATION REQUIREMENTS:**

Applicants for a permit under this Ordinance must file with the City Clerk an application furnished by the City Clerk, which shall contain the following information:

- A. Name and address of applicant; if the applicant is an association company or corporation, then state its name along with the names and descriptions of the persons who will be soliciting in the city;
- B. A brief description of the nature of the business and the goods to be sold;
- C. If employed, the name and address of the employer, together with credentials establishing the exact relationship between the employer and the applicant;
- D. The proposed method of operation, length of time for which the right to do business is desired and if a motor vehicle is to be used, a description of the same, together with license number or other means of identification;
- E. Whether the applicant or persons participating under this application have had a permit revoked during the past five (5) years, and if so, where and when;
- F. Copies of driver licenses for everyone participating in direct sales (including those driving vehicles);
- G. One - 2"x2" photographs for each participant showing the head and shoulders in a clear and distinguishable manner;
- H. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of deliver;
- I. A statement as to whether or not the applicant or the persons participating under this application have been convicted of a violation of any city, state or federal law, the nature of the offense, the date, and the punishment or penalty assessed therefore;
- J. Designation and completion of Section 5;
- J. No permit issued hereunder shall be transferable.

### **SECTION 5. INVESTIGATION FEES; INVESTIGATION OF APPLICANT AND PERSONS PARTICIPATING UNDER THE APPLICATION; ISSUANCE OF PERMIT:**

- A. As part of the application process, the applicant and all those participating under his/her application shall be required to complete the following:

- . To determine the suitability of prospective applicants for the Vendor, Solicitor, or Temporary Merchant Permit, the City of Star requires an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and Federal Bureau of Investigation. For purposes of fingerprinting, an applicant is a person and cannot be an association, company or corporation. Pursuant to Section §67-3008, Idaho Code, and Congressional Enactment Public Law 92-544, the City of Star requests a criminal records check of state and national databases by the submittal of a set of fingerprints obtained from the applicant and the required fees to be paid to the City of Star to be remitted to the Idaho State Police, Bureau of Criminal Identification. The submission of finger prints and information required by this section shall be on forms prescribed by the Idaho State Police. The City of Star Police Chief is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purposes of evaluating the fitness of applicants for Vendor, Solicitor or Temporary Merchant Permits. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited.
- B. If the applicant or those associated with the application fail to submit and pay for the background checks, the application process will automatically cancel.
- C. If the applicant or a person authorized to solicit on its behalf has been convicted of a violation of any city, state or federal law, in the previous five (5) years; or if the applicant or anyone participating under the application has made a false statement on the application then the application may be denied. (Pursuant to Section 11 of this Ordinance.)
- D. Disqualifying Crimes or Circumstances: No applicant or licensee will be issued or renewed a license if the applicant, or licensee, or a person authorized to solicit on its behalf:
  - 1. Sex Offender: Is required to register as a sex offender, pursuant to Sexual Offender Registration Notification and Community Right-to-Know Act, Idaho section 18-8301 et seq, or the Juvenile Sex Offender Registration Notification and Community Right-to-know Act, Idaho Code section 18-8401 et seq.;
  - 2. Specific Sexual Offenses: Has a conviction, whether felony or misdemeanor, involving the sexual battery of any person, sexual exploitation or sexual abuse of a minor or vulnerable adult, enticement of a minor, child pornography, kidnapping, lewd conduct with a minor, prostitution, rape or homicide; or
 Domestic Violence: Is a respondent in a domestic violence protection order entered pursuant to Idaho Code title 39, Chapter 63 after receiving notice of and an opportunity for hearing; provided , entry of an ex parte order pursuant to Idaho Code section 39-6301 et seq., shall not apply herein.E. Driving Businesses: No applicant or licensee will be issued or renewed a license to engage in or operate a driving business while the applicant or licensee's driver's license is suspended or invalid.

#### SECTION 6. GENERAL RESTRICTIONS:

Vendors, solicitors, and temporary merchants are subject to the following restrictions unless specific exemptions are provided.

- A. Locations: No vendor, solicitor, or temporary merchant shall have any exclusive right to any location in a public street or sidewalk, nor shall they be permitted to operate in any congested area where operations might impede or inconvenience the public. This license does not preclude the issuance of a special events permit or other permits by the City or the granting of permission to sell or operate on private property by its owners.
- B. Hours of Operation: Vendors, solicitors and temporary merchants shall be allowed to engage in their licensed business only between nine o'clock (9:00) A.M. and sunset.
- C. Enforcement Authority: Any law enforcement officer or City Licensing Officer shall have enforcement authority.

## **SECTION 7. PERMIT FEES:**

The vendor, solicitor or temporary merchant non-refundable permit fee, in an amount established by the Star City Council and listed on the schedule of fees, shall be paid in advance.

By accepting a fee and issuing a permit, the City does not assume any liability for any actions or any conduct engaged in by the permittee. The City, shall not endorse any products or services sold by any permittee; nor shall any permittee represent to any person that the City has any interest in any business carried on by the permittee.

## **SECTION 8. BOND REQUIREMENT:**

Before any permit as provided herein shall be issued for engaging in the business of vendor, solicitor, or temporary merchant as defined in this Ordinance;

- A. Every applicant plying his trade as an individual, shall file with the City Clerk a bond, in the amount of one thousand dollars (\$1,000.00).
- B. Every business association, company or corporation which has employees or agents acting in the capacity of vendor, solicitor, or temporary merchant, shall file with the City Clerk a bond covering all such employees in the amount of one thousand dollars (\$1,000.00) per employee to a maximum of five thousand dollars (\$5,000.00).
- C. The bond may be in the form of a surety bond issued by a company licensed to issue insurance in the State of Idaho, a money order or cashier's check payable to the City of Star, or cash delivered to the City Clerk. The bond shall protect against any and all claims against the vendor, solicitor or temporary merchant arising during the effective dates of the permit issued under this Ordinance and filed with the City Clerk.  
Vendors, Solicitors and Temporary Merchants shall notify each customer that they are bonded and that any claim may be presented to the City Clerk at 10769 W. State Street during regular business hours.
- D. After expiration of a license, the City Clerk shall return the bond to the person designated on the application, upon receipt of a written request for return. The bond will be returned sixty days after receipt of the application for return, unless the Clerk has been notified of the pendency of any claim or cause of action by any person upon the bond. If the Clerk receives notice of a claim, the bond shall not be released except as directed by a court or the person(s) submitting the claim.

## **SECTION 9. ISSUANCE AND EXHIBITION OF PERMIT:**

- A. *Approval* - The City Clerk shall notify the applicant whether his permit request is approved and shall issue a permit. The permit will show the name and address of said permittee, the type of permit issued, the amount of fee paid, the date of issuance and the date of expiration.
  - 1. Upon notification of an approved permit, the applicant will be given identification badges for all those participating under the application. The badge will show a picture of the salesperson, the type of business, the salesperson's name, and the date of issuance and expiration of the permit.
- B. *Denial* - The City Clerk shall notify the applicant if his permit request is denied, the reasons therefore, and advise him/her of the appeal procedure. (Pursuant to Section 11 of this Ordinance.)
- C. *Exhibited* – The permit shall be exhibited in a conspicuous place on the motor vehicle or other mode of transportation if the permittee is using a motor vehicle or other mode of transportation. The badges shall be worn at all times when salespeople are working under conditions of this permit.

## **SECTION 10. UNLAWFUL CONDUCT:**

No permittee hereunder shall:

- A. Fail to comply with any of the requirements and restrictions set forth in this Ordinance.
- B. Misrepresent the purpose of, or affiliation of those engaged in, the solicitation;
- C. Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;
- D. Represent the issuance of any license under this Ordinance as an endorsement or recommendation of the solicitation;
- E. 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;
- F. Commit fraud, make misrepresentation or false statements in the course of carrying on the business.

#### **SECTION 11. CANCELLATION OF SALE:**

The buyer shall have the right to cancel the door-to-door sale within three business days. A business day shall be considered Monday through Friday from 8:00 am until 5:00 pm and shall exclude all City of Star Holidays.

#### **SECTION 12 APPEAL FROM DENIAL OF PERMIT:**

- A. *Right to Appeal* – Any applicant aggrieved by the refusal of the city to issue a permit or by the revocation of a permit shall have the right to appeal the city’s decision to the City Council. Such appeal shall be requested by submitting a written request to the Mayor within five days of the action of the City which denied the permit.
- B. *Council Consideration* – The city council shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his appeal orally or in writing. The Council shall act on the appeal within seven business days of the hearing.

#### **SECTION 13. SUSPENSION:**

In the event that the permittee shall violate any of the terms or conditions of the permit, or that any product offered by the permittee is a stolen item, or that the permittee violates any City ordinance in reference to the business, the Star Police Department shall be authorized to seize and confiscate the permit and hold the same pending a hearing before the City Council. No business shall be conducted without a permit.

#### **SECTION 14. EXPIRATION OF PERMIT:**

All permits issued under the provisions of this Ordinance shall expire on the date specified in the permit. No permit shall be issued for a period longer than one year.

#### **SECTION 15. PENALTIES:**

Any person, business, firm, company or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for a period not to exceed six months, or both such fine and imprisonment. Each day or violation continued shall be separate offenses, punishable as hereinabove described.

#### **SECTION 16. REPEALER:**

Ordinance No. 136, 173 and 227 of the City of Star, Idaho, and any other conflicting Ordinances, are hereby repealed, and shall have no further force or effect.

#### **SECTION 17. SEVERANCE CLAUSE:**

The provisions of this Ordinance are declared to be severable. If any section is found to be invalid, such findings shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 18. PUBLICATION:**

This Ordinance shall be published once in the official newspaper of the City of Star, Idaho, and shall become effective upon its passage and publication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF STAR, IDAHO

By: \_\_\_\_\_  
Trevor Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Shelly Tilton, City Clerk