

ORDINANCE NO. 234

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ELIMINATING CHAPTER 3 JUNK DEALERS AND REPLACING CHAPTER 3 TO REQUIRE REGISTRATION OF DOOR-TO-DOOR SOLICITORS, ESTABLISHING WHEN SOLICITATION IS PROHIBITED; PROVIDING WHAT CONSTITUTES A VIOLATION; PROVIDING EXEMPTIONS; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

**SECTION 1:** Title 3, Chapter 3 of the Dalton Gardens Municipal Code is hereby deleted and vacated:

~~3-3-1: DEFINITION:~~

~~Every person is a junk dealer within the meaning of this Chapter who shall be occasionally, regularly, principally or incidentally engaged either in buying, collecting or selling old lead, old metals, bottles, broken glass, old paper, rope, rags, rubber and other odds and ends of every nature and description, including discarded, demolished, wrecked or damaged automobiles or parts thereto. (Ord. 11, 3-3-65)~~

~~3-3-2: LICENSE REQUIRED; FEE AND TERM:~~

~~No person shall engage in the occupation of a junk dealer as hereinbefore defined without first obtaining a license from the City Council and paying the annual license fee of fifty dollars (\$50.00). No license shall be issued under the provisions of this Section for a lesser or longer period than one year. (Ord. 11, 3-3-65)~~

~~3-3-3: RESTRICTIONS ON ISSUANCE OF LICENSE:~~

~~It shall be unlawful for any person to engage in the business of a junk dealer without first having obtained a license so to do. No license shall be issued to any person who is not of good moral character and who shall not have a fixed place of business for carrying on such business of a junk dealer. The words "fixed place of business", as used herein, shall be understood as meaning a place of business situated upon land either owned by the licensee or for the use of which said licensee holds a lease from the owner thereof. (Ord. 11, 3-3-65)~~

~~3-3-4: LOCATION; BUSINESS TO BE ENCLOSED:~~

~~No existing junk or automobile wrecking yard shall be operated or maintained for more than one year from the effective date hereof nor shall a license be issued for a new junk or automobile wrecking yard except in that area of the City within three hundred feet (300') east of Government Way then only upon petition of all of the adjacent property owners within one thousand feet (1,000') of the land proposed to be so used and upon the condition that the same shall be enclosed in a masonry building, or when the City Council deems it impractical to roof over a large area containing junk materials or an automobile wrecking yard, the Council may permit the construction around said area of a six foot (6') high masonry wall and may then permit for a specified time the continued use of such property for such purposes. (Ord. 11, 3-3-65; 1991 Code)~~

~~3-3-5: REGISTER OF PURCHASES:~~

~~A. Register Required; Inspection: Every junk dealer shall keep a substantial and well-bound register in which he shall enter, at the time of making a purchase and for every purchase made at his place of business, the following:~~

- ~~1. The date, hour and place of purchase.~~
- ~~2. A true and accurate description of every article purchased.~~
- ~~3. The amount paid for every such article.~~
- ~~4. The name, age, residence and occupation of the vendor.~~

~~All entries shall be made in the English language in a legible manner and with ink. Said register shall be open to inspection by any official of the Municipality at any and all times.~~

~~B. Change or Abandonment of Occupation; Register to Clerk: Whenever any junk dealer abandons his occupation as such, he shall deliver in good condition to the City Clerk, a register of transactions that he has kept during the term he was licensed as a junk dealer. (Ord. 11, 3-3-65)~~

~~3-3-6: RECEIPT OF PROPERTY FROM MINORS:~~

~~It shall be unlawful for any junk dealer, by himself or his employees or agents, to purchase or receive any junk or secondhand or used property from any person under twenty one (21) years of age. (Ord. 11, 3-3-65)~~

**SECTION 2:** Title 3, Chapter 3 of the Dalton Gardens Municipal Code is hereby replaced by the following:

3-3-1 REGISTRATION REQUIRED:

It is unlawful for any person to solicit door-to-door without first registering with the city of Dalton Gardens, unless exempt by state or federal law. "Door-to-door solicitation" shall mean any unsolicited contact by a person with any person at a residence ~~or dwelling~~ in the city of Dalton Gardens for the purpose of selling any product or service, or soliciting orders for any product or service. Registration forms shall be provided by the City.

3-3-2 REGISTRATION EXEMPTION:

Registration shall not be required for any commonly recognized and locally organized youth groups, local youth school groups and youth church groups. Any commonly recognized and locally organized youth group shall notify the City prior to door-to-door solicitation activities within the City limits. Local means within Kootenai County.

3-3-3 REGISTRATION FEE:

A registration fee in the amount set by the City Council by resolution shall be tendered at the time of submitting a registration application, unless the solicitor is a nonprofit businesses or charitable organization that meets Section ~~503~~-501 (c) (3) of the United States Internal Revenue Code, which shall be exempt from any registration fee. Possession of a certificate of such status from the Internal Revenue Service shall be required at the time of registration to qualify for this exemption.

Registration fee exemptions shall also apply to any commonly recognized local organized youth groups, local youth school groups and youth church groups that do not qualify for Section ~~503~~ 501 (c) (3) of the United States Internal Revenue Code.

3-3-4 REQUIRED INFORMATION:

Persons registering with the City Clerk shall present current and valid government issued photo identification and shall fill out a registration application to be provided by the City Clerk, which shall give the following information:

1. Name and permanent home address of the applicant;

2. A brief description of the nature of the business and the goods or services to be sold or provided;
3. Name and address of the person's employer, together with an explanation of the exact relationship between the person and the employer;
4. Length of time for which the door-to-door solicitation will occur;
5. A statement as to whether or not the person has been convicted of any crime or violation of any municipal ordinance, the nature of the offense and where the offense was committed.

3-3-5 TERM:

1. A new registration shall be filed with the City Clerk each year for solicitation of sales of the same product or service by the same person.
2. A new registration shall be required when a person who has previously registered within the last year desires to sell door-to-door any products or services not listed on the original registration application.

3-3-6 NUISANCE PROHIBITED:

1. No person, registered or not, shall solicit business at any home or business when such location has clearly posted any sign indicating that solicitation or peddling is prohibited.
2. No person, registered or not, shall continue with door-to-door solicitation at any home or business when requested to leave by the owner, authorized agent of the owner, or any other person that resides or works on the premises.

3-3-7 FALSE INFORMATION PROHIBITED:

Providing false information on a registration application shall be a violation of this Chapter.

3-3-7 VIOLATION AND PENALTIES:

Any person violating any of the provisions set out in this chapter shall have committed an **infraction**, and, upon being found to have violated a provision of this chapter, shall be penalized as set forth in Title 1 Chapter 4 of this Code.

Section 2. Severability:

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 3. Repeal of Conflicting Provisions:

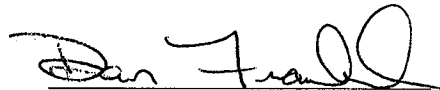
All provisions of the current Dalton Gardens Municipal Code or ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date:

This ordinance shall be effective upon passage and publication as provided by law.


Enacted by the city council as an ordinance of the City of Dalton Gardens on the 5<sup>th</sup> day of December, 2013.

City of Dalton Gardens



Dan Franklin, Mayor

ATTEST:

  
\_\_\_\_\_  
Marcia Wingfield, City Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Kootenai, } ss.

*Paige Ann*

..... being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The *legal notice*

of which the annexed is a printed copy, was published in the regular *Wednesday* issue of said newspaper for *1* consecutive *week* commencing on the *25th* day of *June* 20 *14* and ending on the *25th* day of *June* 20 *14*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this *25th* day of *June* in the year of *2014*, before me, a Notary Public, personally appeared *Paige Ann*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Katrina George*  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

NOTICE OF PUBLIC HEARING  
CITY OF DALTON GARDENS  
CITY COUNCIL  
JULY 10, 2014

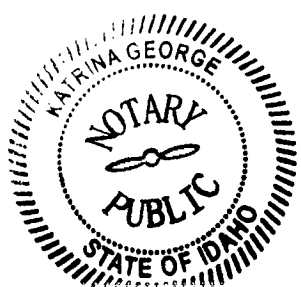
The Dalton Gardens City Council will hold a public

hearing on July 10, 2014 to hear the following Municipal Code amendment:

An Ordinance of the City of Dalton Gardens, a Municipal Corporation of the State of Idaho; amending definitions in Dalton Gardens, Idaho, providing severability, repealing conflicting Ordinances and providing an effective date.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Tuesday, July 10, 2014. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the amendments are available at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Thursday, Friday 9:00 a.m. to 4:00 p.m.). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Attest:  
Marcia Wingfield  
City Clerk  
LEGAL 1033  
JUNE 25, 2014



MY COMMISSION EXPIRES 8/29/17

# AFFIDAVIT OF PUBLICATION

## SUMMARY OF CITY OF DALTON GARDENS, IDAHO ORDINANCE NO. 234

STATE OF IDAHO,  
County of Kootenai,

} ss.

*Paige Prew*

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

*legal notice*

of which the annexed is a printed copy, was published in the regular *Wednesday* issue of said newspaper for *1* consecutive *week* commencing on the *15th* day of *January* 20 *14*, and ending on the *15th* day of *January* 20 *14*, and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. On this *15th* day of *January* in the year of *2014*, before me, a Notary Public, personally appeared *Paige Prew*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

*Katrina George*

Notary Public for the State of Idaho.  
residing at Coeur d'Alene, Idaho.

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 221 of the City of Dalton Gardens, Idaho:

1. An ordinance of Dalton Gardens, Idaho, a political subdivision of the State of Idaho, amending Title 3 Chapter 3 of the Dalton Gardens Municipal Code.

2. This Ordinance repeals and replaces Title 3 Chapter 3 which eliminates Chapter 3 Junk Dealers and replaces Chapter 3 to require registration of door-to-door solicitors, establishing when solicitation is prohibited; providing what constitutes a violation; providing a definition for "door to door solicitation"; providing repeal of conflicting ordinances; and providing an effective date.

3. This Ordinance was passed on December 5, 2013.

4. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.

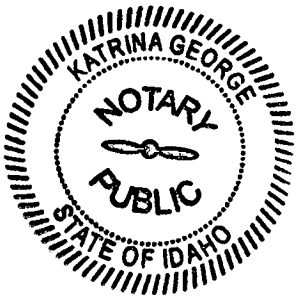
5. The full text of Ordinance 234 is available at the Dalton Gardens City Hall.

DATED this 2nd day of January, 2014.

*DF/S/*  
Daniel Franklin, Mayor

ATTEST:

*MW/S/*  
Marcia Wingfield, Clerk  
Legal 19  
January 15, 2014



MY COMMISSION EXPIRES 8/29/17

December 19, 2013

Marcia Wingfield  
Dalton Gardens City Clerk  
6360 N 4<sup>th</sup> Street  
Dalton Gardens, ID 83814

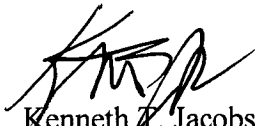
Re: Ordinance 234

Dear Marcia:

The enclosed summary of Ordinance 234 is true and complete and, upon publication in the official newspaper designated by the City of Dalton Gardens, provides adequate notice to the public of Dalton Gardens Ordinance No. 234.

This letter shall be filed with the Ordinance in the records of Dalton Gardens, Idaho.

Very truly yours,



Kenneth T. Jacobsen  
City Attorney

KTJ:rs  
Enclosure