

AN ORDINANCE AMENDING ADA COUNTY CODE, TITLE 4, CHAPTER 1, TO INCREASE THE AMOUNT OF THE BOND, AND REQUIRE A BUSINESS TO FILE A BOND FOR EACH EMPLOYEE OR AGENT ACTING AS PEDDLER OR SOLICITOR; TO DELETE THE PROVISION FOR AN ACTION ON THE BOND BY ANY PERSON, AND PROVIDE FOR AN ACTION ON A BOND BY ADA COUNTY; TO PROVIDE FOR FORFEITURE OF THE BOND FOR ANY VIOLATION OF THIS CHAPTER; TO RESTRICT PEDDLING AND SOLICATION ON PREMISES BEARING A SIGN PROHIBITING SUCH ACTIVITIES; AND TO PROVIDE THAT ANY PERSON MAY PETITION FOR A REVOCATION HEARING OF A LICENSE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 4, CHAPTER 1, BE AMENDED AS FOLLOWS:

SECTION 1: Ada County Code § 4-1-5 is amended as follows:

4-1-5: BONDS:

~~All applications made pursuant to this Chapter must be accompanied by~~ Before any license as provided herein shall be issued, each applicant shall file with the County Clerk a bond in the amount of ~~five hundred~~ one thousand dollars (\$~~500.00~~1,000.00) in the form of a surety bond, cashier's check or a letter of credit from a financial institution running to the County Clerk. ~~Every business association, company or corporation which has one or more employees or agents acting in the capacity of peddler or solicitor shall file with the County Clerk a bond covering all such employees or agents in the amount of one thousand dollars (\$1,000.00) for each employee or agent to a maximum of five thousand dollars (\$5,000.00).~~

An action on the bond, cashier's check or letter of credit may be brought by Ada County directly ~~by any person damaged by the action of a licensee~~ for a licensee's failure to comply with any provision of ~~under~~ this Chapter.

Upon expiration of the license, the County Clerk shall return the bond, cashier's check or letter of credit within ninety (90) days after receipt of a written request for its return, unless the County Clerk has been notified that any provision of this Chapter has not been complied with or that Ada County has brought an action on the bond. ~~If the County Clerk receives such notice, the bond, cashier's check or letter of credit shall not be returned to the licensee, except as directed by a court. Forfeiture of the bond is a civil remedy and does not foreclose the possibility of criminal prosecution and punishment as otherwise provided in this Chapter.~~

SECTION 2: Ada County Code § 4-1-10 is amended as follows:

4-1-10: RESTRICTIONS:

The following restrictions shall apply to peddling and soliciting in unincorporated Ada County:

- A. Hours restriction: Peddlers and solicitors shall only engage in their activities between the hours of 9:00 a.m. and one hour following sunset as establish by the National Weather Service for Boise, Idaho. A special permit may be sought by licensed peddlers and solicitors, in which case the Board of Ada County Commissioners may grant an exception to this section.
- B. Prohibited areas: The Board of Ada County Commissioners may, from time to time, prohibit the activities allowed under this chapter if it determines such prohibitions are necessary to protect the public health, safety and welfare.
- C. Child labor restrictions: Restrictions relating to minimum age as set forth in the child labor provisions of the Fair Labor Standards Act, 29 U.S.C. section 201 et. seq. (1938), as amended, and the Child Labor Law of Idaho, Idaho Code section 44-1301 et. seq., as amended, are hereby adopted and constitute restrictions under this Ordinance.
- D. Premises restriction: Peddlers and solicitors shall not 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.

SECTION 3: Ada County Code § 4-1-11 is amended as follows:

4-1-11: LICENSE DENIAL; REVOCATION:

Any application made for or license issued pursuant to this Cchapter may be denied or revoked by the County Clerk or Board of Ada County Commissioners on any of the following grounds:

- A. Fraud, misrepresentation or false statement in the application;
- B. Fraud, misrepresentation or false statement made by the licensee in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions of this Cchapter;
- D. Conducting peddling or soliciting activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety, or general welfare of the general public.

The Board of County Commissioners shall consider a petition for the revocation of a license submitted by any person claiming a violation of any provision of this Chapter. If, after review of said petition for revocation of a license, the Board of County Commissioners determines that the allegations contained therein are true and correct, it may take the appropriate action to revoke

that license. Notice and hearing on the revocation of a license pursuant to a petition shall be the same as provided in Section 4-1-12 of this Chapter.

ADOPTED this _____ day of _____, 2010.

Board of Ada County Commissioners

By: _____
Fred Tilman, Chairman

By: _____
Sharon M. Ullman, Commissioner

By: _____
Rick Yzaguirre, Commissioner

ATTEST:

J. David Navarro, Ada County Clerk

PUBLISHED: _____