

ORDINANCE NO. 3505
COUNCIL BILL NO. 15-1005

AN ORDINANCE ADOPTING A NEW CHAPTER OF THE MUNICIPAL CODE TO REGULATE DOOR TO DOOR SOLICITATION BY REQUIRING DOOR TO DOOR SOLICITORS TO REGISTER WITH THE CITY AND HAVE A BACKGROUND CHECK; PROVIDING RULES OF CONDUCT AND EXEMPTIONS AND PROVIDING THAT THE FIRST THROUGH THIRD VIOLATIONS OF THE CHAPTER ARE AN INFRACTION PUNISHABLE BY A FINE OF UP TO THREE HUNDRED DOLLARS AND THAT FURTHER VIOLATIONS ARE MISDEMEANORS PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS OR BY IMPRISONMENT UP TO ONE HUNDRED AND EIGHTY DAYS OR BOTH; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That a new Chapter 5.72, entitled, DOOR TO DOOR SOLICITATION, is added to the Coeur d'Alene Municipal Code as follows:*

**CHAPTER 5.72
DOOR TO DOOR SOLICITATION**

5.72.010: AUTHORIZATION:

This chapter is enacted pursuant to the city's general police power and the authority granted to cities by article 12, section 2 of the Idaho constitution and Idaho Code section 50-302.

5.72.020: PURPOSE:

The purpose of this chapter is to regulate the activities of door to door solicitors in order to protect against criminal activity, including fraud and burglary, to minimize the unwelcome disturbance of citizens and the disruption of privacy, and to otherwise preserve the public health, safety and welfare of citizens of the city.

This chapter is not intended to prohibit or hamper speech which is protected by the First Amendment but merely to regulate specific activities which are commercial in nature. As such, the registration and background check provisions of this chapter do not apply to political or religious activities.

5.72.030: REGISTRATION REQUIRED:

It is unlawful for any person to solicit door to door without first registering with the city of Coeur d'Alene and passing a background check, unless exempt by state or federal law.

For the purposes of this chapter, "door to door solicitation" means any unsolicited contact by a person with any person at a residence or dwelling in the city of Coeur d'Alene for the purpose of selling any product or service, or soliciting orders for any product or service.

5.72.040: REGISTRATION FEE:

A registration fee and background check fee in the amounts set by resolution of the city council must be paid at the time the registration application is submitted.

5.72.050: REQUIRED INFORMATION:

Applicants for registration must present a current government issued photo identification to the city clerk, allow the clerk to take a photograph of the applicant, and fill out a registration application to be provided by the city clerk, including the following information:

- A. Name and permanent home address of the applicant;
- B. A brief description of the nature of the business and the goods or services to be sold or provided;
- C. Name and address of the person's employer, together with an explanation of the exact relationship between the person and the employer;
- D. Length of time for which the door to door solicitation will occur;
- E. 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.

5.72.060: REQUIRED BACKGROUND CHECK:

Persons convicted of a felony within five (5) years prior to the date of application are prohibited from door to door soliciting within the city limits of Coeur d'Alene.

To determine eligibility, each applicant for registration must provide information and fingerprints necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to Idaho Code Section 67-3008 and congressional enactment public law 92-544, the city of Coeur d'Alene will submit a set of fingerprints obtained from the applicant and the

required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section will be on forms prescribed by the Idaho State Police. The city of Coeur d'Alene is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. Fees required for the criminal history check must be tendered at such time as the application is made.

5.72.070: TERM AND UPDATING PRODUCT INFORMATION:

- A. A new registration must be filed with the city clerk annually.
- B. Each registrant must submit a revised product and/or services description, on a form provided by the city clerk, before selling door to door any products or services not listed on the original registration application.

5.72.080: IDENTIFICATION AND DISPLAY OF REGISTRATION:

All registrants must visibly display the city issued proof of registration on the outside of their clothing any time they are soliciting within the city limits of Coeur d'Alene.

5.72.080: PROHIBITED CONDUCT:

- A. 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.
- B. 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.
- C. No person may provide false information on a registration or background check application.
- D. No person, registered or not, may conduct door to door solicitations before 9:00 am or after 8:00 pm.
- E. No person, registered or not, may not misrepresent the purpose of or affiliation of those engaged in the solicitation, or make misrepresentations or false statements when conducting the solicitation.
- F. No person, registered or not, may represent that the city of Coeur d'Alene endorses the solicitation.

5.72.090: EXEMPTIONS:

The fee and background check provisions of this chapter do not apply to persons qualifying as a nonprofit business, including charitable activities, within the meaning of section 503 of the United States internal revenue code. Possession of a certificate of such status from the Internal Revenue Service is required to qualify for this exemption.

5.72.100: VIOLATIONS AND PENALTIES:

Any person violating any of the mandatory provisions or requirements of this chapter is guilty of an infraction or misdemeanor as follows:

- A. Initial violations of any provision are an infraction subject to a fine of one hundred dollars (\$100.00).
- B. Second and third violations of the same section are an infraction subject to a fine of three hundred dollars (\$300.00).
- C. Any additional violations of the same section are a misdemeanor punishable as provided in section 1.28.010 of this code.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

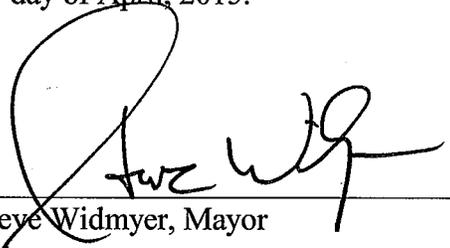
SECTION 3. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 4. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 5. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

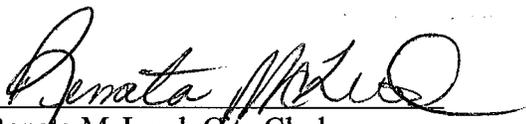
Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on April 7, 2015.

APPROVED, ADOPTED and SIGNED this 7th day of April, 2015.



Steve Widmyer, Mayor

ATTEST:



Renata McLeod, City Clerk