

ORDINANCE NO. 53

AN ORDINANCE REGULATING THE BUSINESS OF ITINERANT MERCHANTS, PEDDLERS, HAWKERS, AND SOLICITORS, DEFINING THE TERM "ITINERANT MERCHANT", FIXING FEES FOR SUCH LICENSE, PROVIDING FOR FILING OF A BOND, PROVIDING FOR PENALTY FOR VIOLATION OF THIS ORDINANCE, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WASHBURN, NORTH DAKOTA:

Section 1. Unlawful to Engage in, Without License. From and after the passage and approval of this ordinance, it shall be unlawful for any person, or corporation to engage in the business of itinerant merchant within the corporate limits of the City of Washburn, North Dakota, without first having obtained a license so to do.

Section 2. Itinerant Merchant Defined. The term "Itinerant Merchant" when used in this ordinance shall be deemed to mean all person, firms, or corporation who shall hereafter offer to sell either at wholesale or retail, any goods, wares, or merchandise from any stand, wagon, railroad car, motor vehicle, or upon any street, or upon any public or vacant ground, within the corporate limits of the City of Washburn, North Dakota, except that this definition shall not mean to apply to any regularly licensed auctioneer, or to any person, firm or corporation licensed under any other ordinance of the City of Washburn, nor to any person, firm or corporation selling, or offering to sell the following described products raised or produced by him on premises owned or leased by him, to-wit: poultry, dairy products, and vegetables. There shall be included fruit, berries and other horticultural products, and this ordinance shall not be deemed to apply to any person selling or offering to sell any merchandise or agricultural products at any regularly established city markets.

Section 3. Wholesale and Retail Defined. The term "Sell at Wholesale" as used in this ordinance means the sale of any commodity covered hereby to any person for the purpose of resale by such purchases. The term "Sell At Retail" as used in this ordinance means the sale of any commodity covered by this ordinance to a person for the purpose of consumption or use by such purchaser.

Section 4. License Application. Every itinerant merchant, before conducting any business as herein defined, within the corporate limits of the City of Washburn, North Dakota, shall first make application to the Board of City Commissioners for a license to conduct such business, and such license, when issued shall not be transferable. The application shall specify the name, place of residence of applicant, number of days or period of time during which he will be engaged in said business within the City of Washburn, the article or articles or description of goods, wares, and merchandise to be sold or offered for sale, and the manner and place where such business is proposed to be conducted, and such application shall be accompanied by a fee of \$200.00 a year, or any part thereof, and upon payment of such license fee, the Board of City Commissioners shall issue a license to such person for the period of time specified in such application.

Provided further, that any person desiring such license shall first present to the Board of City Commissioners a receipt for license issued by the State of North Dakota, showing compliance and payment to the State of North Dakota for the license fee required by the State of North Dakota for the conduct of such business.

Section 5. Bond. When any complaint is made to the Board of City Commissioners of the City of Washburn that any person doing business within the City of Washburn's corporate limits is an itinerant merchant, as defined herein, and such person may claim to be a permanent merchant, such person, before continuing such business shall, as a condition precedent, thereto, file with the City Auditor of the City of Washburn a bond in the sum of \$500.00 with surety to be approved by the Board of City Commissioners, and said bond approved, as to form, by the City Attorney, conditional that in the event he fails to become a permanent merchant under the terms of Section 3036 of the Supplement of the Compiled Laws of North Dakota for 1925, or any amendment thereto,

he will pay to the State of North Dakota such license fee as may be provided by the Laws of the State of North Dakota, and further he will pay to the City of Washburn the license fee as required by this ordinance. And in the event such merchant does not become a permanent merchant upon the collection of the penalty of said bond, the City Auditor shall forthwith pay to the State of North Dakota the amount of the license fee as provided by the Laws of the State of North Dakota or such part thereof as the penalty of said bond will pay placing the remained thereof into the general funds of the City of Washburn.

Section 6. ⁱⁿ Making Uninvited Calls at Residences Deemed Nuisance. The practice of going in and upon private residences in the City of Washburn by solicitors, peddlers, hawkers, itinerant merchants, transient vendors of merchandise, photographers, and magazine and periodical subscription agents, not having been requested or invited to do so by the owner or owners, occupant or occupants of such private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and or for the purpose of disposing of and/ or peddling or hawking the same, and for the purpose of soliciting subscriptions to magazines or periodicals and/ or for the purpose of taking photographs is hereby declared to be a nuisance and punishable as such nuisance as a misdemeanor.

Section 7. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 8. Police Power. This ordinance shall be deemed to be enacted pursuant to Police Powers of the City of Washburn and for the protection and preservation of public health, and for the public welfare of the people of the City of Washburn, North Dakota.

Section 9. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10/ Time of Taking Effect. This ordinance shall take effect and be in force ten (10) days after its passage.

[Handwritten Signature]
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President of the City Commission

Attest
[Handwritten Signature]
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City Auditor

First reading Oct. 4, 1948
Second reading Nov. 1, 1948
Final reading and adoption Nov. 1, 1948