

CHAPTER 1

GENERAL LICENSE PROVISIONS

SECTION:

- 3-1- 1: Purpose
- 3-1- 2: Definitions
- 3-1- 3: License Required
- 3-1- 4: Fees
- 3-1- 5: Application for License
- 3-1- 6: Refusals; Appeals
- 3-1- 7: License Nontransferable
- 3-1- 8: Exhibition
- 3-1- 9: Exceptions
- 3-1-10: Revocation of License; Hearing
- 3-1-11: Penalty

3-1-1: **PURPOSE:** The purpose of this chapter is to protect the health, safety and welfare of this citizens of this city. (Ord. 94-10047, 10-4-1994)

3-1-2: **DEFINITIONS:** Any business which operates more than seasonally (3months) on a fixed location and private property.

3-1-3: **LICENSE REQUIRED:** No person or business shall engage in, prosecute or carry on a Permanent or Temporary business or vocation within the City unless and until a business license is obtained in conformance with this chapter. (Ord. 94-1004, 10-4-1994,)

3-1-4:

FEES:

- A. Permanent Business: The fee for a permanent business shall set as per the City Fee and Fines Schedule as established by Victor City Council by resolution. Such rate of charge shall be subject to change by the City Council from time to time. An annual renewal fee shall also be established by resolution, without interruption of business for more than sixty (60) days or allotted time for sickness or repairs of said business.
- B. Temporary Business: The fee for a temporary business shall be set as per the City Fee and Fines Schedule as established by Victor City Council

by resolution, renewable every eight (8) months. (Ord. 94-1004, 10-4-1994)

3-1-5: APPLICATION FOR LICENSE:

- A. Approval and Signatures: All applications for licenses shall be made to the city clerk/treasurer. All licenses shall be approved and signed by the Planning and Zoning Administrator, city fire chief, mayor and attested by the city clerk/treasurer under corporate seal. (Ord. 10-1110, 11-10-10)
- B. Contents: Licenses shall contain, but not necessarily be limited to the following information:
 - 1. Name and address of applicant.
 - 2. Address of business, both mailing and street.
 - 3. A brief description of the business activity.
 - 4. State whether it is permanent or temporary.
 - 5. Social security and/or driver's license number of applicant.
 - 6. When the applicant proposes to peddle any food or product for human consumption, certification by the state health department shall be required prior to issuance of a license. (Ord. 94-1004, 10-4-1994)
 - 7. A floor plan of the premises in which the business is to be conducted. (Ord. 10-1110, 11-10-10)
 - 8. A site plan of the property on which the business is to be located. (Ord.10-1110, 11-10-10)
- C. Requirements: The district fire chief, the planning and zoning commission, or the mayor may deny approval of a license in the event a Permanent or Temporary Business, or the property on which the Permanent or Temporary Business is conducted, fails to comply with all provisions of the City of Victor City Code or any other city, county, state, or federal law, rule, ordinance, or regulation. (Ord. 10-1110, 11-10-10)

3-1-6: REFUSALS; APPEALS:

- A. Review by City Council: Within five (5) days, excluding weekends and legal holidays, from the refusal of the city clerk/treasurer to issue a license, the applicant for a license may appeal to the city council for the purpose of having the city council review of the action of the city clerk/treasurer.

- B. Written Appeal: The appeal by the license or the applicant whose license has been refused must be in writing and set forth in concise language the reasons such license should not have been refused.
- C. Hearing: After the filing thereof, the city council shall hear the appeal at the next regularly scheduled city council meeting. The decision of a majority of the city council shall be final as to the issuance of the license. The council must report to the applicant in writing within forty eight (48) hours following the hearing of its decisions. (Ord. 94-1004, 10-4-1994)

3-1-7: **LICENSE NONTRANSFERABLE:** No license issued shall be transferable to any persons other than mentioned on license applications. Any business selling or leasing to another person shall be required to apply for a new license. (Ord. 94-1004, 10-4-1994)

3-1-8: **EXHIBITION:** The license issued to the business shall be exhibited in a conspicuous place or kept on the person and exhibited at any time upon request. (Ord. 94-1004, 10-4-1994)

3-1-9: **EXCEPTIONS:** The provisions of this chapter shall not apply to:

- A. Court Order: Any sales under court order/
- B. Garage Sales: A personal garage or yard sale.
- C. Traveling Salespersons: 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 wholesale firms.
- D. Farmers' Markets: The sale of farm or garden products, i.e., farmers' markets.
- E. Newspaper Subscriptions: The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper.
- F. Contributions: Contribution solicitation where the person being solicited to contribute personally knows the identity of the person soliciting the contribution, the name of the group or organization he/she represents and the nature of the services performed or offered by the group or organization.
- G. Fund Raising: The occasional sale of admission to a function of their school by local students, or fund raising or community events sponsored by local service clubs or the local government.
- H. Political Groups: Any political group seeking funds or membership.

- I. Telephone Book Solicitation: Any telephone book solicitation of information.
- J. Franchises: A business granted a franchise by this city, pursuant to the terms of Idaho Code sections 50-239 and 50-330.
- K. Refreshment Stands: Small children's refreshments stand. (Ord. 94-1004, 10-4-1994)
- L. Sales of services, goods, wares or merchandise at any event sponsored or sanctioned by the City of Victor and with fees established by the City Council resolution: or
- N. Sales under the issuance of a valid exposition license.

3-1-10: **REVOCAION OF LICENSE; HEARING:**

- A. City Council Authority: The city council shall have the power to revoke any license granted in accordance with this chapter for any of the following reasons:
 - 1. Fraud, misrepresentation or false statement contained in the application for license.
 - 2. Fraud, misrepresentation or false statement made in the course of conducting the business or trade.
 - 3. Conviction of any crime, felony and/or misdemeanor involving business or applicant.
 - 4. Conducting business in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to health, safety or general welfare of the public.
 - 5. Any violation of this chapter.
- B. Hearing: Prior to any revocation, the licensee shall be granted the opportunity for a public hearing before the city council, which will be held no later than twenty one (21) days after written notice of intent to revoke, which notice shall specify the date, time and place of hearing, and which shall be delivered to the licensee personally or mailed to the address set forth in the license application. If, after such public hearing, the city council determines that one or more of the grounds for revocation exists, it shall revoke the license. (Ord. 94-1004, 10-4-1994)

3-1-11: **PENALTY:** Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as established from time to time by resolution of the City Council and published in the City Fee and Fines Schedule, plus costs

of prosecution, and the defaulter in the payment thereof shall be imprisoned in the common jail for a period equal to the fine at then dollars (\$10.00) per day. (Ord. 94-1004, 10-4-1994)