

CHAPTER 1

GENERAL LICENSE PROVISIONS

ARTICLE A. TEMPORARY MERCHANT BUSINESS LICENSES

SECTION:

3-1A- 1:	Definitions
3-1A- 2:	Limitations on Issuance
3-1A- 3:	License Applications
3-1A- 4:	States Tax License
3-1A- 5:	License Fee
3-1A- 6:	Exceptions
3-1A- 7:	Noise/Signage
3-1A- 8:	Public Property

3-1A-1: **DEFINITIONS:** A "Temporary Merchant" is any person, whether owner or otherwise, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares, merchandise and services within the City, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure or motor vehicle within the City for the exhibition and sale of food, beverages, goods, merchandise or services."

3-1A-2 **LIMITATIONS ON ISSUANCE:**

- A. No person shall receive a license for more than a total fourteen (14) days in anyone (1) calendar year, nor for any period that exceeds seven (7) consecutive days.
- B. No license shall be valid for more than one person, nor shall a license be transferable.
- C. The proposed licensed premises must be located in the CBZ, Central Business Zone or GB, General Business Zone.
- D. The business must be located and conducted entirely on private property except as otherwise provided in Section 3-1- 21, and must not be located and conducted within twenty (20) feet of any road, street, highway, or alley. The business shall be in a location that shall not create a traffic hazard.

3-1A-3: **LICENSE APPLICATIONS:** Any temporary merchant desiring to engage in or transact business with the City shall file at least seven (7) days prior to conducting business an application for licensure with the City Clerk on a form provided by the City Clerk, which application shall include the name of the merchant, the location where the business shall be conducted, the kind of business, the requested dates of operation, and such other information as the City may require. Upon receipt of an application, the City Clerk may refer the application to the sheriff's department and/or any other department to conduct a review, inspection or investigation as the City Clerk deems necessary for the protection of the public good. If, as a result of such review, the applicant appears to be of satisfactory standing and all other departmental requirements are met, the City Clerk shall issue the license.

3-1A-4: **SALES TAX LICENSE.** No license shall be issued until the applicant has provided to the City Clerk a copy of a current Idaho sales tax license in the name of the applicant.

3-1A-5: **LICENSE FEE:** The applicant shall pay a fee set forth by the Victor City Council for the term of the license provided however, that:

- A. If the applicant is the holder of a current, valid business license issued by the City, there will be an additional fee for the temporary use. This fee will be determined by the City Council provided further that the services, goods, wares, or merchandise to be sold are the same as those sold from or upon the regularly licensed permanent premises of the applicant/City of Victor business licensee; and
- B. If the applicant is a nonprofit organization (a) with proof provided of its nonprofit status in accordance with the Internal Revenue Code of the United States, (b) where not less than seventy-five percent (75%) of the new profits of such sales shall be retained by the applicant and (c) where the services, goods, wares, and merchandise is non business-related personal property sold by individuals not regularly engaged on a full-time basis in the business of selling, manufacturing, distributing or providing such services, goods, wares and merchandise, then there shall be no fee.

3-1A-6: **EXHIBITION OF LICENSE:** The license shall be posted conspicuously in the place of business of the license. A separate license must be obtained for each business location.

- 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 Stands/Produce Vehicles: The sale of farm or garden products, i.e., farmers' produce stands or produce trucks.
- 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 City Council resolution; or
- N. Sales under the issuance of a valid exposition license.

3-1A-7: **NOISE/SIGNAGE:** No license, or anyone on the licensee's behalf, shall shout, make an outcry, blow a horn, ring a bell or use any sound device for the purpose of attracting attention to its business. Signage is prohibited except pursuant to a valid temporary sign permit issued by the Planning Department.

3-1A-8: **PUBLIC PROPERTY:** No public property, including any park, street, sidewalk or right of way therefore shall be utilized at any time

for sale of any kind with the exception of newspapers, magazines, religious information or materials, or other such activities as are protected under the First Amendment of the Constitution of the United States; provided, however, that the provisions of this subsection shall not apply to nonprofit, benevolent or other City authorized organizations approved in advance by the City Council to sell items at an event occurring near or in a city park, nor during the specified period of closure, to those portions of public streets and the adjacent sidewalks and rights of way which may be officially closed to vehicular traffic from time to time by order of the City Council.