

#### **4-3-24: GENERAL BUSINESS LICENSE**

(A) Purpose: The purpose of this Section is to maintain an accurate listing of the trades, businesses, and professions located in the city in order to:

1. Further the health, safety, and welfare of the citizens of McCall so that the city, especially the police, paramedics, and firefighters, have knowledge of the materials and activities present within such businesses in the event of emergencies: and

2. Allow the city and other interested parties to better communicate with the McCall business community and comprehend the business categories that may be over or under served in the area.

(B) "Trade", "Business", And "Profession", Defined: As used in this Section "trade", "business" and "profession" shall be defined as those persons, entities, or activities, excluding hawkers, peddlers, or street carnivals as defined in this chapter, which hold themselves out to the public as businesses, trades or professions regardless of size unless such trades, businesses or professions constitute home occupations as defined in Title III of this code.

(C) Licenses Required: No person shall engage in, prosecute or carry on any trade, business or profession within the limits of the city until such person or entity has obtained a license as described in this chapter.

(D) Payment Of Fees, Application For License, Issuance: Every business, trade or profession shall pay in advance to the city clerk the required fees as adopted by resolution of the city council. With the receipt of such fee, the city clerk shall issue a license to the parties applying therefore.

(E) Contents And Authority Of Licenses: Every license issued pursuant to this chapter shall contain and set forth the name, location, and type of each trade, business or profession for which such license is granted. Said license shall authorize the continuance of the business named therein for the term of such license, unless the place licensed shall be closed, in which case the city clerk shall be notified of the change and shall note the same in the register of licenses. (Ord. 739, 4-27-200)

(F) Term Of License; Renewal: All licenses shall expire the last day of each year, and shall be dated from the first day issued until the last day of the current year. Each such general business license may be renewed before the end of each calendar year by notice to the city clerk in writing, with payment of fees as set forth in subsection (D) of this section. (Ord. 763, 6-13-2002)

(G) More Than One Business At One Location: In every case where more than one business, trade, or profession shall be pursued or carried on in the same place by the same person at the same time, license may be taken out for each according to the rate severally described.

(H) Violations And Penalties: If any person, persons, or entities exercise or carry on any trade, business or profession without first taking out such license as required by this section, or violate any of the provisions of this chapter, he, she, or they shall be guilty of an infraction punishable by collection of a fine of fifty dollars (\$50.00); provided further, however, that such person's or persons' failure to pay such a fine within thirty (30) days of notice of such infraction shall constitute a misdemeanor punishable as set forth in Section 1-3-1 of this code, as such section shall be amended from time to time. (Ord. 739, 4-27-2000)

**1-3-1: GENERAL PENALTY:**

Any person convicted of a misdemeanor or violation of any section of this Code shall be fined in a sum not exceeding three hundred dollars (\$300.00) for any one offense, provided said fine shall not exceed the amount permissible in the Magistrate's Division of the District Court, or confined in the County jail not more than thirty (30) days, or both such fine and imprisonment, recoverable with costs, and in default of payment of any fine imposed shall be imprisoned in the City or County jail for a period of one day for each ten dollars (\$10.00) of such fine, provided that upon conviction of driving a motor vehicle while the driver is intoxicated or under the influence of intoxicating liquor, the Court shall demand the delivery of the driver's license. Whenever a defendant is sentenced to imprisonment or is imprisoned for nonpayment of a fine or costs, he may be put to work for the benefit of the City for the term of his imprisonment. (Ord. 585-, 8-8-91)

**1-3-2: TO WHAT ACTS PENALTY SHALL ATTACH:**

Any Person who shall commit any act declared by any section of this obligation or duty required by or imposed upon him by any ordinance shall be deemed guilty of a misdemeanor, and shall be subject to the penalty fixed for the violation with like effect as if such penalty were specifically declared in the section forbidding such act or declaring the same to be unlawful or prescribing the duty or imposing the obligation, and where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, a separate offense shall be deemed committed upon each day during or on which such violation occurs or continues, except where otherwise provided in this Code. (1964 Code)

**3-2-02: MEANINGS OF TERMS OR WORDS**

**PROFESSIONAL OFFICES:** The use of a building or part thereof and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, real estate brokers/agents, title companies, subdivision or fractional ownership sales and marketing, and similar professions.

**HOME OCCUPATION:** A business conducted within a dwelling unit, which activity is clearly incidental to the use of the residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, and does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended.

**3-3-08: RESIDENTIAL ZONE SPECIAL DEVELOPMENT STANDARDS:**

(D) Home occupation (see definitions, chapter 2 of this title). An occupation which complies with the following criteria shall be deemed a home occupation:

1. The use, including all storage space, shall occupy not more than fifty percent (50%) of the residence's floor area which is finished for living purposes.
2. There shall be no commercial advertising, except one nonluminous sign bearing the name and occupation of the resident, not exceeding two (2) square feet in area, and placed flat against the building.
3. No materials or mechanical equipment shall be used which will be detrimental to the residential use of said residence or surrounding residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
4. Materials or commodities delivered to or from the residence which are of such bulk and quantity as to require delivery by a commercial motor vehicle or a trailer, or the parking of customer's automobiles in a manner or frequency causing disturbance or inconvenience to nearby residents or so as to necessitate a parking lot, shall be prima facie evidence that the occupation is a primary business, and not a home occupation. "Commercial motor vehicle", for these purposes, shall not be said to include a united parcel service or federal express delivery or other like courier services and parcel post services, making deliveries to the subject property with a frequency not uncommon in residential neighborhoods. (Ord. 821, 2-23-2006, eff. 3-16-2006)