

**AGENDA**  
**McCall City Council**  
**Special Meeting**  
**August 28, 2015 at 8:30 a.m.**  
**McCall City Hall (Lower Level)**  
**Legion Hall**  
**216 East Park Street**

**8:30 a.m. OPEN SESSION ROLL CALL**

**WORK SESSION**

AB 15-159 McCall City Code Title 4 Business Regulations  
Re-write – Review of Chapters 1, 6, and 7

**OPEN SESSION**

**10:30 a.m. ADJOURNMENT**

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact City Hall at 634-7142.

**McCALL CITY COUNCIL  
AGENDA BILL**

216 East Park Street  
McCall, Idaho 83638

**Number AB 15-159**  
**Meeting Date August 28, 2015**

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b>  <i>McCall City Code Title 4 Business Regulations Re-write – Review of Chapters 1, 6, and 7</i>  <i>A Work Session</i>		<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
		Mayor / Council		
		City Manager		
		Clerk	<i>AW</i>	Originator
		Treasurer		
		Community Development		
		Police Department		
		Public Works		
		Golf Course		
		Parks and Recreation		
<b>COST IMPACT:</b>	n/a	Airport		
<b>FUNDING SOURCE:</b>	n/a	Library		
<b>TIMELINE:</b>	n/a	Information Systems		
		Grant Coordinator		

**SUMMARY STATEMENT:**  
The purpose of this work session is to review the re-written chapters 1, 6, and 7 of the MCC Title 4 Business Regulations. Chapter 1 General Business License covers definitions for Title 4; Chapter 6 Limited Duration Businesses covers vendors, Peddlers, Horse Drawn Vehicles, and Farmers Markets; and Chapter 7 Public Events defines events and the permitting process. Staff requests that Council review and make recommendations for any changes.

Also for the Council’s consideration is the current City Code that gives the City Clerk and the Police Chief authority to authorize possession of an open "container of an alcoholic beverage" and suspend the effect of subsection 5-5-030(F) of the McCall City code, for a specified temporary period, upon specified portions of the public streets, ways, parks or places. Staff requests that Council consider changing this provision to only be authorized by resolution of the City Council and not give that authority to staff.

After the review of these chapters staff will draft an ordinance for the entire McCall City Code Title 4 which will repeal the current MCC Title 4 and replace it with the updated version. Staff will also prepare a resolution for fees for the Council’s consideration to better reflect the cost of these activities within the city.

**RECOMMENDED ACTION:**  
Give direction to staff to complete the ordinance for the Title 4 re-write and bring back to the Council for review and then adoption.

**RECORD OF COUNCIL ACTION**

<b>MEETING DATE</b>	<b>ACTION</b>
July 26, 2012	The City Council approved the initiation of proposed code amendments to MCC Title 4
October 24, 2014	Council reviewed the new organization of Title 4

**Chapter 1:**  
**GENERAL BUSINESS LICENSE:**

**4.1.1 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:

(A) 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

(B) 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.

**4.1.2: LEVIES AND ASSESSMENTS:**

A license tax is hereby levied and assessed against and upon businesses and occupations herein mentioned and carried on or conducted, or to be hereafter carried on or conducted in the City.

**4.1.3 TRADE, BUSINESS, AND PROFESSION DEFINED:**

As used in this section trade, business, and profession shall be defined as those persons, entities, or activities, which hold themselves out to the public as businesses, trades or professions regardless of size including such trades, businesses, or professions that constitute home occupations as defined in Title 3 of this code, and including contractors doing work within the city limits. Excluding vendors, peddlers, events, or street carnivals as defined in this Title.

**4.1.4 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.

**4.1.5 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. An application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office. With the receipt of such fee, the City Clerk shall issue a license to the parties applying therefore. If a business allows their license to lapse then they shall pay a re-instatement fee equal to that of a new business license fee to be set time to time by resolution of the Council.

#### **4.1.6 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.

#### **4.1.7 APPROVAL REQUIREMENTS:**

Every license issued pursuant to this chapter shall require approval from Community Development, Building Inspector, Fire Chief, and Public Works to ensure all current city Codes are being followed. Every licensee shall abide by the building and land use requirements as defined in Title 2 and Title 3 of this code.

#### **4.1.8 TERM OF LICENSE; RENEWAL:**

All licenses shall expire the last day of each calendar 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 Section 4.1.5 of this chapter.

#### **4.1.9 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, each business shall require a license.

#### **4.1.10: DEFINITIONS:**

**APPLICANT:** the one person or legal entity, who is responsible for the permit or license being applied for.

**CHILD DAYCARE:** care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, marriage or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes.

**CITY PARKS:** those parcels of land that are owned or managed by the City of McCall and are held for public use or as open or green space, including, but not limited to City Parks and parking lots.

**EXEMPT NONPROFIT ORGANIZATION:** An organization which is exempt from Federal income tax as a charitable or nonprofit organization. To establish such exempt nonprofit status, when the permittee and the recipient are not both known by the Clerk to be on the face of the matter exempt from Federal income tax, such as national youth organizations, churches, or

recognized service clubs such as Rotary, or the Lions, the organizer shall file with its application for the permit under:

- (A) A copy of its tax-exempt status determination letter from the IRS, or
- (B) A certification from a certified public accountant licensed in Idaho that such organizer files an information return with the IRS as a tax-exempt organization, or
- (C) A certification from a certified public accountant licensed in Idaho that such organizer is not required to file an income tax information return because it is a tax-exempt organization with less than the threshold amount of income necessary to trigger a filing requirement.

**FARM PRODUCE:** All agricultural, horticultural, viticultural, and vegetable products of the soil, apiary products, eggs, and cheese; but, not timber and timber products, livestock, poultry, poultry products other than eggs, dairy products other than cheese, field grains, dried beans, dried peas, hops or seeds.

**FARM PRODUCER:** Any person engaged in the business or avocation of growing or producing any farm products.

**FARMER'S MARKET:** A Street-oriented event, market, or group of stalls and booths organized and managed by an exempt nonprofit organization consisting of open-air showing where farmers and sometimes other vendors sell their products directly to consumers and also the place where the related activity occurs.

**GOODS, SALE and SELL:** Have the same definitions as under the Uniform Commercial Code, except that the time and the location of the sale is not determined by the passage of title or by the terms of delivery, but by the time at which and location at which the agreement was made to enter into the purchase and sale.

**PAWNBROKERS:** Every person, firm, association or corporation who makes it a business to loan money on deposit or purchase of personal property or other valuable thing, or who deals in the purchase of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by security agreement or personal property, having possession of the property, or any portion or part thereof so secured or who advertises by use of "Three Ball", or pawnbroker's sign, or by advertising "unredeemed pledges", or by using the term "uncle", or by any other expression designating pawnbroker's business, shall, for all intents and purposes under this Title be declared to be a pawnbroker within the meaning of this Title.

**PEDDLER:** Any person, whether a resident of the City or not, traveling by foot, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, offering, or exposing goods or services for sale or rent, or offering to purchase goods; excluding from this definition a person making delivery of goods previously ordered by the customer; and excluding from this definition a person who is not a peddler and whose activity in major part is thus driving a regular route to the location of existing customers

who have arranged for return visits; and excluding from this definition any school age child fundraising for their school, sport, or activity such as, but not limited to, Boy Scouts and Girl Scouts.

**PERMANENT PLACE OF BUSINESS:** A building or significant portion of a building which is the primary business location within McCall of the business conducted from the vehicle or at the stand, and which building or portion of a building is owned (or leased for the majority of the year) by, and in the exclusive possession of the person who owns the business being conducted from the vehicle or at the stand.

**SHORT TERM RENTALS:** A residence, including single-family or a multi-family unit, and any single rooms of the afore mentioned, which is rented for the purpose of overnight lodging for compensation, money, rent or other bargained for consideration for a period of one (1) or more days and not more than thirty (30) consecutive days. Short-term rentals are also commonly referred to as tourist or vacation rentals.

**SNOW REMOVAL CONTRACTOR:** A person or company contracted, for compensation, to clear snow from a road or driveway after a snowfall to make travel easier and safer.

**SPECIAL EVENT:** The temporary use of private or public property, including streets, parking lots, parks and waterways, for the purpose of conducting certain public events such as, but not limited to, art shows, music concerts, fundraising events, amusement attractions, circuses, carnivals, rodeos, craft fairs, contests, dances, tournaments, walkathons, marathons, races, exhibitions, fairs, shows, citywide celebrations and festivals or related activities and may involve a street closure, attraction of an anticipated 50 or more people at any one time, or where two (2) or more vendors are gathered. In addition, a "special event" is any public event which could reasonably be interpreted to cause significant public impact via disturbance, crowd, traffic/parking or disruption of the normal routine of the community or affected neighborhood.

**STAND:** A cart, parked vehicle, tables, shelves, booth, stall, rack, or any other temporary business location, exterior to a building, and located on a public right of way or on private property adjacent thereto; a vehicle is parked within the meaning of this paragraph when it is not moving at the time of the solicitation of the sale.

**STREET CLOSURE:** the deliberate or incidental temporary blockage of all, or a portion of, a public or private street, alley, highway, public right-of-way, parking lot, or other thoroughfare used for pedestrian or vehicular circulation.

**TAXICABS AND COMMERCIAL TRANSPORTATION SERVICES:** Any service regularly used for the purpose of transporting persons for hire, which receives or discharges passengers within the City limits, or advertises for such use, whether or not such service or services are engaged in carrying passengers entirely within the City limits; and as further defined in Section 4.4.1 of this Title.

**VENDOR:** Every person who offers goods or services for sale or rent, or offers to purchase goods, on the streets, or from a vehicle or a stand, and who does not have a permanent place of

business within the City of McCall which offers the same type of goods or services for sale or rent; and excluding from this definition a person whose activities are covered by a concession or lease contract with the City for activities on City property such as a park.

#### **4.1.11 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.

**Chapter 6:  
LIMITED DURATION BUSINESS LICENSES**

**4.6.1 PURPOSE**

- (A) The primary purpose of the public streets, sidewalks and other public ways is for use by vehicular and pedestrian traffic.
- (B) Reasonable regulation of vending on public ways is necessary to protect the public health, safety, and welfare.
- (C) The economic base of the city is tourism and related services such as, but not limited to, vending, and that maintaining and enhancing the appearance, character and beauty of the city is necessary to protect and promote the economic base and the general welfare of the community.
- (D) It is the policy of the city to promote the protection of the public health, safety, and welfare by the regulation of offsite vendors operating inside the city.
- (E) Reasonable regulation of offsite vendors is necessary to ensure that any stand or structure design and construction for purpose of offsite vending is safe, orderly, and harmonious with the appearance and character of the neighborhood and the city, and provides for safe and adequate pedestrian and vehicular traffic.
- (F) Reasonable regulation of offsite vendors is necessary to protect and conserve the economic base of the community, including property values.
- (G) The regulations contained in this chapter are 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.

**4.6.2: VENDOR'S LICENSES; FEE AND PERMIT; APPLICATION:**

- (A) No person shall do business as a Vendor, as defined in Section 4.1.9 of this Title, within the City of McCall without first obtaining a permit as a Vendor from the City Clerk and paying a license fee for the permit (this does not include Vendors of a Farmer's Market). The application for such permit shall be filed with the City Clerk not less than seventy two (72) hours prior to the first day upon which sales are intended to occur. An application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office and will include the following:
  - 1. Name and description of the applicant; if the applicant is an association, company, or corporation, then it shall submit a separate application for each natural person who will be acting as a Vendor in the City, and each shall receive and maintain a separate permit;
  - 2. Address, both legal and local;



3. A brief description of the nature of the business and of the goods or services to be sold or rented, or the goods to be purchased, and in the case of products of farm or orchard, whether produced or grown by the applicant;
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship between the employer and the applicant;
5. The date or dates for which the permit is requested which must include days when the stand is left in place, whether or not open for business;
6. If a vehicle is to be used, a description of the same, together with its registered license plate number and to whom it is registered;
7. The proposed method of operation;
8. Whether a permit or license issued to the applicant or the applicant's employer has been revoked within the last five (5) years, and, if so, by what jurisdiction and for what reason;
9. State sales tax number, federal tax number, and driver's license number of applicant;
10. A Statement as to whether or not the applicant has been convicted of a violation of any Federal, State or Municipal law, the nature of the offense and the date, and the punishment or penalty assessed therefore;
11. When the applicant proposes to sell any prepared food product for human consumption (other than frozen products not intended for immediate consumption), an approval from Central District Health that the proposed method of food preparation and service meets applicable health standards;
12. The property description of each location of sale, rental, or purchase activity, and written and notarized permission of the owner or owners of such real property to engage in or conduct business on such property; if there is any question of the ownership of the property, it is the duty of the applicant to furnish satisfactory proof of the same;
13. A photograph of any stand which the applicant will use to conduct sales from and a photograph of any signage;
14. Evidence of a valid electrical inspection for any electrical wiring which is part of the stand and for any connection to an external power source; and
15. The license application fee.

- (B) The fee for the license or permit shall be set from time to time by Resolution of the Council, and shall provide for per diem and for per annum fees. Such fees shall be non-refundable.
- (C) A person holding a Vendor's permit or license which is part of another licensed street carnival or event during a winter carnival issued by the organizers of such carnival or event, shall not be required to hold a permit issued by the City under this Section.
- (D) The City's or event organizer's permit shall in the case of a Vendor be posted upon the stand at all times when the stand is open for business. The activities conducted by the Vendor must conform to the description in the application for the permit. No sign shall be on or about a Vendor's stand making any statement that is untrue or is at variance from the application; for one example: a sign shall not state "local produce" if either in fact or according to the application the produce was not grown on land in Long Valley within Valley County, Idaho, or Meadows Valley within Adams County, Idaho. If a statement made in the application for a Vendor's license is false, or if a statement made by a sign at a Vendor's stand is false, the permit shall be void.
- (E) Doing business as a Vendor without a valid Vendor's permit, or making a false statement in a submitted application; or purporting to be an applicant, when in fact merely selling one's ability to obtain a permit or to obtain a permit at a lesser fee; or falsely certifying the status of a group as exempt from Federal income tax; are all misdemeanors, and each day the violation continues is a separate offense. The Police Department is authorized to require a vendor doing business as a Vendor without a Vendor's permit displayed on the vehicle or stand, forthwith to remove their vehicle or stand from the City.
- (F) All persons doing business as a Vendor must abide by the following for signage:
1. Limit the square footage of allowable vendor signage to 15 total sq. ft.
  2. The maximum square footage includes a-frame portable signs so long as they are not located on a sidewalk or public pathway and are within 25 feet from the point of sale.
  3. The maximum square footage includes flags or banners, so long as the flags or banners are not free-standing (i.e. should be mounted to the vendor's tent, truck, table, booth etc.).
- (G) The permitting process for a nonprofit organization Vendor shall be the same as a for-profit Vendor.

#### **4.6.3 PEDDLER'S LICENSES; FEE, PERMIT, APPLICATION; AND INVESTIGATION REQUIRED:**

- (A) Every person, acting as a Peddler as defined in 4.1.9 of this Title, shall apply to the City for a Peddler's license as required by this Chapter. The application for such permit shall be filed with the City Clerk not less than eight (8) weeks prior to the first day upon which

sales are intended to occur. An application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office and will include the following:

1. Name and description of the applicant; if the applicant is an association, company, or corporation, then it shall submit a separate application for each natural person who will be acting as a Peddler in the City, and each shall receive and maintain a separate permit;
2. Address, both legal and local;
3. A brief description of the nature of the business and of the goods or services to be sold or rented, or the goods to be purchased;
4. If employed, the name and address of the employer, together with credentials establishing the exact relationship between the employer and the applicant; and, if the net income of the Peddler's operations will be payable to someone other than the Peddler, but not an employer, the name and address of that payee;
5. The date or dates for which the permit is requested;
6. If a vehicle is to be used, a description of the same, together with its registered license plate number and to whom it is registered;
7. The proposed method of operation;
8. State sales tax number, federal tax number, and driver's license number of applicant;
9. Submit to a photograph to be used as identification of the applicant, showing the head and shoulders of the applicant in a clear and distinguishable manner;
10. The license application fee.

(B) The fee for the license or permit shall be set from time to time by Resolution of the Council, and shall provide for per diem and for per annum fees. Such fees shall be non-refundable.

(C) Upon receipt of an application for a Peddler's license under this chapter, the application shall be referred to the McCall Police Department which shall conduct an investigation to determine the suitability of the applicant to be licensed. The investigation shall require an applicant to 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 92544. The McCall Police Department shall 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 shall be on forms prescribed by the Idaho State Police. The McCall Police Department 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 an applicant for licensure. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. The applicant shall pay, in advance, the fees required by the Idaho State Police Bureau of Criminal Identification for the criminal records check.

(D) It is unlawful for any person to act as a Peddler as defined in 4.1.9 of this Title within McCall city limits without first complying with the following requirements and obtaining Peddler's license. No person shall be issued a Peddler's license when that person:

1. Is under the age of eighteen (18) years.
2. Is required to register as a sex offender, pursuant to the sexual offender registration notification and community right-to-know act, Idaho Code section 18-8301 et seq., and the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.
3. Has been, within five (5) years prior to the date of making application for such license, convicted of, paid any fine, been placed on probation, or is currently on probation or parole, received a deferred sentence, received a withheld judgment, sentenced to confinement (including options in lieu of confinement), or suffered the forfeiture of a bond for a felony involving the use or threat of violence against the person of another, or any felony involving the sexual enticement of minors.
4. Has been, within five (5) years prior to the date of making application for such license, convicted of, paid any fine, placed on probation, or currently is on probation or parole, received a deferred sentence, received a withheld judgment, sentenced to confinement (including options in lieu of confinement), or suffered the forfeiture of a bond for any misdemeanor, involving:
  - a) The use of force against the persons or property of another;
  - b) The threat of force against the persons of another;
  - c) Theft or larceny;
  - d) Stalking, telephone harassment, or violations of protection orders or no contact orders;
  - e) The use, possession, or sale of illegal drugs; or possession of paraphernalia;
  - f) Contributing to the delinquency of a minor;
  - g) Possession of a concealed weapon; or
  - h) Illegal sexual activity.

5. Has an outstanding warrant at the time of such application.
6. Has had a similar license revoked by the city or any other city of this state or of the United States within the preceding five (5) years. No license shall be granted to any applicant nor may a licensee maintain an existing license in good standing where satisfactory proof is submitted that such applicant violates the laws of the city while engaged in the business activity regulated by this chapter.
7. A Peddler's license shall not be issued to a person who, at the time of application for renewal of a license issued hereunder would not be eligible or qualified for such license upon a first application; and a licensee must continue to have and maintain all the qualifications; and none of the disqualifications provided herein throughout the license period. It shall be the duty of the licensee to immediately notify the Clerk's office if any event, subsequent to the issuance of a Peddler's license, renders the licensee ineligible or unqualified for such a license.
8. Fails or refuses to provide the information or fingerprints requested during the investigative portion of the process conducted by the McCall Police Department.
9. Fails the investigative portion of the process conducted by the McCall Police Department.

(E) The City, upon receipt of payment of the proper Peddler's license fees, and other required information as specified, and upon compliance with the requirements of this Chapter, shall issue a Peddler's license.

#### **4.6.4: FARMERS MARKET; APPLICATION, PERMIT, AND FEE:**

- (A) No charge or assessment of any kind shall be made or levied by the City on any wagon or vehicle or on the owner bringing farm produce to any Farmers Market that may be established in the City. A permit for a Farmers Market may be issued for a location on private property, on City right of way, or other City property, provided that insurance is provided with the City as a coinsured if on City property or right of way. A Farmers Market shall pay a license fee as set from time to time by Resolution of the Council.
- (B) To qualify as a Farmers Market, the market organizers must comply with the Market Development Division of the Idaho State Department of Agriculture and its definition of a Farmers Market as outlined in the Idaho Farmers Market Manual.
- (C) Allowable signage for a Farmers Market are no more than two (2) directional a-frame signs, each a maximum of 12 sq. ft. placed within the public right of way of the nearest intersections, but so as not to impede pedestrian or vehicle traffic. Individual Farmers Market vendors are limited to signage displayed within their allotted vending space within the farmer's market.

(D) To receive a Farmers Market permit from the City an application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office and will include the following:

1. The name, resident address and contact information of the applicant which, if a co-partnership, shall include the name and resident address of each partner; if a corporation, association or group acting as a unit, the name and resident address of the officers and the board of directors, trustees or other governing board.;
2. Proof of 501(c) status;
3. State sales tax number and Federal tax number;
4. The date or dates for which the permit is requested;
5. If on City property proof of Liability Insurance;
6. When the applicant proposes to sell any prepared food product for human consumption (other than frozen products not intended for immediate consumption), an approval from Central District Health that the proposed method of food preparation and service meets applicable health standards;
7. The property description of the location of the Farmer's Market, and written and notarized permission of the owner or owners of such real property to engage in or conduct business on such property; if there is any question of the ownership of the property, it is the duty of the applicant to furnish satisfactory proof of the same;
8. Evidence of a valid electrical inspection for any electrical wiring which is part of the stand and for any connection to an external power source; and
9. The license fee.

**4.6.5: ANIMAL DRAWN VEHICLES; APPLICATION, PERMIT, AND FEE:**

(A) No person shall operate for hire on the public streets and rights of way, whether for hire by the ride, per person or otherwise, a wagon or other vehicle drawn by one or more animals, without first obtaining and paying for a license from the City Clerk.

(B) To receive an Animal Drawn Vehicle license from the City an application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office and will include the following:

1. Name of Business;
2. Name of Business owner;

3. Tax identification number;
4. Physical and Mailing Address;
5. Contact information;
6. Description of vehicle;
7. Proof of insurance;
8. A map of the route;
9. The license fee.

(C) The license fee shall be set from time to time by Resolution of the Council.

(D) Such vehicle shall at all time display such lights, reflectors and other safety devices as may be required by State traffic laws.

(E) Each animal used to draw such a vehicle shall wear a device which prevents deposit of feces on the ground, and such device shall be emptied from time to time at premises owned by the vehicle owner or some other place with the agreement of the owner thereof, and in either case and any event in accord with public health laws and regulations.

**Chapter 7**  
**PUBLIC EVENT PERMITS**

**4.7.1: PUBLIC EVENT DEFINITION**

- (A) A public event, as the name suggests, could refer to any event open for the general public. Exhibitions, expositions, fairs, festivals, entertainment, cause-related, fundraising, and leisure events are all examples of a public event. Any event that is a one-time or periodic, free or ticketed, cultural, charitable or cause-related, and conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment purposes, and created by and/or for the general public is generally referred to as a public event. An exception would be events held in public parks which are subject to the Guidelines for Commercial Activity and Concessions in McCall City Parks.
- (B) Some examples of Public Events in McCall include but are not limited to the following:
- Winter Carnival
  - Fourth of July Celebrations
  - Car shows
  - Live Music events
  - Boat shows
  - Swap meets
  - Oktoberfest
  - Art fairs
  - Arts and Crafts Fairs
  - Athletic type Races

**4.7.2 EVENT LICENSES; PERMIT APPLICATION; FEE;**

- (A) It is unlawful for any person, persons, corporation, or organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit, or cause to be advertised an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor amusement, live, or recorded musical entertainment or assemblies, which person, persons, or corporation, organization, landowner, or lessor believes, or has reason to believe, will attract people, and whether or not a charge or contribution is required for admission, unless a valid City permit has been obtained for the public event; provided, however, that the event may be advertised by the sponsors and/or organizers thereof only after application for such permit has been made and such permit has been granted. The application for such permit shall be filed with the City Clerk not less than two (2) weeks prior to the first day upon which the event is intended to occur. An application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office and will include the following:
1. Name and description of the applicant;
  2. Address, both legal and local;



3. General Event Information
4. A detailed Site Plan
5. If a catering permit for alcohol will be submitted in conjunction with this application a detailed alcohol plan must be included
6. A detailed plan for trash collection and removal during and after the event
7. Detailed noise controls plan if the event is scheduled to go beyond 10:00 p.m.
8. If this is an athletic event, a clear route map and written description of the route must be provided
9. When the applicant proposes to have vendors who sell any prepared food product for human consumption (other than frozen products not intended for immediate consumption), an approval from Central District Health that the proposed method of food preparation and service meets applicable health standards for each vendor;
10. When the applicant proposes to have vendors who sell any products they must collect all applicable state and local taxes
11. When the applicant proposes to have a street closure, then a street closure form must be approved prior to the permit being issued for the public event

(B) The fee for the license or permit shall be set from time to time by Resolution of the Council and shall be non-refundable. No permit shall be granted for a period of more than two (2) consecutive days, expiring at midnight on the second day. The basic permit fee shall be retained by the City whether a permit is granted, denied, or withdrawn.

#### **4.7.3: HOURS OF OPERATION:**

No outdoor assembly shall be conducted in the city during the hours of one minute after twelve o'clock (12:01) A.M. and nine o'clock (9:00) A.M., provided that no license shall be issued for more than one 24-hour period ending at twelve o'clock (12:00) midnight. The participants shall be required to have cleared the licensed area and its immediate environs no later than one o'clock (1:00) A.M. of the day following the licensed event.

#### **4.7.4: PERMIT ISSUANCE CONDITIONS; PUBLIC SAFETY:**

The applicant must promptly reimburse the City for (and make good to it) any and all damage of any kind to any property of the City which may result from the use by the applicant of the City's premises under the permission granted herein, and the applicant further agrees that it will not hold liable the City for or in account of any loss or damage to property owned by it or controlled by the applicant, or for or on account of any loss or damage sustained by the applicant as a result of injuries to employees or agents of the applicant.

#### **4.7.5: STREET CARNIVALS, TENT, AND STREET SHOWS; PERMIT; FEE:**

No person shall put on any kind of street carnival, tent or street show, street fair, circus, equestrian or other acrobatic performance, caravan or menagerie, or performance of any kind whatsoever (below all called "carnival or show") in the City without first paying a license fee and obtaining a permit. An application for such license shall be made to the City Clerk in such form and manner as provided by the Clerk's office.

If the permittee for such a carnival or show and the recipient of the gross income from such a carnival or show are not both exempt nonprofit organizations, an additional event license fee must be paid in advance in an amount approved by the City Council as meeting the City's out-of-pocket and opportunity costs of employee time, fuels, lubricants, equipment time, and materials furnished in assistance to the carnival or show or to meet the needs of the public with respect to the occurrence of the carnival or show, including but not limited to, police, fire and public works.

#### **4.7.6: SIGNAGE:**

(A) All Events must abide by the following for signage:

1. Limit the square footage of allowable vendor signage to 15 total sq. ft.
2. The maximum square footage includes a-frame portable signs so long as they are not located on a sidewalk or public pathway and are within 25 feet from the point of sale.
3. The maximum square footage includes flags or banners, so long as the flags or banners are not free-standing (i.e. should be mounted to the vendor's tent, truck, table, booth etc.).

#### **4-1-18: OPEN CONTAINERS AT CATERED EVENTS:**

By resolution, the city clerk with the concurrence of the police department may authorize the possession of an open "container of an alcoholic beverage" (as defined in subsection 5-5-030(F) of this code), and suspend the effect of subsection 5-5-030(F) of this code, for a specified temporary period, upon specified portions of the public streets, ways, parks or places:

(A) Upon condition that a catering permit or a permit under title 23 of Idaho Code has been issued or be obtained for the same time and place;

(B) Upon finding such temporary and limited suspension would be in the public interest and would further McCall's economic well being or development; and

(C) Upon providing the city clerk with a certificate of insurance showing that the city is an additional insured on a liquor liability policy with a combined single limit in an amount satisfactory to the city clerk.