

AGENDA
McCall City Council
Special Meeting
November 20, 2015 at 9:00 a.m.
McCall City Hall (Lower Level)
Legion Hall
216 East Park Street

9:00 a.m. OPEN SESSION ROLL CALL

WORK SESSION

AB 15-223 Title 4 Rewrite Review

AB 15-224 Title 4 Fee Review

OPEN SESSION

11:00 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 15-223
Meeting Date November 20, 2015

AGENDA ITEM INFORMATION				
SUBJECT:		<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
McCall City Code Title 4 - Business Regulations Re-Write Review		Mayor / Council		
		City Manager		
		Clerk	<i>AW</i>	Originator
		Treasurer		
		Community Development		
		Police Department		
		Public Works		
		Golf Course		
COST IMPACT:	n/a	Parks and Recreation		
FUNDING SOURCE:	n/a	Airport		
		Library		
TIMELINE:	n/a	Information Systems		
		Grant Coordinator		
SUMMARY STATEMENT:				
On July 26, 2012 the McCall City Council recognized the need to re-write McCall City Code Title 4 due to the majority being outdated. After many reviews and revisions of the McCall City Code Title 4 it is time for the final review. The purpose of this work session is for staff to review with the Council the entire Title 4 and make any revisions. At the next City Council Meeting the re-write will come to Council in ordinance form for adoption.				
RECOMMENDED ACTION:				
Review the recommended proposed code revision of the McCall City Code Title 4 rewrite ordinance.				
RECORD OF COUNCIL ACTION				
MEETING DATE	ACTION			
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			
March 13, 2015	Council discussed events in McCall			
August 28, 2015	Council Reviewed Chapters 1, 6, and 7 of Title 4			
September 24, 2015	Council Reviewed Chapter 3 Snow Removal and Chapter 5 Pawnbrokers			
October 22, 2015	Council reviewed Event regulations and fee schedule			
November 5, 2015	Council Reviewed The Events And Limited Duration Chapters of Title 4			

Title 4
BUSINESS REGULATIONS

Chapter 1:
DEFINITIONS

4.1.1 PURPOSE

The purpose of this section is to define terms that are used throughout this title.

4.1.2 DEFINITIONS

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

BUSINESS: All activities, trades, and pursuits conducted or engaged in including, without limitation, wholesale businesses, retail businesses, personal service businesses and professions, and businesses conducted as home occupations in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted.

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: The City of McCall, Idaho.

CITY COUNCIL: The City Council of the City of McCall, Idaho.

CITY CLERK: The City Clerk of the City of McCall, Idaho, or designated agent.

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 City 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.

ITINERANT VENDOR: Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of employment and there soliciting, selling, or offering to sell, or exhibiting for sale, by sample, by catalog, or otherwise, or taking orders for future delivery of any goods, wares or merchandise, or for services to be performed in the future.

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, 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.

POLICE CHIEF: The Chief of Police for the City of McCall, Idaho, or designated agent.

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.

Chapter 2:
GENERAL BUSINESS LICENSE:

4.2.1 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.

4.2.3 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,. Excluding vendors, peddlers, events, or street carnivals as defined in this Title.

4.2.4 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.

4.2.5 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 City 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 City Council.

4.2.6 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.

4.2.7 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.

4.2.8 TRASH SERVICE REQUIRED

All businesses, trades, or professions regardless of size as described within this title shall be required to have trash removal services in compliance with Chapter 8 of the McCall City Code. This includes short term rentals that may be included under a general license of a property management company.

4.2.9 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.

4.2.10 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.

4.2.11 VIOLATIONS AND PENALTIES:

Any person violating any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113..

Chapter 3:
SNOW REMOVAL LICENSES

4.3.1 LICENSE REQUIRED; APPLICATION; AND PROCEDURE:

- (A) It shall be unlawful for any person to engage in the business of snow removal unless a valid license therefore has been issued as provided for in this Chapter and which is in full force and effect.
- (B) An application for such license shall be made to the City Clerk in such form and manner as provided by the City Clerk's office and shall include:
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 Snow Removal Contractor in the City, and each shall receive and maintain a separate permit;
 2. Address, both legal and local;
 3. A description of the Vehicle and to whom it is registered;
 4. Tax ID number and/or driver's license number of applicant;
 5. The name of the contact person in case of issues related to their services within the City.
 6. A listing of those areas within the City where they desire to work.
 7. Proof of insurance showing the Snow Removal Contractor has a policy of liability and property damage insurance covering the work of the Snow Removal Contractor and the contractor's employees. The insurance policy should also list the City as an additional insured party in a sum not less than provided by Idaho Code section 6-926 et seq.
 8. Proof of workers' compensation insurance as required by Idaho Code.
- (C) At the time of filing an application the fee for the license or permit shall be paid and is nonrefundable. The fee shall be set from time to time by Resolution of the City Council.

4.3.2 SNOW REMOVAL CONTRACTOR RESPONSIBILITY:

- (A) The Snow Removal Contractor shall be responsible for the work performed under the provisions of this section and comply with the rules and regulations pertaining to snow removal within the City.
1. The public right of way is used by the City for storage of snow plowed from the streets. It is not available for snow storage for individuals.

2. Under no circumstances can snow be plowed or blown in a manner that interferes with City or Idaho Transportation Department snow removal operations, or with the public's normal use of City streets.
3. Under no circumstances can snow be plowed onto adjacent private property without written permission from the property owner.

(B) The Snow Removal Contractor shall keep a daily log of each driver in case of a damage claim.

(C) Utilize safety measures and equipment to protect workers and the public as prescribed by laws and American National Standards Institute (ANSI) standard.

(D) Comply with all City, County, State, and Federal laws.

4.3.3 SNOW REMOVAL CONTRACTOR LIST

The City of McCall shall maintain a list of Snow Removal Contractors that have been approved to remove snow from private property within the McCall City limits.

4.3.4 VIOLATIONS AND PENALTIES:

If any person, persons, or entities exercise or carry on any snow removal business without first taking out such license as required by this section or violate any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113.

Chapter 4:
TAXICABS AND COMMERCIAL TRANSPORTATION SERVICES
No Changes adopted 2013 – 4.4.4

- 4.4.1: STATEMENT OF PURPOSE AND FINDINGS; DEFINITIONS:
- 4.4.2: BUSINESS LICENSE REQUIRED:
- 4.4.3: APPLICATION:
- 4.4.4: FEES:
- 4.4.5: INVESTIGATION AND DRIVER'S LICENSE REQUIRED:
- 4.4.6: VEHICLE INSPECTION:
- 4.4.7: INSURANCE REQUIRED:
- 4.4.8: UNLAWFUL PRACTICES:
- 4.4.9: SIGNS, DESIGNATION AND INSPECTION:
- 4.4.10: INACCURATE TAXIMETERS PROHIBITED:
- 4.4.11: TAXIMETERS OPTIONAL; SCHEDULE OF FLAT RATE FARES:
- 4.4.12: SMOKING PROHIBITED WHILE TAXICAB SERVICE IS BEING PROVIDED:
- 4.4.13: FARE:
- 4.4.14: REVOCATION OF BUSINESS LICENSE:
- 4.4.15: DRIVERS TO BE LICENSED:
- 4.4.16: COLORED COPY OF DRIVER'S LICENSE TO ACCOMPANY APPLICATION:
- 4.4.17: DRIVER'S LICENSE AND RENEWAL:
- 4.4.18: REVOCATION OF DRIVER'S LICENSE:
- 4.4.19: APPEALS:

4.4.1: STATEMENT OF PURPOSE AND FINDINGS; DEFINITIONS:

The council finds that the public health, safety, and welfare require safe vehicles, trustworthy drivers, and insurance on vehicles involved in commercial transportation. The public is justifiably concerned about, and requires protection from, pricing that is arbitrary, unfair, or imposed under inequality of bargaining power or duress. The council further finds that opportunities for passenger transport within the City are increasing, and hereby declares that commercial ventures attempting to enter this market should not be restrained or overregulated except to afford basic protections to the public and ensure a level playing field with respect to government regulation.

For the purposes of this chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

The following terms as used in this chapter mean:

APPLICANT: A person making an application for a license or the renewal thereof under this chapter.

BUS: A motor vehicle used for the purpose of transporting people with a minimum capacity of sixteen (16) passengers which is hired to provide services for a passenger or group of passengers traveling from one location to another for a common purpose or which provides regular route service from one location to another and which is subject to the federal motor carrier safety regulations under the jurisdiction of the Idaho state police and Idaho transportation department.

COMMERCIAL TRANSPORTATION SERVICES BUSINESS DRIVER'S LICENSE: A license to drive, operate, or have charge of a commercial transportation vehicle pursuant to and in conjunction with a valid commercial transportation service business license.

COMMERCIAL TRANSPORTATION SERVICES BUSINESS LICENSE: A license to engage in a business operating one or more commercial transportation vehicles for the purpose of a limousine service, shuttle service, touring vehicle service, or any other service for the purpose of transporting passengers between specified points on either a regular route or at the direction of the passenger at fares agreed upon by the passenger and business. Such a service does not include taxicabs, which are regulated separately under this chapter. Such service does not include buses or courtesy vehicle services as defined herein. Such service does not include horsedrawn vehicles, which are regulated separately.

COMMERCIAL TRANSPORTATION VEHICLE: Any vehicle, powered by gasoline engine, electric motor, human powered, or by any other means, used to transport passengers for hire or any other consideration. This definition includes vehicles used by a limousine service, touring vehicle service, shuttle service, pedicabs, rickshaw, and any other vehicle other than taxicabs, buses, and those operated by a courtesy vehicle service which transports passengers. This definition does not include the use of taxicabs operated pursuant to this chapter, courtesy vehicles, service vehicles, or vehicles operated as part of a governmentally sponsored program. A commercial transportation vehicle shall only be operated by a driver possessing a commercial transportation service driver's license pursuant to a commercial transportation service business license.

COURTESY VEHICLES SERVICE: Any service operating one or more commercial transportation vehicles on behalf of a business such as a hotel, convention center, or other business entity for the purpose of transporting passengers who are patronizing that business, to or from the business. Such vehicles are not for hire by the general public at any time and shall be clearly marked with the business' name or logo, owned by, leased by, or contracted for by the business, and exclusively dedicated to serve the business and patrons of the business, at no charge to the patron. Courtesy vehicles may not provide transportation to any passenger for a charge. Tips or gratuities may be offered to the driver at the conclusion of the service, at the sole discretion of the passenger, but may not be solicited or negotiated by the driver at any time.

DRIVER: Any person who drives or who is in actual physical control of any taxicab or commercial transportation vehicle. "Actual physical control" as used in this chapter shall be defined as being in the driver's position of the taxicab or commercial transportation vehicle with the motor running or with the vehicle moving, if no motor exists in the vehicle.

FARE: Money or other value given in exchange for transporting a person or passenger pursuant to a taxi or commercial transportation business license, based upon agreement between the passenger and business.

LICENSING OFFICE: The City Clerk or his/her designee.

LIMOUSINE SERVICE: Any business operating one or more commercial transportation vehicles for hire by prearranged appointment only at hourly, daily, or weekly rates as agreed upon between the passenger and business, which is conducted or maintained for the purpose of providing luxury transportation with services carrying passengers for hire, and which transports passengers between points and over such routes as may be directed by a passenger, and not a fixed route. Such vehicles, include, but are not limited to, limousines, luxury town cars, "party buses", and stretch sport utility vehicles.

PERSONS: Any person, firm, partnership, association, corporation, company, or any organization of any kind.

PREARRANGED APPOINTMENT: Transportation for a passenger, or group of passengers, that is arranged in advance, or pursuant to a regular route between specified points, and is provided in a commercial transportation vehicle.

SCHEDULE OF FLAT RATE FARES: A posting inside of a taxicab clearly indicating the amount to be charged one-way, per passenger, from the point of origin to the destination. A taximeter is the alternative to a schedule of flat rate fares.

SHUTTLE SERVICES: Any business operating one or more commercial transportation vehicles for hire by prearranged appointment and not on a regular route and charged on a per passenger basis, which may make multiple stops, picking up one or more fare paying passengers on the way to one or more destination.

TAXICAB: Any motor vehicle 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 vehicle or vehicles are engaged in carrying passengers entirely within the city limits; providing that "taxicab" as defined in this section does not include a school bus or other motor vehicle used exclusively for the transportation of children to and from school, nor a motor bus operated by a public transit system, nor a motor bus with a seating capacity of over seven (7) passengers operated on a regular schedule over regularly designated streets, nor courtesy cars provided free of charge to the hotel/motel guests for transport to and from the airport, nor vehicles operating for the purpose of carrying United States mail or other United States property.

TAXIMETER: An instrument attached to a taxicab by means of which the charge authorized for hire of such vehicle is mechanically calculated in dollars and cents either on a basis of distance traveled or for waiting time, or a combination thereof. A schedule of flat rate fares is the alternative to a taximeter.

TOURING VEHICLE SERVICES: Any business operating one or more commercial transportation vehicles, other than one rented without a driver, or a taxicab, bus, or limousine, or incident to a governmentally sponsored program, used for the transportation of more than four (4) passengers for hire for sightseeing, educational tours or other such similar excursions; the charges for which are determined by the length of time for which the vehicle is engaged, the distance traveled, a fixed fee, or any combination of such methods of determining such charges.

4.4.2: BUSINESS LICENSE REQUIRED:

It is unlawful to operate any taxicab business or commercial transportation business without first having obtained a business license from the City Clerk. (Ord. 913, 4-25-2013)

4.4.3: APPLICATION:

Every person, before providing taxicab service or commercial transportation, shall apply to the City for a business license and a taxicab or a commercial transportation driver's license as required by this chapter. Every applicant for a taxicab or a commercial transportation driver's license shall supply a full set of fingerprints with every application, except that fingerprints will not be required for any renewal that occurs within five (5) years of the latest submittal of fingerprints by the applicant. Every applicant for a taxicab or commercial transportation business license shall supply a completed vehicle inspection as provided in section 4.4.6 of this chapter for each vehicle to be used for services. The City, upon receipt of payment of the proper taxicab service or commercial transportation license fees, and other required information as specified, and upon compliance with the requirements of this chapter, shall issue a taxicab or commercial transportation business license or a taxicab or commercial transportation driver's license.

4.4.4: FEES:

(A) Every taxicab service or commercial transportation business shall pay in advance to the City Clerk the required fees.

(B) At the time of filing an application the fees shall be paid and is nonrefundable. The fees shall be set from time to time by Resolution of the City Council.

4.4.5: INVESTIGATION AND DRIVER'S LICENSE REQUIRED:

Upon receipt of an application for any taxi or commercial transportation driver'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.

It is unlawful for any person to drive any taxicab or commercial transportation vehicle upon the streets of the City without first complying with the following requirements and obtaining a taxicab or commercial transportation vehicle driver's license. No person shall be issued a license to drive, operate, or have charge of a taxicab or commercial transportation vehicle when that person:

- (A) Is under the age of eighteen (18) years.
- (B) 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.
- (C) 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.
- (D) 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:
 - 1. Driving under the influence of alcohol (DUI) and/or drugs or reckless driving;
 - 2. The use of force against the persons or property of another;
 - 3. The threat of force against the persons of another;
 - 4. Theft or larceny;
 - 5. Stalking, telephone harassment, or violations of protection orders or no contact orders;
 - 6. The use, possession, or sale of illegal drugs; or possession of paraphernalia;
 - 7. Contributing to the delinquency of a minor;

8. Possession of a concealed weapon; or

9. Illegal sexual activity.

(E) Has an outstanding warrant at the time of such application.

(F) 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 operates motor vehicles in an unskilled, dangerous or reckless manner; or habitually uses intoxicating liquor or drugs; or who repeatedly violates the laws of the City relating to traffic or to this chapter; or who violates the laws of the City while engaged in the business activity regulated by this chapter.

(G) A taxicab or a commercial transportation service driver'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 taxicab or a commercial transportation service driver's license, renders the licensee ineligible or unqualified for such a license. Failure to continually maintain said requirements throughout the duration of the license may result in revocation of the taxicab or a commercial transportation service driver's license.

(H) Fails or refuses to provide the information or fingerprints requested during the investigative portion of the process conducted by the McCall police department.

(I) Fails the investigative portion of the process conducted by the McCall police department.

4.4.6: VEHICLE INSPECTION:

No vehicle shall be used as a taxicab or a commercial transportation vehicle until that vehicle has been inspected in accordance with the requirements of the insurance carrier providing insurance on that vehicle, and found to be in acceptable condition. Any use by a licensed taxicab business or commercial transportation business of a vehicle as a taxicab or commercial vehicle prior to its having been inspected and approved in accordance with these requirements shall constitute grounds for revocation of the license of said taxicab business or commercial transportation business. It shall be unlawful to substitute equipment or parts subsequent to inspection unless such substituted equipment or parts are in equal or better condition than the equipment or parts being substituted or replaced.

4.4.7: INSURANCE REQUIRED:

Before issuing any person a license as a taxicab business or commercial transportation business, such person shall file with the City Clerk public liability and property damage insurance with some good and reliable insurance company for the vehicle being utilized for such taxicab or commercial transportation service, with combined single limits of three hundred thousand dollars (\$300,000.00), or with split limits of not less than one hundred thousand dollars (\$100,000.00) for personal injuries to one person; and not less than three hundred thousand dollars (\$300,000.00) for personal injuries caused by any one accident and not less than fifty thousand dollars (\$50,000.00) for property damage caused by any one accident. No person shall provide a taxicab or commercial transportation service without underinsured and uninsured motorist insurance for the vehicle being utilized in such service. The City shall not issue a license to any applicant for a taxicab business or commercial transportation business until the applicant has furnished proof satisfactory to the clerk that insurance of the type and in the amount required by this chapter has been purchased for the vehicle to be utilized in such taxicab or commercial transportation business service and that the City has been made an insurance certificate holder in such insurance.

4.4.8: UNLAWFUL PRACTICES:

It shall be unlawful for any person to:

- (A) Permit or allow any person to ride on the fenders, hood, or any place on the outside of a taxicab or commercial transportation vehicle;
- (B) Permit more persons to be carried in a taxicab or commercial transportation vehicle as passengers than the rated seated capacity of the taxicab or commercial vehicle;
- (C) Verbally attempt to divert patronage from one hotel, motel, or business to another unless requested by the customer;
- (D) Violate any parking laws, rules, regulations, or management practices authorized by law regulating parking within the City;
- (E) Permit any person other than a person licensed by this chapter to operate or drive a taxicab or commercial transportation vehicle while in service;
- (F) Solicit any person, assist in the solicitation of any person, or participate in any illicit, immoral, or unlawful sex act;
- (G) Operate or drive a taxicab or commercial transportation vehicle while consuming, or affected in any way by, any alcoholic beverage, illegal drug, or legal drug which impairs the ability to operate a motor vehicle; or to sell, provide, or buy for, any alcoholic beverage or illegal drug to a passenger;

- (H) Fail or neglect to visually display in the vehicle while driving, operating, or having charge of a taxicab or commercial transportation vehicle within the city limits the following:
1. Business license,
 2. Taxicab or commercial transportation driver's license, and
 3. Idaho driver's license;
- (I) Permit use or possession of his/her taxicab or commercial transportation vehicle license by another;
- (J) Fail or refuse upon demand of any city officer, police officer, peace officer, sheriff, sheriff deputy, or passenger to exhibit his/her taxicab or commercial transportation vehicle license for inspection;
- (K) Solicit passengers or business for the taxicabs, limousine service, shuttle service, touring vehicle service, or a particular commercial transportation vehicle except by lawful advertisement, handheld signs seeking to establish contact with a prearranged passenger or passengers, or some other lawful means;
- (L) Charge any passenger a fare, fee, or rate in excess of the fare, fee, or rates agreed upon between the passenger and business;
- (M) Misrepresent the nature or purpose of the service being provided.

4.4.9: SIGNS, DESIGNATION AND INSPECTION:

All vehicles licensed and used by any taxicab business or commercial transportation business shall be designated as such and identifiable by a sign on both sides of the vehicle or by a top light stating that the vehicle is a taxicab or commercial transportation service. The vehicles shall be subject to periodic inspections as required by the insurance carrier in order to ensure that the vehicles and equipment are being maintained in a proper manner for the safety of the public. Copies of the annual inspections must be submitted to the clerk's office upon license renewal. Failure to meet the minimum reasonable standards of safety will cause the vehicle to be ordered out of service until repaired or replaced.

4.4.10: INACCURATE TAXIMETERS PROHIBITED:

The use of any inaccurate taximeter is prohibited. It is the duty of the taxicab business licensee to keep taximeters accurate, and taximeters are subject to inspection at all times by the chief of police or his/her authorized representative.

4.4.11: TAXIMETERS OPTIONAL; SCHEDULE OF FLAT RATE FARES:

It is unlawful for any driver or operator of any taxicab to present his/her vehicle as a taxicab unless it is either equipped with a taximeter in working order duly inspected and approved as in

this chapter provided, or posted with a schedule of flat rate fares which signify the fare charged per person for a one-way ride. Taxicabs may have both taximeters and a schedule of flat rate fares and it shall be the duty of the driver or operator to clearly indicate to the passenger(s) at the beginning of the ride whether the passenger is being charged by using the taximeter or by a flat rate fare. Each passenger in the taxicab may be charged the flat rate fare.

4.4.12: SMOKING PROHIBITED WHILE TAXICAB SERVICE IS BEING PROVIDED:

Smoking in taxicabs shall be prohibited at all times any passenger is present during the provision of taxicab service.

4.4.13: FARE:

Fares charged by a person receiving a taxi or commercial transportation services business license shall be no greater than those agreed upon by the passenger and the business. Fares, rates, and fees must be specified in sufficient detail and prominently displayed to allow the passenger to make an informed decision about the total fare, rate, or fee to be paid prior to or following service. Any additional fares, rates, or fees and the circumstances under which such fees or fares may be assessed must be made known and available to the passenger prior to service.

All drivers of taxi or commercial transportation vehicles employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his/her destination, and no other method or means of measuring or computing distance or time shall be used or employed except as set forth in this chapter.

4.4.14: REVOCATION OF BUSINESS LICENSE:

Failure upon the part of any person possessing a taxicab or commercial transportation business license to comply with the provisions of this chapter, the traffic rules and regulations of the City and the State and the laws of the City and State, shall be just and sufficient cause for revoking the license. A report by the Chief of Police shall be submitted to Council setting forth violations that have occurred.

4.4.15: DRIVERS TO BE LICENSED:

It is unlawful for the owner of any taxicab or commercial transportation business to permit any taxicab or commercial transportation vehicle to be driven upon the streets of the City by any person without such person being licensed as a taxicab driver or commercial transportation driver. This provision does not apply to the taxicab or commercial transportation vehicle not in service.

4.4.16: COLORED COPY OF DRIVER'S LICENSE TO ACCOMPANY APPLICATION:

Each applicant for a taxicab or commercial transportation driver's license must file with his/her application a colored copy of his/her driver's license. The photograph shall be so attached that it cannot be removed and another photograph substituted without detection. Each licensed driver

shall at all times have his/her driver's license with him/her and shall exhibit the same upon request.

4.4.17: DRIVER'S LICENSE AND RENEWAL:

Upon compliance with the foregoing provisions, a taxicab or commercial transportation license shall be issued in such form as to contain a colored copy of his/her driver's license and also the signature of the licensee. Such license shall be issued as of the issuance date and shall be valid to and including December 31 of the year issued; once a license has been obtained, license will be from January 1 to December 31 of each and every year unless sooner revoked by the City or surrendered by the holder.

4.4.18: REVOCATION OF DRIVER'S LICENSE:

A taxicab or commercial transportation driver's license may be revoked by the City Clerk upon recommendation of the chief of police and upon violation of traffic rules and regulations, including, but not limited to, suspension of state driver's license, conviction of a DUI or any grounds specified in section 4.4.5 of this chapter.

4.4.19: APPEALS:

Appeals of any decision of the City Clerk pursuant to this chapter shall be submitted in writing to the City Clerk's office within ten (10) days of said decision, and shall be heard by the City Manager.

**Chapter 5:
PAWNBROKERS LICENSES**

4.5.1: LICENSE REQUIRED; APPLICATION; AND PROCEDURE:

- (A) It shall be unlawful for any person to engage in the business of a pawnbroker unless a valid license therefore has been issued as provided for in this Chapter and which is in full force and effect.
- (B) An application for such license shall be made to the City Clerk in such form and manner as provided by the City Clerk's office.
- (C) Upon receipt of an application for a license, the City Clerk shall cause an investigation to be made of the applicant by the Police Department.
- (D) Upon completion of such investigation, the City Clerk shall issue, subject to City Council approval, a license which shall expire on December 31 of the year of its issuance, unless sooner revoked or surrendered.
- (E) Licenses shall be transferable only as to place, a location found appropriate on the same basis as in the case of the issuance of a new license; the license transfer fee to be paid upon such a transfer shall be set from time to time by the City Council by resolution with the intent of reimbursing the City its administrative costs.
- (F) The Police Chief may refuse to issue a license for any premises which, in the opinion of the Police Chief, is not suitably located for enforcement purposes having due regard to the type and character of business and traffic in the locale of the proposed business. In the event that the Police Chief refuses to issue a license, the Police Chief shall provide the applicant a written explanation of the specific reasons for the denial.
- (G) No license shall be issued to any person who is not eighteen (18) years of age or older, nor to any person who has within the last ten (10) years, been convicted of any form of theft, including also possession of stolen property; or been convicted of any crime involving transfer by the person to another of any controlled substance contrary to law; or had a pawnbroker's license revoked by this or any other jurisdiction.

4.5.2: FEES:

- (A) Every Pawnbroker business shall pay in advance to the City Clerk the required fees.
- (B) At the time of filing an application the fee for the license or permit shall be paid and is nonrefundable. The fee shall be set from time to time by Resolution of the City Council.

4.5.3: COVERAGE OF CHAPTER:

The requirements, restrictions, and prohibitions of this Chapter shall apply only to the business of "pawn broking", as defined in Section 4.1.9 hereof. In the event that any licensee who fails within the coverage of this Chapter conducts business not covered by Section 4.1.9 hereof, on the same premises or at a separate location, said separate business or businesses shall be exempt from the terms of this Chapter, and, the City shall have no regulatory power over said separate business or businesses by means of this Chapter.

4.5.4: RECORDS:

(A) Every pawnbroker shall keep a record of every article pledged with or sold to the pawnbroker, and this record shall be open to the inspection of any police officer at any reasonable time during the hours of business. Such record shall provide the following information:

1. Name, address, and license number of the pawnbroker;
2. The pledgor or seller's motor vehicle operator's or chauffeur's license number and the State of issue;
3. The date of the transaction, the article pledged or sold together with its description, serial number or other identification, and the amount and terms of the loan;
4. Signature lines or space for the execution by both pawnbroker and pledgor or seller.

(B) Every record shall be executed by the pawnbroker and the pledgor or seller, and at the time of execution, the pawnbroker shall compare the signature upon the operator's license with that upon the record.

(C) Every pawnbroker shall be required to ascertain title in and to any article pledged or sold to the pawnbroker. This Section shall apply to all secondhand purchases for resale, but shall not apply to articles of new merchandise purchased by a pawnbroker in the ordinary channels of trade.

(D) All records shall be made in triplicate, with one of the three (3) said copies to be separately filed by date, and retained for inspection by the Police Department as allowed herein.

4.5.5: MINORS AND INTOXICATED PERSONS:

No pawnbroker shall knowingly:

(A) Have any business dealings as a pawnbroker with any person less than eighteen (18) years of age, except with the written consent of the parent or guardian of the minor as to each particular transaction, and in that event the parent or guardian must execute the record required by Section 4.5.3 hereof, and furnish proof of identification as any pledgor or seller of any article with such being recorded upon the aforesaid record.

(B) Employ a person less than eighteen (18) years of age to assist the pawnbroker in their business.

(C) Have any business dealings as a pawnbroker with an intoxicated person.

4.5.6: SALES:

Upon notice from an appropriate police agency that an item of a particular description (including model number and serial number, if available) has allegedly been stolen and is the subject of an investigation by said agency, then any pawnbroker purchasing at their place of business an item meeting said description, shall:

(A) Promptly notify the particular agency of their receipt of said item; and,

(B) Hold at their place of business and not sell said item for at least ninety (90) days.

4.5.7: DISCLOSURES:

It shall be the duty of every "pawnbroker" as herein defined to provide to each person accepting a loan an explicit and clear explanation of the exact terms, conditions, and options of the particular transaction and the precise consequences of default thereon.

4.5.8: NOTICE FROM POLICE DEPARTMENT:

Whenever the Chief of Police or any member of the Police Department, shall notify any pawnbroker in writing within twenty four (24) hours of the execution by a complainant of a complaint or report of allegedly stolen goods, not to sell any property so received, deposited or purchased by the pawnbroker, or permit the same to be redeemed, such property shall not be sold or be permitted to be redeemed for a period of ninety (90) days from the date of such notice but such notice may be renewed for an additional ninety (90) day period or periods. Further, a notice may be terminated at any time in writing by the Chief of Police.

4.5.9: CLOSING HOURS:

Every "pawnbroker" as herein defined shall discontinue and cease conducting their "pawn broking" business, as herein defined, between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. of each and every day, with the exception that on Saturday night, said business may be conducted until twelve o'clock (12:00) midnight.

4.5.10: STOLEN PROPERTY; RETURN TO TRUE OWNER:

(A) Any article pledged or sold, to a pawnbroker, which is subsequently determined by a law enforcement agency to have been stolen shall be transferred to the custody of such agency upon the agency's request.

(B) Upon the return of stolen property to the true owner, by a law enforcement agency, the pawnbroker shall complete such documentation as may be necessary or required to affect the transfer of the property including such documents pertaining to the registration of firearms as may be required by local, State, or Federal authorities.

4.5.11: VIOLATIONS AND PENALTY:

If any person, persons, or entities exercise or carry on any pawnbroker business without first taking out such license as required by this section or violate any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113.

Chapter 6:
CHILD DAYCARE LICENSES

4.6.1: POLICY

Any person, persons, or organization wishing to obtain a City business license to operate a Child Day Care facility must abide by Idaho Code Title 39 Chapter 11 Basic Day Care License and provide a copy of their Idaho State License prior to approval of their City business license.

4.6.2: FEES:

(A) Every Child Daycare business shall pay in advance to the City Clerk the required fees.

(B) At the time of filing an application the fee for the license or permit shall be paid and is nonrefundable. The fee shall be set from time to time by Resolution of the City Council.

4.6.3: VIOLATIONS AND PENALTY:

If any person, persons, or entities exercise or carry on any child daycare business without first taking out such license as required by this section or violate any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113.

**Chapter 7:
LIMITED DURATION BUSINESS LICENSES**

4.7.1 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.

4.7.2: VENDOR'S LICENSES; FEE AND PERMIT; APPLICATION:

- (A) No person shall do business as a Vendor or Itinerant Vendor, whether on private or public property, as defined in Section 4.1.2 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 City 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. 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;
 5. The proposed method of operation;
 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. State sales tax number, federal tax number, and driver's license number of applicant;
 8. 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;
 9. 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;
 10. 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;
 11. A photograph of any stand which the applicant will use to conduct sales from and a photograph of any signage;
 12. The license application fee.
- (B) The fee for the license or permit shall be set from time to time by Resolution of the City 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.

(H) Those exempt from requiring a vendor's permit are school age children selling various fundraising items including but not limited to Girl and Boy Scouts, school sponsored sporting or music events, school age clubs such as Optimists.

4.7.3 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 City 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 City 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 City 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.

(F) Those exempt from requiring a Peddler's license are school age children selling various fundraising items including but not limited to Girl and Boy Scouts, school sponsored sporting or music events, school age clubs such as Optimists. Also exempt are those affiliated with religion and politics.

4.7.4: 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 City 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 City 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.

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

4.7.5: 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 City 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 City 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.

4.7.6: VIOLATIONS AND PENALTY:

If any person, persons, or entities exercise or carry on any limited duration business without first taking out such license as required by this section or violate any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113.

Chapter8

PUBLIC EVENT PERMITS

4.8.1: PUBLIC EVENT DEFINITION

A public event, on public property, refers to any event open for the general public. An exception would be events held in public parks which are subject to the Guidelines for Commercial Activity and Concessions in McCall City Parks.

4.8.2 EVENT LICENSES; PERMIT APPLICATION; FEE;

(A) It is unlawful for any person, persons, corporation, or organization, to plan a public event on public property unless a valid City Permit has been obtained for the public event. 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 City 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 that addresses how the applicant will avoid service of minors 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. If the athletic event will take place on a public street and police assistance will be needed it must be stated at the time of application.
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, or there will be an impact to the traffic on public streets, 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 City 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.

4.8.3: 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.

4.8.4: 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.

4.8.5: STREET CARNIVALS, TENT, AND STREET SHOWS; PERMIT; FEE:

(A) 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 (may be referred to as "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 City Clerk's office and will include the following:

1. Name and description of the street carnival.
2. The expected attendance.
3. A detailed site plan.
4. If a catering permit for alcohol will be submitted in conjunction with this application a detailed alcohol plan that addresses how the applicant will avoid service of minors must be included.
5. A detailed plan for trash collection and removal during and after the event.

6. Detailed noise controls plan if the event is scheduled to go beyond 10:00 p.m.
7. If vendors will be present each vendor must obtain a Vendor's Permit.
8. When the applicant proposes to have a street closure, or there will be an impact to the traffic on public streets, then a street closure form must be approved prior to the permit being issued for the public event.
9. The permit fee.

(B) The fee for the license or permit shall be set from time to time by Resolution of the City Council and shall be non-refundable.

4.8.6: SIGNAGE:

(A) All Events whether on private or public property 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. Individual vendors are limited to signage displayed within their allotted vending space within the event.

4.7.6: VIOLATIONS AND PENALTY:

If any person, persons, or entities exercise or carry on any public event without first taking out such license as required by this section or violate any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113.

Chapter 9: ALCOHOLIC BEVERAGES

4.9.1: DEFINITIONS:

As used in this chapter the following words and phrases shall have the following meaning when not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural. The word shall is always mandatory and not merely directory. All words and phrases shall be given the same interpretation as that provided by State statute, except where otherwise provided by this chapter. All other words and phrases used in this chapter, the definition of which is not herein given, shall be given their ordinary and commonly understood and accepted meaning.

ALCOHOLIC BEVERAGE: Any beverage containing alcohol which is a product of distillation of any fermented liquor, or synthetic ethyl alcohol, including beer, wine, spirits, or any liquid containing alcohol, beer, wine or spirits.

BEER: Any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water.

BEER GARDEN: A geographically designated or enclosed area surrounded by fencing, with posted signage restricting consumption, approved by the City Council upon recommendation of the Police Chief, where persons twenty one (21) years of age or older may consume or possess alcoholic beverages in compliance with the provisions of this chapter and State law.

BOTTLED BEER: Beer sold or disposed of while securely, tightly, and adequately sealed in a glass, metal or other container of a capacity not to exceed two (2) gallons.

CATERING PERMIT: A permit issued by the City Clerk to serve and sell alcoholic beverages, valid for no more than three (3) consecutive days and may be designated for less by the City Clerk or City Council.

CITY: The City of McCall, Idaho.

CITY COUNCIL: The City Council of the City of McCall, Idaho.

CITY CLERK: The City Clerk of the City of McCall, Idaho, or designated agent.

LICENSE: A license issued by the McCall City Clerk to a qualified person, under which it shall be lawful for the licensee to sell and dispense alcoholic beverages, as provided by this chapter.

LICENSEE: The person to whom a license is issued under the provisions of this chapter and who holds a valid State of Idaho alcohol beverage license and a valid Valley County alcohol beverage license.

LIQUOR: All kinds of liquor sold by and in a State liquor store of the State of Idaho.

OFF PREMISES BEER OR WINE LICENSE: A license authorizing a person to sell beer or wine at retail for consumption off of the licensed premises.

ON PREMISES BEER OR WINE LICENSE: A license to sell beer or wine by the individual glass or opened bottle at retail for consumption on the premises only.

PERSON: Includes an individual, firm, co-partnership, association, limited liability company, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

PLACE OF BUSINESS: The place where business is carried on by the owners or agents of owners and under the control of those owners or agents.

POLICE CHIEF: The Chief of Police for the City of McCall, Idaho, or designated agent.

POLICE DEPARTMENT: The McCall City Police Department.

PREMISES: The business place in which the sale of any alcoholic beverage is authorized under this chapter and pursuant to Idaho statute.

RETAILER: Any person engaged in the sale or distribution of alcoholic beverages to the consumer, with the exception of keg beer sold by Idaho State license wholesalers, and to whom a retail license has been issued.

SPIRITS: Any beverage which contains alcohol obtained by distillation mixed with drinkable water or other substances in solution, including, among other things, brandy, rum, whiskey, vodka, and gin.

STATE: The State of Idaho.

WINE: Any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits (grapes, apples, etc.) or other agricultural products containing sugar (honey, milk, etc.) containing not more than fourteen percent (14%) alcohol by volume.

4.9.2: LICENSE:

It shall be unlawful for any person or licensee to sell, keep for sale, or dispense any alcoholic beverage without first obtaining the appropriate license or permit required by law. Further, it shall be unlawful for licensees to give away or otherwise dispose of any liquor in the original containers or otherwise than by retail sale by the drink.

4.9.3: APPLICATIONS:

Prior to the issuance of a license, as herein provided, the applicant shall file with the City Clerk an application, in writing, signed by the applicant and containing such information and Statements relative to the applicant and the premises (in existence or to be constructed in accordance with plans and specifications approved by the City) where the alcoholic beverages are to be sold. In order to be licensed for the retail sale of liquor or wine, the applicant must also be licensed for the retail sale of beer. The application shall be verified by the affidavit of the person making the same and shall be accompanied with the license filing fees herein required. In addition to setting forth the qualifications required by other provisions of this chapter, the application must show:

- (A) 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.
- (B) The street address of the premises for which a license is sought.
- (C) If the premises to be licensed is not owned by the applicant, then a certified copy of a document showing that the owner consents to the sale of alcoholic beverages on such premises.
- (D) If during the period of any license issued hereunder any change shall take place in any of the requirements of this section, the licensee shall forthwith make a verified report of such change to the City Clerk.
- (E) Such application shall be accompanied with a copy of the license issued by the director of the Idaho State police for the premises and for the time for which the application is made.
- (F) Such application shall be accompanied with a copy of the license issued by the board of county commissioners for the premises and for the time for which the application is made.

4.9.4: APPLICATION HEARING AND DETERMINATION BY CITY CLERK:

- (A) The City Council has determined that the City Clerk shall be delegated the authority to process and grant or deny all alcoholic beverage license applications, other than certain circumstances involving catering permits, as provided in this chapter.
- (B) Whenever the City Clerk shall determine that an application for alcoholic beverage license transfer or renewal is complete, the City Clerk shall approve or deny such application.
- (C) Whenever the City Clerk or City Council shall deny any application, the City Clerk shall specify in writing:
 - 1. The statutes, ordinances and standards used in evaluating the application;

2. The reasons for denial; and
3. The actions, if any, that the applicant could take to obtain the license transfer or renewal thereof.

(D) A transcribable verbatim record of all appeals of denials of license transfer or renewal shall be kept for six (6) months from the date of appeal. Appeals shall be heard before the City Council.

(E) The City Clerk shall issue a license to the applicant, which license or licenses shall at all times be prominently displayed in the place of business of the licensee and shall be issued only for the particular premises therein described.

(F) All decisions of the City Clerk shall be reported to the City Council at the next regularly scheduled City Council meeting after such decision.

4.9.5: QUALIFICATIONS:

No person shall sell or dispense alcoholic beverages at retail until licensed in accordance with the provisions of this chapter, and no retailer's license shall be issued to any applicant, or such license transferred to any person, including the executor, administrator or trustee in bankruptcy of the estate of the holder of a retail license, when that person:

(A) Is under the age of twenty one (21) years;

(B) Is not the bona fide owner of such business;

(C) Is not a citizen of the United States, or has not been a bona fide resident of the State for at least thirty (30) days next preceding the date of application for a license, provided, that if the applicant is:

1. A partnership, all members thereof shall be citizens of the United States or have been residents of the State for at least thirty (30) days preceding the date of application for a license; or
2. A corporation or association, it must be organized under the laws of the State or qualified under the laws of the State to do business in the State and the principal officers and the members of the governing board must be citizens of the United States or residents of the State for at least thirty (30) days next preceding the date of application for such license;

(D) Does not otherwise possess all of the qualifications necessary to obtain a license from the director of the Idaho State police, as prescribed by the laws of the State of Idaho and maintain such qualifications throughout the period for which such license is issued. The possession of licenses regularly issued by the director of the Idaho State Police and the

County of Valley in addition to a City beer license shall be prima facie evidence of the applicant's qualifications to receive a license hereunder.

4.9.6: CONTINUANCE OF QUALIFICATIONS:

A retailer licensee must continue throughout the license period to have all of the qualifications and none of the disqualifications provided in this chapter.

4.9.7: REGULATIONS:

- (A) It shall be unlawful for any person to suffer or permit any person under twenty one (21) years of age to consume beer in or upon their premises, or for any person to sell, serve or dispense beer to or by any person under twenty one (21) years of age or to any person who is intoxicated, a habitual drunkard, or an interdicted person according to the laws of the State of Idaho. However, any person who is nineteen (19) years of age or older may sell, serve, possess and dispense liquor, beer or wine in the course of their employment in any place as defined in section 23-942, Idaho Code, or other place where liquor, beer or wine are lawfully present so long as such place is the place of employment for such person under twenty one (21) years of age.
- (B) Any person under the age of twenty one (21) years, or other disqualified person, who, and any person who shall aid or abet such person to, knowingly misrepresent their qualifications for the purpose of obtaining liquor from any licensee shall upon conviction be deemed guilty of a misdemeanor.
- (C) It shall be unlawful for any licensee to sell, keep for sale, dispense or give away, or otherwise dispose of any liquor in the original containers or otherwise than retail sale by the drink.
- (D) Every person to whom a license shall be granted shall at all times conduct a quiet and orderly place of business.
- (E) All licenses issued under the provisions of this chapter shall be posted in a conspicuous place on the premises, and kept posted during the full period of time for which the same is issued, and that said license shall not be sold, transferred or assigned without the written consent of the City Clerk; that in case of the receivership, assignment, bankruptcy, or incompetence of the licensee, the licensee's business may be carried on under the license by the duly appointed, qualified and acting receiver, assignee, trustee in bankruptcy, guardian, executor or administrator of the licensee, providing that such receiver, assignee, trustee, guardian, executor or administrator shall file with the City Clerk a certified copy of their appointment and secure the written consent of the City Clerk.
- (F) The licensee or any person employed by or acting on behalf of the licensee who serves another an alcoholic beverage has the duty to routinely check valid driver's licenses, State identification cards, or military identification cards to verify the age of those served alcoholic beverages. Any person who fails to check appropriate identification which subsequently results in the serving of an alcoholic beverage to a person under the age of twenty one (21)

years shall be guilty of an infraction for a first time offense, or a misdemeanor for second and subsequent offenses occurring within two (2) years of a prior offense of the same nature.

4.9.8: PAYMENT OF LICENSE FILING FEES:

Each application shall be accompanied by the required license filing fees. License filing fees, to be collected by the City Clerk, shall be in an amount established by the McCall City Council by resolution.

4.9.9: TERM AND EXPIRATION:

For the purpose of this chapter, the City of McCall retail alcohol beverage license year shall commence on September 1. All licenses issued for the retail sale of alcoholic beverages within the City shall expire at twelve o'clock (12:00) midnight on August 31 of the year following unless application for renewal has been made. If application for renewal has been made, the current license shall remain in force until the City Clerk has acted on the application for renewal and has given notice of the action taken.

4.9.10: RENEWAL:

Renewal of a license shall be on forms prescribed and furnished by the City Clerk. Renewal forms shall be submitted thirty (30) days prior to the expiration of the current license. The required license filing fees and an affidavit verifying that the information contained in the original application is unchanged must accompany a renewal form.

4.9.11: LICENSE TRANSFER:

A license may be transferred, but the transferee, including any executor, administrator, or trustee in bankruptcy of the estate of the retailer shall not be authorized to retail alcoholic beverages thereunder until the transferee shall have filed with the City Clerk, under oath, an application therefore containing the same information required in an application for a license. If the transferee possesses the qualifications and none of the disqualifications of a retailer as provided in this chapter, the license shall be endorsed over to the proposed transferee by said licensee for the remainder of the period for which the license has been issued, and the City Clerk shall approve such transfer and amend the license to reflect the transfer.

Each such alcohol beverage license shall be accompanied with a transfer fee of thirty three percent (33%) of annual license filing fees. Application to transfer an alcohol beverage license from one authorized location to another shall be made to the City Clerk on forms prescribed and furnished by the City Clerk. Each application for transfer of location shall be accompanied by a transfer fee of twenty five percent (25%) of annual license filing fees.

4.9.12: CONSUMPTION ON AND OFF PREMISES:

In order to hold a valid license for the retail sale of liquor, which includes wine by the glass, a retailer must first hold a valid license for the retail sale of beer. Retailers holding a valid liquor

license may sell liquor by the glass and wine by the glass, but only on the licensed premises. In order to sell wine by the glass without holding a valid liquor license, a retailer must hold a valid beer license and a valid license for the sale of wine by the glass. Retailers holding only off premises beer and/or wine licenses may sell the beer and/or wine only in their original unbroken containers. Wine sold by the glass for consumption on premises may be sold only during the hours and on the days liquor by the glass may be sold pursuant to the laws of this State. Wine sold for consumption off premises may be sold only during the hours that beer may be sold pursuant to the laws of this State.

4.9.13: MISREPRESENTATION OF AGE:

- (A) No person under the age of twenty one (21) years may purchase, consume, or possess alcoholic beverages.
- (B) No person shall give, sell, or deliver alcoholic beverages to any person under the age of twenty one (21) years.
- (C) No person under the age of twenty one (21) years shall by any means represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he or she is twenty one (21) years or more of age for the purpose of inducing such retailer or distributor, or their agent or employee, to sell, serve or dispense alcoholic beverages to such person.
- (D) No person shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor, that any other person is twenty one (21) years or more of age, when in fact such person is under the age of twenty one (21) years, for the purpose of inducing such retailer or distributor, or the agent or employee of such retailer or distributor, to sell, serve or dispense alcoholic beverages to such person.

4.9.14: SALE PROHIBITED:

No liquor shall be sold, offered for sale, or given away upon any licensed premises during the following days and hours:

- (A) Christmas from two o'clock (2:00) A.M. to ten o'clock (10:00) A.M. of the following day;
- (B) On any other day between two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. of said day.

4.9.15: REVOCATION OF LICENSE:

The right shall be and remain at all times vested in the City Clerk, and mayor and City Council, and the City Clerk and mayor and City Council may, as hereinafter provided, revoke or cancel any license for fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this chapter, or for any conduct or act of the licensee or their employees or any conduct or act permitted by the licensee or them on the premises where such business is conducted, or in connection therewith or adjacent thereto, tending to render such business or such premises where the same is conducted as a public nuisance or a menace to the health, peace,

safety or general welfare of the City; provided, that revocation or suspension of the State license by the commissioner of law enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued herein.

4.9.16: POLICE; ACCESS TO PREMISES:

All police officers of the City, of Valley County, of the State of Idaho, or of the United States shall have the right at any time to enter in and upon any such licensed premises, and it shall be unlawful to refuse any officer of the police force of the City, County, State, or United States admittance to or access to such premises for the purpose of police control, regulation and inspection of such premises.

4.9.17: LIQUOR CATERING PERMIT:

(A) Purpose: The purpose of this section is to provide a procedure and guidelines for obtaining an alcoholic beverage catering license pursuant to Idaho Code, title 23, chapter 9.

(B) Catering Permits Required; Fees:

1. It shall be unlawful for any person to serve and sell any alcoholic beverage retail by the drink at a party or convention upon an unlicensed premise, without first obtaining a catering permit issued by the City Clerk or their designee pursuant to these provisions.
2. A filing fee in the amount of twenty dollars (\$20.00) for each day the permit is to be effective shall be paid to the City Clerk or their designee, which shall not be refunded in any event.

(C) Application For Permit:

1. Filing Application: Any person holding an Idaho retail liquor license, retail beer or wine license, or permit issued pursuant to Idaho Code section 23-1007A may obtain an application for a catering permit at the office of the City Clerk and fill out the application completely where designated on the application. The application must be executed by the applicant and filed with the City Clerk not less than three (3) days prior to the catering date(s) requested. Failure to complete the required portions of the application may result in a denial of the application.
2. Consideration: Where an application is filed within three (3) days prior to the catering date(s), the applicant may execute a waiver of procedural appeal rights in order to allow for the consideration of the granting of a catering permit. A waiver of procedural appeal rights is not a guarantee or promise that the permit can or shall be processed or granted. The filing fee is not refundable.
3. Application Information: The application for permit shall provide the following information:

- a) Name, address, and phone number of the applicant;
 - b) The number of their Idaho State retail liquor license, Idaho State retail beer or wine license, or permit issued pursuant to Idaho Code section 23-1007A, and the number of their county retail alcohol beverage license;
 - c) A photocopy of the Idaho State retail liquor license, Idaho State retail beer or wine license, or permit issued pursuant to Idaho Code section 23-1007A and a photocopy of the county alcohol beverage license, when requested by the City Clerk;
 - d) Dates and hours requested during which the permit is to be effective, not to exceed three (3) consecutive days;
 - e) The names of the organizations, groups, or persons sponsoring the event; and the name of the applicant's designee who will be present at the event;
 - f) An Alcohol control plan to ensure minors are not served must accompany the Catering Permit Application;
 - g) The address at which the alcoholic beverages are to be served;
 - h) The number of anticipated people who will attend the party or event;
 - i) Signatures of the licensee, the Police Chief, and the City Clerk.
4. Persons Not Qualified For Catering Permit: No catering permit shall be issued to:
- a) Any person who does not possess a valid Idaho State retail liquor license, Idaho State retail beer or wine license, or a benevolent, charitable, or public purpose permit from the State pursuant to Idaho Code title 23, chapter 9, 10 or 13;
 - b) An individual who has been convicted of or received a withheld judgment for any offense deemed a felony by the laws of the United States, the State of Idaho, or any other State of the United States, within the last five (5) years;
 - c) Any individual who has a judgment, conviction or determination for a drug or alcohol related violation, whether criminal, civil or administrative, in violation of the laws of the United States, the State of Idaho, or any other State of the United States, or of the resolutions or ordinances of any county or City of this State within the last three (3) years;
 - d) An applicant who willfully files any false or misleading Statement which applicant knows to be or reasonably should have known to be false or misleading in any part of said application or any subsequent report;

- e) An applicant who is required to obtain a special event permit as provided by this code and who has not obtained approval of said permit;
- f) Any application for catering permit for more than three (3) consecutive days by Idaho Code as provided.

(D) Applications Reviewed:

1. City Clerk to Review: The City Clerk shall review the application for catering permit for completeness and forward said application to the Police Chief;
2. Recommendation of the Police Chief: The Police Chief upon receipt of the application shall make a recommendation to the City Clerk to approve or deny the application.
 - a) The Police Chief may recommend approval of the catering permit to promote and carry out the policies of the City.
 - b) The Police Chief may recommend denial of a catering permit to protect the health, safety, welfare of the public, to prevent unlawful disturbances, public nuisance, or to promote and carry out the policies of the City.
 - c) The Police Chief may recommend conditions, terms or a reduction in the number of requested dates or times as determined reasonable to carry out the policies of the City, which include protection of the health, safety, and welfare of the public, or to prevent an unlawful disturbance or nuisance. Such conditions may include execution of an indemnification agreement, posting of appropriate signs; and hiring at applicant's expense additional bonded security personnel.
 - d) Where the Police Chief determines that due to the anticipated number of participants, location, or presence of minors requiring limitation of the premises for enforcement purposes, he may recommend a beer garden and its specifications be maintained as a condition of the permit.
 - e) When the event is on City property the applicant shall be required to maintain in full force and effect comprehensive general liability insurance with liability limits of not less than five hundred thousand dollars (\$500,000.00) for the term of the applied for catering permit. The insurance policy shall name the City of McCall as an "additional named insured" and a copy of the insurance binder shall be filed with the City Clerk prior to the issuance of the said permit.
 - f) This insurance provision may be waived by the City Clerk upon a showing of good cause for doing so.

(E) Permits Issued:

1. The City Council has determined the City Clerk or designee shall be delegated the authority to grant all catering permits where the Police Chief recommends approval.
2. Except as otherwise provided, the City Clerk shall upon the advice and recommendation of the Police Chief approve or deny the application and indicate the determination on the face of the application by endorsement signed by the City Clerk on behalf of the City Council. All decisions of the City Clerk shall be reported to the City Council at the next regularly scheduled City Council meeting after such decision. Any person aggrieved by the City Clerk's decision may appeal the same to the City Council by filing notice of appeal with the City Clerk within ten (10) days of the City Clerk's decision.
3. Copies of the application with signed endorsements thereon shall be mailed or delivered immediately to the Police Chief. The City Clerk shall mail or deliver a copy of the signed original to the applicant.
4. An application approved in this manner shall constitute a permit, unless disapproved by the director of the department of law enforcement by notice served upon the applicant for the retail sale by the drink, of liquor, beer, and wine for the period authorized by the permit. The director of the department of law enforcement shall immediately notify the Police Chief in the event of disapproval.
5. Any catering permit is not transferable and shall be valid under the conditions and terms approved by City Council and only within the City of McCall, State of Idaho.

(F) Permit Display Required: The applicant or the applicant's designee is required to carry, display or post the original catering permit issued and must be personally present at the approved catering premises at all times during the life of the catering permit.

(G) Grounds for Revocation: The City Clerk, the mayor and City Council or the Police Chief may revoke a catering permit when, subsequent to the approval of the permit, it is determined that the applicant did not meet the requirements set forth in this section.

(H) Procedure for Denial, Revocation, and Appeal: Except as otherwise provided in this section, the procedures for denial, revocation, and appeal shall be followed.

(I) Exigent Circumstances For Revocation: Where there exists a clear endangerment to the health, safety and welfare of the public resulting from the use of the permit, or where the applicant or their agents fail to perform in conformance with the conditions and terms set forth on the permit, the City Council, the City Clerk, or the Police Chief may revoke the catering permit issued under the provisions of this section by immediately demanding and seizing the permit from the applicant or co-applicant.

Upon receipt of the revoked permit, or where the permit cannot be seized due to unavailability of the applicant, or where the applicant or co-applicant refuses to surrender said permit, the Chief of Police may direct the seizure of all alcoholic beverages and remove the same and keep the same as evidence, and upon conviction of the person for violation of

the provisions hereof, the said liquor and all packages, or receptacles containing the same, shall be forfeited to the State of Idaho.

(J) Violations: In addition to the regulations Stated in section 4.9.7 of this chapter, the following violations apply to catering permits:

1. A person failing to obtain, display, or surrender a catering permit as provided in this section shall be guilty of an infraction for a first time offense.
2. A person holding a catering permit, or any person employed or acting on the behalf of the person holding a catering permit, who willfully endangers the health, safety, public welfare by permitting, allowing, or failing to correct, conduct in violation of the conditions or terms of a catering permit is guilty of an infraction for a first time offense.
3. Any person holding a catering permit or any person acting on behalf of that person who permits, allows, or invites another person under twenty one (21) years of age into a beer garden is guilty of an infraction for a first time offense.
4. All beverages, whether alcoholic or not, served and sold in a public place or an outdoor private place open to the public, shall be served and sold in containers made of paper or plastic. Any person who shall use, carry, or be in possession of any beverage container made of glass in violation of this section shall be guilty of an infraction for a first time offense.
5. A violation of any of the provisions of this section by any agent, employee, servant, or other person on behalf of the person holding the catering permit, shall be presumed a violation by the person holding the catering permit.

4.9.18: OPEN CONTAINERS AT CATERED EVENTS:

By resolution, the City Council 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 State 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.

4.9.19: PENALTY:

Any person violating any of the provisions of this chapter declared an infraction shall be assessed a fixed penalty of one hundred dollars (\$100.00) excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100.00) and for which no period of incarceration may be imposed. There is no right to a trial by jury for a citation or complaint for an infraction and such trials shall be held before the court without a jury. A second and any subsequent conviction for the same violation of the provisions of this chapter within five (5) years shall constitute a misdemeanor, punishable by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment in the county jail not exceeding six (6) months, or both. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.

Chapter 10:
PRODUCTS CONTAINING PHOSPHORUS

4.10.1: PURPOSE:

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety, and welfare of the public and inhabitants of the City to ban, within the City limits, the commercial sale of household cleaning products containing more than a trace level of phosphorus.

4.10.2: DEFINITIONS:

For the purpose of this Chapter, the following mean:

CITY: The City of McCall, Valley County, Idaho.

HOUSEHOLD CLEANING PRODUCT: Any domestic or commercial cleaning product, including but not limited to soaps, detergents, laundry bleaches and laundry additives used for domestic or commercial cleaning purposes, including but not limited to the cleaning of fabrics, dishes, food utensils and household and commercial premises. Household cleaning product does not mean foods, drugs, cosmetics or personal care items such as toothpaste, shampoo or hand soap.

MAY: Is permissive (see "Shall").

PERSON: Any individual, firm, company, association, society, corporation, or group.

PHOSPHORUS: Elemental phosphorus.

SHALL: Is mandatory (see "May").

TRACE QUANTITY: An incidental amount of phosphorus that is not part of the household cleaning product formulation and is present only as a consequence of manufacturing and does not exceed five-tenths percent (0.5%) of the content of the product by weight expressed as elemental phosphorus.

4.10.3: COMMERCIAL SALE PROHIBITED:

No household cleaning product that contains more than a trace quantity of phosphorus shall be sold, offered, distributed, or exposed for commercial sale within the City limits.

4.10.4: LABELING REQUIRED:

All household cleaning products sold within the City limits shall have affixed thereto labeling that clearly indicates the percent of phosphorus contained in the product to the nearest one-tenth

of one percent (0.1%) accuracy. Household cleaning products that contain only a trace quantity of phosphorus may be labeled "contains no phosphorus", "contains no phosphates", or similar labeling that makes a clear statement that no prohibitive quantity of phosphorus is present in the product.

4.10.5: EXEMPTIONS:

The following products are specifically exempt from the provisions of this Chapter:

- (A) Existing stocks of household cleaning products;
- (B) Automatic dishwasher detergent containing eight and seven-tenths percent (8.7%) or less phosphorus by weight expressed as elemental phosphorus; and
- (C) Those products used for cleaning medical or surgical equipment or supplies in licensed acute care or long-term health care medical facilities.

4.10.6: VIOLATIONS AND PENALTY:

Any person violating any of the provisions of this chapter shall receive a notice of violation and shall pay a fine of \$150, if the violation has not been paid within fourteen (14) days the fine shall double to \$300. If the fine is not paid within thirty (30) days then such person or persons shall, be guilty of an infraction punishable by collection of a fine determined by resolution of the City Council; 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 and is punishable per Idaho Code 18-113.

Chapter 11:
1% and 3% NONPROPERTY TAXES
No Changes –

Chapter 12:
3% NONPROPERTY TAXES
No Changes –

**McCALL CITY COUNCIL
AGENDA BILL**

216 East Park Street
McCall, Idaho 83638

Number AB 15-224
Meeting Date November 20, 2015

AGENDA ITEM INFORMATION				
SUBJECT:		<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
<i>McCall City Code Title 4 Business Regulations Proposed Fee Schedule Review</i>		Mayor / Council		
		City Manager		
		Clerk	<i>AW</i>	Originator
		Treasurer		
		Community Development		
		Police Department		
		Public Works		
		Golf Course		
COST IMPACT:	n/a	Parks and Recreation		
FUNDING SOURCE:	n/a	Airport		
		Library		
TIMELINE:	n/a	Information Systems		
		Grant Coordinator		
SUMMARY STATEMENT:				
<p>At the November 5, 2015 City Council Meeting staff presented a fee schedule for Title 4. Council reviewed the fees and requested some changes. Staff has made those changes and requests that Council review the attached fee schedule and approve staff to finalize the fees for a public hearing at the December 17, 2015 Council Meeting.</p>				
RECOMMENDED ACTION:				
<p>Review the recommended proposed fees schedule for Title 4 Business Regulations. Give approval to staff to finalize the fees and prepare a public hearing for adoption of recommended fees.</p>				
RECORD OF COUNCIL ACTION				
MEETING DATE	ACTION			
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			
March 13, 2015	Council discussed events in McCall			
August 28, 2015	Council Reviewed Chapters 1, 6, and 7 of Title 4			
September 24, 2015	Council Reviewed Chapter 3 Snow Removal and Chapter 5 Pawnbrokers			
October 22, 2015	Council reviewed Event regulations and fee schedule			

Title 4 Fees Proposal

Business License Fees	<u>Current</u>	<u>Proposed</u>
Initiation of a New Business License	No fee	\$125.00
Annual Renewal of Business License	\$25.00	\$25.00
If business license is not renewed by January 31 of the renewal year the re-instatement fee will be required		
	No fee	\$125.00
Vendor Permit	\$100.00 \$1500.00 \$2500.00	\$25.00 per day \$500.00 per season (May 5-September 15) \$1000.00 per year
Itinerant Vendor	No fee	\$25.00 per day \$500.00 per season (May 5-September 15) \$1000.00 per year
Animal drawn vehicle	\$25.00	\$25.00
Farmers Market	\$50 per season	\$50 per season
NOTE: the following fee recommendations are fees that require fingerprints, a police investigation, and background check, and more accurately reflect the actual cost to the City.		
Taxi Drivers License	\$40.00	\$125.00 per driver for a 5 year license
Pawnbroker License	\$200.00	\$125.00 for a five year license in addition to the business license
Peddler Permit	\$100.00	\$125.00 per person, per day
Snow Removal License	No fee	\$125.00 per season (November-March)
Events or Carnivals Licenses	\$50.00 \$50.00	\$150 for < 50 people \$300 for >50 people