

TITLE 3
BUSINESS AND LICENSE REGULATIONS

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CHAPTER 1
LIQUOR CONTROL

SECTION:

3-1-1: Adoption of State Laws

3-1-1: **ADOPTION OF STATE LAWS:**

- A. Adoption: There are hereby adopted for the purpose of governing the licensing, sale and use of alcoholic beverages within the City, the laws of the State, being particularly title 23, Idaho Code, as presently in effect or as may hereafter be amended by the Legislature. The same is hereby adopted and incorporated as an ordinance of the City as fully as though set forth at length herein.
- B. Copies on File: Three (3) copies of the said statutes, together with all amendments thereto, all duly certified by the City Clerk, shall be kept on file in the office of the Clerk for use and examination of and by the public. (1995 Code)

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3-1A-2

CHAPTER 1
LIQUOR CONTROL
ARTICLE A. LIQUOR BY THE DRINK

SECTION:

- 3-1A-1: License Required
- 3-1A-2: Application for License
- 3-1A-3: Applicant, Location Restrictions
- 3-1A-4: Conditions of License; Fee
- 3-1A-5: Hours of Sale of Liquor
- 3-1A-6: Access to Premises
- 3-1A-7: Prohibited Sales and Conduct
- 3-1A-8: License Revocation; Hearing

3-1A-1: **LICENSE REQUIRED:** It shall be lawful to sell liquor by the drink as provided by the laws of this State¹, provided a license shall first be obtained as provided in this Article and the rules and regulations, and provisions concerning the licensing and operation of a place of business for the sale of liquor are adhered to as herein provided. (2007 Code)

3-1A-2: **APPLICATION FOR LICENSE:**

- A. Required Information: Before there shall be any lawful sale of liquor by the drink, an application by the proposed licensee must be made for such license and filed with the City Clerk in form and manner herein provided. Such application shall provide for the

¹ I.C. §23-901 et seq.

3-1A-2

3-1A-4

name of the applicant, the location of the proposed business and such other information as may be prescribed and required by the Mayor and City Council. At the time said application is filed, the applicant shall also present the license issued by the State and Lemhi County for the sale of liquor by the drink at retail. No license will be issued until a license is first obtained from the State and Lemhi County. (1995 Code, amd. 2007 Code)

- B. Council Approval: All applications filed with the Clerk shall be referred to the Mayor and City Council for final approval. The Clerk shall receive the license fee hereinafter provided at the time of filing of the application, and upon approval of the application by the Mayor and City Council; the license will be issued and delivered to the applicant. (2007 Code)

3-1A-3: **APPLICANT, LOCATION RESTRICTIONS:** No license shall be issued for the sale of liquor by the drink to any person not qualified for a license under State law nor upon any premises in any neighborhood which is predominantly residential nor within three hundred feet (300') of any school, church or other place of public worship. (2007 Code)

3-1A-4: **CONDITIONS OF LICENSE; FEE:**

- A. License Fee: The license fee required of any applicant for the sale of liquor by the drink shall be as set by the City Council, not to exceed the maximum allowed by State law, payable in advance. The payment shall be made with said application for the balance of the term of license as set by Idaho Code, Title 23. (1995 Code, amd. 2007 Code)
- B. Term of License, Renewals: All licenses issued shall expire at twelve o'clock (12:00) midnight on August 31 of each calendar year. Renewals may be granted upon application if the record of the applicant is satisfactory to the Mayor and City Council and in accordance with the provisions of the law and this Article and upon payment of the abovementioned fee for the ensuing year. Any operation under an expired license shall constitute a violation of this Code, and a separate offense shall be deemed committed for each such day of operation. (1995 Code, amd. 2007 Code)
- C. License Transferable: Licenses issued under the provisions of this Article may be transferred with the consent of the Mayor and City Council.

3-1A-5: HOURS OF SALE OF LIQUOR:

- A. No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:
1. Sunday, Memorial Day, Thanksgiving and Christmas from one o'clock (1:00) A.M. to ten o'clock (10:00) A.M. the following day; provided, however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (barroom) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of two o'clock (2:00) P.M. and eleven o'clock (11:00) P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.
 2. On any other day between one o'clock (1:00) A.M. and ten o'clock (10:00) A.M.
 3. There is no prohibition against the sale of liquor by the drink during general, primary, or City elections unless the City enacts an ordinance prohibiting such sales. (amd. Ord. 15-806, 09-02-15)
- B. Any patron present on the licensed premises after the sale of liquor has stopped as provided in subsection A above shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.
- C. Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon licensed premises after the time provided for in subsection B shall be guilty of a misdemeanor.
- D. It shall be the duty of every person who is employed at or upon a licensed premises or who owns or manages a licensed premises and is present upon the licensed premises during the hours and at the time set forth in subsection A of this Section to lock up and keep locked up in a locked room or locked cabinet all unsealed containers of liquor during the hours and at the times set forth in subsection A of this Section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor. (2007 Code)

3-1A-6

3-1A-8

3-1A-6: **ACCESS TO PREMISES:** All peace officers appointed by the State or the City or the County shall have free access at all times to the licensed premises, and any information touching the manner and method of the operation of said premises or the sale of liquor may be submitted to the Mayor and City Council as a result of the investigation made of said licensee. (2007 Code)

3-1A-7: **PROHIBITED SALES AND CONDUCT:** The following are declared as prohibited acts, and any violation of the provisions of this Article shall be considered and shall likewise be grounds for the cancellation and revocation of the license:

- A. Underage, Intoxicated or Disorderly Persons: No sale of liquor shall be made to:
 - 1. Any person under the age of twenty one (21) years.
 - 2. Any person actually, apparently or obviously intoxicated.
- B. Gambling: No gambling of any kind or character shall be operated upon said premises, and no gambling device shall be maintained thereon. (1995 Code, amd. 2007 Code)

3-1A-8: **LICENSE REVOCATION; HEARING:** If any licensee or employee of a liquor by the drink establishment violates any of the provisions of this Article or is convicted of the violation of any of the provisions of State law, the Mayor and City Council are hereby authorized and empowered to revoke the license issued to said licensee. Provided, however, that when it is brought to the attention of the Mayor and City Council that a violation has taken place, before revoking such license, they shall cause notice to be served upon the licensee setting forth in general terms the violation or violations claimed to have been committed, and such notice shall provide a time for hearing thereon by the Mayor and City Council, which date of hearing shall be not less than five (5) days nor more than ten (10) days from the date of the service of notice that the provisions of this Article or the provisions of the laws of the State have been violated. The Mayor and City Council shall revoke such license, and no refund of any unused portion of the license fee shall be made to the licensee. Should the Director of the Department of Law Enforcement of the State revoke any license issued by such Director, said licensee shall automatically have the license issued by the City revoked and no refund of any fee paid shall be made. (2007 Code)

CHAPTER 1
LIQUOR CONTROL¹
ARTICLE B. BEER REGULATIONS

SECTION:

- 3-1B-1: License Required
- 3-1B-2: Application for License
- 3-1B-3: License Classification and Fees
- 3-1B-4: Investigation of Applicant
- 3-1B-5: License Period; Grant or Denial of Application
- 3-1B-6: Record of Proceedings
- 3-1B-7: Limitations and Conditions of License
- 3-1B-8: Hearings and Appeals on License Denials, Suspension or Revocation
- 3-1B-9: Violation and Penalty

3-1B-1: **LICENSE REQUIRED:** It shall be unlawful for any person to sell beer at retail within the City without first obtaining a license therefor as herein provided. The license requirement contained herein shall include the sale of draught beer, bottled or canned beer to be consumed on the premises. (2007 Code)

3-1B-2: **APPLICATION FOR LICENSE:** All applications for licenses shall be in writing, filed with the City Clerk and accompanied by the affidavit of the applicant showing such applicant to be qualified by this Article and by the laws of the State to receive a license². Such application must state the place of business with respect to which the license is to be issued and must be accompanied by the license fee. Provided, however, that before a license shall be issued, the licensee must have procured a license from the proper official of the State of Idaho and Lemhi County, Idaho. (2007 Code)

¹ See Section 3-1A-1 of this Chapter for Adoption of State laws.

² I.C. §23-1005.

3-1B-3: LICENSE CLASSIFICATION AND FEES:

- A. Fees: License fees shall be as set by the City Council, not to exceed the maximum allowed by State law.
- B. Classifications of Licenses: There are basically two (2) types of licenses, one for bottled or canned beer, to be consumed on or off the premises; and the other for bottled, canned and draught beer to be consumed on the licensed premises only. (2007 Code)

3-1B-4: INVESTIGATION OF APPLICANT: No license shall be granted hereunder until there has been an investigation of all applicants. After investigation, the applications will be forwarded to the Mayor and City Council with a recommendation from the Chief of Police. If the Chief of Police recommends that an application be denied, the Chief shall state, in writing:

- A. The statutes or ordinances and standards used in evaluating the application.
- B. The reason for the denial.
- C. The action, if any, that the applicant could take to obtain the license, transfer or renewal thereof. (1995 Code)

3-1B-5: LICENSE PERIOD; GRANT OR DENIAL OF APPLICATION: All licenses shall be granted by the Mayor and City Council for a period of one year beginning September 1 and ending August 31. A full year's license fee shall be collected after September 1. The City Council shall grant or deny the application within sixty (60) days of the time it is filed with the City Clerk. Whenever the Mayor and City Council deny an application, they shall specify, in writing:

- A. The statutes, ordinances and standards used in evaluating the application.
- B. The reason for the denial.
- C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

All licenses shall be issued by the City Clerk. (1995 Code, amd. 2007 Code)

3-1B-6: RECORD OF PROCEEDINGS:

- A. Retention of Record; Transcription: Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his or her expense. (1995 Code, amd. 2007 Code)
- B. Minutes: The Mayor and City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law¹.

3-1B-7: LIMITATIONS AND CONDITIONS OF LICENSE:

- A. License for One Location Only: The license fee shall permit the sale of such beer in but one place of business, such place of business to be designated in the license issued.
- B. Transfer of License: Such license may be transferred with the consent of the Mayor and City Council.
- C. License to be Posted: It shall be the duty of the licensee to keep such license posted in a conspicuous place in the place of business for which the license is granted.
- D. Hours of Sale: No person licensed by the City shall sell or serve any beer during hours not allowed under the laws of the State². (2007 Code)

3-1B-8: HEARINGS AND APPEALS ON LICENSE DENIALS, SUSPENSION OR REVOCATION: Prior to any revocation or suspension of a license or upon the denial of a license, the licensee shall be afforded a hearing according to Idaho Code, section 23-1016. If the decision is to revoke or suspend a license or to deny an application, the licensee or applicant shall have the right to appeal in accordance with Idaho Code, section 23-1016. (2007 Code)

3-1 B-9: VIOLATION AND PENALTY: Any violation hereof shall be declared a misdemeanor and the offender shall be subject to penalties as provided in Section 1-4-1 of this Code. (2007 Code)

¹ I.C. §50-907.

² I.C. §23-1012.

CHAPTER 1
LIQUOR CONTROL
ARTICLE C. WINE BY THE DRINK

SECTION:

- 3-1C-1: License Required
- 3-1C-2: License Fee and Term
- 3-1C-3: Violation and Penalty

3-1C-1: **LICENSE REQUIRED:** Any person holding a valid and Subsisting City and State retail beer license may procure from the City a license for the retail sale of wine, authorizing wine to be sold by the drink in such premises during the same hours and under the same ordinances, rules and regulations as govern the sale of beer in such premises. (1995 Code)

3-1C-2: **LICENSE FEE AND TERM:** Such licenses shall run from September 1 to August 31 of each year, and the license fee therefor shall be as set by the City Council, not to exceed the maximum allowed by State law. (1995 Code, amd. 2007 Code)

3-1C-3: **VIOLATION AND PENALTY:** Any violation hereof shall be declared a misdemeanor and the offender shall be subject to penalties as provided in Section 1-4-1 of this Code. (2007 Code)

CHAPTER 2
ITINERANT MERCHANTS

SECTION:

- 3-2-1: Purpose
- 3-2-2: Definition
- 3-2-3: Application, Required Information
- 3-2-4: Issuance of License
- 3-2-5: License Fee and Bond
- 3-2-6: Invitation to Peddle or Solicit Required
- 3-2-7: Prohibited Acts
- 3-2-8: License Revocation
- 3-2-9: Penalty

3-2-1: **PURPOSE:** The purpose of this Chapter is to assist in protecting consumers who purchase goods in the City by requiring that all itinerant merchants, as defined in Section 3-2-2 of this Chapter, register with the City Clerk before commencing business within the City, and that each such merchant provide sufficient information as to his or her identity so that a consumer will be able to identify and locate the itinerant merchant in the event the consumer should wish to pursue claims for breach of warranties, fraud, misrepresentation or other claims which may arise from consumer transactions. Persons who have been residents of the City for more than one year are exempt from registration as itinerant merchants under this Chapter because of the relative ease with which they can be identified and located. (Ord. 83-470, 11-7-83)

3-2-2: **DEFINITION:** An itinerant merchant is any person present within the City who sells or offers to sell to retail customers any goods, wares or merchandise unless such person is one or more of the following:

- A. An individual who has been a permanent resident of the City for more than one year who is conducting such business activity as owner or consignee of the goods, wares or merchandise being sold or offered for sale.
- B. A principal or an agent of a person, firm, or corporation whose principal has been continuously engaged in business within the City for the preceding two (2) calendar months.
- C. A principal, or an agent or a principal who registers as an itinerant merchant but who intends to engage in business within the City at least one hundred (100) hours per month for the two (2) calendar months following registration; provided, the principal has posted the bond required by Section 3-2-5 of this Chapter.
- D. An agent of a business properly licensed or exempt from licensing under this Chapter.
- E. A member of a tax exempt charitable, fraternal, civic or religious organization selling or offering to sell goods, wares or merchandise on behalf of said organization for tax exempt purposes of the organization as defined by the Internal Revenue Code, which provides proof of authority to act on behalf of said tax exempt organization.
- F. A person selling used furniture, household goods, sporting equipment and clothing of his or her family during a period not to exceed forty eight (48) hours.
- G. A guardian, conservator or personal representative selling personal assets of the decedent or ward. (Ord. 83-470, 11-7-83, amd. 2007 Code)

3-2-3: **APPLICATION, REQUIRED INFORMATION:** An itinerant merchant shall apply to the City Clerk for an itinerant merchant license during regular business hours of the Clerk's office. The application shall be made by the principal or an agent of the principal who is authorized to make the application on behalf of the principal. The application shall supply, on a form provided by the Clerk, all of the following:

- A. Applicant: The name, social security number, driver's license number, telephone number, current permanent mailing address, a current permanent street address of the person making the application, and license number of all vehicles being used while conducting business within the City.

- B. Principal: The name and current mailing address and current street address of any principal on whose behalf the application is made.
- C. Principal Other than Applicant: If the itinerant merchant is a person, firm or corporation other than the applicant acting on his or her own behalf, the person making the application shall supply:
 - 1. The name, address, title, and telephone number of the principal or a responsible officer of the principal who can verify the authority of the person to make the application and do business on behalf of the principal.
 - 2. The tax identification number of the principal for Idaho Sales Tax.
- D. Description of Merchandise: A general description of the type of goods, wares or merchandise to be offered for sale.
- E. Location: The location at which the business will be transacted within the City, including the names and addresses of the owner(s) of said business location.
- F. Duration: The duration of the business venture within the City.
- G. Verified Signature: The application form shall be signed by the person making the application, under a statement attesting to the truth and accuracy of the information supplied on the application form. (Ord. 83-470, 11-7-83)

3-2-4: ISSUANCE OF LICENSE:

- A. Issuance: Upon receipt of the completed registration form and the appropriate license fee, the City Clerk shall review the application to see if the required information has been provided. If the application has been properly submitted, the Clerk will issue a receipt indicating the dates for which the itinerant merchant is authorized to do business in the City, and said receipt shall constitute proof that the itinerant merchant named on the receipt is licensed to do business within the City during the dates indicated on the receipt.
- B. Investigation: The Clerk shall file one copy of the application and receipt in the office of the Clerk and shall forward a copy of the application and license to the Chief of Police who may conduct such investigation of the applicant as the Chief or the Chief's authorized agent may deem appropriate for the protection of consumers within the City. (Ord. 83-470, 11-7-83)

3-2-5: **LICENSE FEE AND BOND:**

- A. Fee: Each applicant shall pay to the City Clerk, at the time of submission of an application for an itinerant merchant license, the sum of twenty five dollars (\$25.00) for the first day and five dollars (\$5.00) for each day in any calendar year during which the applicant is doing business within the City. All licenses issued under this Section shall expire December 31 following date of issue.
- B. Extension: An applicant who wishes to extend his or her license for additional days may do so after such license has been issued, by tendering the fee for such additional days to the Clerk prior to the expiration of the license. A new application shall not be required of the applicant if there have been no material changes in the information supplied when the license was first issued. Upon receipt of said fee, the Clerk shall issue a new license extending the time period by the number of days for which payment has been received and shall file a copy in the Clerk's office and forward a copy to the Chief of Police.
- C. Bond in Lieu of Fee: A person claiming to be exempt from licensing as an itinerant merchant under subsection 3-2-2B of this Chapter may submit an application in the form required by Section 3-2-3 of this Chapter and post a bond of twenty five dollars (\$25.00) in lieu of payment of the license fee. If the applicant has continuously engaged in business in the City for one hundred (100) hours per month for two (2) succeeding calendar months following registration, the Clerk, upon application by the itinerant merchant and receipt of proof of exemption, shall refund the bond.
- D. Form of Payment: The Clerk shall have the right to refuse to accept personal or business checks in payment of registration fees and may insist upon cash or a cashier's check of a local bank or a postal money order. (Ord. 86-502, 11-3-86)

3-2-6: **INVITATION TO PEDDLE OR SOLICIT REQUIRED:** The practice of going in and upon private residences in the City by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner or occupant of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor, excluding fund-raisers for non-profit organizations for area youth. (1959 Code §5-6-1, amd. 2007 Code)

3-2-7: PROHIBITED ACTS:

- A. It shall be unlawful for any person to engage in the business of an itinerant merchant as defined in this Chapter, unless such person has registered as an itinerant merchant for the dates in which said business activity is being conducted and has received a receipt showing payment of said license fee for the applicable dates.
- B. It shall be unlawful for any person to act as an agent or employee of an itinerant merchant who is not properly registered and licensed under this Chapter for the days in which such person conducts or attempts to conduct business for such principal. It shall be the duty of each such agent to determine whether the principal is in fact authorized to do business as an itinerant merchant by inquiring at the office of the Clerk, and the agent shall not be excused for violating this Chapter by reason of the fact that he or she received erroneous information from any other source.
- C. A person may be charged in the alternative with violating subsection A or B of this Section, but such person may not be convicted both as a principal and agent in the same transaction. If a reasonable doubt is raised as to the person's status as an agent or employee of an unlicensed principal, such person shall be presumed to be a principal.
- D. It shall be unlawful for any person to submit false information on an application for an itinerant merchant license. (Ord. 83-470, 11-7-83)

3-2-8: LICENSE REVOCATION: The City Clerk may revoke a license and registration receipt of an itinerant merchant upon discovering a materially false representation of fact on the application or upon dishonor of a check received in payment of license fees. Revocation shall be deemed effective twenty four (24) hours after notice if mailed to the permanent business address of the principal, as shown on the application, by certified mail with return receipt requested, postage prepaid, or by actual notice to the itinerant merchant or any agent of the itinerant merchant, whichever occurs first. (Ord. 83-470, 11-7-83)

3-2-9: PENALTY: Violation of any portion of this Chapter shall be a misdemeanor. Upon conviction of a violation of this Chapter, the defendant shall be subject to penalty as provided in Section 1-4-1 of this Code. The conviction of an agent for violation of this Chapter shall not bar conviction of the principal nor shall conviction of a principal bar the conviction of an agent, if a person is charged. (Ord. 83-470, 11-7-83)

CHAPTER 3
JUNK DEALERS

SECTION:

- 3-3-1: Definitions
- 3-3-2: License Required
- 3-3-3: Junk Enclosed Within Building or Fence
- 3-3-4: Noncompliance a Nuisance
- 3-3-5: Storage of Junk
- 3-3-6: Penalty

3-3-1: **DEFINITIONS:**

JUNK: Any worn out, castoff or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some other use.

JUNK CAR: Any used car or motor vehicle not in the process of reconditioning which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days. Portions of junk cars, such as hoods, fenders, radiators, rims, motors, etc., not being utilized for the repair of a motor vehicle shall be considered as junk.

JUNK DEALER: Includes any person engaged in the processing or collecting of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking and dismantling.

NUISANCE: Any person doing business as a junk dealer shall at all times maintain such place of business in a sightly and sanitary manner. (Ord. 68-370, 11-4-68)

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3-3-2: **JUNK ENCLOSED WITHIN BUILDING OR FENCE:** All material classified as junk, including motor vehicle and/or motor vehicle bodies shall be maintained either in a building or shall be enclosed by a site obscuring fence not less than six feet (6') high or in accordance with the Salmon Development Code. (Ord. 68-370, 11-4-68, Amd. 2007 Code)

3-3-3: **NONCOMPLIANCE A NUISANCE:** The failure of any person to comply with the provisions of this Chapter shall be constituted as a nuisance. (Ord. 68-370, 11-4-68)

3-3-4: **STORAGE OF JUNK:** No person shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk or junk cars in unenclosed areas on his or her premises or any premises under his or her control which are unenclosed open areas or in any other place within the City except as expressly provided by law. (Ord. 68-370, 11-4-68)

3-3-5: **PENALTY:** Any person who shall violate any provision of this Chapter shall be deemed guilty of a misdemeanor and on conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 68-370, 11-4-68; 1995 Code)

CHAPTER 4
BUSINESS LICENSES

SECTION:

- 3-4-1: Definitions
- 3-4-2: License Required
- 3-4-3: Exemptions
- 3-4-4: Application and Standards for License
- 3-4-5: License And Fee
- 3-4-6: Regulation of Licensed Businesses
- 3-4-7: Change of Location
- 3-4-8: Prohibition Against Doing Business Without a License
- 3-4-9: Right of Appeal
- 3-4-10: Enforcement and Penalty
- 3-4-11: Severability
- 3-4-12: Repealer

3-4-1: **DEFINITIONS:**

BUSINESS OR OCCUPATION: All activities, trades, and pursuits conducted or engaged in for profit, 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.

CITY: The City of Salmon, Idaho.

CITY CLERK: The City Clerk of the City of Salmon, Idaho.

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PERSON: Any individual, firm, partnership, company, corporation, joint venture, association or other business entity.

PREMISES: All real property and structures thereon in or upon which any business or occupation is conducted.

3-4-2 LICENSES REQUIRED: A business license shall be required for each premises located within the City in which any person is engaged in any business or occupation. Any person conducting such a business or engaged in such an occupation shall apply for the required business license by filling out an application provided by the City Clerk. A license shall be required for each branch establishment and/or separate location of a business. (Ord. 04-670, 7-7-04)

3-4-3 EXEMPTIONS: None of the provisions of this ordinance shall apply to any agency of the United States Government and political subdivisions of the State of Idaho, including counties, school districts, sewer districts, fire districts and other special districts. Charitable entities and organizations and religious organizations shall be exempt. All businesses or occupations owned and operated by individuals under the age of eighteen (18) years of age shall be exempt. (Ord. 04-670, 7-7-04, amd. Ord. 04-674, 8-18-04)

3-4-4 APPLICATION AND STANDARDS FOR LICENSE: An application shall be submitted to the City in writing, signed, and sworn to by the applicant upon an application form furnished by the City. A license shall be issued only to applicants who meet the following requirements:

a. License Fee. The License fee identified in Section 5 has been paid in full.

b. Compliance with Zoning Requirements. The business and premises for which the application is made are not in violation of any zoning regulations. (Ord. 04-670, 7-7-04)

3-4-5 LICENSE AND FEE: A one-time business license and fee for the administrative costs of processing applications and issuing licenses shall be fixed by resolution of the City Council. If

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an individual owns more than one (1) business or occupation, the owner shall pay one (1) full fee for the first licensed business or occupation and a reduced fee for all subsequently registered businesses or occupations. Said reduced fee shall also be fixed by resolution of the City Council. Said fees shall be paid by the applicant at the time of making application for the required business license. (Ord. 04-670, 7-7-04, amd. Ord. 04-674, 8-18-04)

3-4-6 **REGULATIONS OF LICENSED BUSINESSES:** Although nothing in this ordinance shall be interpreted to prohibit the conduct of a lawful trade or business, the right shall be and remain at all times vested in the Mayor and Council of the City of Salmon to deny an application, or revoke or cancel any license for fraud or misrepresentation in this procurement, or for any fraudulent, deceptive, misleading, illegal, or other sham business tactic performed against the public in the City of Salmon. (Ord. 04-670, 7-7-04, amd. Ord. 04-674, 8-18-04)

3-4-7 **CHANGE OF LOCATION:** No licensee shall change the location of a licensed business without having applied for and received a new business license pursuant to the terms of the ordinance. (Ord. 04-670, 7-7-04)

3-4-8 **PROHIBITION AGAINST DOING BUSINESS WITHOUT A LICENSE:** No person shall engage in any business or occupation within the boundaries of the City of Salmon without first having obtained a business license as required by this ordinance. All business licenses required under this ordinance shall be displayed on the business premises in a location clearly visible to the general public. Itinerant merchants are excluded from this ordinance but must adhere to the rules and regulations outlined in Ordinance Number 83-470. (Ord. 04-670, 7-7-04)

3-4-9 **RIGHT OF APPEAL:** Any person aggrieved by a decision of the City Clerk, or other official or employee of the City, as to the issuance of a license in accordance herewith shall have the right to appeal to the City Council by filing a written appeal with the City Clerk within fifteen (15) days following the date of the action or decision giving rise to the appeal. (Ord. 04-670, 7-7-04)

3-4-10 **ENFORCEMENT AND PENALTY:**

A. Civil Liability: The City Attorney shall, at the direction of the City Council, institute civil suit in the name of the City of Salmon to enforce compliance with the provisions of this ordinance by

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injunctive relief, declaratory relief or other civil remedy. No civil judgment, or any act by the City or the violator shall bar or prevent a criminal prosecution for each and every violation of this ordinance.

(Ord. 04-670, 7-7-04, amd. Ord. 04-674, 8-18-04)

- B. **Criminal Liability:** A person who violates any provision of this ordinance or operates a business or occupation for which a license is required by this ordinance without having first obtained a license, as herein provided, shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of up to three-hundred dollars (\$300), and imprisonment for a period of not more than six (6) months. (Ord. 04-670, 7-7-04)

3-4-11 **SEVERABILITY:** The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not effect the validity of the remaining portions of this ordinance. (Ord. 04-670, 7-7-04)

3-4-12 **REPEALER:** All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord. 04-670, 7-7-04)