

**CHAPTER 1
BUSINESS LICENSES**

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4-1-1: **LICENSE REQUIRED:** No person shall operate, conduct or engage in any industry, vocation, occupation, trade or other business subject to the provisions of this Title without first obtaining an appropriate license from the City. Licenses shall be issued upon payment of the fees specified in this Title, upon the applicant's compliance with the applicable provisions of this Title and upon approval of the City Council. All licenses shall be a personal privilege of the holder. Except as expressly provided in this Title, a license shall become null and void if the holder ceases to personally supervise, conduct and operate the trade or business for which the license has been issued. Unless otherwise provided in this Title, no license fee or any part thereof may be refunded even though the licensee does not operate for the period or any portion of the period for which the license was issued.

4-1-2: **ISSUANCE OF LICENSES:**

(A) The Clerk shall prepare license forms for licenses issued under this Title. The license shall specify the holder's name, the type of business licensed, the principal place of business of the licensee and the expiration date of the license. The Clerk shall account for all licenses signed by the Mayor, shall countersign the licenses and deliver the licenses to licensees. The Clerk shall collect all license fees and promptly deliver them to the City Treasurer. The City Treasurer shall issue a receipt for any license fees received from the Clerk.

(B) All licenses shall be issued or denied by the Clerk, based upon the recommendation of the Chief of Police. Such recommendation shall be in writing and shall set forth the pertinent facts and reasons supporting such recommendation, including references to applicable statutes, ordinances or provisions of the City Code, if any. The Clerk shall forthwith notify the applicant in writing of the approval or denial of the application, and if denied, shall summarily set forth the reasons for the denial in such notification.

(C) Any applicant may appeal a denial of his or her application by filing a notice of appeal with the Clerk, within ten (10) days after the date the denial is delivered to the

applicant. The notice of appeal shall be in such form as may be approved by the Clerk and shall in summary form set forth the reasons for the appeal. Such notice of appeal shall be accompanied by a filing fee in an amount set from time to time by Resolution of the Council. Such filing fee shall be non-refundable. Upon timely delivery of a notice of appeal and payment of the filing fee, the Clerk shall schedule a hearing before the City Council within thirty (30) days after the delivery of the notice of appeal. The Clerk shall also deliver a written notice of hearing to the applicant not less than seven (7) days prior to the date of such hearing. A copy of the notice of hearing shall likewise be sent to the Chief of Police. At the hearing, the Clerk shall keep a transcribable, verbatim record of the hearing, including any exhibits or documentary evidence and shall retain such transcript for a period of not less than six (6) months following the conclusion of the hearing. At the conclusion of the hearing, the City Council shall render a decision, which may be verbal or in writing. Such decision shall succinctly state the reasons for the denial or affirmation of the decision of the Clerk. (Ord. 2964, 8-14-2014; Ord. 3365, 1-14-21)

4-1-3: LICENSE FEES PAYABLE IN ADVANCE: License fees shall be paid in advance at the office of the Clerk. (Ord. 3365, 1-14-21)

4-1-4: APPLICATION FOR LICENSE: Any person desiring to obtain any license provided for in this Title shall first apply in writing under oath to the Council. The application together with the license fee shall be delivered to the Clerk. The Clerk shall prescribe the form of the application. The application shall contain the following information.

- (A) Applicant's full name, form of doing business, (i.e. sole proprietorship, partnership or corporation) and the name under which the business is to be conducted;
- (B) Applicant's state of residence and principal place of business;
- (C) Applicant's business and residential mailing addresses and telephone numbers;
- (D) The street address within the City where each place of business is to be conducted;
- (E) The nature of the business to be licensed;
- (F) The number of years the applicant has engaged in such business;
- (G) The zoning of the property on which the business will be conducted; and
- (H) Any other information required by this Title or by the Clerk in order to determine the applicant's fitness or qualifications for the license.

The Clerk shall forward a copy of each business license application to the Chief of Police, the Fire Chief, the Director of Community Development Services and the State of Idaho Department

of Health, as applicable, and other appropriate City Department Directors for their review and recommendation. (Ord. 3003, 04-23-15; Ord. 3365, 1-14-21)

4-1-5: **TEMPORARY LICENSE:** Upon receipt of the affirmative recommendation of the Chief of Police, Fire Chief, Director of Community Development Services, and other City Department Directors, as appropriate, the Clerk may issue a temporary license to any applicant, except applicants who require a criminal history or background check, unless the ordinance specifically allows for a temporary license. (Ord. 2234, 5-22-97; Ord. 2762, 6-24-08; Ord. 3003, 04-15-15)

4-1-6: **APPROVAL OF LICENSE:** Except as otherwise provided in this Title, the Clerk shall present all license applications to the Council not later than the second regular Council meeting after the application was delivered to the Clerk. At that meeting, the Council may grant or deny the application or refer it to the appropriate City department for further investigation and review. In any event, the Council shall grant or deny the application on or before the second regular Council meeting following its initial presentation to the Council. After due consideration of the application, the Council shall either grant the application and order the Clerk to issue the license or deny the application and return the license fee with a notice of rejection to the applicant. The Council may deny the application upon finding that the applicant does not meet any of the qualifications of this Title, that applicant's conduct of business will contravene any provision of the City's Building Code, Fire Code, Zoning Ordinance, or any other applicable regulation, ordinance or statute of the City, Bonneville County, State of Idaho or the United States, that the applicant has been convicted of a felony, or that the applicant has engaged in any fraudulent, deceptive or unlawful business practices within ten (10) years prior to the date of his or her application for a business license. (Ord. 3003, 04-23-15; Ord. 3365, 1-14-21)

4-1-7: **LICENSE NONTRANSFERABLE:** Except as specifically provided by this Code or State law, licenses issued by the City shall not assigned or transferred to any person other than the named holder. Issuance of a license by the City shall not authorize any person other than the person or entity named thereon to conduct such business; nor shall it authorize any business other than that named to be done or transacted. Issuance of a license shall not permit the named business to be conducted in any place other than the location or locations described in the application without prior approval of the Council. All licenses shall state the location of the business upon the face thereof.

4-1-8: **SEPARATE LICENSES REQUIRED:** A separate license and license fee shall be required for each business subject to the provisions of this Title, regardless of whether two (2) or more businesses are conducted or operated by the same person or entity or whether two (2) or more businesses are conducted within the same building or at the same location.

4-1-9: **REVOCAION OF LICENSES:** The Council may revoke any license issued under this Title at any time if the licensee does not comply with the applicable provisions of this Title or for other just cause. Before revoking any license, the Clerk shall give written notice to the license holder of such proposed action at least ten (10) days prior to the date such proposed action is submitted to the Council. The license holder shall be given an opportunity to appear

before the Council and show cause why his or her license should not be revoked. (Ord. 3365, 1-14-21)

4-1-10: **DISPLAY OF LICENSE:** All licensees shall post their licenses in a place conspicuous to the public in each business location and shall produce the license whenever required by any officer or other person having the authority to examine it. If an applicant desires to conduct business in more than one location, the Clerk may issue duplicate originals of the license for display in each place of business.

4-1-11: **EXPIRATION DATE:** No license shall be granted for a period greater than one year, and all licenses shall expire on December 31 of the calendar year for which they are issued, unless another expiration date is endorsed on the license by the Clerk.