

CHAPTER 1 Business Licenses

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4-1-1: LICENSE REQUIRED.

(A) **Definitions.** The following words and phrases when used in this Section shall have, unless the context clearly indicates otherwise, the following meanings:

- (1) **BUSINESS:** Any industry, vocation, occupation, trade, profession, or craft.
- (2) **CLERICAL BUSINESS:** A Business that is (a) a Home Occupation, as defined in Section 11-1-5 of this Code, and (b) regardless of the nature of the underlying Business conducted, only uses one building for office, clerical, planning, file storage, or similar uses
- (3) **REGULAR SERVICE BUSINESS:** A Business that provides services, documents, or intangible products.
- (4) **SMALL SERVICE BUSINESS:** A Regular Service Business that is (a) a Home Occupation, as defined in Section 11-1-5 of this Code, and (b) is physically

visited at its location by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.

- (5) REGULAR MERCHANDISING BUSINESS: A Business that buys and sells products without changing the form of the products.
 - (6) SMALL MERCHANDISING BUSINESS: A Regular Merchandising Business that is (a) a Home Occupation, as defined in Section 11-1-5 of this Code, and (b) is physically visited at its location by fewer than ten individuals (regardless of whether such individuals are employees, vendors, customers, clients, or otherwise) per calendar month.
 - (7) MANUFACTURING BUSINESS: A Business that consists only of one or more uses that are light industrial (as defined in Title 11 of this Code).
 - (8) INDUSTRIAL BUSINESS: A Business that consists only of one or more uses that are heavy industrial (as defined in Title 11 of this Code).
- (B) **General Requirement.** No person shall operate, conduct, or engage in any Business within the City without first obtaining a 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 Council.
- (C) **Exceptions.** Notwithstanding Subsection (B), above, no Business shall be required to obtain a business license if it:
- (1) is a sole proprietorship;
 - (2) is not subject to any of the other Chapters of this Title; and
 - (3) is either: (a) a Clerical Business, (b) a Small Service Business, or (c) a Small Merchandising Business.
- (D) **Nature of Business License.** 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 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

- (E) **Enforcement.** The failure to obtain a business license when one is required is an infraction.

(Ord. 233-08-19, 8/20/2019).

4-1-2: **FORM OF LICENSE.** The City 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 City 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.

4-1-3: **LICENSE FEES PAYABLE IN ADVANCE.** All fees required by this Title shall be paid in advance at the office of the City Clerk. The initial license application fee submitted with the application for a business license (including any re-application after a license is revoked or terminated for any reason) shall be \$100; thereafter, the annual renewal fee for a business license shall be \$50 per year.

(Ord. 236-12-19, 12/17/2019).

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 City Council. The application together with the license fee shall be delivered to the City Clerk. The City Clerk shall prescribe the form of the application. The application shall contain the following information:

- (A) Applicant's full name and date of birth, form of doing business, (*i.e.*, sole proprietorship, partnership, corporation, etc.) 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;

- (H) Whether the business is a Home Occupation and, if so, what category (as described in Section 11-11-12) of Home Occupation the business is, along with the reasons for Applicant's asserted categorization; and
- (I) 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 City Clerk shall forward a copy of each business license application to the Chief of Police, the Fire Chief, the Director of Planning and Building and the State of Idaho Department of Health, as applicable, and other appropriate City Division Directors for their review and recommendation.

(Ord. 233-08-19, 8/20/2019); (Ord. 242-07-20, 7/21/2020).

4-1-5: **TEMPORARY LICENSE.** Upon receipt of the affirmative recommendation of the Chief of Police, Director of Planning and Building, and other City Division Directors, as appropriate, the Clerk may issue a temporary license to any applicant, except applicants for liquor-by-the-drink, massage therapists or itinerant merchants licenses. Such temporary license shall expire upon the issuance or denial of a license by the Council or at the expiration of thirty (30) days after the date such temporary license was issued, whichever is sooner. Such temporary license shall state its expiration date on the face thereof.

4-1-6: **APPROVAL OF LICENSE.** Except as otherwise provided in this Title, the City Clerk shall present all license applications to the City Council not later than the second regular Council meeting after the application was delivered to the Clerk. At that meeting, the City Council may grant or deny the application or refer it to the appropriate City division 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.

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 City 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.

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.