

## Chapter 5.04 – BUSINESS LICENSES

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### 5.04.010 Business License Required.

- A. Any person, firm, or corporation operating a permanent business as defined in ~~this ordinance~~ Title 5, Chapter 5.02, unless exempted by the terms under Section 5.04.060 of this chapter, must obtain an approved Business License from the City prior to engaging in business activities. The issued Business License shall be displayed in a prominent location within the business premises and be plainly visible to any customer, patron, client, or enforcement officer. Protective or durable enclosures for licenses are highly recommended as defaced, faded, deteriorated, or otherwise illegible licenses may be deemed void and require replacement prior to resuming business activities.
- B. Any person, firm or corporation operating as a vendor as defined in ~~this ordinance~~ Title 5, Chapter 5.02, unless exempted by the terms under Section 5.04.060 of this chapter, must obtain an approved Vendor Permit from the City prior to engaging in business activities. The issued Vendor Permit shall be displayed in a prominent location within or adjacent to the business location and be plainly visible to any customer, patron, client, or enforcement officer; or be immediately presented to customers at the outset of any solicitation and be readily available to present at the request of any enforcement officer. Weatherproof or other durable enclosures for permits are highly recommended as defaced, faded, deteriorated, or otherwise illegible permits may be deemed void and require replacement prior to resuming business activities.
- C. Application for a Business License or Vendor Permit and the associated fees shall be presented to the City Clerk at the Arco City Office. Application forms are available at the Arco City Office or online at the Arco City website. The application form will require the legal name of the business, the name of the responsible owner and/or operator of the business, and a current physical and/or mailing address for the business. The application includes a section to explain the nature and purpose of the business as well as a questionnaire regarding health, environmental, and safety hazards the business may pose to the community. This questionnaire requires full-disclosure of the concerns listed above with exemptions for protected, classified and proprietary data as allowed by federal and state law. Failure to disclose hazards posed to the community or environment on the license application will be grounds for immediate rejection of the application in process and forfeiture of paid fees. In the same vein, disclosure of hazards shall not negatively affect the consideration for licensing. The City Council may impose additional controls as a condition of the license or require additional documentation regarding the mitigation plan required by other regulating entities.

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- D. If a business wishes to make changes with respect to its primary purpose, hazards to the community, location, or primary responsible party, a new application for licensing must be submitted prior to making the changes. If questions arise about the thresholds for needing to apply for new licensing, they should be promptly communicated to the City Clerk or brought before the City Council for consideration. There shall be no additional charges for the change of license.
- E. All Business License and Vendor Permit applications shall be reviewed by the City Clerk. All applicants will be notified of the approval or denial of the application after review. In the case of a denial, the application will be returned and grounds for denial will be listed on the returned application. Applicants of denied applications may appeal the decision to the City Council. Approved applicants may elect to pick up their issued licenses in person from the City Office or receive their license by mail to the address on the license application.
- F. When applications with additional hazards presented on the form or other concerns arise, the City Clerk may forward the application directly to the City Council prior to approval. The City Council may request additional information, documentation, or clarification of the application during consideration or processing of any license application. Applicants will be notified of these requests in a timely fashion. Prompt submittal of responses to requests will prevent unnecessary delays on processing. The City Council may require approval from the Butte County Sheriff's Office as a condition of any license. Applicants will be notified if a visit to the Butte County Sheriff's Office is required for activities such as fingerprinting, photographing, and/or background checks. The applicant must pay any and all costs associated with obtaining the Butte County Sheriff's approval.
- G. Where the temporary or permanent status of a business is not clearly defined under this ordinance or the business changes in nature regarding its status during the licensed period, the City Council reserves the sole right to make status determinations and implement actions to achieve compliance with this ordinance.
- H. Typically, most applications for Business Licenses will be processed within 2 weeks. Expedited processing can be requested for an additional fee. Time for expedited processing is not guaranteed and depends on the nature of the application, amplifying conditions, and availability of the City Council for consideration.
- I. Additional regulations for Vendors:
  - 1. Retailing on private property is limited to commercial zones. Structures or vehicles conducting sales must observe setback requirements of the zone in which it is located (10 feet back of property line in most zones).
  - 2. Any temporary structure must leave a clear view of any intersection. State of Idaho designated roads require a 40-foot sight triangle.
  - 3. Permission from the City is required prior to connecting to power, municipal utilities, or placing any signage.
  - 4. Structures or vehicles conducting sales on private property shall do so only with the owner's written permission.

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5. A Business with a valid issued Business License from the City may also operate as a Vendor outside their regular place of business. A Vendor Permit is required, but shall be issued at no cost to the Business License holder.
6. During certain specific community events, a Vendor Permit for the event will not be required. These events must be in the best interests of the community and the event must be sponsored by an exempt non-profit organization from within Butte County, the Butte County School District, the City of Arco and its associated agencies, or Butte County and its associated agencies. For community events meeting these requirements, a Special Event Permit will be issued upon approval by the City Council. The sponsoring entity will be responsible for obtaining the Special Event Permit and be responsible for the safe conduct of the event. The event sponsor may collect fees from vendors for the Special Event at their discretion and retain these fees for their own funding purposes. Special Event Permit business may be transacted in any zone with approval of the City Council.

**5.04.020 Fees.**

- A. The Business License fee shall be set by resolution of the City Council. The initial fee shall be pro-rated to 1/12 of the annual fee for each month remaining prior to the July 1 annual cycle start. There will be no pro-rate for subsequent annual renewals regardless of the seasonal nature of the business.
- B. The Vendor Permit fee will be determined from the permit fee schedule which shall be set by resolution of the City Council. The fee may not be pro-rated
- C. All fees must be paid upfront with the license or permit application submittal and are non-refundable, regardless of acceptance or denial, unless authorized by the City Council. Subsequent application resubmittal for denied licenses will be available at no charge be as long as the resubmittal occurs within the same fee year.
- D. In the event of a fee rate change, such change shall be effective immediately to new applicants for any type of license or permit. Current holders of licenses and permits shall be exempt from the change and only be subject to the revised fee structure upon renewal of their license or permit.

**5.04.030 Duration.**

- A. Business Licenses shall be issued for a term of one year which shall commence on July 1 of the current year and expire on June 30 of the following year.
- B. Vendor Permits will expire when the approved and paid term of the permit ends.

**5.04.040 Renewal.**

- A. Vendor Permits shall not be renewed on an annual or ongoing basis. Application and fees for Vendor Permits must be submitted every time they are issued.

- B. Business Licenses for permanent businesses may be renewed annually. The application for business license can be marked for renewal and be submitted to the City Clerk with the appropriate fees. Any changes to legal information can be updated at no charge at the time of renewal. Basic renewals with no change to the nature and hazards of the business do not require review by the City Council prior to approval. Renewal applications with substantial changes to the nature of the business or the hazards it presents may require review by the City Council prior to approval and additional conditions for the license may be applied.

#### **5.04.050 Contents of License.**

Unless otherwise provided, all licenses shall be dated at the time of their issue, state the name of the licensee and the business, the exact nature of the business engaged in, the physical address or location of the business, the amount paid, and a signature from the Mayor and City Clerk authorizing the person having such license to carry out the operations of the business therein named.

#### **5.04.060 Exemptions.**

The following businesses shall be exempt from the Business License or Vendor Permit requirements:

- A. The activities of a religious, charitable or non-profit organization exempt from taxation under 26 U.S.C. '501, having a local charter or sponsor located within Butte County.
- B. Private garage or yard sales.
- C. Sales, vending, retail or services undertaken by youth under the age of 18 for the purposes of fund-raising, where sales do not exceed \$1000 per day, are not associated with another licensed business in the City or Butte County, and are infrequent in nature. Such activities may include, but are not limited to: lemonade stands, bake sales, car washes, etc. Such youth business activities shall have a responsible adult present to be accountable for the activity and ensure the health and safety of all parties involved.
- D. Deliveries of purchased goods by contracted shippers; from businesses physically located outside the City of Arco shall not require a business license.
- E. Vendors that require a license to do business from the Idaho Division of Occupational and Professional Licenses, while providing services within the City, are exempt from obtaining a vendor permit.
- F. Any other business activity specifically exempted by the State of Idaho or Federal Law.

#### **5.04.070 Enforcement.**

- A. It shall be unlawful for any business owner, agent, or employee to refuse permission to enter a place of business for inspection purposes, or to charge a fee to enter and inspect, when such inspection is being undertaken in the regular conduct of the official duties of an Officer of the City, Planning and Zoning Commission, Health Department, Sheriff's Department, Fire Marshal, or an expert assisting such an Officer in their company. Any application for a Business License or Vendor Permit shall constitute implied consent for entry and inspection at

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reasonable times until the license is disapproved, revoked, or expired. Violation is grounds for immediate suspension or revocation of the License or Permit under this ordinance.

- B. Failure to obtain or maintain the appropriate license or permit under this ordinance while conducting or operating a business within the City shall constitute a violation of this ordinance. Violation is a misdemeanor under this ordinance and is punishable by a fine of up to \$300 per day.
- C. Failure to maintain the specified conditions and stipulations of an approved license shall constitute a violation which is a misdemeanor under this ordinance and may be punishable by penalties of up to \$300 per day in fines.
- D. When notified of a violation of this ordinance by the City or an enforcement officer, business activities are to be ceased immediately and may not be resumed until the violation is remedied. Any business activity carried out after a cease and desist notification has been made, beyond the reasonable and good faith efforts to stop work and make safe any processes or hazards, or remedy any non-compliant conditions, shall constitute an additional violation which is a misdemeanor under this ordinance and shall incur the penalties of up to \$300 per day in fines, up to 30 days imprisonment in jail, or both.