

City of Idaho City, State of Idaho

ORDINANCE NO. 398

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, REPEALING AND REPLACING TITLE 3, CHAPTER 1 OF THE IDAHO CITY CODE RELATING TO BUSINESS, OCCUPATION, VENDOR, MOBILE FOOD, TEMPORARY MERCHANT, FORMULA BUSINESS, AND LARGE-SCALE COMMERCIAL BUSINESS LICENSING; INCORPORATING THE CLERK-ISSUANCE AMENDMENTS ADOPTED BY ORDINANCE NO. 355; ESTABLISHING APPLICATION, RENEWAL, OBJECTIVE QUALIFICATION, DENIAL, SUSPENSION, REVOCATION, APPEAL, ENFORCEMENT, SEVERABILITY, REPEALER, CONFLICT, AND EFFECTIVE DATE PROVISIONS; AND PROVIDING FOR RELATED MATTERS.

Findings and Purpose

WHEREAS, Ordinance No. 273 established licensing requirements for occupations, businesses, vendors, carnivals, public entertainment, and sponsored events within Idaho City; and

WHEREAS, Ordinance No. 355 amended business license procedures to authorize the City Clerk to issue business and vendor licenses upon receipt of a complete application and required fee; and

WHEREAS, the City Council desires to modernize the City's business license ordinance so local businesses, vendors, temporary merchants, mobile food vendors, sponsored events, formula businesses, and large-scale commercial businesses are addressed in a coordinated and understandable manner; and

WHEREAS, Idaho City has a unique small-town character and historic downtown, and the City finds that business licensing should verify objective qualifications needed to protect public health, safety, and welfare. Land use compatibility, historic preservation, traffic, parking, design, and similar discretionary review remain governed by the applicable zoning, planning and zoning, building, sign, right-of-way, or other provisions of the Idaho City Code.

Section 1. Definitions

For purposes of this Chapter, the following terms shall have the meanings set forth below unless the context clearly requires otherwise.

Business means any retail, wholesale, service, professional, commercial, lodging, occupancy, entertainment, vending, or similar activity conducted for compensation or profit within the City, including RV parks and mobile home parks.

Campground and RV park means any property, premises, development, or portion thereof used for recreational vehicles, travel trailers, campers, motor homes, fifth wheels, or similar recreational or temporary occupancy units, whether for short-term or long-term occupancy and whether rented, leased, or otherwise provided for compensation or profit.

Mobile home park means any property, premises, development, or portion thereof used for mobile homes, manufactured homes, tiny homes on wheels, or similar residential occupancy units, whether for short-term or long-term occupancy and whether rented, leased, or otherwise provided for compensation or profit.

Mobile food vendor means a food truck, food trailer, cart, stand, or other readily movable unit from which prepared food or beverages are sold or offered for sale, whether located on public property, private property, or as part of a sponsored event.

Vendor or temporary merchant means any person who offers goods, food, beverages, merchandise, or services for sale from a stand, booth, tent, table, vehicle, mobile unit, temporary location, public place, private property, open ground, or by door-to-door solicitation within the City.

Formula business means a retail, service retail, vending service retail, restaurant, fast food, coffee shop, or similar commercial business that is required by contractual, franchise, corporate, trademark, or other arrangement to maintain standardized services, merchandise, menus, ingredients, food preparation, employee uniforms, decor, logos, architecture, signs, color schemes, trade dress, or similar standardized features.

Large-scale commercial business means a commercial use, building, or development that may materially affect the character of Idaho City, the historic district, surrounding neighborhoods, public infrastructure, traffic circulation, or pedestrian safety because of gross floor area, site area, traffic generation, parking demand, delivery activity, hours of operation, utility demand, public service demand, regional market draw, or similar factors.

Section 2. License Required

No person may engage in, operate, conduct, or carry on any business, occupation, vendor activity, temporary merchant activity, mobile food vending, RV park, mobile home park, carnival, public entertainment, sponsored event, formula business, or large-scale commercial business within the City without first obtaining all licenses, permits, approvals, and inspections required by the City, state law, federal law, and this Chapter.

A City business or vendor license does not authorize any activity that is prohibited by zoning, building, fire, health, right-of-way, traffic, parking, sign, nuisance, or other applicable law.

This Chapter does not prohibit lawful advertising or other protected speech before a City business or vendor license is issued. However, advertising or solicitation does not authorize regulated business activity before all required approvals have been obtained.

Section 3. Application, Issuance, and Term

Applications shall be submitted in writing on a form approved by the City Clerk, signed and sworn by the applicant, and accompanied by the fee established by resolution of the Mayor and Council.

The City Clerk shall issue a business or vendor license after receiving a complete application, the required fee, and objective proof that the applicant has obtained all licenses, permits, inspections, and approvals required by applicable federal, state, local, health, fire, building, zoning, or other law. The Clerk's review under this Chapter is ministerial and limited to verifying application completeness, fee payment, identity and contact information, required approvals, and other objective qualifications stated in this Chapter or established by resolution for forms, filing procedures, and implementation.

The initial business license shall be effective from the date of issuance through December 31 of the same calendar year, unless sooner suspended, revoked, or otherwise terminated as provided by law. License fees are nonrefundable and are not prorated unless otherwise established by resolution.

Section 4. Renewal

Each December, each business licensee shall submit a renewal application to the City Clerk for the next calendar year. The Mayor and Council shall establish renewal fees by resolution. The City Clerk shall approve a renewal upon payment of the fee and objective confirmation that the licensee submitted a complete renewal application and continues to hold all licenses, permits, inspections, and approvals required by applicable federal, state, local, health, fire, building, zoning, or other law.

Section 5. Mobile Food Vendors, Food Trucks, and Temporary Merchants

Mobile food vendors, food trucks, food trailers, carts, stands, temporary merchants, and similar vendors shall obtain a City vendor license or other applicable City approval before operating within the City.

Before issuance, the applicant shall provide proof of any required state or county health approval, food establishment permit, fire inspection, vehicle or trailer registration, property owner authorization when operating on private property, and any right-of-way, park, event, or location approval required by the City.

The City may establish forms, fees, filing procedures, and implementation standards for mobile food vendors and temporary merchants by resolution or administrative policy. Substantive operating requirements, including location, hours, parking, traffic circulation, pedestrian clearance, waste disposal, grease disposal, noise, lighting, signage, generators, fire safety, insurance, or protection of public property, must be stated in this Chapter or another applicable ordinance.

Section 6. Formula Businesses and Large-Scale Commercial Businesses

A formula business, large-scale commercial business, or business meeting both definitions must obtain a business license before conducting business within the City. A business license confirms only that the applicant has met the objective licensing requirements of this Chapter. It does not approve any land use, building, historic preservation, signage, traffic, parking, right-of-way, or development matter regulated elsewhere in the Idaho City Code.

If a formula business, large-scale commercial business, or any other business requires review under zoning, planning and zoning, Ordinance No. 397 if enacted, building, fire, health, sign, right-of-way, or other applicable law, the applicant must obtain those approvals through the process required by the applicable ordinance before conducting the regulated activity.

The City Clerk shall not make discretionary findings concerning land use compatibility, historic character, traffic, parking, design, infrastructure capacity, neighborhood impacts, or similar matters when issuing or renewing a business license, except to verify whether any separate approval required by the Idaho City Code has been obtained.

Section 7. Approval Criteria and Conditions

A business license issued under this Chapter is subject to the licensee's continuing duty to comply with all applicable laws and approvals. The license may not be used as a substitute for any discretionary approval required under another provision of the Idaho City Code, including zoning, planning and zoning, historic

preservation, building, fire, health, right-of-way, traffic, parking, sign, nuisance, or other applicable requirements.

Section 8. Posting, Transfer, Revocation, and Enforcement

All business and vendor licenses shall be posted in a prominent and visible place. Vendor licenses shall be posted on the booth, tent, table, vehicle, mobile unit, or other structure in a manner visible to the public.

Business and vendor licenses are valid only for the person or entity to whom they are issued and may not be sold, assigned, transferred, or conveyed. When a business changes ownership, a new application must be submitted to the City Clerk.

The City Clerk may deny, suspend, revoke, or refuse renewal of a license only for objective grounds, including fraud or material misrepresentation in the application or renewal materials; failure to submit a complete application; failure to pay the required fee; failure to obtain or maintain a license, permit, inspection, insurance, authorization, or approval required by applicable law; operation in violation of this Chapter or another applicable City, state, or federal requirement; or operation under conditions that constitute a public nuisance or present an imminent threat to public health or safety.

Before denying, suspending, revoking, or refusing renewal of a license, the City shall give written notice stating the specific grounds, supporting facts, any corrective action that may cure the deficiency, and the response deadline. Unless an emergency suspension is issued as provided below, the applicant or licensee has ten (10) calendar days after receiving the notice to submit written information, documents, or objections to the City Clerk.

If the City Clerk issues a final written decision denying, suspending, revoking, or refusing renewal of a license, the applicant or licensee may appeal the decision to the City Council by filing a written appeal with the City Clerk within ten (10) calendar days after receipt of the decision. The appeal shall state proceedings and include any supporting documentation. The City Council shall consider the appeal at a public meeting or hearing and may affirm, reverse, or modify the City Clerk's decision based on the record and applicable objective standards. The City Council's decision shall be final for the City.

The City may issue an emergency suspension without prior notice only when specific facts show that continued operation presents an imminent threat to public health, safety, or welfare, and immediate suspension is necessary to prevent or reduce the threat. The written order shall state the supporting facts, scope and duration of the suspension, required corrective action, and right to prompt City Council for review. A licensee may request review by filing a written request with the City Clerk within five (5) calendar days after receiving the order.

Any violation of this Chapter is unlawful and may be enforced by any remedy available under the Idaho City Code, state law, or equity, including license denial, license revocation, stop work order, civil enforcement, injunctive relief, or prosecution as a misdemeanor where authorized by law.

Section 9. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Repealed, Amendment, and Conflict

Title 3, Chapter 1 of the Idaho City Code, including Ordinance No. 273 and Ordinance No. 355 to the extent codified therein, is hereby repealed and replaced as set forth in this Ordinance. All ordinances, resolutions, policies, or parts thereof in conflict with this Ordinance are repealed or superseded to the extent of such conflict, unless otherwise required by law. Policies and resolutions may be used to establish forms, fees, filing procedures, and administrative implementation, but substantive licensing requirements must be established by ordinance. Where another provision of the Idaho City Code imposes a more specific or more restrictive requirement, the more specific or more restrictive requirement shall be controlled.

Section 11. Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

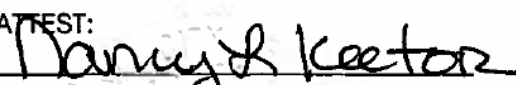
PASSED BY THE COUNCIL of the City of Idaho City this 9th day of September 2026.

APPROVED BY THE MAYOR of the City of Idaho City this 9th day of September 2026.



Ryan Heffington, Mayor

ATTEST:



Nancy L. Keeton, City Clerk

