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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

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ORDINANCE

CITY OF CALDWELL

BILL NO. 30

ORDINANCE NO. 3222

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-01 OF THE CALDWELL CITY CODE, PERTAINING TO CERTAIN DEFINITIONS CONCERNING PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-03 OF THE CALDWELL CITY CODE, PERTAINING TO LICENSE REQUIREMENTS FOR PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-07 OF THE CALDWELL CITY CODE, PERTAINING TO LICENSE APPLICATIONS FOR PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-08 OF THE CALDWELL CITY CODE, PERTAINING TO LOCATION RESTRICTIONS FOR PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-10 OF THE CALDWELL CITY CODE, PERTAINING TO THE INVESTIGATION OF THOSE APPLYING TO BE PEDDLERS AND DOOR-TO-DOOR SALESMEN; REPEALING AND REPLACING CHAPTER 6, ARTICLE 5, SECTION 06-05-17 OF THE CALDWELL CITY CODE, PERTAINING TO TEMPORARY USE AND TRANSIENT MERCHANT LICENSING; AMENDING CHAPTER 10, ARTICLE 2, SECTION 10-02-13 OF THE CALDWELL CITY CODE, PERTAINING TO TEMPORARY USES, MOBILE FOOD UNITS, AND TRANSIENT MERCHANTS; AMENDING CHAPTER 10, ARTICLE 12, SECTION 10-12-03 OF THE CALDWELL CITY CODE, CONTAINING THE SCHEDULE OF PERMITTED USES IN THE CITY CENTER ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho:

Section 1. That Chapter 6, Article 5, Section 06-05-01 of the Caldwell City Code, pertaining to certain definitions concerning peddlers and door-to-door salesmen, be amended as follows:

06-05-01: DEFINITION:

~~PEDDLER OR VENDOR:~~ Any person traveling by foot, motor vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same or any services for sale or making sales and delivering articles to purchasers, or gathering information by survey, or other means, with the intent that such information will or may be used for subsequent contact with the consumer concerning the sale of any goods, wares, merchandise, food or farm products or provisions,

or any services. This article shall not apply to those persons who leave fliers, pamphlets or handbills advertising goods or services and inviting contact from the intended consumer, but who do not make direct contact with the potential consumer. This article shall not apply to common carriers. (Ord. 2880, 8-1-2011)

DOOR-TO-DOOR SALESPERSON: Any person who goes up to a structure within a residential district and takes any action to alert the occupants of said person's presence, while carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same or any services for sale or making sales and delivering articles to purchasers, or gathering information by survey, or other means, with the intent that such information will or may be used for subsequent contact with the consumer concerning the sale of any goods, wares, merchandise, food or farm products or provisions, or any services. This article shall not apply to those persons who leave fliers, pamphlets or handbills advertising goods or services and inviting contact from the intended consumer, but who do not make direct contact with the potential consumer. This article shall also not apply to common carriers.

PARADE ROUTE: The streets upon which a city sanctioned parade, per Caldwell City Code Section 09-13-01, shall be travelling, and the area within five-hundred (500) feet of the center-lines of said streets. The Parade Route shall be deemed to exist for the twenty-four (24) hours immediately prior to the start of a parade, during a parade, and for the twenty-four (24) hours immediately following a parade.

Section 2. That Chapter 6, Article 5, Section 06-05-03 of the Caldwell City Code, pertaining to license requirements for peddlers and door-to-door salesmen, be amended as follows:

06-05-03: LICENSES REQUIRED:

It shall be unlawful for any "peddler" or "~~door-to-door salesperson~~ vendor" as the same are herein defined, ~~or for any "temporary use" or "transient merchant" as defined in section 10-02-13 of this code,~~ to engage in such business within the corporate limits of the city without having first been issued a license by the city clerk's office. (Ord. 2749, 8-18-2008)

Section 3. That Chapter 6, Article 5, Section 06-05-07 of the Caldwell City Code, pertaining to license applications for peddlers and door-to-door salesmen, be amended as follows:

06-05-07: LICENSE APPLICATION:

(1) Application for a license to be issued under the provisions of this article shall be made to the city clerk and shall state:

- A. The name and address of the applicant and all persons associated with him or her in his or her business.
- B. ~~The type of business for which~~ Whether the license is desired for a Peddler or a Door-to-Door Salesperson.
- C. The specific type and scope of the business which the applicant wishes to engage in.
- D. A general description of the thing or things to be sold.

...

(6) If a motorized or non-motorized cart or unit is intended to be used in any way by an individual as they engage in the activities licensed under this chapter, a picture and description of said cart or unit shall be included with the application.

(7) If the sale or advertising of the applicant's goods is made from a motor vehicle, then the applicant must submit an official Idaho driver's license record, obtainable from the Idaho transportation department, and issued within thirty (30) days prior to the city clerk's receipt of the application. (Ord. 2850, 12-6-2010, eff. 1-1-2011)

Section 4. That Chapter 6, Article 5, Section 06-05-08 of the Caldwell City Code, pertaining to location restrictions for peddlers and door-to-door salesmen, be amended as follows:

06-05-08: LOCATION RESTRICTIONS:

No licensee shall have any right to any fixed, regular, or established location in a public street or right of way, nor shall he be permitted to conduct his business in any congested area where his operations might impede or inconvenience the public. The judgment of a police officer is deemed conclusive as to whether the area is congested or the public is impeded or inconvenienced. No business activity shall be carried on in any area of the city by any licensee where such business activity is prohibited by the city zoning code. No licensee shall be permitted to conduct his business or trade in or on any city park, building or adjacent grounds. (Ord. 2253, 10-19-1998)

No licensee shall be allowed in the area located between 5th Avenue, 10th Avenue, Union Pacific Railroad, and Blaine Street in downtown Caldwell, except that the Plaza Operator, as identified in the then-controlling Memorandum of Understanding for the Overall Supervision and Management of the Indian Creek Plaza, shall have the authority to authorize and control all Peddling within the boundaries of said area, said control extending along both sides of any street constituting a boundary of said area. The Plaza Operator shall only permit Peddlers within the aforementioned area during special events and shall require all Peddlers to provide proof of appropriate insurance to the Plaza Operator prior to commencing their peddling.

No licensee shall operate within a Parade Route.

Section 5. That Chapter 6, Article 5, Section 06-05-10 of the Caldwell City Code, pertaining to the investigation of those applying to be peddlers and door-to-door salesmen, be amended as follows:

06-05-10: INVESTIGATION OF APPLICANT:

...

(2) No person shall be issued a license when that person:

...

H. Has violated this article, or any similar ordinance in ~~the city or~~ any other city of this state or of the United States, within the preceding ~~five (5)~~ years, by acting as a "peddler" or "door-to-door salesperson ~~vendor~~" without first obtaining the requisite license.

Section 6. That Chapter 6, Article 5, Section 06-05-17 of the Caldwell City Code, pertaining to temporary use and transient merchant licenses be repealed and replaced with the following:

06-05-17: PENALTIES:

(1) This subsection, 06-05-17(1), shall not apply to licensed Peddlers and Door-to-Door Salespersons operating within parade routes. Any individual licensed under this Article, who fails to abide by the provisions of this Article, shall have any license issued under this Article revoked, and said individual shall be disqualified from applying for any new license for a period of 365 days. Any individual found to be engaging in any activities requiring a license under this Article without having first obtained a license, shall be issued a warning. Any individual who has been issued a warning under this Section, or whose licenses has been suspended under this Section, who is found to be engaging in any activity requiring a license under this Article, shall be issued a fine in the amount of one hundred dollars (\$100), except that an individual who has already received a fine under this Section, and is found to be engaging in any activities requiring a license under this Article, shall be guilty of a misdemeanor, punishable as set out in Caldwell City Code, Chapter 1, Article 1, Section 01-01-05.

(2) Any licensed Peddler or Door-to-Door Salespersons found to be operating within a Parade Route shall be issued a warning. Any Peddler or Door-to-Door Salesperson found to be operating within a Parade Route, if said individual has received a prior warning under this section, shall have any license issued under this Article revoked, and said individual shall not be issued any new license under this Article for a period of 365 days.

(3) No individual or entity shall cause or permit any employee, agent, contractor, principal, or other affiliated entity or individual, to violate the provisions of this Article. A first violation of this subpart (3) shall result in the issuance of a warning to said individual or entity and shall result in notification being made to the state agency responsible for the licensing or registration of the business of said individual or entity. After the issuance of said warning, each recurring violation of this Article shall constitute a misdemeanor.

Section 7. That Chapter 10, Article 2, Section 10-02-13 of the Caldwell City Code, pertaining to temporary uses, mobile food units, and transient merchants be amended as follows:

10-02-13: TEMPORARY USE MERCHANTS, TRANSIENT MERCHANTS, BUSINESS PERMITS AND SPECIAL EVENTS:

...

(2) Definitions: As used in this section, the following terms shall have the following meanings:

...

BUSINESS PERMIT: A permit issued by the planning and zoning department signifying a business is an allowed land use in the zoning district in which the business is located and/or that the business is a legally nonconforming land use.

PARADE ROUTE: The streets upon which a city sanctioned parade, per Caldwell City Code Section 09-13-01, shall be travelling, and the area within five-hundred (500) feet of the center-lines of said streets. The Parade Route shall be deemed to exist for the twenty-four (24) hours immediately prior to the start of a parade, during a parade, and for the twenty-four (24) hours immediately following a parade.

MOBILE FOOD UNIT: A vehicle or a readily portable structure solely for the purpose of the preparation and sale of food and beverages. As an accessory use located on the same lot and in conjunction with an allowed use; or located on a lot independent of another use. Unless specifically excepted, Mobile food units shall be subject to all provisions set forth in this section, 10-02-13.

...

(3) Temporary Use And Transient Merchant Facilities Regulations: All temporary uses and transient merchants and associated facilities shall be subject to the following conditions and regulations:

A. No person shall engage in the temporary use of land or construct, place, or set up a "temporary use facility" or "transient merchant facility" as defined herein, without first procuring a temporary use or transient merchant license.

B. The license shall not allow for placement of any temporary use facility, transient merchant facility or sign within a street, vision triangle, required setback area, dedicated trash dumpster location, sidewalk, public right-of-way, street landscape buffer area, or any other position on a lot which may substantially interfere with vehicle or pedestrian circulation, emergency access or the normal functions of other uses on the property, or be potentially hazardous to the public. Placement of any and all facilities and signage associated with a temporary use or transient merchant must be on private property, outside of any street landscape buffer areas, in any commercial zone or industrial zone.

C. The license shall not allow for the placement of any Temporary Use Facility, Transient Merchant Facility or Sign within a Parade Route, except that when said uses are fully licensed and certified for operation in a certain location, and a subsequently arising parade route will include said location, said uses shall not be required to cease operation or to move.

ED. The written permission of and indemnification by the property owner or owners on a form provided by the City shall be required in order to operate a temporary use facility or transient merchant facility on property within the City.

~~DE~~. The proposed temporary or transient merchant use shall be commercial in nature and in conformance with the zoning district within which it is to be located except commercial uses may be located in industrial zones.

~~EF~~. A temporary use or transient merchant license shall not exempt or otherwise excuse the applicant from complying with all other applicable city, county, state or federal regulations pertaining to the type of activity the applicant will be conducting under such license. Applicants for temporary uses who will serve food or beverages shall first procure a permit from the Southwest district health department to ensure compliance with applicable health regulations.

~~FG~~. Every person who receives a temporary use or transient merchant license shall clean up all garbage or debris caused by his or her temporary use facility or transient merchant facility, and shall clean up within a twenty foot (20') radius of the temporary use facility or transient merchant facility both daily and immediately upon cessation of such use.

...

~~GH~~. All temporary use facilities and transient merchant facilities shall be maintained and remain in compliance with all applicable city, county, state, and federal regulations, including, without limitation, fire, building, and electrical codes as well as health regulations, during the life of the temporary use or transient merchant license.

~~HI~~. Temporary use facilities and transient merchant facilities shall be located on a noncombustible surface and must be at least twenty-five feet (25') away from combustible materials.

~~IJ~~. Temporary use facilities and transient merchant facilities shall comply with the following:

...

7. No temporary use or transient merchant shall engage in the sale of any weapons.

~~JK~~. Anyone operating a temporary use shall do so in a manner that does not create excessive noise, light, dust, nuisance or other detriment to the quiet enjoyment of property in the vicinity.

~~KL~~. Anyone engaged in a temporary use or transient merchant use shall only be allowed to engage in their business between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

~~LM~~. Any barbecue grill/range associated with a temporary use must be enclosed and permanently built into the temporary use facility. A range/hood fire suppression system must be utilized, unless alternate mitigation is approved by the fire department.

~~MN~~. Unsecured menu boards or sidewalk signs in public right of way, street buffer landscape areas, and vision triangle areas are prohibited. All signage must be affixed to the temporary use facility or transient merchant facility or located immediately adjacent to the temporary use facility or transient merchant facility on private property with the permission of the property owner.

~~NO~~. Temporary use facilities and transient merchant facilities shall have a clean appearance at all times.

~~OP~~. Temporary use facilities and transient merchant facilities must at all times be parked in a legal manner. Vending operations shall be conducted only to pedestrians unless drive-up service is permitted by the planning and zoning director or his/her designee. The

applicant shall be required to submit a site plan indicating the location of the drive-up service and how it will affect pedestrian traffic on the site. (Ord. 2749, 8-18-2008)

...

PQ. Temporary use facilities and transient merchant facilities must provide a sanitary sewage treatment plan. Wastewater may not be dumped or discharged on the premises, adjacent properties, or public right-of-way. If the applicant proposes the use of any sanitary sewage facilities located on private property, written permission from the property owner must be obtained.

QR. Temporary fireworks stands and fireworks sales are regulated under section 08-13-01 of this Code.

RS. No licensee hereunder shall:

...

ST. Mobile food units, as defined in section 10-03-11 of this chapter and as a permitted use in the City Center District and in other zoning districts as indicated in the land use schedule located in section 10-02-02 of this article, shall comply with all requirements of a temporary use excepting the following:

1. Mobile food units do not have the six (6) month time maximum and may operate from a permanent location as long as they wish provided they are in compliance with applicable requirements;

2. Mobile food units are issued a certificate of compliance by the Planning and Zoning Department, not a license from the City Clerk's Office. Mobile food units must renew their certificate of compliance on an annual basis otherwise they will expire. Mobile food units are subject to scheduled or unscheduled inspections at any time by applicable City, State or Federal agencies. Mobile food units who leave their permanent location as identified on the issued certificate of compliance and set up in a new location must notify the City Planning and Zoning Department and provide written approval from the new location's property owner prior to their relocation. Mobile food units are allowed certificates of compliance for multiple sites at one time provided a schedule of locations and times at locations is submitted to the Planning and Zoning Department to be kept on file with the application. References within this Section to licenses shall also apply to certificates of compliance. (Ord. 3156, 7-16-2018)

(4) No Mobile Food Unit, Transient Merchants, or Transient Merchant Facilities shall be allowed in the area located between 5th Avenue, 10th Avenue, Union Pacific Railroad, and Blaine Street in downtown Caldwell, except that the Plaza Operator, as identified in the then-controlling Memorandum of Understanding for the Overall Supervision and Management of the Indian Creek Plaza, shall have the authority to authorize and control all Temporary Uses within said area, said control extending along both sides of any street constituting a boundary of said area. The Plaza Operator shall only permit Temporary Uses during special events and shall require all Temporary Users to provide proof of appropriate insurance to the Plaza Operator prior to commencing their temporary use.

(45) Inspection And Qualifications For License:

A. At the time of filing an original application, an adult applicant shall pay the application fee to the Planning and Zoning Department. The application fee for any temporary use or transient merchant use or mobile food unit shall be set by resolution of the Council. Applicant shall also bear the actual costs of necessary inspections. ~~The applicant shall also pay a license fee to the City Clerk prior to issuance of the license for a temporary use or transient merchant use. Said license fee shall be set by resolution of the Council.~~

...

C. The Planning and Zoning Director or his/her designee shall review an application for completeness and compliance with applicable City codes and shall distribute the application to the Fire Department for purposes of scheduling and conducting a fire safety inspection. When the fire safety inspection has been passed and all other required attachments have been received, reviewed and approved, ~~the City Clerk shall issue a license for temporary or transient merchant uses and the planning and zoning office shall issue a certificate of compliance for any mobile food units, that the applicant must display on the temporary use or transient merchant use facility or mobile food unit and facing a public street through the duration of the license's or certificate's life. (Ord. 2865, 6-20-2011)~~

D. To determine the suitability of prospective applicants for a license or certificate of compliance under this article, pursuant to Idaho Code section 67-3008 and to congressional enactment Public Law 92-544, each applicant shall request from the Idaho state police, bureau of criminal identification, a fingerprint based national background check, understanding that said fingerprints will be submitted to the federal bureau of investigation, and directing that the results be sent directly to the city clerk of the city of Caldwell. The city clerk is authorized to receive said criminal history information for the purpose of evaluating the applicant's fitness for licensing under this article. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. Provided, however, that any applicant who is under the age of eighteen (18) at the time of application, shall not be required to request said fingerprint based national background check, but, rather, shall be subjected to a locally administered background check to be conducted by the city clerk in conjunction with the chief of police.

E. No person shall be issued a license or certificate of compliance when that person:

1. Would not be of sufficient age to be considered lawfully employable under title 44, chapter 13 of the Idaho Code, or other applicable state or federal laws;
2. Is required to register as a sex offender, pursuant to the sexual offender registration notification and community right-to-know act, Idaho Code section 18-8301 et seq., and/or the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.;
3. Has ever been convicted of or pled guilty to any violent felony offense, including, but not limited to, aggravated assault, aggravated battery, robbery, homicide, aggravated arson, kidnapping, stalking, rape or any felony of a sexual nature;
4. Has been, within ten (10) years prior to the date of making application for such license, arrested for, charged with, convicted of, paid any fines, been placed on

probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any felony, or for any misdemeanor which, if committed in the state of Idaho, would have constituted a felony;

5. Has been, within five (5) years prior to the date of making application for such license, arrested for, charged with, convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any misdemeanor, involving:

i. The use of force against the persons or property of another;

ii. The threat of force against the persons or property of another;

iii. Theft or larceny;

iv. The use, possession or sale of illicit drugs;

v. Possession of a concealed weapon;

vi. Illicit sexual, lewd or obscene activity or materials, including, but not limited to, violations of Idaho Code sections 18-919, 18-1515, 18-4103 through 4105, or 18-4116;

vii. Stalking, telephone harassment, or violations of protection orders or do not contact orders; or

viii. Contributing to the delinquency of a minor.

If a person fails to qualify for a license or certificate of compliance for the sole reason that they have been arrested for or charged with a felony or enumerated misdemeanor under subsection (2)D or (2)E of this section, and the person can provide proof to the satisfaction of the police chief that such arrest did not result in charges or any charges filed were dismissed or resulted in acquittal, the city shall issue a license if the person otherwise qualifies.

(56) Exemptions: The provisions of this section shall not apply to:

...

(67) Expiration Of License: All licenses issued under the provisions of this section shall expire on the date specified in the license. (Ord. 2749, 8-18-2008)

...

(78) Business Permits:

...

(9) Penalties: Failure to abide by the provisions of this Section will result in the revocation of any license or certificate of compliance issued under this Section and the disqualification from applying for a new license or certificate of compliance for a period of 365 days. Anyone operating any Temporary Use or Mobile Food Unit without having first obtained a license or certificate of compliance shall be issued a fine in the amount of \$100. A third offense of operating without a

license or certificate of compliance shall constitute a misdemeanor, punishable as set out in Caldwell City Code, Chapter 1, Article 1, Section 01-01-05.

Section 8. That Chapter 10, Article 12, Section 10-12-03 of the Caldwell City Code, pertaining to land use in the City Center Zoning District, be amended as follows:

10-12-03: LAND USE SCHEDULE:

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Use	
...	
Temporary use	P --
...	

Section 9. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 10. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 11. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO, this 1st day of July, 2019.

APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO, this 1st day of July, 2019.

ATTEST:



Mayor Garret Nancolas





City Clerk (or Deputy)

**ORDINANCES OF THE CITY OF CALDWELL
NOTICE OF ADOPTION AND SUMMARY OF
ORDINANCE NO. 3222**

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-01 OF THE CALDWELL CITY CODE, PERTAINING TO CERTAIN DEFINITIONS CONCERNING PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-03 OF THE CALDWELL CITY CODE, PERTAINING TO LICENSE REQUIREMENTS FOR PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-07 OF THE CALDWELL CITY CODE, PERTAINING TO LICENSE APPLICATIONS FOR PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-08 OF THE CALDWELL CITY CODE, PERTAINING TO LOCATION RESTRICTIONS FOR PEDDLERS AND DOOR-TO-DOOR SALESMEN; AMENDING CHAPTER 6, ARTICLE 5, SECTION 06-05-10 OF THE CALDWELL CITY CODE, PERTAINING TO THE INVESTIGATION OF THOSE APPLYING TO BE PEDDLERS AND DOOR-TO-DOOR SALESMEN; REPEALING AND REPLACING CHAPTER 6, ARTICLE 5, SECTION 06-05-17 OF THE CALDWELL CITY CODE, PERTAINING TO TEMPORARY USE AND TRANSIENT MERCHANT LICENSING; AMENDING CHAPTER 10, ARTICLE 2, SECTION 10-02-13 OF THE CALDWELL CITY CODE, PERTAINING TO TEMPORARY USES, MOBILE FOOD UNITS, AND TRANSIENT MERCHANTS; AMENDING CHAPTER 10, ARTICLE 12, SECTION 10-12-03 OF THE CALDWELL CITY CODE, CONTAINING THE SCHEDULE OF PERMITTED USES IN THE CITY CENTER ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

Sections 1 through 5: Amends Chapter 6, Article 5, Sections 06-05-01, 06-05-03, 06-05-07, 06-05-08, and 06-05-10 of the Caldwell City Code, pertaining to certain definitions, the licensing application, location restrictions, and applicant investigation for peddlers and door-to-door salesmen, by adding new definitions and creating new restrictions for where peddlers and door-to-door salesmen may operate.

Section 6: Amends Chapter 6, Article 5, Section 06-05-17 of the Caldwell City Code, pertaining to temporary use and transient merchant licensing, by repealing and replacing that section with a new section containing penalties for violating Chapter 6, Article 5, of the Caldwell City Code, which new section says:

06-05-17: PENALTIES:

(1) This subsection, 06-05-17(1), shall not apply to licensed Peddlers and Door-to-Door Salespersons operating within parade routes. Any individual licensed under this Article, who fails to abide by the provisions of this Article, shall have any license issued under this Article revoked, and said individual shall be disqualified from applying for any new license for a period of 365 days. Any individual found to be engaging in any activities requiring a license under this Article without having first obtained a license, shall be issued a warning. Any individual who has been issued a warning under this Section, or whose licenses has been suspended under this section, who is found to be engaging in any activity requiring a license under this Article, shall be issued a fine in the amount of one hundred dollars (\$100), except that an individual who has already received a fine under this Section, and is found to be engaging in any activities requiring a license under this Article, shall be guilty of a misdemeanor, punishable as set out in Caldwell City Code, Chapter 1, Article 1, Section 01-01-05.

(2) Any licensed Peddler or Door-to-Door Salespersons found to be operating within a Parade Route shall be issued a warning. Any Peddler or Door-to-Door Salesperson found to be operating within a Parade Route, if said individual has received a prior warning under this section, shall have any license issued under this Article revoked, and said individual shall not be issued any new license under this Article for a period of 365 days.

(3) No individual or entity shall cause or permit any employee, agent, contractor, principal, or other affiliated entity or individual, to violate the provisions of this Article. A first violation of this subpart (3) shall result in the issuance of a warning to said individual or entity and shall result in notification being made to the state agency responsible for the licensing or registration of the business of said individual or entity. After the issuance of said warning, each recurring violation of this Article shall constitute a misdemeanor.

Section 7. Amends Chapter 10, Article 2, Section 10-02-13 of the Caldwell City Code, pertaining to Temporary Use Merchants, Transient Merchants, Business Permits and Special Events, by adding new definitions, restricting certain uses, requiring FBI background checks for obtaining temporary use licenses, adding certain background restrictions for who can obtain a temporary use license, and adding provisions providing for penalties for violating Section 10-02-13 of the Caldwell City Code, which provisions provide:

Failure to abide by the provisions of this Section will result in the revocation of any license or certificate of compliance issued under this Section and the disqualification from applying for a new license or certificate of compliance for a period of 365 days. Anyone operating any Temporary Use or Mobile Food Unit without having first obtained a license or certificate of compliance shall be issued a fine in the amount of \$100. A third offense of operating without a license or certificate of compliance shall constitute a misdemeanor, punishable as set out in Caldwell City Code, Chapter 1, Article 1, Section 01-01-05.

Section 8. Amends Chapter 10, Article 12, Section 10-12-03 of the Caldwell City Code, containing the land use schedule for uses within the City Center zoning district, by changing Temporary Uses from a permitted use to a prohibited use.

Sections 9 through 11. Provides that this ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law; provides for severability; repeals conflicting ordinances, resolutions, and orders.

Ordinance No. 3222 provides an effective date, which shall be on the 9th day of July, 2019. Ordinance No. 3222 was passed by the Council and approved by the Mayor on the 1st day of July, 2019. The full text of the Ordinance is available at Caldwell City Hall, 411 Blaine Street, Caldwell, Idaho 83605. The Mayor and City Council approved the foregoing summary on the 1st day of July, 2019, for publication on the 9th day of July, 2019, pursuant to Idaho Code § 50-901A.

Mayor Garret Nancolas

ATTEST: Debbie Geyer, City Clerk

STATEMENT OF LEGAL ADVISOR

I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. 3222 and provides adequate notice to the public as to the contents of such ordinance.

DATED this 1st day of July, 2019.
Mark Hilty, Attorney for City of Caldwell

