

ORDINANCE NO. 441

Vendor License

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; STATING THE PURPOSE; REQUIRING A LICENSE; DEFINING EXCEPTIONS; PROVIDING FOR THE LICENSE APPLICATION; PROVIDING FOR LICENSE FEES; REQUIRING ISSUANCE AND EXHIBITION OF LICENSE; PROVIDING LOCATION OF OPERATION; REQUIRING REMOVAL OF TRASH; HOLD BLAMELESS CLAUSE; PROVIDING FOR PENALTIES; DEEMED SEVERABLE; PROVIDING FOR PUBLICATION ACCORDING TO LAW; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

SECTION 1: The purpose of this Ordinance is to protect the health, safety, and welfare of the residents of the City of Mackay as well as the established merchants.

SECTION 2: It shall be unlawful for any person, organization, or business to offer goods or services for sale or rent or offer to purchase goods from a stand or vehicle open to street access, which has a temporary or portable business located in a vehicle, stand, wagon, etc. within the incorporated limits of the City of Mackay whether located on public or private property without a License issued by the City of Mackay to engage in said business. A separate License is required for each Vendor Stand or space even if operated by the same owner or organization.

SECTION 3: The provisions of this Ordinance shall **not** apply to:

A. The sale of farm or garden products by the person producing the same.

B Fundraising sales by the school or student groups, non-profit groups or local service clubs including, but not limited to the Lost Rivers Economic Development, Inc., American Legion, Churches, Boy Scouts or Girl Scouts, Fire Department, EMS, etc. or any non-profit organization exempt from taxation as provided by 26 USC 501 and meeting all the requirements for the exemptions provided by 26 USC 503.

C. Sales of household and personal products, including, but not limited to Avon, Watkins, Mary Kay, Schwan's, made by way of phone solicitation, parties or door-to-door sales.

D. Garage, yard, or similar sales by individuals at their residence or place of business not exceeding two (2) separate sales in one calendar year, not to exceed three (3) days each, which sales shall not include business inventory or items that have been purchased for the purpose of resale at another garage sale.

SECTION 4: Applicants for a License under this Ordinance must file with the City Clerk, FORM COM -VL-1-3.17 available from the City Clerk. The City Clerk shall notify the applicant whether their License request is approved and shall issue a License. Such license shall show the name, address, and the kind of goods to be sold or type of sales to be solicited, the amount of fee paid, the date of issuance and the date of expiration. License shall be issued for a period of no longer than five (5) days. The City Clerk shall notify the applicant if their License request is disapproved, the reasons therefore. Applicant may appeal request disapproval by meeting with the City Council.

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SECTION 5: The License fee shall be twenty-five dollars (\$25.00) for each twenty-four (24) hour period. License shall be issued for twenty-four (24) hour minimum and in increments of twenty-four (24) hours thereafter for a maximum of one hundred-twenty (120) hours. All fees shall be paid in advance.

SECTION 6: The License issued to the licensee shall be exhibited in a conspicuous place if the licensee is using a vehicle or a building in his business, or otherwise must be displayed on the outside of the sales area during hours of operation.

SECTION 7: No licensee shall operate on any public street or sidewalk, or parking area of the City, nor shall he/she be permitted to operate in any congested area where his operations might impede or inconvenience the public unless authorized in the License to do so. This license does not preclude the issuance of special operation permits by the City or the granting of permission to sell and/or operate on private property by its owners. NOTE: City License is required to operate on private property if within the City Limits.

SECTION 8: All trash or debris accumulating within twenty feet (20') of any vending stand shall be collected by the vendor and deposited in trash containers. All vendors selling food or beverages must provide trash receptacles adjacent to or as a part of their stands. Vendors are responsible for removal of trash collected. If vendor fails to remove trash they will be subject to fine stated in SECTION 10.

SECTION 9: The Applicant agrees to abide by the stipulations set forth in Ordinance 441 and shall defend, indemnify and hold the City of Mackay, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this License.

SECTION 10: Any person, business, firm, company or corporation who shall violate any of the provisions of this Ordinance shall be guilty of an infraction and upon conviction shall be punished by a fine of one hundred dollars (\$100.00). Each day or violation continued shall be separate offenses, punishable as hereinabove described.

SECTION 11: Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions.

SECTION 12: This Ordinance shall be in full force and effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 4th DAY OF APRIL 2017.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By: Wayne Olsen
Wayne C. Olsen, Mayor

ATTEST: Suzanne Whitworth
Suzanne Whitworth, City Clerk

