



ORDINANCE NO. 465

Vendor License

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO; A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, STATING THE PURPOSE; DEFINING EXCEPTIONS; REQUIRING A LICENSE; PROVIDING FOR 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; DISPENSING WITH RULE TO PUBLISH; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: Purpose and Findings:

- A. The City of Mackay finds that in order to protect the safety, health and welfare of the residents of the City of Mackay as well as to promote the continued success of established businesses and merchants in the City of Mackay while encouraging free enterprise and stable economic growth for the community hereby enact the following:
- B. The City of Mackay, in order to facilitate a simplified and efficient process for obtaining a Vendor License, hereby incorporates into Ordinance #465 the provisions of #441 and #441-A1 herein by reference and further repeals and replaces any and all conflicting sections of City of Mackay Ordinances #441 and 441-A1. This Ordinance #465 shall repeal Ordinances #441 and #441-A1.

SECTION 2: The provisions of this Ordinance shall not apply to the following:

- A. Sale of farm or garden products by the person(s) producing same.
- B. Sales of household and personal products including but not limited to; Watkins, Mary Kay, Avon, Schwan's, etc. made by way of internet/phone solicitation, parties, or door-to-door sales.
- C. Garage, Yard, or similar sales by individuals at their place of residents or place of business not exceeding two (2) separate sales in one (1) calendar year, not to exceed three (3) days each in duration. Sale items shall not include business inventory or items which have been purchased for resale at another similar sale.
- D. Fundraising sales by the school or school groups, local service groups, or non-profit organizations including but not limited to Lost Rivers Economic



ORDINANCE NO. 465

Vendor License

Development, Inc., Boy Scouts and Girl Scouts, Fire Department, EMS, American Legion, Churches, etc. or any non-profit organization exempt from taxation as provided by 26 USC 501 and meeting all the requirements for exemptions provided by 26 USC 503.

SECTION 3: It shall be unlawful for any person, organization, or business, etc. to offer goods or services for rent or sale or offer to purchase goods from a stand or vehicle open to street access, which has a temporary or portable business located in a stand, vehicle, wagon, trailer, 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 4: Mackay is a Resort City and has a local option non-property tax (Sales Tax) of three percent (3%) on Restaurant/Bed and Breakfast Food which is defined as, "Restaurant Food" shall mean all food, meals or drinks, and non-depreciable goods and services directly consumed by customers included in the charge thereof, which are furnished, prepared and sold on the premises, or for takeout, and which are customarily furnished, prepared and sold as the primary use of the premises.

Vendors selling, food, meals, drinks and or non-depreciable goods from a stand or vehicle are considered subject to collecting the Sales Tax the same as if they were vending from a brick-and-mortar premises depending on the type of Vendor License they purchase.

SECTION 5: The City of Mackay has designated three (3) separate and distinct Vendor Licenses:

- A. An annual Vendor License for sales within the incorporated limits of the City of Mackay from January 1 through December 31. Vendors holding this Vendor's License are subject to collecting the Sales Tax. Cost of this Vendor's License is fifty dollars (\$50) and must be renewed annually.
- B. A summer only Vendor License for sales within the incorporated limits of the City of Mackay from May 1 through September 30. The Sales Tax is estimated and included in the cost of the Vendor License. Cost of this Vendor License is two hundred dollars (\$200) and must be renewed each summer.
- C. A single event Vendor License for sales within the incorporated limits of the City of Mackay for a single three (3) day event. The Sales Tax is estimated and



ORDINANCE NO. 465

Vendor License

included in the cost of the Vendor License. Cost of this Vendor License is sixty-five dollars (\$65) for event.

SECTION 6: The license issued to the licensee shall be exhibited in a conspicuous place if the licensee is using a vehicle or structure in his business otherwise it 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 the operations might impede or inconvenience the public. 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 accumulated within twenty (20) feet of any vending stand or vehicle 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 part of their stands. Vendors are responsible for trash removal. If vendor fails to remove trash, they will be subject to fine stated in Section 11 and will not be issued a Vendor's License in the future.

SECTION 9: The Applicant agrees to abide by the stipulations set forth in this Ordinance and shall defend, indemnify, and hold the City of Mackay, its officers, officials, employees, and volunteers harmless for any and all claims, injuries, damages, losses, or suits including attorney fees, arising out of or in conjunction 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) plus court costs. Each day licensee is in violation shall be considered a separate violation.

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 (3) different days as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 13TH DAY OF JULY 2021.



ORDINANCE NO. 465

Vendor License

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

BY: Wayne Olsen
Wayne C. Olsen, Mayor

ATTEST: Natalie Perez
Natalie Perez, City Clerk