

CITY OF ROBERTS  
ORDINANCE NO. 525-A

AN ORDINANCE RELATING TO REQUIREMENTS OF LICENSING AND  
REGULATION OF BUSINESSES WITHIN THE CITY OF ROBERTS

WHEREAS, the City of Roberts, Idaho, the "City" herein, under and pursuant to the powers vested in it by Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect licensing of businesses within the City; and

WHEREAS, the City, pursuant to Idaho Code, has the power to issues business licenses and collect fees for businesses within the City, and

WHEREAS, the City deems it necessary to require business licensing; and

WHEREAS, the exercise of all such powers vested in the City is appropriately exercised by the passage of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROBERTS, IDAHO:

Section 1. NEW APPLICATIONS:

Applications for new business licenses and permits required by this Code shall be made in writing to the City Clerk, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official.

Section 2. PERSONS SUBJECT TO LICENSE:

Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the City.

Section 3. FORMS:

Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the City Clerk.

Section 4. SIGNATURES:

Each license or permit issued shall bear the signatures of the Mayor and the City Clerk in absence of any provision to the contrary.

Section 5: INSPECTIONS OR INVESTIGATIONS:

Upon the receipt of an application for a license or permit where laws of the City necessitate an inspection or investigation before the issuance of such permit or license, the City Clerk shall refer such application to the proper officer for making such investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. For the protection of health, the Public Works Director, or such other person the City may assign,

shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the designee of the City.

**Section 6: TERM OF LICENSE:**

All annual licenses shall terminate on the last day of the calendar year.

**Section 7: RENEWAL:**

- A. Applications for renewing business licenses and permits required by this Code shall be made in writing to the City Clerk, unless otherwise specifically provided by law. Each application shall state the name of the applicant, updated contact information, and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official.
- B. Licenses must be renewed by January 1<sup>st</sup>.
  - 1. A monthly late fee will be charged after January 1<sup>st</sup> until June 1<sup>st</sup>.
- C. Failure to renew by June 1<sup>st</sup>
  - 1. Will terminate the current business license.
  - 2. Business shall discontinue operation.
  - 3. Business must reapply as a new business. If the business reapplies within 1 year of the terminated business license than the business shall pay all prior fees

**Section 8: BUILDING AND PREMISES:**

No license shall be issued for the conduct of any business and no permit shall be issued for any thing or act if the premises and building to be used for the purpose do not fully comply with the requirements of the City.

**Section 9: CHANGE OF LOCATION:**

In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed, provided ten (10) days' notices thereof is given to the City Clerk; provided, the building requirements of this Code are complied with.

**Section 10: NUISANCES:**

No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact.

**Section 11: POSTING OF LICENSE:**

It shall be the duty of any person conducting a licensed business in the City to keep his license posted in a prominent place on the premises used for such business at all times.

**Section 12: REVOCATION OF LICENSE OR PERMIT; HEARING:**

Any license or permit, for a limited time, may be revoked by the Mayor and City Council during the life of such license or permit for the violation by the licensee or permittee of any provision relating to the license or permit, the subject of the license or permit, or the premises occupied; such revocation may be in addition to any fine imposed. The Mayor and the City Council shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any business license or permit for a period not to exceed fifteen (15) days.

- A. Hearing: Within ten (10) days after the City officials have so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- B. Notice Of Hearing: Notice of hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of

- hearing. Such notice shall be sent to the licensee or permittee by certified mail at his last known address or personally served at least five (5) days prior to the date of the hearing.
- C. Hearing Procedures: At the hearing, the licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision and recommendation.
  - D. Causes For Revocation: Business licenses and permits issued under the ordinances of the City, unless otherwise provided, may be revoked by the Mayor and City Council after notice and hearing as provided in subsections B and C of this Section for any of the following causes:
    1. Any fraud, misrepresentation or false statement contained in the application for the license or permit;
    2. Any violation by the licensee or permittee of ordinance provisions or State law relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
    3. Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
    4. Failure of the licensee or permittee to pay any fine or penalty owing to the City.
    5. Refusal to permit an inspection or investigation or any interference with a duly authorized City officer or employee while in the performance of his duties in making such inspections, as provided in this Code.
    6. Failure to renew license

#### Section 13: APPEAL PROCEDURE:

- A. Right To Appeal: Any applicant aggrieved by the refusal of the City to issue a license or permit or by the revocation of a license or permit shall have the right to appeal the City's decision to the City Council. Such appeal shall be requested by submitting a written request to the Mayor within five (5) days of the action of the City which is appealed.
- B. Council Consideration: The City Council shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his appeal orally or in writing. The Council shall act on the appeal within seven (7) days of the hearing and shall either uphold the action of the City or shall direct the issuance of a license or permit which the City has denied or the re-issuance of a license or permit which the City had revoked.
- C. An Appeal Fee will be charged for all appeals.

#### Section 14: FEES:

Fees will be set by resolution; this includes but is not limited to:

- New business licenses
- Business license renewals
- Late fees
- Appeal fee

#### Section 15: Repealer Clause

All ordinances or parts thereof, which are in conflict here within, are hereby repealed.

#### Section 16: Severability Clause

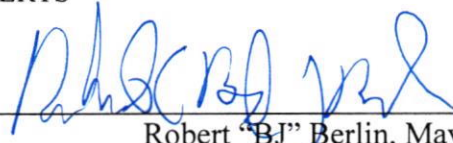
Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 17: Effective Date


This Ordinance shall be in full force and effect from date of passage, publication and signature of the Mayor according to law.

PASSED AND ADOPTED BY THE CITY OF ROBERTS MAYOR AND CITY COUNCIL 8 of NOVEMBER, 2022.

CITY OF ROBERTS

  
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Robert "BJ" Berlin, Mayor

ATTEST:

  
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April Galbraith  
City Clerk/Treasurer