

WEISER CITY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEISER, WASHINGTON COUNTY, IDAHO, ENACTING A NEW CHAPTER 11 TO TITLE 3, BUSINESS REGULATIONS, WEISER CITY CODE, ENTITLED "BUSINESS LICENSES"; PROVIDING FOR THE REQUIREMENT OF BUSINESS LICENSES WITHIN THE CITY OF WEISER; PROVIDING FOR ISSUANCE STANDARDS, PROVIDING FOR AN APPLICATION PROCESS, PROVIDING FOR APPROVAL AND REVOCATION OF BUSINESS LICENSES; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THIS ORDINANCE BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WEISER, IDAHO, THAT WEISER CITY CODE TITLE 3 IS HEREBY AMENDED TO ENACT A NEW CHAPTER 11, ENTITLED "BUSINESS LICENES", TO READ IN ITS ENTIRETY AS FOLLOWS:

SECTION 1: That Title 3, Weiser City Code is hereby amended to enact a new Chapter 11, entitled "Business Licenses", to read in its entirety as follows:

"3-11-1: STATUTORY AUTHORITY; PURPOSE:

The licensing of all wholesale and retail occupations and businesses within the city and the levying of a license fee, uniform to all classes imposed, pursuant to the statutory authority vested in the city by Idaho Code section 50-307, is hereby declared to be justified and necessary for the purpose of protecting and providing services to the citizens of the city and the businesses and occupations doing business therein, and to ensure future businesses locate in an area zoned for that particular business.

3-11-2: DEFINITIONS:

For the purposes of this chapter, the following words shall have the meanings indicated, unless the context clearly requires otherwise:

BUSINESS OR OCCUPATION: All activities, occupations, callings, trades, pursuits or professions located or engaged in, within the city with the object of gain, profit, benefit or advantage. Each business location shall be deemed a separate business unless it is a specific annex to the main location of the business.

EMPLOYEE: Any person employed at any business location within the city, and any person furnishing or performing services within the city. It shall include all persons who are self-employed, and shall include part time employees.

ENGAGING IN BUSINESS: Commencing, conducting or continuing in any business or occupation, the exercise of corporate and franchise powers, and the liquidating of a business, where the liquidators hold themselves out to the public as conducting such business when he does one act of:

- A. Selling any goods or performing any services.
- B. Soliciting business or offering or holding out goods or services for sale or hire.
- C. Acquiring or using any vehicle or any premises in the city for business purposes.
- D. Delivery of any goods, either at wholesale or retail, unless licensed under another section of this code.

PERSON: Any person doing business in the city.

PREMISES: All lands, structures, places and equipment, and appurtenances connected or used therewith in any business, and also any personal property, including any vehicle which is either affixed to or is otherwise used in connection with any such business conducted on said premises.

YEAR: The calendar year.

3-11-3: LICENSE REQUIRED:

No person shall engage in any business or activity in the city for which a license fee is imposed by this chapter, without first having obtained and being a holder of a valid and subsisting license to do so, to be known as a business and occupation license, issued under the provisions of this chapter, and without paying the license fee imposed by this chapter, which license fee shall accompany the application for the license.

3-11-4: EXEMPTIONS:

The provisions of this chapter shall not apply to:

A. Persons qualifying as nonprofit businesses or occupations, including charitable activities, within the meaning of section 503 of the United States internal revenue code. Possession of a certificate of tax exempt status from the internal revenue service shall be required to qualify for this exemption, except that the mayor and city council may waive the license fee for bona fide charitable or civic groups within the city, including, but not necessarily limited to, private schools, churches, fraternal organizations and lodges, with respect to their educational, religious or fraternal activities, but this exemption shall not apply to any business activity for profit engaged in by such organization.

B. An agency of the United States government, any state of the United States, any political subdivision of the state of Idaho, including, but not necessarily limited to, counties, school districts, irrigation or sewer districts or fire districts.

C. Domestic servants, newsboys, blind persons or casual labor not included as temporary employees of a regularly conducted business.

3-11-5: APPLICATION FOR LICENSE:

The application for a license shall be made to the city clerk on a form provided by the city clerk. The application shall set forth the name of the applicant, residence, place of business, the nature of the business, and the amount of the license fee prescribed by this chapter, and shall be accompanied by a deposit of the license fee by the applicant. Every application shall be personally signed by the applicant or his or her agent.

3-11-6: MAILING OF APPLICATION; FAILURE TO FILE:

The city clerk is authorized, but not required, to mail to persons forms for applications for licenses, but failure of any person to receive any such forms shall not excuse the person from making application for and securing the license required and payment of the license fee when and as due herein. If any person fails, neglects or refuses to file his application and to pay the fee as and when required herein, the city clerk is authorized to determine the amount of fee payable and by mail to notify such person of the amount so determined. The amount so fixed shall thereupon be immediately due and payable subject to the person's right to appear before the city council and show cause why his fee should not be altered or reduced.

3-11-7: FEE FOR LICENSE; PAYMENT PROVISIONS:

A. Levied: There is hereby levied upon and shall be collected from every business or occupation within the city a license fee for the privilege of engaging in business in an amount to be determined by the city council.

B. Effect Of Fee Levy: The license fee levied hereunder is not intended to repeal any other license fee or license requirement provisions of this code or any ordinance of the city.

3-11-8: INVESTIGATION OF APPLICANT; DETERMINATION:

A. Required: The city clerk shall cause any applicant for a new business license or the transfer of an existing business license to a new business premises to be investigated for compliance with this chapter and the zoning laws of the city.

B. Determination: The investigation shall be conducted as it is appropriate or required by the zoning administrator or his designee. If the zoning administrator and the city clerk are satisfied that the zoning requisite and requirements of this chapter to the issuance of a license have been met, the city clerk shall issue such license. If the zoning administrator and the city clerk determine that the applicant is not in compliance with the applicable zoning laws, the city clerk shall not issue such license, and shall notify the applicant of such decision and cause the license fee to be refunded. All required inspections shall be conducted within ten (10) working days of the receipt of the license application.

3-11-9: CONTENTS OF LICENSE:

Each license issued hereunder shall state upon its face the following:

A. The name of the licensee and any other name under which business is to be conducted.

- B. The name and address of each business so licensed.
- C. The amount of license fee therefor.
- D. The date of issuance and expiration thereof.
- E. Such other information as the city clerk shall determine to be necessary.
- F. The property zoning designation.

3-11-10: DISPLAY OF LICENSE; OPERATION AFTER EXPIRATION; TRANSFERABILITY:

Every licensee under this chapter shall display such license in a prominent location upon the licensed premises and shall refrain from operating the licensed business on such premises after expiration of his license. No licensee shall allow any license to remain posted, displayed or used after the period for which it was issued has expired, or when it has been suspended or revoked, or for any other reason become ineffective. No licensee shall loan, sell, give or assign to any other person or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession, any license which has been issued to said licensee.

3-11-11: CHANGE IN LOCATION OR OWNERSHIP:

Any change of owner or owners or location shall automatically void an existing license granted under this chapter and shall necessitate application and issuance of a new license.

3-11-12: REVOCATION OF LICENSE:

Any license issued pursuant to this chapter may be revoked by the city council if the holder or any employee violates any law of the city applicable to the business for which the license was issued. Such revocation must be preceded by notice in writing to the licensee from the city clerk, informing the licensee that the city council has ordered the holding of a public hearing at a date and time certain, not less than ten (10) days from the date of such notice, at which hearing the licensee will be required to appear personally and show cause why the license should not be revoked. At such hearing, the licensee may be represented by counsel, may testify personally, may call witnesses and may cross-examine any witnesses called by the city. Should the city council determine that such license should be revoked, it shall pass a motion to that effect, and such license shall thereupon be revoked; provided, however, that no such motion shall be deemed passed without the affirmative vote of one-half ($1/2$) plus one of the members of the full city council.

3-11-13: APPEAL PROCEDURE:

Any applicant aggrieved by any decision of the city clerk may appeal such decision to the city council by filing a written notice of appeal with the city clerk within ten (10) days of such decision by the city clerk. The city clerk shall transmit said notice of appeal to the city council, which shall schedule a public hearing on said appeal, to be held at any regular meeting or special

meeting of the city council, not later than fifteen (15) days after the filing of such notice of appeal with the city clerk. At such hearing, the applicant may appear and speak on his own behalf, be represented by counsel, call witnesses and cross-examine any witnesses of the city. The city council shall proceed to determine said appeal, and, if it decides in favor of the applicant, it shall pass a motion to that effect and the city clerk shall, on the next business day thereafter, and upon receipt of the proper fee, issue such license. The city council may defer action upon said appeal for not longer than three (3) weeks from the date of the public hearing.

3-11-14: REQUEST FOR RECONSIDERATION BY CITY COUNCIL:

A. Filing For Reconsideration: When any person shall be denied a request for a business license, a request for relief under the zoning or subdivision ordinances, or if a license has been revoked, withdrawn or amended by the city council in such a manner that a person is adversely affected thereby, the person may file a request asking the city council to reconsider its action.

B. Time Limitation: A request asking the city council to reconsider a decision shall be filed with the city clerk within fourteen (14) days of the city council's decision. The fourteen (14) days shall be jurisdictional and even in the event the city council is required to prepare findings or a reasoned statement, those requirements shall not extend the time for filing the request. After an issue has been reconsidered by the city council, it shall not be subject to a second or subsequent request for reconsideration.

C. Contents Of Request: The request shall be in writing, shall identify the decision which the person is seeking to modify, shall set forth the reasons why the decision should be altered, amended or reversed and what relief is being requested.

D. Placement On Agenda: The city clerk shall place the request for reconsideration on the city council's agenda at the earliest convenient date.

3-11-15: FEES AND PENALTIES DECLARED DEBT TO CITY:

Any license fee, including penalties thereon, shall constitute a debt to the city and may be collected by court proceedings in the same manner as any other debt in like amount. No civil action or judgment shall bar or prevent a criminal prosecution for each and every violation of this chapter.

3-11-16: USE OF FUNDS:

All funds received by the city under the terms of this chapter shall be paid into the general fund of the city.

3-11-17: OPERATION WITHOUT LICENSE DECLARED NUISANCE; INJUNCTION:

The operating or conducting of any business or occupation for which a license is required by this chapter without having a valid license as provided herein is hereby declared to be a public nuisance. In addition to any other remedy provided by this chapter, the city may bring an action in any court of competent jurisdiction to obtain an order enjoining any person from operating or conducting any business or occupation in violation of this chapter.

3-11-18: PENALTY:

A person who violates any provision of this chapter or operates any business or occupation for which a license is required by this chapter without having first obtained a license as herein provided shall be guilty of a misdemeanor, subject to penalty as provided in section 1-4-1 of this code. Each day that a violation of this chapter occurs shall be deemed a separate offense."

SECTION 2: All previous ordinances, resolutions, order, or parts thereof, in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 3: If any part of this ordinance shall be held unconstitutional or void, such part shall be deemed severable, and its invalidity shall not affect the remaining parts of this ordinance.

SECTION 4: The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 5: This ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City and shall take effect and be in force upon its passage, approval, and publication.

PASSED and APPROVED by the MAYOR and CITY COUNCIL of Weiser, Idaho, on this _____ day of _____, 2026.

HERB HAUN, MAYOR

ATTEST:

NATASHA McDANIEL, CITY CLERK

(SEAL)

STATE OF IDAHO)
 :ss
County of Washington)

I, Natasha, McDaniel, CITY CLERK OF THE CITY OF WEISER, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled,

“AN ORDINANCE OF THE CITY OF WEISER, WASHINGTON COUNTY, IDAHO, ENACTING A NEW CHAPTER 11 To TITLE 3, BUSINESS REGULATIONS, WEISER CITY CODE, ENTITLED “BUSINESS LICENSES”; PROVIDING FOR THE REQUIREMENT OF BUSINESS LICENSES WITHIN THE CITY OF WEISER; PROVIDING FOR ISSUANCE STANDARDS, PROVIDING FOR AN APPLICATION PROCESS, PROVIDING FOR APPROVAL AND REVOCATION OF BUSINESS LICENSES; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THIS ORDINANCE BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW”

(SEAL)

Natasha McDaniel, CITY CLERK