



ORDINANCE 958

AN ORDINANCE ESTABLISHING BUSINESS DEFINITIONS; ESTABLISHING BUSINESS REGISTRATION REQUIREMENTS; STATING THE PURPOSE OF THE ORDINANCE; DEFINING TERMS; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING FOR PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City Council for the City of Rexburg has determined that a significant number of businesses exist within the City Limits; and

WHEREAS, the aforementioned businesses are of numerous types, sizes and legal designations; and

WHEREAS, the City desires to provide for the orderly identifying and tracking of the various businesses within the City Limits; and

WHEREAS, it appears to the Mayor and City Council of the City of Rexburg, Idaho, that a registration of all businesses would be in the best interests of the community and the citizens of the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Rexburg, as follows:

SECTION I: Purpose. The purpose of this Ordinance is to promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg by identifying all businesses within the City and registering such businesses.

SECTION II: Regulations. Within the City Limits of Rexburg, the following rules and regulations shall apply to all businesses as defined in this Ordinance:

BR.01.010 Title - -Citation - -Reference. This Ordinance shall be known as the "Rexburg Business Registration Code" and it may be referred to as the "Rexburg Business Registration Code" in any matter being prosecuted at law.

BR.01.020 Reference applies to all amendments. Whenever a reference is made to this code as the "Rexburg Business Registration Code" or to any portion thereof, or to any ordinance of the city of Rexburg, Idaho, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

BR.01.030 Title, chapter and section headings. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

BR.01.040 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

BR.01.050 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city of Rexburg shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

BR.01.060 Effective date. This ordinance shall become effective upon the date of publication after the passage of this ordinance by the Rexburg City Council.

BR.01.070 Constitutionality. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code shall be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

GENERAL PROVISIONS

BR.02.010 Citation. This compilation and revision of the general ordinances of the city constitutes the official code of the general ordinances of the city of Rexburg. The ordinance may be cited as the "Rexburg Business Registration Code."

BR.02.020 Definitions. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Bond" When a bond is required, an undertaking in writing shall be sufficient.
2. "The city" or "this city" means the city of Rexburg, in the county of Madison and state of Idaho, except as otherwise provided.
3. "Council" means the city council of the city of Rexburg, Idaho.
4. "County" means Madison County, Idaho, unless otherwise specified.
5. Joint Authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
6. The words "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee of same.
7. "Law" denotes applicable federal law, the Constitution and statutes of the state, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
8. "Mayor" means the mayor of the City.
9. "May" is permissive.
10. "Month" means a calendar month.
11. "Must" and "shall" are each mandatory.
12. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
13. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
14. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety of the whole or a part of such building or land.
15. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
16. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
17. "Preceding" and "following" mean next before and next after, respectively.
18. "Property" includes real and personal property.
19. "Real property" includes lands, tenements and hereditaments.

20. "Sidewalk" means that portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians.
21. "Signature" or "subscription" includes a mark when the person cannot write, his name being written near it and witnessed by a person who writes his own name as witness.
22. The words "the state" or "this state" shall be construed to mean the state of Idaho.
23. The word "street" includes any public ways, roads, highways, avenues, alleys and lanes within the city.
24. The words "tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
25. The word "writing" includes printing.
26. The word "year" means a calendar year.

BR.02.030 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city.

BR.02.040 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

BR.02.050 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular unless otherwise clearly intended.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

BR.02.060 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

BR.02.070 Prohibited acts include causing and permitting. Whenever in the ordinances of the City, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

BR.02.080 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a holiday, in which case it shall also be excluded.

BR.02.090 Construction of provisions. The provisions of the ordinances of the City, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice.

BR.02.100 Catchlines of sections. The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

BR.02.110 Effect of repeal of ordinances. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

BR.02.120 Severability. It is declared to be the intention of the mayor and the city council that the sections, paragraphs, sentences, clauses and words of this code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect

any of the remaining words, clauses, sentences, paragraphs and sections of this code, since the same would have been enacted by the mayor and the city council without the incorporation in this code of any such unconstitutional word, clause, sentence, paragraph or section.

BR.02.130 Provisions Considered As continuations of existing ordinances. The provisions appearing in this ordinance, so far as they are the same as those of ordinances existing at the effective date of this code, shall be considered as continuations thereof and not as new enactments.

PROPERTY INVENTORY – SUBLETTING

BR.03.010 Parking space management. All businesses must submit an inventory of available parking spaces associated with the business and maintain or make available for use by consumers or tenants parking spaces equal to those approved in connection with the business at the time of registration.

A. General Business must provide parking consistent with the applicable zoning regulations governing the registered business. Shared parking must be sufficient to accommodate all businesses seeking to designate parking in the shared area.

B. Trailer Court or Mobile Home Parks must provide for a minimum of two (2) parking stalls for each trailer/mobile home space within the registered business.

C. Office space, retail, wholesale or warehouse businesses must provide parking consistent with the applicable zoning regulations governing the registered business. Shared parking must be sufficient to accommodate all businesses seeking to designate parking in the shared area.

D. Apartments or Residential Units must provide parking consistent with the parking ratio that was in place at the time the business was constructed or approved in writing by the city. In addition to having the minimum number of parking stalls required by applicable zoning code, apartment and residential units must submit proof prior to registration that all tenants have been specifically notified of the existence of a parking space associated with their tenancy contract, or specifically notified of the lack of a parking space associated with the tenancy contract. The number of available parking spaces must not exceed the number of tenancy contracts entered into with associated parking spaces.

BR.03.020 Facilities. All businesses must submit a list of all shared facilities that will be used by more than one person or business. In addition, apartments and residential units must submit an inventory of the number of beds that are for rent within the business.

FEES FOR SERVICES

BR.04.010 Statement of purpose. The purpose of this chapter is to establish a procedure for the adoption, amendment or repeal of fees for services provided by the city pursuant to the legislative power granted a municipality, authorizing the adoption, amendment and repeal of ordinances and resolutions required in order to impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service.

BR.04.020 Form of implementation. For the purpose of adopting, amending or repealing a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or imposing a fee for the provision of a service, all such fees shall be adopted, amended or repealed pursuant to either an ordinance or resolution adopted by the city council. Once any fee is established, and it is necessary to establish procedures for the imposition and/or collection of any fee, the mayor and council may implement any necessary procedure for accomplishing that process. Any proposed administrative rule implementing any necessary procedure shall be submitted to the city council for comment prior to actual implementation.

BUSINESS REGISTRATION

BR.05.010 Generally. The following words and phrases, when used in this chapter, shall have the following meanings respectively ascribed to them in this section.

BR.05.020 Apartment or residential rental unit. "Apartment" or "residential rental unit" means a dwelling unit, sleeping room or suite of sleeping rooms that are rented which are designed to be for living purposes in an apartment house or residential dwelling unit.

BR.05.030 Apartment house, non-owner occupied residential rental unit or owner occupied residential rental unit.

A. "Apartment house" or "residential rental unit" means a dwelling unit or suite of rooms that are designed to be occupied for living purposes in an apartment house or residential rental unit rented on a monthly or longer basis.

B. Owner occupied residential rentals shall mean a residential dwelling unit that is owner occupied in which one or more rooms are rented out to others at a monthly rate excluding situations involving nanny, caretaker, or barter arrangements or foster children or foreign exchange students temporarily residing at a residence and the owner receives a monetary stipend from an organization or individual or living arrangements involving assisted living or assisted care for disabled, ill, elderly or youth.

BR.05.040 Business. "Business" means any and all rental of office, commercial, residential dwelling units or owner occupied residences wherein room rentals occur regardless of the amount of rent derived from the rental. Business also includes any and all industries, pursuits, occupations, avocations, professions and businesses that have annual gross receipts of three thousand dollars or more except those carried on in a temporary manner by church, civic or fraternal organizations for fund raising. This monetary threshold does not apply to residential rental registration requirements. All residential rentals shall be registered unless expressly excluded. A person who is employed by another shall not be deemed a business. Itinerant vendors shall be considered a business for purposes of the ordinance codified in this chapter irrespective of the amount of annual gross receipts.

BR.05.050 City. "City" means the city of Rexburg, Madison County, state of Idaho.

BR.05.060 Consumer. "Consumer" means one who uses, and by using diminishes or does away with the value of the article purchased or used.

BR.05.070 Employee. "Employee," for the purposes of this chapter, means any person other than an independent contractor employed by a Business including active owners, managers, active partners and agents, also including sales persons and all persons engaged in or associated directly with the management and operation of the business concerned. The intention is to include as "employees" all persons hired by, or working for the business involved, and to include owners and proprietors within the designation. In case of part-time employees, the number of full-time equivalent employees will be determined by dividing the total number of hours worked by all part-time employees by two thousand eighty.

BR.05.080 Hotel, motel, roominghouse or lodginghouse. "Hotel," "motel," "roominghouse," or "lodginghouse" means any building or buildings containing guest rooms intended to be rented or hired out for sleeping purposes.

BR.05.090 Itinerant vendor. "Itinerant vendor" means any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment and there soliciting, selling, or offering to sell, or exhibiting for sale, by sample, by catalogue, or otherwise, or taking orders for future delivery of any goods, wares or merchandise, or for services to be performed in the future.

BR.05.100 Mayor. "Mayor" means the mayor of the city.

BR.05.110 Nonprofit organization. "Nonprofit organization" means any religious, charitable, social, educational, or civic group which does not distribute profits or dividends to the members thereof and where profit is not their object.

BR.05.120 Number of employees "Number of employees" means the number of employees on the payroll of the business as of October 31st of the year immediately preceding the registration year; or, in the case of a new business, the number of employees that it expects to have on the payroll sixty days after the business commences operation.

BR.05.130 Office. "Office" means a room or building in which a person transacts his business or carries on his stated occupation.

BR.05.140 Office building. "Office building" means a building designed or used primarily for office purposes or a substantial portion of which is used for that purpose.

BR.05.150 Person. "Person" means a corporation, partnership, company, association, or society as well as a natural person and the agents and representatives thereof.

BR.05.160 Temporary premises. "Temporary premises" means any hotel, roominghouse, storeroom, building, or any part of any building whatsoever, tent, vacant lot, freight station, railroad car, motor truck, trailer or other vehicle or any public or quasi -public place temporarily occupied for the purpose of transacting business.

BR.05.170 Trailer court or mobile home park. "Trailer court" or "mobile home park" means a tract of land providing two or more mobile home lots for lease or rent to the general public.

BR.05.180 Transient retail merchant. "Transient retail merchant" means any or every person, firm or corporation, acting for himself or itself or representing any other person, firm or corporation, who or which brings onto temporary premises within the city a stock of goods, wares, or merchandise, notions or other articles of trade, other than farm, orchard, vineyard or garden products, and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares or merchandise, notions or other articles of trade at retail, and such definition shall continue to apply until such person is continuously engaged at such particular place in the city for a period of one year. Nothing contained in this subsection shall apply to duly constituted city markets when and if operated by authority of the city.

BR.05.190 Transient wholesale merchant. "Transient wholesale merchant" means any person, firm or corporation acting for himself or representing any other person, firm or corporation who or which brings into temporary premises into the city any goods, ware, merchandise, notions or other articles of trade, other than farm, orchard, vineyard or garden products and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares, merchandise, notions or other articles of trade at wholesale, and such definition shall continue to apply until such person is continuously engaged at such particular place in the city for a period of one year.

BR.05.200 Year. "Year," for general city business registration purposes, means a period of time of twelve months commencing each year on January 1st and ending the last day of December of the same year.

REGISTRATION PROVISIONS GENERALLY

BR.06.010 Registration - -Required. For the protection and general welfare of the inhabitants of the city, every Business conducted within the city comes within the police power of the city, and no person shall engage in business without first registering unless a nonprofit organization or exempted by state law. The charge for such registration shall be as fixed in Section BR.06 .030 unless otherwise provided in this code. Money received from registration shall be used to defray the expense of issuing the registration and the inspection, regulation and control of business within the city. This registration requirement is intended to apply to all business entities conducting business by sale of their service or product at fairs, including carnivals at the county fair, display shows, and festivals conducted within the city unless the entity is otherwise expressly excluded in this chapter from this requirement. Any business registered at another business location within the city is not required to obtain an additional business registration for conducting their business at a fair, display show or festival. A city business registration shall not be required for bazaars, farmers markets, or arts and crafts sales conducted and sponsored solely by a nonprofit entity that has been established as a nonprofit entity as that term is defined in Section BR.05.110.

BR.06.020 Registration-Application-Issuance procedure.

A. The city clerk shall be charged with the collection of all business registration fees required by the city. The city clerk shall provide for applications in connection with the issuance of registration. As directed by the city clerk, each applicants for registration shall file with the city clerk an application in writing on a form which shall contain the following information:

1. General Business Registration.

- a. Name, permanent address, business, home, and emergency phone numbers of the applicant;
- b. Full business name.
- c. Number of employees including owners and managers and part-time employees;
- d. A brief description of the nature of the business;
- e. If an agent or representative, the name and address and phone number of the principal;

- f. The endorsement of the city zoning officer showing the business location sought to be registered has been reviewed;
- g. The total square footage of all space used in conjunction with the business.
- h. The total number of parking stalls available for use in conjunction with the business.
- i. Identify any known legal nonconforming use of property or building;
- j. Proof of having been inspected within the previous calendar year for compliance with applicable city regulations;
- k. Such other information as the ordinances of the city shall require.

2. Trailer Court or Mobile Home Park Business Registration.

- a. Name of owner, owner's address, rental agency, manger, owner's local representative if owner lives outside of Rexburg;
- b. Name of trailer court/mobile home park, if applicable;
- c. The address of the trailer court or mobile home park including a full nine-digit zip code number;
- d. The business, home, and emergency phone number of applicant and their local agent if applicable;
- e. The number of trailer hookups;
- f. The endorsement of the city zoning officer showing the business location sought to be registered has been reviewed;
- g. Identify any known legal nonconforming use of property or building;
- h. The information required herein must be kept current if any changes occur, as well as such other information as the ordinances of the city shall require shall be provided;
- i. In the case of Trailer Courts or Mobile Home Parks registration issued pursuant to this section shall not be transferable to successors in interest. Successors in interest must apply for a new registration in their name.
- j. Proof of having been inspected within the previous calendar year for compliance with applicable city regulations;
- k. Such other information as the ordinances of the city shall require.

3. Office Space, Retail; Wholesale or Warehouse Space.

- a. Name or rental agency, manager, or owner;
- b. Name of building, if applicable;
- c. The address of the building;
- d. The business, home, and emergency phone number of applicant;
- e. Amount of square footage in the building;
- f. The endorsement of the city zoning officer showing the business location sought to be registered has been reviewed;
- g. The total square footage of all space used in conjunction with the business;
- h. The total number of parking stalls available for use in conjunction with the business;
- i. Identify any known legal nonconforming use of property or building;
- j. Proof of having been inspected within the previous calendar year for compliance with applicable city regulations;
- k. Such other information as the ordinances of the city shall require.

4. Apartments or Residential Units.

- a. Name, permanent address, business, home, and emergency phone numbers of the applicant;
- b. Full business name;
- c. Number of beds including on site managers;
- d. Verification of compliance with applicable parking requirements;
- e. If applicant is an agent or representative, the name and address and phone number of the principal;
- f. The endorsement of the city zoning officer showing the business location sought to be registered has been reviewed;
- g. The total number of parking stalls available for use in conjunction with the business;
- h. The total number of parking stalls designated as visitor or short term parking;
- i. Identify any known legal nonconforming use of property or building;
- j. Proof of having been inspected within the previous calendar year for compliance with applicable city regulations;
- k. Such other information as the ordinances of the city shall require.

B. It shall be the duty of the city clerk to issue a registration upon presentation of a properly completed application together with tender of the appropriate registration fee, unless upon review or inspection when inspection occurs by the local compliance officer, building inspector, fire inspector,

zoning officer, or other designated officer of the city indicates a violation of any city ordinance or code existing at the place of business sought to be registered; in which case such inspector or officer shall submit a written description of the violation, specifying the steps necessary to qualify the premises for registration, a copy of which shall be furnished to the applicant.

BR.06.030 Registration-Fees-Schedule. The schedule of fees for business registration shall be as follows:

1. For General Business Registration a fee of Ten dollars per employee shall be applicable unless otherwise provided. The minimum registration fee shall be forty dollars (\$40.00) and the maximum shall be Five hundred Dollars (\$500.00);
2. For a trailer court or mobile home park the fee shall be ten dollars (\$10.00 per trailer or mobile home hookup. The minimum registration fee shall be forty dollars (\$40.00) and the maximum shall be Five hundred Dollars (\$500.00);
3. The registration fee for property management of office, retail, wholesale and warehouse space shall be one cent per square foot for retail and office space and one half of one cent per square foot for wholesale and warehouse space. The minimum registration fee shall be forty dollars (\$40.00) and the maximum shall be Five hundred Dollars (\$500.00);
4. The registration fee for Apartment or residential units shall be Three Dollars (\$3.00) per bed where unrelated parties occupy four (4) or more of the beds, or Forty Dollars (\$40.00) per unit where the occupants are related. The minimum registration fee shall be forty dollars (\$40.00) and the maximum shall be Five hundred Dollars (\$500.00);
5. Other registration fees may apply as established in other section of this code.

BR.06.040 Registration - -Fees - -Refund. If an application for a registration is denied, the fee that accompanied the application shall be returned to the applicant in its entirety except for fees associated with inspection in aid of granting or rejecting the registration.

BR.06.050 Registration - -Term—Proration. All business registrations shall be annual, unless otherwise specified. All applicants for registration shall pay the annual fee irrespective of the point in the year at which the registration is sought.

BR.06.060 Registration - -Separate required for branch establishment. A registration shall be obtained for each branch establishment or location of a business, as if such branch establishment or location were a separate business; provided, however, that warehouses and distribution plants used in connection with and incidental to a registered business where no sales are made shall not be deemed to be a branch establishment. The provisions of this section requiring separate business registration for separate branch locations are also applicable to any temporary sale conducted by a registered business at any location other than the location for which a business is registered. Any business registration issued for a temporary sale for a temporary location shall be valid only at the location identified on the registration and shall be valid only for the remainder of the business registration year during which it was issued.

BR.06.070 Registration - -Posting required. Every registration issued under the provisions of this chapter shall be posted in a conspicuous place on the premises where the business is conducted. All registrations issued for a business without a fixed place of business shall be carried by the registered person while doing business and shall be shown to any person with whom the registered person is doing business or any police officer, or compliance officer on demand.

BR.06.080 Registration—Contents. Each registration issued under the provisions of this chapter shall state upon its face the following:

A. General Business.

1. Name of the registered person or business and any other name under which the business is to be carried on,
2. Number of employees as defined in Section BR.05.120,
3. The address of the business;
4. The amount of the registration fee,
5. The date of issuance and the date of expiration;

B. Trailer Court or Mobile Home Park Registration.

1. Name of manager or owner,
2. Name of trailer court/mobile home park, if applicable,

3. The address of the trailer court or mobile home park.
4. The amount of the registration fee,
5. The date of issuance and the date of expiration,
6. Number of trailer hookups;

C. Office Space, Retail, Whole or Warehouse Space Registration.

1. Name of the registered person or business and any other name under which the business is to be carried on,
2. Number of employees as defined in Section BR.05.120 if applicable,
3. Address of building,
4. The amount of the registration fee,
5. The date of issuance and the date of expiration,
6. Amount of square footage in building.
7. Number of parking spaces associated with the business.

D. Apartments or Residential Units.

1. Name of the registered person or business and any other name under which the business is to be carried on,
2. Number of beds located within the business,
3. Address of building,
4. The amount of the registration fee,
5. The date of issuance and the date of expiration,
6. Number of parking spaces associated with the business.
7. Number of parking spaces designated for visitors.

BR.06.090 Business - -Change of location. A registered person or business shall have the right to change the location of the registered business, provided the new location complies with the requirements of the ordinances of the city, and provided that a written change of address is submitted to the city clerk prior to the relocation.

BR.06.100 Business - -Change of ownership. Whenever a business changes ownership, the new owner shall report such change to the city clerk so that the registration may be transferred. Whenever a bond or background search is required to obtain a registration, the city business registration shall not be transferable.

BR.06.110 Interpretation of provisions - -Unlawful business. The registration provisions of this chapter shall not be construed to grant permission to carry on or conduct any unlawful business, or to conduct any business in an unlawful manner, or to grant immunity to any business from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation, or restriction.

BR.06.120 Right to refuse or revoke registration. Whenever the council deems it in the public interest, it may, by resolution adopted by a majority vote of the members of the council and approved by the mayor, refuse to authorize the issuance of any registration provided for in this chapter, the council may also, upon a majority vote of members of the council and approved by the mayor, revoke any registration issued under this chapter when it is deemed in the public interest to do so.

SECTION III: Owner Responsibility. Any employer or other person in charge of a Business, shall be responsible for insuring to the best of their ability that all provisions of this Ordinance are complied with.

SECTION IV: Penalties.

(A) Any person who violates a provision of this chapter shall be guilty of a misdemeanor, and shall be subject to fines or by imprisonment, or by both such fine and imprisonment consistent with Idaho Code, Section 18-113, as amended.

(B) Upon a second conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code, Section 18-113, as amended, and be fined no less than One Hundred Dollars (\$100.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

(C) Upon a third or greater conviction within a three year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code, Section 18-113, as amended, and be fined

no less than Two Hundred and Fifty Dollars (\$250.00) in conjunction with any other sentence or costs deemed appropriate by the Court.

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2006.

Shawn Larsen, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, BLAIR D. KAY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

**AN ORDINANCE ESTABLISHING BUSINESS DEFINITIONS;
ESTABLISHING BUSINESS REGISTRATION REQUIREMENTS;
STATING THE PURPOSE OF THE ORDINANCE; DEFINING TERMS;
PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY
CLAUSE AND PROVIDING FOR PENALTIES; REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT
THEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL
BECOME EFFECTIVE.**

Passed by the City Council and approved by the Mayor this _____ day of _____, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Rexburg, Idaho, this _____ day of _____, 2006.

City Clerk

(SEAL)