

TITLE 6 BUSINESS REGULATIONS

Title 6 sets forth the registration and licensing procedures, regulations and requirements necessary for the legal operation of businesses within the City's corporate limits.

For statutory provisions authorizing cities to license occupations and businesses and to regulate same by ordinance, see [Idaho Code §50-307](#). For provisions authorizing the licensing and regulation of amusements, see [Idaho Code §50-308](#).

CHAPTER 6.01 BUSINESS LICENSES

6.01.010 Scope

- 1) The provisions of this chapter apply to all business licenses or registrations of the city, except where an ordinance concerning a particular business contains a specific provision to the contrary, in which case the specific provision shall apply.
- 2) The purpose of this chapter is to provide one document covering all license or registration fees and investigation fees or processing fees connected with the issuance or renewal of licenses or registrations for any business license or registration by the city. The fees referenced in this chapter shall apply in place of any earlier provision in any other ordinance. The fees and charges for businesses or operations not listed in this chapter shall be as stated in the specific ordinances or parts of ordinances relating to those businesses or operations. The City Council shall modify or update the city fees by resolution as needed.
- 3) A further purpose of this Chapter is to protect the health, safety, and welfare of the City of Rexburg and its residents. This ordinance is not intended to prohibit or hamper speech which is protected by the First Amendment, but merely to regulate specific activities which are commercial in nature. ([Ord. 1029, §1, 2010](#)).

6.01.020 License or Registration required

Registration is required for all businesses, including professional services. No fees shall be charged unless they are delineated on the City's master fee list. It shall be unlawful for any vendor, solicitor, or temporary merchant, as the same are herein defined, to engage in such business or to employ another in such business within the corporate limits of the City without first obtaining a license or registration from the City Clerk's Office in compliance with the provisions of this Chapter. All vendors, solicitors, or temporary merchants must meet all applicable city, state, and federal law and licensing requirements including District Seven Health Department Regulations and Requirements, before a registration or license is issued. The applicant must continually maintain a City issued license or registration. ([Ord. 1029, §2, 2010](#)).

6.01.030 Exceptions

The provisions of this Chapter shall not apply to:

- 1) Any sales under court order;

- 2) Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for future delivery, from local retailers, local businesses, local governments, local schools, or local wholesale firms;
- 3) The sale of farm or garden products by the person producing the same;
- 4) The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- 5) The occasional sale of admission by local school students to a function of their school; or fund raising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;
- 6) Any political group seeking funds or membership;
- 7) Garage, yard, or similar sales by individuals at their residence or place of business not exceeding two (2) separate sales in one (1) 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;
- 8) Any organization exempt from taxation as provided by [26 U.S.C. 501](#) and meeting all the requirements for the exemptions provided by [U.S.C. 503](#);
- 9) Any activity conducted pursuant to a Special Events Permit. ([Ord. 1029, §3, 2010](#))

6.01.040 Definitions

As used in this chapter and in any ordinance regulating business or requiring a license or registration for the operation of a business, the following terms shall have the following meanings, except where the context clearly indicates that a different meaning is intended and except where an ordinance concerning a particular business contains a specific provision to the contrary:

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- For a complete list of the definitions please see [Ord. 1029, §4, 2010](#).

6.01.050 Types of fees

The following are the types of fees that are covered by this chapter:

- 1) A license or registration fee, paid by the operator of the business for the issuance of the license or registration;
- 2) A nonrefundable investigation fee, covering the cost of investigating to determine whether the applicant is eligible for a license or registration. This type of fee shall be charged only in instances specified in this chapter or in any other applicable ordinance. This fee shall be in addition to the license or registration fee;

- 3) A nonrefundable processing fee, covering the cost of processing an application. This type of fee shall be charged per the business registration fee list. This fee shall be in addition to the license or registration fee. ([Ord. 1029, §5, 2010](#)).

6.01.060 License or registration fees

Business license or registration fees shall be reviewed annually and any changes shall be made by resolution of the City Council. Any license or registration fee that is not on the most current City Clerk License or Registration Fee Schedule shall have fees set by the mayor and city council in each individual situation. The vendor, solicitor or canvasser, or temporary merchant non-refundable license or registration fee, in an amount established by the Rexburg City Council and listed on the most current City Clerk License or Registration Fee Schedule, shall be paid in advance. ([Ord. 1029, §6, 2010](#)).

6.01.070 Fee payment required

No person shall operate any business for which a license or registration fee is established by this chapter until and unless the license or registration fee has been paid on behalf of that business. No business license or registration shall be issued until after the payment of the fee required by this chapter. No license or registration shall be issued until any applicable investigation fee or processing fee has been paid. All license or registration fees, investigation fees and processing fees shall be paid in to the city treasurer. To the extent permitted by the budget, investigation fees and processing fees may be spent on behalf of the offices or departments actually making the investigations or processing the applications in question. ([Ord. 1029, §7, 2010](#)).

6.01.080 Administrative appeals

Any person aggrieved by any decision relating to the issuance of a license may file an administrative appeal in the manner provided by ordinance. ([Ord. 1029 §7, 1990](#)).

6.01.080 Application

For additional information on this section please see [Ord. 1029, §8, 2010](#)

6.01.090 Investigation

- 1) Such application, or application for renewal, the City Clerk shall refer it to the Chief of Police, who shall cause an investigation to determine the validity and completeness of the information presented on the application. The Chief of Police shall endorse upon the application the findings of the investigation and return it to the City Clerk within five (5) working days. Providing, where application for renewal of a license or registration is involved, and the City Clerk has received no complaint or allegation, the City Clerk may waive payment of the investigation fee and issue the renewal license or registration, upon payment of the license or registration fee, without referral of the application to the Chief of Police.

For more information about the process of investigation please see [Ord. 1029, §9, 2010](#)

- 1) The City Clerk shall notify the applicant whether his license or registration request is approved and upon payment of the prescribed license or registration fee, shall issue a license or registration. Such license or registration shall show the name, address, the type of license or registration issued, the amount of fee paid, the date of issuance and the date of expiration. The license or registration for peddlers, solicitors, canvassers, or transient merchants will also include a photograph of said licensee and the kind of goods to be sold or type of sales to be solicited there under.
- 2) The City Clerk shall notify the applicant if his license or registration request is disapproved the reasons therefore, and advise him of the appeal procedure. ([Ord. 1029, §9, 2010](#)).

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6.01.100 Term of license or registration

- 1) License or registration year. Except where otherwise specifically provided in connection with a business, the license or registration year shall run from January 1st until December 31st of the same year. No person, firm or corporation may continue to operate a business after the expiration of the license or registration unless an application has been made for a new license or registration and a new license or registration has been issued.
- 2) License or registration for less than a year. If a business or operation is started after the middle of the license or registration year, the fee for the license or registration shall be one-half of the annual fees in the absence of a specific provision to the contrary. ([Ord. 1029, §10, 2010](#)).

6.01.110 Administrative appeals

Any person aggrieved by any decision relating to the issuance of a license or registration may file an administrative appeal in the manner provided by ordinance. ([Ord. 1029, §11, 2010](#)).

6.01.120 Recordkeeping

Nothing in any city ordinance shall be deemed to prohibit the City Clerk from using computers to organize information concerning license or registrations, or to store or process such information. The clerk shall, however, have at least one written record, on paper, of each license or registration application and of each license or registration issued, organized in such a way that, if necessary, a manual search could retrieve information by the names of license or registrations. ([Ord. 1029, §12, 2010](#)).

6.01.130 Number limitations

In the absence of a specific provision to the contrary, no ordinance is to be interpreted as limiting the number of license or registration that may be issued or as limiting the number of business enterprises of any particular kind that may be operated in the city. No city officer or employee may refuse to issue a license or registration because of the officer or employee's belief that there is enough of a particular type of business in the city already. ([Ord. 1029, §13, 2010](#)).

6.01.140 Duty to issue

No city ordinance relating to business license or registration shall be interpreted as granting or attempting to grant to any city officer or employee any discretionary authority to issue a license or registration to refuse to issue a business license or registration. License or registration shall be issued to each applicant complying with all applicable state laws and city ordinances, and license or registration shall be refused for any applicant failing to comply with all such applicable laws and ordinances. ([Ord. 1029, §14, 2010](#)).

6.01.150 Fire extinguishers

Each business shall have at least one city approved fire extinguisher on the premises. This is required not only for fires that may originate in the business but also for use for any nearby fire in a vehicle or other place. All such fire extinguishers shall be kept charged and ready to use, in an accessible location known to all employees on the premises. ([Ord. 1029, §15, 2010](#)).

6.01.160 Inspections

Any business in the city may be inspected by city officers and employees authorized to enforce provisions of ordinances which include building, fire, plumbing, and electrical codes relating to that business. In the absence of an emergency and in the absence of sound reasons whereby an inspection cannot be made during regular business hours, inspections shall be made during normal business hours. Immediately upon arriving at a place of business for the purpose of making an inspection, the city officer or employee making the inspection shall identify himself or herself and shall state that the purpose of the visit is to make an inspection. No person having control of any business premises shall refuse to permit a city officer or employee to enter for the purpose of making an inspection. If entry is refused, the city officer or employee shall leave and seek a search warrant or other appropriate court order, to gain entry. ([Ord. 1029, §16, 2010](#)).

6.01.170 Alternative methods

When any city ordinance requires a business to use a particular procedure or material for health or safety reasons, an alternative procedure may be proposed by the person, firm or corporation operating the business. If the City Clerk finds that the alternative proposal has been proven to provide at least equal safety and at least equal protection to public health as the method or material required by ordinance, the alternative shall be approved. The burden of proof is on the person advocating the alternative. After approval of the alternative, other persons in the same business may continue to use the method authorized by the ordinance or the alternative method, at the option of the person operating the business. The city officer approving the alternative shall report the matter to the governing body of the city, for consideration of amendments to the ordinance. Any person aggrieved by a refusal to approve an alternative method or material may call the matter to the attention of the governing body of the city and request an amendment to the ordinance. ([Ord. 1029, §17, 2010](#)).

6.01.180 Fake repairs prohibited

No person doing business anywhere in the city shall charge for any repair or maintenance work on any vehicle or other device or thing, unless such repair or maintenance work has in fact been done. ([Ord. 1029, §18, 2010](#)).

6.01.190 Violation – Penalty

Any person, firm or corporation violating any provision of this chapter, or of any ordinance relating to licensing, where no other penalty is provided, shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense. Any person violating any such provision may in addition to a fine or in lieu of a fine be imprisoned for not more than six months. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. ([Ord. 1029, §19, 2010](#)).

6.01.200 Bond Requirement

1) Before any license or registration as provided herein shall be issued for engaging in the business of peddler, solicitor or canvasser, or transient merchant as defined in this ordinance, every applicant plying his trade as an individual, shall file with the City Clerk a surety bond running to the City or a cashier's check as outlined in the current city fee resolution. Every business, firm, company or corporation, which has one or more employees or agents acting in the capacity of peddler, solicitor, canvasser or transient merchant, shall file with the City Clerk a surety bond covering all such employees or agents and running to the City or a cashier's check as outlined in the current city fee resolution for each employee and/or agent.

- For more information about Bond Requirement please see ([Ord. 1029, §20, 2010](#)).

6.01.202 Bond Requirements for non- peddler, solicitor or canvasser, or transient merchant

1) Bonding for other businesses may require bonding as deemed necessary by the City Clerk. ([Ord. 1029, §20, 2010](#)).

6.01.210 Exhibition of License or Registration

- 1) The City Clerk shall notify the applicant whether his license or registration request is approved and shall issue a license or registration. Such license or registration shall show the name, address, the type of license or registration issued, the amount of fee paid, the date of issuance and the date of expiration. The license or registration for peddlers, solicitors, canvassers, or transient merchants will also include a photograph of said licensee and the kind of goods to be sold or type of sales to be solicited there under.
- 2) The City Clerk shall notify the applicant if his license or registration request is disapproved, the reasons therefore, and advise him of the appeal procedure pursuant to the provisions of this ordinance.
- 3) The license or registration issued to the license or registration hereunder by the City Clerk shall be exhibited in a conspicuous place if the license or registration is using a vehicle or a building in his business, and otherwise must be kept by the person and exhibited at any time upon request. ([Ord. 1029, §21, 2010](#)).

6.01.220 Mobile Vending Cart, Trailer, and Vehicle standards

For additional information on this section please see [Ord. 1029, §22, 2010](#).

6.01.230 General Restrictions

For additional information on this section please see [Ord. 1029, §23, 2010](#).

6.01.240 Location Restrictions

No license or registration hereunder shall have any exclusive right to any location in a public street, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. No business activity shall be carried on in any area of the City by any or registration that is licensed or registered pursuant to this ordinance, where such business activity is prohibited or violates setbacks as established by the City of Rexburg Development Code. ([Ord. 1029, §24, 2010](#)).

6.01.250 Street Vending Restrictions

In addition to the restrictions and qualifications contained in this chapter, street vendors are additionally subject to the following restrictions:

- 1) Parking Restrictions. Vendor trailer or vehicles must at all times be parked in a legal manner. Vending operations shall be conducted only to pedestrians on sidewalks. No service to the public shall be made from the street side of the vehicles(s).
- 1) "Open for Business" Sign. To differentiate between vending trailers or vehicles that are merely legally parked on the street from those that are actively engaged in vending operations, any street vending cart, trailer, or vehicle must place an "open for business" sign on the cart, trailer, or vehicle in a conspicuous manner when the vending operations are open for business. Conversely, this sign must be taken down when vending operations have ceased. ([Ord. 1029, §25, 2010](#)).

6.01.260 Additional restrictions within Commercial Business Districts including Pro-Zones and Mixed Use Zones:

- 1) In addition to the restrictions contained in this chapter, all vendors, solicitors, and temporary merchants must comply with the following restrictions in order to vend in the Commercial Business District (Commercial Zones) unless exempted by a special events permit:

For the complete list of these restrictions please see [Ord. 1029, §26, 2010](#)

- 2) Only one vending cart may occupy an IVL at one time.

- 3) Anytime a mobile vending cart occupies an IVL it must be open for business, and the vendor may not leave the cart unattended for greater than fifteen consecutive minutes. A mobile vending cart occupying an IVL that is unable to conduct business shall be removed after fifteen (15) minutes.
- 4) Beginning at seven (7) a.m. the first properly license or registration mobile vendor that positions his or her cart over the IVL may maintain that position until eleven (11) p.m. as designated by the City Clerk, or except as provided herein.

For more information please see [Ord. 1029, §26, 2010](#).

6.01.270 Unlawful to Conduct:

For additional information on this section please see [Ord. 1029, §27, 2010](#)

6.01.280 Enforcement

It shall be the duty of any police office of the City to enforce this ordinance. The Chief of Police shall report to the City Clerk all violations of this ordinance. ([Ord. 1029, §28, 2010](#)).

6.01.290 Renewals

License or registrations which are not renewed for a minimum of any six (6) quarters within the two (2) year period from the date of the original issue shall be, upon application for renewal, treated as an original application. ([Ord. 1029, §29, 2010](#)).

6.01.300 Expiration of License or Registration

All license or registrations issued under the provisions of this ordinance shall expire on the date specified in the permit. No shall be issued for a period longer than one (1) year. ([Ord. 1029, §30, 2010](#)).

6.01.310 Penalty

Any person, business, firm, company or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. Each day or violation continued shall be separate offenses, punishable as herein above described. ([Ord. 1029, §31, 2010](#)).

6.01.320 Severance Clause

The provisions of this ordinance are declared to be severable if any section, sentence, clause, or phrase of this ordinance shall not affect the validity of the remaining sections, sentences, clauses

and phrases of this ordinance but they shall remain in effect, it being the legislative intent that his ordinance shall stand notwithstanding the invalidity of any part. ([Ord. 1029, §32, 2010](#)).

6.01.330 Cancellation of sale

The buyer shall have the right to cancel the door-to-door sale within three business days. A business day is any calendar day except Sunday, or the following holidays New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day. ([Ord. 1029, §33, 2010](#)).

6.01.340 Suspension

Any person or business in violation of any portion of this ordinance or of the Rexburg City Code shall have their rights to engage in business within the City of Rexburg suspended. ([Ord. 1029, §34, 2010](#)).

CHAPTER 6.02 PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

6.02.010 Definitions

As used in this article:

- 1) Peddler: means any person, whether a resident of the city or not, traveling by foot, motor vehicle or any other type of conveyance, however propelled, drawn, pushed or moved, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from a wagon, vehicle, railroad car, or any other type of conveyance. The word "peddler" shall include the words "hauler" and "hucksters."
- 2) Solicitor or Canvasser: means an individual, whether resident of the city or not, traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take, whether in person or by telephone, orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether he is collecting advance payments on such sales or not. Such definitions shall include any person who, for himself, or for another person hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.
- 3) Temporary: means thirty days or less.
- 4) Transient merchant, itinerant merchant, itinerant vendor: means any person, whether owner or otherwise, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who, in furtherance

of such purpose, hires, leases, uses or occupies any building structure, motor vehicle, tent, railroad boxcar, public room in a hotel, lodging house, apartment, shop, or any street or other place within the city for the exhibition and sale of such goods, wares and merchandise. ([Ord. 707 §1, 1990](#)).

6.02.020 License required

It is unlawful for any peddler, solicitor or canvasser, transient merchant, itinerant merchant or itinerant vendor as the same are defined in this chapter, to engage in such business within the corporate limits of the city without first obtaining a license therefore in compliance with the provisions of this chapter. ([Ord. 707 §2, 1990](#)).

6.02.030 Exceptions

For additional information on this section please see [Ord. 707 §3, 1990](#).

6.02.040 License application

1) For additional information on this section please see [Ord. 707 §4, 1990](#).

6.02.050 Issuance investigation

- 1) Upon receipt of such application or application for renewal, the city clerk shall refer it to the chief of police, who shall cause an investigation to determine validity and completeness of the information presented on the application. The chief of police shall endorse upon the application the findings of the investigation and return it to the city clerk within five working days; provided, where application for renewal of a license is involved, and the city clerk has received no complaint or allegation of any violation of this chapter or other laws by the applicant, the city clerk may waive payment of the investigation fee and issue the renewal license, upon payment of the license fee, without referral of the application to the chief of police.
- 2) If the applicant or his employer has been convicted of any crime, misdemeanor or violation of any municipal laws, except for minor traffic violations, in the previous five years, or if the applicant has made a false statement on the application, then it shall be disapproved.
- 3) The city clerk shall notify the applicant whether his license request is approved and upon payment of the prescribed license fee, shall issue a license. Such license shall show the name, address, photograph of licensee, the type of license issued, and the kind of goods to be sold or type of sales to be solicited thereunder, the amount of fee paid, the date of issuance and the date of expiration.
- 4) The city clerk shall notify the applicant if his license request is disapproved, the reasons therefore, and advise him of the appeal procedure. ([Ord. 707 §5, 1990](#)).

6.02.060 License fees

The license fee for any peddler, solicitor or canvasser, or transient merchant shall be set according to [Appendix 1](#). All fees shall be paid in advance. ([Ord. 707 §6, 1990](#)).

6.02.070 License exhibition

The license issued to the licensee hereunder by the city clerk shall be exhibited in a conspicuous place if the licensee is using a vehicle or a building in his business and otherwise must be kept by the person and exhibited at any time upon request. ([Ord. 707 §8, 1990](#)).

6.02.080 License renewal

Licenses which are not renewed for a minimum of any six quarters within the two-year period from the date of the original issue shall be, upon application for renewal, treated as an original application. ([Ord. 707 §12, 1990](#)).

6.02.090 Licenses expiration

All licenses issued under the provisions of this chapter shall expire on the date specified in the permit. No license shall be issued for a period longer than one year. ([Ord. 707 §13, 1990](#)).

6.02.100 Bonds

- 1) Before any license as provided in this chapter shall be issued for engaging in the business of peddler, solicitor or canvasser, or transient merchant as defined in this chapter, every applicant plying his trade as an individual shall file with the city clerk a surety bond running to the city or a cashier's check in the amount of five hundred dollars. Every business, firm, company or corporation, which has one or more employees or agents acting in the capacity of peddler, solicitor, canvasser or transient merchant, shall file with the city clerk a surety bond covering all such employees or agents and running to the city or a cashier's check in the amount of five hundred dollars for each employee and/or agent.
- 2) Every bond for those engaging in a business as a peddler, solicitor or canvasser, or transient merchant as defined in this chapter shall be executed by the applicant as principal and at least one surety upon which service of process may be made in the state, the bond to be approved by the city attorney, conditioned that the applicant and all of the applicant's agents and employees, shall comply fully with all of the provisions of this chapter.
- 3) Based upon written justification and letters of reference from local citizens, local business firms, local companies or local corporations, or being licensed for one year, the above bonding requirements may be waived when specifically approved by the city council.
- 4) Action on the surety bond or cashier's check may be brought directly by any person damaged by a licensee's violation of any provision of this chapter.
- 5) After expiration of a license, the city clerk shall, upon application of the licensee, return the bond or cashier's check six months after receipt of application for return, unless the clerk has been notified of the pendency of any claim or cause of action by any person upon the bond or cashier's check. ([Ord. 707 §7, 1990](#)).

6.02.110 Unlawful conduct

No licensee hereunder shall:

- 1) Make physical contact with the person being solicited unless that person's permission is obtained;

- 2) Misrepresent the purpose of the solicitation;
- 3) Misrepresent the affiliation of those engaged in the solicitation;
- 4) Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;
- 5) Represent the issuance of any license under this chapter as an endorsement or recommendation of the solicitation;
- 6) Enter upon any premises when the same is posted with a sign stating "No Peddlers Allowed" or "No Solicitation Allowed" or other words to such effect;
- 7) Knowingly make any false statement on an application for a license hereunder;
- 8) Fraud, misrepresentation or false statement made in the course of carrying on the business. ([Ord. 707 §10, 1990](#)).

6.02.120 Location restrictions

No licensee hereunder shall have any exclusive right to any location in a public street, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. No business activity shall be carried on in any area of the city by any licensee who is licensed pursuant to this chapter, where such business activity is prohibited by the city zoning code. ([Ord. 707 §9, 1990](#)).

6.02.130 Enforcement

It shall be the duty of any police officer of the city to enforce this chapter. The chief of police shall report to the city clerk all violations of this chapter. ([Ord. 707 §11, 1990](#)).

6.02.140 Violation – Penalty

Any person, business, firm, company or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed three hundred dollars, or by imprisonment in the county jail for a period not to exceed thirty days or both such fine and imprisonment. Each day or violation continued shall be separate offenses, punishable as hereinabove described. ([Ord. 707 §14, 1990](#)).

CHAPTER 6.03 BEER AND WINE SALES*

*Note to Chapter 6.03: For statutory provisions requiring a municipal license as a condition precedent to the retail sale of beer within a city, see [Idaho Code §§23-1009](#) and [23-1016](#). For provisions covering beer generally, see [Idaho Code Ch. 23-10](#). For statutory provisions requiring persons licensed to sell beer to close between one a.m. and six a.m. every day, see [Idaho Code §23-1012](#). For statutory provisions concerning the sale of beer to minors or the procurement of beer for minors, see [Idaho Code §§23-1013](#) and [23-1023](#) et seq.

6.03.010 Definitions

As used in this chapter, the words "beer," "person" and "retailer," and other words used in connection with the subject matter of this chapter, shall have the same meanings as are given such words in the laws of Idaho relating to and controlling the sale of beer, and particularly in [Idaho Code Ch. 23-10](#) and amendments thereof; and the words "draught beer" as used in this chapter shall mean and include any and all beer drawn or poured from the container thereof by the vendor, or with his consent, for consumption of same on the premises when sold; and the words "council" and "city council" as used in this chapter shall mean the city council of the city of Rexburg. ([Ord. 341 §1, 1940](#)).

6.03.020 License requirements

It is unlawful for any person as a retailer to sell, deliver, distribute or otherwise furnish or dispose of or offer for sale, or keep or have in his possession for sale, delivery or other disposition, any beer, within the city limits, except for his own consumption or the consumption of his family or guests, without first paying the tax and obtaining the license provided for in this chapter. ([Ord. 341 §2, 1940](#)).

6.03.030 Issuance conditions generally – County license prerequisite

- 1) No license shall be issued to any applicant to engage in the sale of beer as a retailer within the city until the tax has been paid, and the application of such applicant shall have been approved by the city council, and an order entered on the journal of the proceedings of the council directing the issuance of such license; and before ordering the issuance of any license under the provisions of this chapter the city council shall examine into the character and reputation of the applicant and of the place where he proposes to engage in business as a retailer; and the city council may refuse to grant a license to any person who, in their judgment, may not be a fit or proper person to conduct the business of selling beer at retail in the city; or, if the place where the applicant proposes to carry on such business is not a suitable or orderly place.
- 2) Also, no license shall be issued to any person to engage in business in the city as a retailer of beer unless such person shall have first obtained a county license from the board of county commissioners of Madison County, as provided by the laws of the state, nor shall any license issue to any person whose county license shall have been revoked; and if the county license of any retailer shall be revoked after obtaining a license under this chapter, such revocation shall be sufficient ground for revoking any license issued to such retailer under this chapter. ([Ord. 341 §5, 1940](#)).

6.03.040 Issuance prohibited to nonresidents

No license to sell beer at retail within the city shall be issued to any person who is not an actual or bona fide resident of the city; and no license shall be issued to any corporation to sell beer within the city which does not have a regularly established place of business in the city. ([Ord. 341 §11, 1940](#)).

6.03.050 Issuance prohibited to premises lacking direct access to public street

No license shall be granted to sell beer at retail within the city in any room or rooms in any second or third story of any building or in any basement room or cellar, or in any room or rooms

not in the first story or upon the ground floor of any building; and no beer shall be sold in any room or place which does not have a direct and immediate entrance from a public street, nor in any room or rooms having any connection whatsoever with a place where dancing is engaged in. ([Ord. 341 §8, 1940](#)).

6.03.060 Issuance prohibited to premises in certain locations

No license shall be issued to any person to sell or distribute draught beer, or bottled or canned beer to be consumed on the premises where sold or delivered, in any residential district or section of said city chiefly occupied by residences. Such licenses may be issued to retailers to sell or deliver such beer, in retail trade, only in that part of said city, hereinafter described and designated the business section. No license shall be issued to any retailer to sell or deliver draught beer, or bottled or canned beer to be consumed on the premises where sold, at or in any place or room within the distance of two hundred feet from the county court house, or the Rexburg city building, or any public library, schoolhouse, room or place in which any kind of instruction or training is given to classes of children of legal school age (as defined by the laws of Idaho), or place provided for high school or college students to assemble for receiving instruction or training of any kind, or any school or college dormitory; or within two hundred feet of any church, or church building, or any public park or playground, or any public campground, or premises where any camp cabins or cottages for housing or accommodation of tourists or travelers are maintained. ([Ord. 341 §13, 1940](#)).

6.03.070 Issuance prohibited to food stores or general merchandise businesses – Exceptions

No license shall be issued to any person to sell or distribute draught beer as a retailer in any room or place of business where groceries or foods are sold to the general public, or in any general merchandise store within the city, and it is unlawful to permit beer sold in any such place of business to be consumed at the place where sold. No beer sold or delivered in the city shall be drunk or consumed at any grocery store or place where groceries or foods are sold to the general public or at any general merchandise store. However, the provisions of this section shall not be applied to restaurants or cafes, or soft-drink dispensaries, when not operated in connection with the selling of foods, except candies and other sweetmeats. ([Ord. 341 §12, 1940](#)).

6.03.080 Application – Information required

Any person desiring to engage in the business of sale, barter, trade, delivery or disposition of beer as a retailer within the city limits shall, before doing so, make application to the city council for a license and pay the tax provided in this chapter to be paid in such cases. Such application shall be in writing and shall state the name, age and sex of the applicant, the business in which he is engaged, whether an individual, firm, copartner ship or corporation, or other association of persons, and the street number or brief description and location of the place where beer is to be sold or kept for sale by such applicant. ([Ord. 341 §3, 1940](#)).

6.03.090 Application – Fees

Every applicant for a license under the provisions of this ordinance shall deposit with the City Clerk for the uses and purposes of the City of Rexburg at the time of filing of his application, the amount in lawful money of the United States, herein required for the kind of license applied for, for the current licensing year. If such application is filed between the first (1st) day of October and the thirty first (31st) day of March, there shall be so deposited the fee for the full year, and if

filed between the first (1st) day of April and the thirtieth (30th) day of September, one-half of the yearly fee. All licenses shall expire on the 30th day of September of the licensing year. The license fee to be paid and collected for the respective kinds of licenses hereby authorized, shall be the following:

- 1) Where the applicant applies for a license to sell as a retailer, only bottled or canned beer and wine, none of which is consumed, or to be consumed, on the premises where sold, the license fee shall be \$50.00 per year until such fee is amended by resolution of the Council.
- 2) Where the applicant applies for a license to sell beer or wine as a retailer for consumption on premises:
 - a) Draught beer and bottled or canned beer only, the amount of the license fee shall be \$200.00 per year, or if
 - b) Bottled, boxed or canned wine only, the amount of the license fee shall be \$200.00 per year.

Otherwise, the fee shall be as set forth and amended from time to time by Resolution of the Council. ([Ord. 942, §2, 2005](#)).

6.03.100 Licensing year

Every applicant for a license under the provisions of this ordinance shall deposit with the City Clerk for the uses and purposes of the City of Rexburg at the time of filing of his application, the amount in lawful money of the United States, herein required for the kind of license applied for, for the current licensing year. If such application is filed between the first (1st) day of October and the thirty first (31st) day of March, there shall be so deposited the fee for the full year, and if filed between the first (1st) day of April and the thirtieth (30th) day of September, one-half of the yearly fee. All licenses shall expire on the 30th day of September of the licensing year. ([Ord. 942, §2\(part\), 2005](#)).

6.03.110 Posting of license required – Transfer prohibited

Every license issued pursuant to the provisions of this chapter shall be kept posted at all times at the place of business of the licensee named therein, where beer is sold or offered for sale; and such license shall not be transferable and shall not authorize the licensee or any person to sell beer at any place within the city except the place mentioned and described in the application for such license. Any attempt to transfer such license, or any sale or offering for sale of beer at any place other than that mentioned and described in such application, shall be a violation of the provisions of this chapter. ([Ord. 341 §6, 1940](#)).

6.03.120 Denial or revocation of license authorization

The city council reserves the right and power to deny, for cause, any application for a license to sell beer at retail within the city, and the power to revoke any license issued under the provisions of this chapter, if the holder of such license shall be convicted of a violation of any of the provisions of this chapter or of any law of the state relating to the retail sale of beer. ([Ord. 341 §15, 1940](#)).

6.03.130 Employees – Health certificate requirements

Every person employed to sell beer at retail within the city shall, before selling or dispensing any draught beer, submit to the examination and test required by the health regulations of the state, and obtain a valid health certificate as provided in Chapter 12 of Title 38 of the Idaho Code Annotated. ([Ord. 341 §9, 1940](#)).

6.03.140 Premises to be sanitary and orderly

Every place where beer is sold within the city shall be maintained in a sanitary and orderly condition and as a quiet, orderly place of business, and the same shall be open at all times to inspection by the police officers of the city, or any officers of Madison County, of the state, or the United States. There shall be no screen or blind at any door or window, or other obstruction to the view of the general public into any building through the doors and windows thereof, where beer is sold. ([Ord. 341 §7, 1940](#)).

6.03.150 Hours when sales prohibited

That No beer or wine shall be sold, offered for sale, or given away, or be permitted to be consumed upon any licensed premises or where beer or wine is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, on and during the following days and hours: Sunday and on any other day between the hours of 1:00 a.m. and 6:00 a.m. ([Ord. 942, §1, 2005](#)).

6.03.160 Violation – Penalty

Any violations of the provisions of this chapter shall be a misdemeanor, and any person convicted of a violation of any of the provisions hereof shall be punishable as set forth in [Chapter 1.02.020](#) of this code. If any retailer to whom a license has been issued pursuant to the provisions of this chapter shall be convicted of any violation of the provisions hereof, or of any law of the state relating to the sale of retail sale of beer, the license of such retailer may be revoked or suspended for such time as the council and mayor may determine by order of the council, and after revocation such retailer shall not be eligible to receive a license to sell beer in the city for a period of at least one year after the date of such revocation. ([Ord. 341 §17, 1940](#)).

6.03.170 Beer and the addition of wine licenses

The City Council recognizes that the State of Idaho requires every Community to offer Wine Licenses to separate those sales from beer sales. Now therefore be it resolved that the City Council of the City of Rexburg approves the addition of Wine Licenses in addition to the traditional Beer Licenses for beer and wine retail sales in the City of Rexburg; and be it further resolved, that the annual expiration of said Wine and Beer Licenses will expire on the same date of September 30, each year to coincide with the State of Idaho and Madison County's expiration dates; and be it further resolved, that Wine Licenses and Beer Licenses will be regulated under the same City Ordinances. ([Res. 2004 – 24 Wine License](#))

CHAPTER 6.04 APARTMENTS

6.04.010 Definitions

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

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

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

"Employee," for the purposes of this chapter, means any person 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 property concerned. The intention is to include as "employees" all persons hired by, or working for the property 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.

"Hotel," "motel," "roominghouse," or "lodginghouse" means any building or buildings containing guest rooms intended to be rented or hired out for sleeping purposes for periods less than thirty (30) consecutive days.

Mayor" means the mayor of the city.

"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.

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

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

“Residential Rental” means a dwelling unit or suite of rooms that are designed to be occupied for living purpose, rented on a monthly or longer basis.

"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. ([Ord. 975 §2\(part\), 2007](#)).

6.04.020 Residential rental – Registration required

For the protection and general welfare of the inhabitants of the city, every Residential Rental **in excess of one rental unit per parcel** operated within the city comes within the police power of the city, and no person shall engage in the operation of a Residential Rental, Apartment House or Apartment without first registering unless exempt under this Ordinance or exempted by state law. The charge for such registration shall be as fixed in Section 6.04.040 unless otherwise

provided in this code. Money received from registration shall be used to defray the expense of issuing the registration and the physical facilities review, regulation and control of Residential Rental, Apartment House or Apartment within the city. This registration requirement is intended to apply to all entities operating a Residential Rental, Apartment House or Apartment within the city unless the entity is otherwise expressly excluded in this chapter from this requirement. ([Ord. 975 §2\(RR03.010\), 2007](#)).

6.04.030 Application – Issuance procedure

The city clerk shall be charged with the collection of all Residential Rental, Apartment House or Apartment registration fees required by the city. The city clerk shall provide an application form in substantially the same format as addendum “A” to this Ordinance for the purpose of facilitating registration. As directed by the city clerk, each applicant for registration shall file with the city clerk an application in writing on the form provided for such registration application. ([Ord. 975 §2\(RR03.020\), 2007](#)).

6.04.040 Fee – Schedule

The schedule of fees for registration of a Residential Rental, Apartment House or Apartment shall be set forth in the **Business Registration Fee Schedule**, and may be amended from time to time by Resolution of the Rexburg City Council in accordance with applicable State laws. ([Ord. 975 §2\(RR03.030\), 2007](#)).

6.04.050 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. ([Ord. 975 §2\(RR03.040\), 2007](#)).

6.04.060 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. ([Ord. 975 §2\(RR03.050\), 2007](#)).

6.04.070 Separate Registration Required

A registration shall be obtained for each individually identifiable location, irrespective of ownership. ([Ord. 975 §2\(RR03.060\), 2007](#)).

6.04.080 Business – Change of ownership

Whenever a Residential Rental, Apartment House or Apartment changes ownership, the new owner shall report such change to the city clerk so that the registration may be transferred. ([Ord. 975 §2\(RR03.070\), 2007](#)).

6.04.090 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 operate any Residential Rental, Apartment House or Apartment in an unlawful manner, or to grant immunity to any entity from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation, or restriction. ([Ord. 975 §2\(RR03.080\), 2007](#)).

6.04.100 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 if deemed in the public interest to do so. ([Ord. 975 §2\(RR03.090\), 2007](#)).

6.04.110 Parking space management.

Each Residential Rental, Apartment House or Apartment must inventory all approved parking spaces, and issue contractual obligations relative to all such parking spaces. No agreements for tenancy shall be executed on behalf of the owner, operator or their agents, relative to a Residential Rental, Apartment House or Apartment without affirmatively designating whether the same has a parking space available. ([Ord. 975 §2\(RR04.010\), 2007](#)).

6.04.120 Parking space restrictions

All designation of available parking as referenced in Section 6.04.110 above must have an approved parking space associated with the designation such that if all designated tenants were to park a vehicle there would be adequate spaces. No allowance for absenteeism shall be allowed. For each agreement containing an affirmative designation of parking space, there must be a space. ([Ord. 975 §2\(RR04.020\), 2007](#)).

6.04.130 Non-parking agreements

Any agreement for tenancy in a Residential Rental, Apartment House or Apartment which is not specifically designated as a “Parking Space” agreement, there must be an affirmative statement notifying the parties to the agreement that there is no overnight, on site parking provided in connection with the agreement. ([Ord. 975 §2\(RR04.030\), 2007](#)).

6.04.140 Owner responsibility

Any owner, employer or other person in charge of a Residential Rental, Apartment House or Apartment, shall be responsible for insuring to the best of their ability that all provisions of this Ordinance are complied with. ([Ord. 975 §3, 2007](#)).

6.04.150 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. ([Ord. 975 §4, 2007](#)).

CHAPTER 6.05 PLUMBERS

6.05.010 Plumbing business – License required

Before any person, firm, partnership or corporation shall carry on or engage in the business of plumbing, such person, firm, partnership or corporation shall first procure a business license and pay to the city department having jurisdiction the annual license fee imposed on such business. ([Ord. 617 §1\(A\), 1980](#)).

6.05.020 Certificate of competency required

No business license shall be issued to any person to engage in the business of plumbing unless such person possesses a valid plumbing journeyman's certificate of competency; provided, however, that a business license may be issued to any person, firm, partnership or corporation who makes application for such license by or through a bona fide member or authorized agent thereof, who possesses a valid plumbing journeyman's certificate of competency. ([Ord. 617 §1\(B\), 1980](#)).

6.05.030 Issuance through authorized agent

Whenever a business license has been issued to any person, firm, partnership or corporation who applied for such license, to engage in the business of plumbing by or through a bona fide member or authorized agent thereof, pursuant to the provisions of Section 6.05.020; such member or authorized agent, or some other member or authorized agent or employee possessing a valid plumbing journeyman's certificate of competency shall at all times be in actual charge and control of all plumbing done or to be done by such person, firm, partnership or corporation. ([Ord. 617 §1\(C\), 1980](#)).

6.05.040 Sewer contractor licensing

Before any person, firm, partnership or corporation shall carry on, or engage in business as sewer contractor, such person, firm, partnership or corporation shall first procure a business license and pay to the city the annual license fee imposed on such business. ([Ord. 617 §1\(D\), 1980](#)).

6.05.050 State certificate required – Examination

It is unlawful for any person, firm, copartner ship, association or corporation to engage in the business, trade, practice or work of plumbing in the city unless such person, or responsible person representing such firm, copartner ship, association or corporation, has successfully passed an examination as provided by Chapter 27, Title 39, Idaho Code, The Plumbing Law of the state of Idaho, and has issued to him a State Certificate of Competency, which shall not be transferable. ([Ord. 617 §2\(1\), 1980](#)).

6.05.060 Classifications of competency – Generally

There shall be three classifications of competency in the business, trade, practice or work of plumbing set out in Sections 6.05.070, 6.05.080 and 6.05.090. ([Ord. 617 §2\(2\) \(part\), 1980](#)).

6.05.070 Classifications – Plumbing contractor

A plumbing contractor shall be any person, or a member, representative or agent of a firm, copartner ship, association or corporation skilled in the planning and supervision of the construction, installation, improvement, extension and alteration of plumbing systems, and who

is familiar with the provisions of this chapter, the [Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials](#), and the Plumbing Law of the state of Idaho, Chapter 27, Title 39, Idaho Code, and who is competent to offer and to assume to work on a contract basis and to direct the work of qualified employees. A contractor who in person does plumbing work shall also be qualified as a journeyman plumber, or have in his employ on all work a qualified plumbing journeyman. ([Ord. 617 §2\(B\) \(1\), 1980](#)).

6.05.080 Classifications – Plumbing journeyman

A plumbing journeyman shall be any person who, as his principal occupation, is engaged in the installation, improvement, extension and alteration of plumbing systems, and who is familiar with the provisions of this chapter, the [Uniform Plumbing Code](#) and the Plumbing Law of the state of Idaho, and who works in the employ and under the direction of a plumbing contractor. ([Ord. 617 §2\(B\) \(2\), 1980](#)).

6.05.090 Classifications – Plumbing apprentice

A plumbing apprentice shall be any person who, as his principal occupation, is engaged in learning and assisting in installation, improvement, extension and alteration of plumbing systems. Apprentices shall not perform plumbing work except under the supervision of a journeyman. ([Ord. 617 §2\(B\) \(3\), 1980](#)).

6.05.100 Violation – Penalty

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed three hundred dollars. Each separate day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as provided in this section. ([Ord. 617 §3, 1980](#)).

6.05.110 License required

Any individual or firm desiring to engage in the business of a plumbing contractor must first obtain a current plumbing contractor's license from the state of Idaho. ([Ord. 686 §1, 1988](#)).

6.05.120 Fees

From and after January 1, 1986, applicants for permits shall pay to the plumbing board fees established by the plumbing board by rule and regulations subject to the approval of the city council. ([Ord. 686 §2, 1988](#)).

6.05.130 Liability not assumed by municipality

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, using or installing any plumbing or plumbing fixtures, for damages to anyone injured or damages either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming such liability by reason of inspection authorized herein or certificates of inspection issued by the administrative authority. ([Ord. 686 §3, 1988](#)).

6.05.140 Master plumber's license – Application

Any person desiring to secure a Rexburg master plumber's license shall file with the clerk his application therefore and shall deposit with the clerk a license fee set forth in [Appendix 1](#). Every

contractor, before securing a license as hereinafter provided, must post a certificate of insurance with the clerk showing that he is insured against property damage and liability in an amount of not less than one hundred thousand dollars and bodily injury (including death) liability with limits of not less than twenty thousand dollars per person and three hundred thousand dollars total for each occurrence. Such insurance shall be approved by the city. The applicant must possess at the time the application is received a valid plumbing contractor's certificate of competency issued by the state of Idaho. ([Ord. 686 §4, 1988](#)).

6.05.150 Master plumber's license – Renewal

All Rexburg master plumbers' licenses shall expire on December 31 of each year unless sooner revoked, and shall not be transferable. Licenses will be renewed only after the applicant has complied with Section 6.20.040 above and has paid the city clerk a renewal fee set forth in [Appendix 1](#). ([Ord. 686 §5, 1988](#)).

6.05.160 Journeyman plumber's license – Application

Any journeyman desiring to secure a journeyman Rexburg plumber's license shall file with the clerk his application therefore and shall deposit with said clerk a license fee set forth in [Appendix 1](#). Said application shall contain the name, age and place of residence of the person desiring to secure such license. Applicant must possess at the time application is received, a valid journeyman plumber's certificate of competency issued by the state of Idaho. ([Ord. 686 §6, 1988](#)).

6.05.170 Journeyman plumber's license – Renewal

All Rexburg journeyman plumbers' licenses shall expire on December 31st of each year unless sooner revoked and shall not be transferable. Licenses will be renewed only after the applicant has complied with Section 6.05.160 above and has paid the city clerk a renewal fee set forth in [Appendix 1](#). ([Ord. 686 §7, 1988](#)).

6.05.180 Apprentice registration and work supervision

An apprentice must register with the city clerk and pay an annual registration fee set forth in [Appendix 1](#). Any registration expires on December 31st. The fee for renewal of registration set forth in [Appendix 1](#). ([Ord. 686 §8, 1988](#)).

CHAPTER 6.06 MOBILE HOMES

6.06.010 Business license and fee requirements

No person shall construct, maintain, operate or alter any mobile home park unless he holds valid license issued annually, in the name of such person for the specific mobile home park. All applications for license upon compliance by the applicant with provisions of the chapter and of any regulations adopted pursuant thereof, and the payment of a business license fee. Said fee shall be determined as follows:

\$2.00 per space for the first twenty (20) spaces.

\$1.00 per space in excess of twenty. ([Ord. 548 §6\(A\), 1974](#)).

6.06.020 Licensing existing Mobile Home Parks

An application for a license to operate an existing mobile home park shall be filed with the City Clerk. Upon receipt of the application the building inspector or his representative shall make an inspection of the mobile home park.

- 1) A regular license shall be issued after payment of the appropriate fee is provided in the preceding Section 6.06.010. If the examination reveals that the conditions and facilities of the park meet the standards herein set forth.
- 2) A conditional license shall be issued if the examination of the park reveals any condition or facilities which do not meet the standards provided for in Section 6.06.030. The owner of such an existing park shall have to meet the required standards within a reasonable period of time set by the Building Inspector. At the end of such period the Building Inspector shall re-inspect the park and if the requirements have been met, will issue a business license as provided in Section 6.06.010. If the required standards have not been met the conditional license shall be suspended according to the procedures set forth in Section 6.06.070.

Existing mobile home parks developed to standards lower than established by this chapter shall not be reconstructed or enlarged to standards lower than the standards existing on the effective date of this ordinance. ([Ord. 548 §6\(B\), 1974](#)).

6.06.030 Improvement requirements to obtain a business license

Before a business license can be issued to any existing mobile home parks, the following improvements have to be met:

- 1) Sewers - Existing sewer lines within the park which do not meet the minimum requirements of this chapter may remain in use so long as they function properly and the park conforms to the City and State regulations governing sewage and water. Any replacement of the sewers facilities shall conform to the requirements of new mobile home parks.
- 2) Water Supply - An existing water supply system which does not meet minimum requirements of this chapter with respect to general availability, etc., may remain in use so long as it continues to function properly and the park conforms to the City and State regulations governing water supply. Any replacement of water supply facilities shall conform to the requirements for new mobile home parks.
- 3) Lighting and Wiring - The electrical and lighting system shall be made to conform to existing electrical codes.
- 4) Service buildings - Service building shall be made to conform to the standards for new mobile home parks by May 1, 1976.
- 5) Improvement Requirements - Surfacing for access ways, walkways, patios, and stands will be made to conform to the following standards by May 1, 1976.

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For more information about the Improvement Requirements please see [Ord. 548 §6\(C\), 1974](#)

- 6) Outside Storage - All outside storage in mobile home space shall be in an enclosed building as required for new mobile home parks or fenced storage areas.
- 7) Plot Plan Required for Existing Mobile Home Parks - The owner or operator of a mobile home park existing at the time of passage of this ordinance shall file with the Building Inspector, plot plans of this park in accordance with Section 5 (A) of Ordinance 548. ([Ord. 548 §6\(C\), 1974](#)).

6.06.040 Penalty of delinquency – new or renewal license fee

Any person failing to pay the business license fee before engaging in the mobile home park business shall pay a penalty of twenty per cent (20%) or the business license fee in addition to the fee provided in Section 6.06.010. ([Ord. 548 §6\(D\), 1974](#)).

6.06.050 Transfer of license

If a transfer of license for mobile home park under these provisions is desired, a written application for transfer shall be filed with the City Clerk, accompanied by a fee of ten dollars (\$10.00). Such application shall be made within twenty-four (24) hours after any change in ownership, interest or control of any mobile home park. The application shall contain the name and address of the present licensee, the applicant, the location of the park. Before the transfer of the license so approved, the application shall be signed by the Building Inspector certifying that the mobile home park conforms to all regulations governing mobile home parks. Upon receipt of approval, the City Clerk shall issue a new license to be valid until the first day of the following January.

If the application for transfer is disapproved, the City Clerk shall set forth in writing the reasons therefore and state the action necessary to receive approval. The applicant may appeal the ruling to the City Council by filing a written notice of appeal with the City Clerk. ([Ord. 548 §6\(E\), 1974](#)).

6.06.060 Display of license

Any required mobile home park license shall be displayed in a conspicuous place on the mobile home park premises. ([Ord. 548 §6\(F\), 1974](#)).

6.06.070 Revocation of license

For additional information on this section please see [Ord. 548 §6\(G\), 1974](#).

CHAPTER 6.07 COIN OPERATED DEVICES

6.07.010 Definitions

For the purpose of this ordinance, the following definitions shall apply in the interpretation of the provisions of this ordinance;

- 1) **Coin operated machine or amusement device** is a machine or mechanical device into which money be inserted and piece of money, or other object and from which as a result of

such insertion and application on physical or mechanical force, may issue wholly upon and chance or uncertain or contingent event, any piece or pieces of money, or any check memorandum, or any other tangible evidence by any person whatsoever; which device is defined as and hereby declared to be a gaming but not a lottery.

- 2) For the purpose of this act any machine having multiple slots, or combinations, for coins of like or different denominations, that can be operated by the insertion, in separate slots, of like or different denominations each such slot shall be deemed a separate machine and device and shall be required to pay the license fee hereinafter prescribed for each device.
- 3) The word **person** included an individual person, partnership, corporation, or association. ([Ord. 360 §1, 1947](#)).

6.07.020 License required

It shall be unlawful for any person, firm or corporation or association to possess, lease, rent, license, or permit the use of or control place, maintain, or to permit the operation of , upon any premises or at any place location or building in the City of Rexburg, any coin operated amusement device, unless and until such coin operated amusement device shall be licensed by the City of Rexburg, Idaho, as hereinafter provided; and it shall be unlawful to permit any person under the operation of such device in any public place where persons under twenty years of age would have access thereto. ([Ord. 360 §2, 1947](#)).

6.07.030 Application for license

Before any such coin operated amusement device may be operated within the City, an application for a license for each such device or devices, shall be filed with the City Clerk of the City of Rexburg, Idaho, on an application form provided by the city. Said application form shall provide, among other things, the following information;

The name of the applicant; the name of the place and the location where it is proposed such coin operated device is, or devices are, to be operated; the number of such devices and the make, serial number, type, and coin denomination of each machine desired to be operated by the applicant at such location; such application shall be signed and verified by the applicant, or if the application or association, then by an officer of the such corporation or association. ([Ord. 360 §3, 1947](#)).

Such application, accompanied by the necessary license fees, shall be filed with the City Clerk, and be presented to the City Council at any regular or Special meeting of the City Council for approval or disapproval. If the City Council determine that said application fully complies with all the provisions of said chapter 151 of the 1947 session laws of the State of Idaho and this ordinance, it shall approve said application and authorize the clerk to issue a license for each such machine so approved as hereinafter provided. In the event such application be disapproved, the tendered license fee shall be returned to the applicant. ([Ord. 360 §5, 1947](#)).

6.07.040 License fees

The license fee required for obtaining a license stamp for each of said coin operation devices for the calendar year shall be as follows:

- 1) \$750.00 per calendar year for each machine played or operated with Nichol or dimes;
- 2) \$850.00 per calendar year for each machine played or operated with quarter dollars;
- 3) \$1,000.00 per calendar year for each machine played or operated with half dollars or dollars;
- 4) In case any device may be operated with money of more than one denomination, the license fee required for such device shall be double the amount of the license fee required for a device operated with money of only one denomination, computed on the basis of the highest denomination with which the said device will operate.

Said license fee will be prorated as beginning with the actual month of issue for the remainder of the calendar year and in computing the license fee, the month in which the license is issued shall be included.

Of the license fee so collected on each such devices \$125.00 thereof for the calendar year, or the pro rate share thereof if issued for less than a full calendar year shall be collected for Madison County: and \$125.00 thereof , or the pro rata portion thereof, if issued for less than a calendar year, shall be collected for the State of Idaho; and the balance of said license fee shall be deposited in the general Fund of the City. Provided further that the money so collected by the City for the State of Idaho and for the County of Madison quarter annually on April 1st. July 1st, October 1st, and January 1st of each year. ([Ord. 360 §4, 1947](#)).

6.07.050 Issuance of license

The license issued under this ordinance shall be in the form of a license stamp, and a separate license must be issued to for each coin operated amusement device. The licensee, immediately upon assurance thereof, shall securely affix the said stamp to the coin operated amusement device in a conspicuous place, and cancel the same by cutting it crisscross with a sharp knife or instrument. ([Ord. 360 §7, 1947](#)).

6.07.060 Premises

No coin operated amusement device may be operated on any premises except those owned or leased by the license. No person other than the licensee may have any legal, equitable, or financial right, title or interest in such device, whether by ownership or, mortgage, conditional sales, contract, or otherwise, nor receive any rental or remuneration therefrom the operation thereof. ([Ord. 360 §6, 1947](#)).

6.07.070 Substitute licenses

- 1) No license stamp shall be used on any device other than the one for which said license stamp is issued; provided however, the City Council may authorize the issuance of a substitute license upon presentation to the City Council of a duly verified application, on a form to be provided by said city, showing such device to have become wholly or in part, worn out, accidentally broken, stolen, or accidentally destroyed to such an extent that it is rendered useless, the substitute license shall bear the same license number as the one originally issued and shall be designated a substitute license and the same shall have thereon the name of the owner, location, type and serial number of the device for which the substitute license is

issued, such substitute license shall be affixed to the device for which it is issued, and to be canceled in all respects as required by law for an original license. The original license shall then be void and shall be destroyed by the licensee, if possible.

- 2) The City Council may authorize the transfer of a licensed device, with the license stamp attached, from one owner thereof to another person or from one location to another location on application by the licensee, or his transferee, on a form to be provided by the city. Upon approval by the City Council, a permit for said transfer shall be issued by the City Clerk, which permit shall bear the same number as the license stamp issued for said device and the number of the transferee. Said permit shall be affixed to the device transferred and shall be canceled in the same manner as the license stamp originally issued shall remain on said device so transferred.
- 3) A fee of \$5.00 shall be collected by the City Clerk for each substitute license or permit, and the same shall be placed in the General fund of said City. ([Ord. 360 §8, 1947](#)).

6.07.080 Revocation and cancellation of licenses

If any licensee of a coin operated amusement device violates any of the provisions of this ordinance or any of the provisions of said chapter 151 of the 1947 Session Laws of the State of Idaho, the City Council is hereby authorized to and empowered to revoke all licenses to operate such devices issued to said licensee; provided, however, that in the event it is brought to the attention of the City Council that such violations have taken place then, before revoking such licenses, the City council shall cause a notice in writing to be served upon such licensee setting forth in general terms the violations claimed to exist or to have existed, and such notice shall provide a time for hearing thereon before the City Council, which date of hearing shall provide a time for hearing thereon before the City Council, which date of hearing shall not be less than ten (10) days nor more than twenty (20) days from the date of service of said notice, and upon or following said hearing, the City Council, upon finding that the provisions of this ordinance or the provisions of the State law, said chapter 151 of the 1947 Sessions Laws of the State of Idaho, have been violated by such licensee, such license or licenses shall be revoked, and no refund of any unused portion of the license fee paid shall be made to the licensee. And the granting to him of another license shall be in the discretion of the Council. ([Ord. 360 §9, 1947](#)).

6.07.090 Hours when use prohibited

It shall be unlawful for any person within the corporate limits of the City of Rexburg to operate or play any coin operated amusement device, and for any owner or persons in charge thereof, to permit the operation or playing of any coin operated amusement device between the hours of 1:00 o'clock a.m. Sunday and 7:00 o'clock a.m. Monday in any week. And all coin operated amusements devices shall be covered and kept covered during said hours. ([Ord. 360 §10, 1947](#)).

6.07.100 Violation – Penalty

Any violation of the provisions of §6.07.010-§6.07.100, the penalty for which is not provided for by said chapter 151 of the 1947 Session Laws of the State of Idaho, shall be unlawful, and any person so violating such provisions shall be guilty of a criminal offense, and upon conviction thereof shall be fined not to exceed \$100.00, and upon failure to pay such fine is paid in full, or for confinement in the City jail not more than thirty days, or by both fine and imprisonment, in the discretion of the Court. ([Ord. 360 §11\(part\), 1947](#)).

CHAPTER 6.08 PAWNBROKERS AND SECONDHAND STORES

6.08.010 Definitions

As used in this article:

- 1) Garage sale: means a sale of new or used personal property, not more than three consecutive days in duration and conducted not more frequently than once every six months at the same location.
- 2) Pawnbrokers: means persons who engage in the business of lending or advancing money on the security of personal property pledged or deposited in their possession.
- 3) Precious metals: means gold, silver, platinum and other alloys.
- 4) Secondhand goods: means articles of personal property, other than operable motor vehicles, previously possessed and used by a person other than their current possessor.
- 5) Secondhand precious metals dealer: means a person who engages in the business of buying, selling, exchanging or trading old or used precious metal or secondhand goods containing any precious metal.

For information about exceptions please see ([Ord. 732 §1\(1\)--\(6\), 1992](#)).

6.08.020 License requirements

No person shall engage in the business of a pawnbroker, secondhand storekeeper or secondhand precious metals dealer without first obtaining a license issued by the city. ([Ord. 732 §1\(7\), 1992](#)).

6.08.021 Pawnbroker License Required

- 1) The transactions set out herein are hereby declared to constitute the carrying out of a pawnbroker business. It is unlawful for any person to own/operate any such business or carry on any of the following business transactions without having first obtained a pawnbroker's license to do so:

For more information about this section please see [Ord. 1053, 2010](#)

- 2) A sign or advertisement indicating that a person or place of business is engaged in any of the above types of transactions shall be considered prima facie evidence that the operation constitutes a pawnbroker business, regardless of any business name or term or phrase by which the business may be described. ([Ord. 1053, 2010](#)).

6.08.030 Application

Applications for pawnbrokers, secondhand storekeepers and secondhand precious metals dealers' licenses shall be made on a form provided by the city clerk. The application shall state the applicant's name, residential address, business name, address of place of business, type of license applied for and a general description of the goods and/or materials to be purchased, sold,

exchanged or traded. The relevant license fee shall accompany the application. ([Ord. 732 §1\(8\), 1992](#)).

6.08.040 Approval and issuance conditions

Applications for licenses required under this article shall be forwarded by the city clerk to the city council for its review and approval or denial. The city council shall have authority to approve or deny issuance of licenses required by this article. Upon approval of an application, the city clerk shall issue the license. If a license application is denied by the city council, the license fee shall be refunded to the applicant. ([Ord. 732 §1\(9\), 1992](#)).

6.08.050 License fees

Fees for licenses issued under this article shall be as set forth in the city's business license ordinance. These fees are set forth in [here](#). ([Ord. 732 §1\(10\), 1992](#)).

6.08.051 License fee

The license fee for a pawnbroker as defined herein shall be fifty dollars (\$50.00) per year or fraction thereof. ([Ord. 1053, 2010](#))

6.08.052 Single act constitutes pawnbroker business

The doing of any single act enumerated in section 6.08.021 of this chapter shall constitute the carrying on of a pawnbroker's business within the meaning of this chapter. ([Ord. 1053, 2010](#))

6.08.060 Records to be kept – Contents

All pawnbrokers, secondhand storekeepers and secondhand precious metals dealers shall keep the following written records:

- 1) An accurate description of all precious metals and personal property purchased, acquired or received. The description shall include the make, model, model number, serial number and other identifying marks, numbers or features of such personal property;
- 2) The name, residence, driver's license number or social security number of the person from whom any precious metals or personal property is purchased, acquired or received at storekeeper's place of business;
- 3) The date and place of the purchase, acquisition or reception;
- 4) Any other records required to be kept under Idaho law. ([Ord. 732 §1\(11\), 1992](#)).

6.08.061 Accurate records; transaction details required

- 1) It shall be the duty of every pawnbroker doing business in the city to maintain in his place of business a permanent electronic record, through software compatible with the city's law enforcement record system, of all parties entering into transactions regulated by this chapter and a complete description of the transactions. The pawnbroker shall be responsible for ensuring that each person entering into a transaction provides a current driver's license or other identification card issued by any state, federal, or local government which includes a photograph in order to verify the person's identity. The information to be transmitted shall

include:

For details on what the transmitted information includes please see [Ord. 1053, 2010](#)

- 2) Every transaction shall be evidenced by a written document, signed by the person entering into the transaction, and a copy shall be furnished to the pledger. The document must contain, at a minimum, the date of the transaction, the term of the loan, the date on which the loan is due and payable, and information that the pledger has the right to redeem the pledge within ten (10) days after the expiration of the loan term. The signed original must be retained on file at the pawnbroker's business address for at least one year.
- 3) All paper and computer records of property received and transactions made shall be open to, and made available for, inspection by the city's law enforcement personnel during the pawnbroker's normal business hours. ([Ord. 1053, 2010](#))

6.08.062 Transmittal of daily reports required

Every pawnbroker doing business in the city shall maintain in his place of business a complete paper and electronic record as described in this chapter of all transactions conducted either by him/herself or by his employees or other staff. A record of each day's transactions shall be transmitted by five o'clock (5:00 p.m.) the following business day to the Rexburg police department via electronic transfer or through such other method as approved by the chief of police. ([Ord 1053, 2010](#))

6.08.070 Records – Open for inspection

All records required to be kept under this article shall be made available for inspection by designated police officers appointed by the chief of police of the city during normal business hours. No pawnbroker, secondhand precious metals dealer or secondhand storekeeper or any of their agents or employees shall refuse to permit any designated police officer of the city to inspect or copy such records. A clear and readable copy shall be furnished to the police. ([Ord. 732 §1\(12\), 1992](#)).

6.08.080 Records – Retention – Time

All records required to be kept under this article shall be kept for not less than three years. ([Ord. 732 §1\(13\), 1992](#)).

6.08.090 Property holding period before resale

No person licensed under this article shall sell, trade, rent or otherwise dispose of any property acquired for the purpose of resale or other conveyance for a period of five days from the date of receiving the property. ([Ord. 732 §1\(14\), 1992](#)).

6.08.091 Retention of Property

A pawnbroker must retain any property received in pledge until thirty (30) days after the term of the original loan has expired. Provided, however, that gold, silver, and other precious metals not in the form of jewelry may be disposed of as soon as the term of the loan has expired. ([Ord 1053, 2010](#))

6.08.100 Compliance with the law

Persons licensed under this article shall conduct their businesses in compliance with all applicable federal, state and city laws, ordinances and regulations. ([Ord. 732 §1\(15\), 1992](#)).

6.08.101 Stolen property; Notification; Holding period

If a pawnbroker has reasonable cause to believe that any property received in the course of his business is property that may have been lost or stolen, the pawnbroker shall immediately report that fact in writing to the Rexburg police department, together with the name of the owner, if known, the date of the transaction, and the name of the party from whom the property was received. The Rexburg police department shall regularly review the records provided by pawnbrokers and provide notice to any pawnbroker whose records show property which appears to be stolen.

- 1) Notice To Hold Property: If a pawnbroker receives written or verbal notification from the Rexburg police department that any item of property has been reported stolen, and the pawnbroker has such item in his possession, the pawnbroker shall hold that property separate, intact and safe from alteration, damage, or commingling with other property, and shall place an identifying tag or other clearly legible identification on the property.
- 2) Preliminary Verbal Notice; Ten Day Hold: Following receipt of verbal notification by a member of the Rexburg police department that an item in his possession might be stolen property, the pawnbroker shall hold the property for a period of ten (10) working days, pending written confirmation from the police department. If a written hold notice is not received within the said ten (10) days, the preliminary hold order shall expire and the pawnbroker shall have no further duty to hold the property.
- 3) Written Notice; Sixty Day Hold: Following receipt of a written notice that an item of property has been stolen, the pawnbroker shall hold the property for sixty (60) days from the date of notification of the stolen status, unless earlier released in writing by the Rexburg police department or by written order of a court of competent jurisdiction. Provided, however, that the item must be surrendered promptly to said police department upon its request. Ten (10) days prior to the expiration of the sixty (60) day holding period, the pawnbroker shall send a written notice to the police department of the impending release date to request approval for release. If the pawnbroker fails to provide the notice, the property shall be held for an additional sixty (60) day period. The Rexburg police department shall respond promptly to the request, in writing, either to state that no further hold is required, or to require an additional holding period. ([Ord. 1053, 2010](#))

6.08.102 Release of held property

- 1) The police department shall provide written notice as soon as practical to a pawnbroker to release any hold placed on an item suspected of being stolen if it has been determined that the item was not stolen or lost.
- 2) Whenever property that is being held by a pawnbroker pursuant to the provisions above is required for criminal investigation or criminal proceedings, the Rexburg police department shall provide twenty four (24) hour notice to the pawnbroker who shall produce the

property promptly and release it to the department. The Rexburg police department shall provide a receipt for the property containing a description of the property, the reason for the seizure, the criminal case number, if applicable, the name of the pawnbroker and the name of the representative of the police department who accepted possession. The police department shall retain the property pending an order for its disposition from a court of competent jurisdiction. ([Ord. 1053, 2010](#))

6.08.110 Prohibited purchases

No person licensed under this article shall purchase, acquire, accept or receive in the ordinary course of business and for the purpose of resale or other conveyance any precious metals or personal property from any person who is under the age of eighteen years or who is under the influence of alcohol, drugs or a controlled substance. ([Ord. 732 §1\(16\), 1992](#)).

6.08.111 Receiving goods from certain persons prohibited

It is unlawful for any pawnbroker or staff member to receive any property from any person who is intoxicated or under the influence of drugs, or anyone under the age of eighteen (18) years; provided, however, that a pawnbroker and/or his staff may receive sports trading cards in pawn, pledge or for sale from persons under the age of eighteen (18). ([Ord. 1053, 2010](#))

6.08.120 Age of employees and staff

It is unlawful for any pawnbroker to employ any clerk or person under the age of eighteen (18) years or utilize the services of any person under the age of eighteen (18) years to receive any pledge or make any loan. ([Ord. 1053, 2010](#))

6.08.130 Pawnbroker responsibility for compliance

The holder of any pawnbroker's license is hereby considered to be responsible for compliance with the provisions of this chapter, and the license shall be subject to revocation or denial of renewal for any and all acts of his employees or other staff in violation of this chapter. ([Ord. 1053, 2010](#))

6.08.140 Penalties

Any violation of the provisions of this chapter shall be considered a misdemeanor, and in addition to possible revocation or denial of renewal of the license, the pawnbroker shall be subject to the issuance of an Idaho uniform citation for the violation. ([Ord. 1053, 2010](#))

6.08.150 Repeal

All ordinance and parts of ordinance in conflict with this ordinance are hereby repealed. ([Ord. 1053, 2010](#))

6.08.160 Severability

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutional or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other

persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom. ([Ord. 1053, 2010](#))

CHAPTER 6.09 SCRAP METAL DEALERS

6.09.010 Definitions

As used in this article:

- 1) Scrap: means used or old metal cable or wire; cordage; iron, copper, brass, lead, zinc, steel, aluminum and similar metals; glass; plastic; inoperable motor vehicles; motor vehicle parts, supplies and accessories; inoperable machinery; machine parts, supplies and accessories; paper products, including but not limited to, newspapers and magazines; cardboard; rags or other fibrous material; lumber or other building materials; or any other used or old articles whose value is derived primarily from reclamation of its constituent parts or materials.
- 2) Scrap dealer: means a person who engages in the business of purchasing, selling, exchanging, trading, recycling and/or storing scrap.
- 3) Scrapyard: means a parcel of land or a portion thereof where scrap is purchased, sold, exchanged, traded, disassembled, recycled, stored, maintained or kept.

For additional information about the exception please see [Ord. 732 §2\(1\)-\(3\), 1992](#).

6.09.020 License required

No person shall engage in the business of a scrap dealer without first obtaining a license issued by the city. ([Ord. 732 §2\(4\), 1992](#)).

6.09.030 Application

Applications for scrap dealer's licenses shall be made on a form provided by the city clerk. The application shall state the applicant's name, residential address, business name, address of place of business, type of license applied for and a general description of the goods and/or materials to be purchased, sold, exchanged, traded, recycled or stored. The relevant license fee shall accompany the application. ([Ord. 732 §2\(5\), 1992](#)).

6.09.040 Approval and issuance conditions

Applications for licenses required under this article shall be forwarded by the city clerk to the city council for its review and approval or denial. The city council shall have authority to approve or deny any issuance of licenses required by this article. Upon approval of an application, the city clerk shall issue the license. If a license application is denied by the city council, the license fee shall be refunded to the applicant. ([Ord. 732 §2\(6\), 1992](#)).

6.09.050 License fees

Fees for licenses issued under this article shall be those set forth in the city's business license ordinance. These fees are set forth in [here](#). ([Ord. 732 §2\(7\), 1992](#)).

6.09.060 Records to be kept – Contents

All scrap dealers shall keep all records required to be kept under [Idaho Code, Section 54-2702](#). ([Ord. 732 §2\(8\), 1992](#)).

6.09.070 Records – Open for inspection

All records required to be kept under this article shall be made available for inspection by any police officer of the city during normal business hours. No scrap dealer or any of its agents or employees shall refuse to permit any police officer of the city to inspect or copy such records. ([Ord. 732 §2\(9\), 1992](#)).

6.09.080 Records – Retention – Time

All records required to be kept under this article shall be kept for not less than three years. ([Ord. 732 §2\(10\), 1992](#)).

6.09.090 Property holding period before resale

No person licensed under this article shall sell, trade, rent, recycle, destroy otherwise dispose of any scrap valued in excess of five hundred dollars, acquired for the purpose of resale or other conveyance and marked with a manufacturer's identification or serial number, for a period of fifteen days from the date of receiving the property. ([Ord. 732 §2\(11\), 1992](#)).

6.09.100 Storage of scrap – Exceptions

- 1) Storage Requirements. Scrap dealers shall store all scrap in their possession only in a completely enclosed building or in a scrapyard. If scrap is stored in a scrapyard, the scrapyard shall be separated from anything abutting public street or public sidewalk by an opaque fence or masonry wall. Scrap stored in a scrapyard shall not be stored or stacked to a height exceeding the height of the opaque fence or masonry wall.
- 2) Exceptions. An opaque fence or masonry wall as described in subsection A of this section shall not be required if all scrap stored in a scrapyard is stored in fully enclosed and operable semi-trailers as defined under the Idaho Code or where the scrap consists only of the following materials:
 - a) Securely baled newspapers, magazines or similar paper products;
 - b) Securely baled, crushed cardboard containers or similar cardboard products;
 - c) Crushed and containerized aluminum cans or similar aluminum products;
 - d) Containerized glass bottles or jars or similar glass products; or
 - e) Crushed and containerized plastic bottles or similar plastic products. ([Ord. 732 §2\(12\), 1992](#)).

6.09.110 Compliance with the law

Persons licensed under this article shall conduct their business in compliance with all applicable federal, state and city laws, ordinances and regulations. ([Ord. 732 §2\(13\), 1992](#)).

6.09.120 Severability

The sections and subsections of this ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections or subsections. ([Ord. 732 §4, 1992](#)).

CHAPTER 6.10 TOWING AND BOOTING

6.10.10 Definitions

For a complete list of the definitions please see [Ord. 911 §1, 2005](#).

6.10.020 License required

It is unlawful for any person to engage in commercial towing operations or parking enforcement operations within the corporate limits of the City of Rexburg, excepting such operations authorized by the Rexburg City Police Department, unless the person operating such business has applied for and obtained a license to do so. Such license shall be applied for, granted and maintained in compliance with the provisions of this chapter. ([Ord. 911 §2, 2005](#)).

6.10.030 Application

An application for a license hereunder shall be filed in writing with the City Clerk or the designated city employee and shall specify:

- 1) The name and address of the applicant, and if a firm, corporation, partnership, association or club, the principal officers thereof and their addresses;
- 2) If the applicant is a partnership, the requirements of the preceding section shall be given regarding each member of the partnership, together with the managing partner's name;
- 3) If the applicant is a corporation, the information required by subsection 1 of this section shall be given for each officer and active member of the corporation;
- 4) The name and location of the principal place of business; and
- 5) A statement disclosing whether any person listed in the application has ever been convicted of a felony or misdemeanor, and if so, the nature of the offense, and where and when it was committed. ([Ord. 911 §3, 2005](#)).

6.10.040 Issuance and renewal conditions

For additional information on this section please see [Ord. 911 §4, 2005](#).

6.10.050 License fees

The fee for a business entity desiring to provide towing services and/or parking enforcement services within the City of Rexburg shall be set forth in [here](#). Such fee shall be assessed in

consideration of the expense incurred by the City to conduct required background checks prior to issuing a license and in recognition of costs incurred by the police department in responding to incidents involving towing and parking enforcement companies. ([Ord. 911 §5, 2005](#)).

6.10.060 Duty to display license

Every tow truck operator or parking enforcement employee shall carry upon his person:

- 1) A valid Idaho driver's license which allows for operation of a tow truck (if towing services are to be performed);
- 2) Evidence of a valid license issued by the City of Rexburg;
- 3) A company business card giving the name, address and phone number of the company, and each operator shall provide upon request, proof of identity; and
- 4) All other identification required by law. ([Ord. 911 §6, 2005](#)).

6.10.070 Investigation by Police Department

- 1) Each application for a license hereunder shall be referred to the Chief of Police who may investigate to determine compliance with the requirements set forth the Rexburg City Ordinances.
- 2) Background checks may be conducted on all employees of the entity desiring to obtain a license under this section.
- 3) If a background check discloses a criminal history, or any current conduct that would threaten the health, welfare or safety of the public, a license may be denied or revoked by the Chief of Police. Any person aggrieved by a decision of the Chief of Police may appeal such decision to the Rexburg City Council. ([Ord. 911 §7, 2005](#)).

6.10.080 Towing sign requirements for non-residential commercial lots

Signs as described in this Ordinance shall be posted in parking lots open to the public but restricted as to use. Such signs shall be posted in a conspicuous place giving notice that clearly indicates towing will be used, and that parking is restricted. ([Ord. 911 §8, 2005](#)).

6.10.090 Non-consensual towing and booting practices on multi-unit residential private properties

For additional information on this section please see [Ord. 911 §9, 2005](#).

6.10.100 Violation – Penalty

Any person who violates or fails to comply with any of the provisions of this Chapter or who, having obtained a license hereunder, willfully fails to continue to comply with the conditions set forth in this ordinance is guilty of a misdemeanor, and upon conviction thereof, may be fined in accordance with State Statutes. ([Ord. 911 §10, 2005](#)).

6.10.110 Repeal

All ordinance and parts of ordinance in conflict with this ordinance are hereby repealed. ([Ord. 911 §11, 2005](#)).

6.10.120 Severability

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutional or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom. ([Ord. 911 §12, 2005](#)).

CHAPTER 6.11 RENTAL REGISTRATION

6.11.010 Purpose

The purpose of this Chapter is to promote the peace, health, safety, welfare and tranquility of the community and citizens of the City of Rexburg by identifying all residential rental properties within the City and registering such, and ensuring equal and comprehensive enforcement of existing City rules and regulations. Furthermore, this Chapter shall provide for a means of tracking the physical facilities associated with each properties [sic] in order to maintain consistency from year to year. ([Ord. 975, §1, 2007](#)).

6.11.020 Regulations

Within the City Limits of Rexburg, the following rules and regulations shall apply to all residential rental properties as defined in [Ordinance 975](#). ([Ord. 975, §2, 2007](#)).

6.11.030 General provisions

- 1) 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 Residential Rental Registration Code."
- 2) Intent. 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.

- 3) 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.

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.

- 4) Effective date. This ordinance shall become effective upon the date of publication after the passage of this ordinance by the Rexburg City Council.
- 5) 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. ([Ord. 975, §2\(RR.01.010 – RR.01.060\), 2007](#)).

6.11.040 Definitions

For a complete list of the definitions please see [Ord. 975, §2\(RR.02.010 – RR.02.120\), 2007](#).

6.11.050 Registration requirements

For the protection and general welfare of the inhabitants of the city, every Residential Rental in excess of one rental unit per parcel operated within the city comes within the police power of the city, and no person shall engage in the operation of a Residential Rental, Apartment House or Apartment without first registering unless exempt under this Chapter or exempted by state law. The charge for such registration shall be as fixed in Section 6.11.070 unless otherwise provided in this code. Money received from registration shall be used to defray the expense of issuing the registration and the physical facilities review, regulation and control of Residential Rental, Apartment House or Apartment within the city. This registration requirement is intended to apply to all entities operating a Residential Rental, Apartment House or Apartment within the city unless the entity is otherwise expressly excluded in this chapter from this requirement. ([Ord. 975, §2\(RR.03.010\), 2007](#)).

6.11.060 Registration – Application – Issuance procedure

The city clerk shall be charged with the collection of all Residential Rental, Apartment House or Apartment registration fees required by the city. The city clerk shall provide an application form in substantially the same format as addendum “A” to Ordinance 975 for the purpose of facilitating registration. As directed by the city clerk, each applicant for registration shall file with the city clerk an application in writing on the form provided for such registration application. ([Ord. 975, §2\(RR.03.020\), 2007](#)).

6.11.070 Registration – Fees – Schedule

The schedule of fees for registration of a Residential Rental, Apartment House or Apartment shall be set forth in the Business Registration Fee Schedule, and may be amended from time to

time by Resolution of the Rexburg City Council in accordance with applicable State laws. ([Ord. 975, §2\(RR.03.030\), 2007](#)).

6.11.080 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. ([Ord. 975, §2\(RR.03.040\), 2007](#)).

6.11.090 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. ([Ord. 975, §2\(RR.03.050\), 2007](#)).

6.11.100 Registration – Separate registration required

A registration shall be obtained for each individually identifiable location, irrespective of ownership. ([Ord. 975, §2\(RR.03.060\), 2007](#)).

6.11.110 Business – Change of ownership

Whenever a Residential Rental, Apartment House or Apartment changes ownership, the new owner shall report such change to the city clerk so that the registration may be transferred. ([Ord. 975, §2\(RR.03.070\), 2007](#)).

6.11.120 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 operate any Residential Rental, Apartment House or Apartment in an unlawful manner, or to grant immunity to any entity from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation, or restriction. ([Ord. 975, §2\(RR.03.080\), 2007](#)).

6.11.130 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 if deemed in the public interest to do so. ([Ord. 975, §2\(RR.03.090\), 2007](#)).

6.11.140 Parking space management

Each Residential Rental, Apartment House or Apartment must inventory all approved parking spaces, and issue contractual obligations relative to all such parking spaces. No agreements for tenancy shall be executed on behalf of the owner, operator or their agents, relative to a Residential Rental, Apartment House or Apartment without affirmatively designating whether the same has a parking space available. ([Ord. 975, §2\(RR.04.010\), 2007](#)).

6.11.150 Parking space restrictions

All designation of available parking as referenced in Section 6.11.140 above must have an approved parking space associated with the designation such that if all designated tenants were to park a vehicle there would be adequate spaces. No allowance for absenteeism shall be allowed.

For each agreement containing an affirmative designation of parking space, there must be a space. ([Ord. 975, §2\(RR.04.020\), 2007](#)).

6.11.160 Non-parking agreements

Any agreement for tenancy in a Residential Rental, Apartment House or Apartment which is not specifically designated as a “Parking Space” agreement, there must be an affirmative statement notifying the parties to the agreement that there is no overnight, on site parking provided in connection with the agreement. ([Ord. 975, §2\(RR.04.030\), 2007](#)).

6.11.170 Owner responsibility

Any owner, employer or other person in charge of a Residential Rental, Apartment House or Apartment, shall be responsible for insuring to the best of their ability that all provisions of this Ordinance are complied with. ([Ord. 975, §3, 2007](#)).

6.11.180 Violation – Penalty

- 1) 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.
- 2) 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.
- 3) 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. ([Ord. 975, §4, 2007](#)).