

APPLICATION FOR RENEWAL OF A TEMPORARY USE LICENSE
City of Caldwell Planning and Zoning Department
621 E. Cleveland Blvd., Caldwell, ID 83605
(208) 455-3021

A. I, _____, am applying for Renewal of a Temporary Use License.

This application is valid for 60 days only from the date of submittal.

The date of application submittal is: _____.

B. I understand that the Temporary Use License is valid for seasonal uses not to exceed six (6) months.

Temporary use facilities shall not move from the site during the course of their licensing period unless it's to re-fill fluids such as propane, or similar, necessary for the operation of the business or for other necessary repairs or maintenance to the vehicle that are unable to be made on site. The Planning and Zoning Department must be notified at least one (1) business day prior to movement and shall be given the reason for the movement, how long the vehicle will be away from the site and when the vehicle will return to the site. The vehicle must return to the site in conjunction with the timeframe given to the Planning and Zoning Department. The vehicle must return to the site in the exact location as it was previously. Violation or non-compliance of any of these requirements will result in immediate revocation of the license unless there are extenuating circumstances as determined and approved by the planning and zoning director or his/her authorized designee.

Signature of Applicant

Date

C. Applicant /Site / Property Owner Information:

Applicant Name: _____

Applicant Address: _____ City, State, Zip: _____

Applicant Phone: _____ Applicant Email: _____

Temporary Use Business Name: _____

Address of Temporary Use Site: _____ City, State, Zip: _____

Property Owner of Temporary Use Site: _____

Property Owner's Address: _____ City, State, Zip: _____

**D. Acknowledgement of Temporary Uses and Transient Merchants Ordinance City of Caldwell
Code Section 10-02-13**

Applicant's
Initials

- ___ 1. Temporary Use: Any commercial use of land that will last for no more than six (6) consecutive months that is not the principal use designated for said land.
- ___ 2. Temporary Use Facility: Any vehicle (except mobile food units), tent, canopy, stall, booth, cart, trailer, or any other facility used in conjunction with a temporary use.
- ___ 3. No person shall engage in the temporary use of land or construct, place, or set-up a temporary use facility as defined herein, without first procuring a temporary use license.
- ___ 4. The license shall not allow for placement of any temporary use facility within a street, vision triangle, required setback area, dedicated trash dumpster location, sidewalk, public right-of-way, street landscape buffer area, or any other position on a lot which may substantially interfere with vehicle or pedestrian circulation, emergency access or the normal functions of other uses on the property, or be potentially hazardous to the public. Placement of any and all facilities associated with a temporary use must be on private property, outside of any street landscape buffers areas, in any commercial zone or industrial zone.
- ___ 5. The written permission of and indemnification by the property owner or owners on a form provided by the City shall be required in order to operate a temporary use facility on property within the City.
- ___ 6. The proposed temporary use shall be commercial in nature and in conformance with the zoning district within which it is to be located except commercial uses may be located in industrial zones.
- ___ 7. A temporary use license shall not exempt or otherwise excuse the applicant from complying with all other applicable City, county, state or federal regulations pertaining to the type of activity the applicant will be conducting under such license. Applicants for temporary uses who will serve food or beverages shall first procure a permit from the Southwest District Health Department to ensure compliance with applicable health regulations.
- ___ 8. Every person who receives a temporary use license shall clean up all garbage or debris caused by his or her temporary use facility and shall clean up within a twenty (20) foot radius of the temporary use facility both daily and immediately upon cessation of such use. Every temporary use facility must include trash receptacles and regular trash service or must receive written permission from the applicable property owner to use the trash facilities located upon the property on which the temporary use business is being conducted. The site plan shall show the location of trash receptacles or method of trash disposal.
- ___ 9. All temporary use facilities shall be maintained and remain in compliance with all applicable City, county, state, and federal regulations, including without limitation fire, building, and electrical codes as well as health regulations, during the life of the temporary use license.
- ___ 10. Temporary use facilities shall be located on a non-combustible surface and must be at least twenty-five (25) feet away from combustible materials.
- ___ 11. Temporary use facilities shall comply with the following:
- No structure shall exceed twelve (12) feet in height.
 - No structure shall exceed thirty (30) feet in length.
 - No structure shall exceed nine (9) feet in width.

- No temporary use facility shall consist of more than one (1) cart, stall, booth, tent, platform, box, table, rack, palate, container, trailer, recreational vehicle, motor vehicle, or any other form of offering, displaying, or storing goods and/or services, per vendor.
- No temporary use facility shall connect to any electrical outlets or sources of power without having first received written permission from the property owner on which said outlets or sources of power are located.
- If the temporary use facility is a vehicle, a copy of the current registration, current insurance, a clear picture of the vehicle and any applicable driver's licenses shall be submitted with the application.

___ 12. Anyone operating a temporary use shall do so in a manner that does not create excessive noise, light, dust, nuisance or other detriment to the quiet enjoyment of property in the vicinity.

___ 13. Anyone engaged in a temporary use shall only be allowed to engage in their business between the hours of eight (8) a.m. and ten (10) p.m.

___ 14. Any BBQ grill/range associated with a Temporary Use must be enclosed and permanently built into the Temporary Use Facility. A range/hood fire suppression system must be utilized, unless alternate mitigation is approved by the Fire Department.

___ 15. Unsecured menu boards or sidewalk signs over three feet in height in vision triangle areas are prohibited. All signage must be on the site of the temporary use. Off-premise signage is prohibited.

___ 16. Temporary use facilities shall have a clean appearance at all times.

___ 17. Temporary use facilities must at all times be parked in a legal manner. Vending operations shall be conducted only to pedestrians unless drive up service is permitted by the Planning and Zoning Director or his/her designee. The applicant shall be required to submit a site plan indicating the location of the drive up service and how it will affect pedestrian traffic on the site.

___ 18. Temporary use facilities must provide a sanitary sewage treatment plan. Wastewater may not be dumped or discharged on the premises, adjacent properties, or public right-of-way. If the applicant proposes the use of any sanitary sewage facilities located on private property, written permission from the property owner must be obtained.

___ 19. No licensee hereunder shall:

- Fail to comply with any of the requirements and restrictions set forth in this section.
- Misrepresent the purpose of, or affiliation of those engaged in, the solicitation;
- 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;
- Represent the issuance of any license under this section as an endorsement or recommendation of the solicitation.

___ 20. Inspection and Qualifications for License:

- At the time of filing an original application, an adult applicant shall pay the application fee to the Planning and Zoning Department. The application fee for any temporary use shall be set by resolution of the Council. Applicant shall also bear the actual costs of necessary inspections. The applicant shall also pay a license fee to the City Clerk prior to issuance of the license. Said license fee shall be set by resolution of the Council.
- The applicant shall complete an application obtained from the Planning and Zoning Department and attach a site plan, a photograph of the temporary use facility, any

other attachments deemed necessary by the Planning and Zoning Department for application processing, and a sanitary sewage treatment plan with the application at the time it is filed. Filing an application does not constitute approval nor does it authorize the applicant to open for business. Staff may reject any application that does not contain the required application attachments as listed on the application.

- The Planning and Zoning Director or his/her designee shall review an application for completeness and compliance with applicable City codes and shall distribute the application to the fire department for purposes of scheduling and conducting a fire safety inspection. When the fire safety inspection has been passed and all other required attachments have been received, reviewed and approved, the City Clerk shall issue a license that the applicant must display on the temporary use facility and facing a public street through the duration of the license's life.
- All temporary uses shall be required to pass a Fire Safety inspection before opening for business.

— 23. The provisions of this section shall not apply to:

- Any sales under court order;
- Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for delivery, from local retailers, local businesses, local governments, local schools, or local wholesale firms;
- The sale of farm or garden products: as defined under *Farmstand* in Section 10-03-11 of the City Code.
- The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- 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;
- Any political group seeking funds or membership;
- Garage, yard, or similar sales by individuals at their residence or place of business;
- Any organization exempt from taxation as provided by 26 U.S.C. 501 and meeting all the requirements for the exemptions provided by 26 U.S.C. 503;
- Any activity conducted as a Special Event.
- Lemonade stands.
- Charitable car wash.
- Idaho Youth Games.
- Events conducted at the fairgrounds.
- Any uses similar to those listed above that are approved by the Planning and Zoning Director or his/her authorized designee.

— 24. All licenses issued under the provisions of this section shall expire on the date specified in the license.

— 25. A temporary use or transient merchant license that has expired may be renewed subject to the provisions of Section 10-02-13 and shall pay a renewal fee, as established by City Council, upon renewal application. Should the temporary use or transient merchant facility be located in the exact same location and be the same business and business name as the previously- approved application, a renewal fee shall apply. Should the temporary use or transient merchant facility be located in a new location and/or be either a new business or new business name, it shall be treated as a brand new application. Renewal applications shall be completed and submitted to the planning and zoning department, along with applicable renewal fees and required attachments as indicated on said renewal application. Renewal applications shall be subject to the same inspection and approval process as original applications. Section 10-02-13(6)(D)

— 26. No temporary use license shall be issued for a period longer than six (6) months.

___ 27. Violations: Any person or persons who engage in a temporary use or operate a temporary use facility without first procuring a license, or otherwise violate the provisions of this section shall be guilty of a misdemeanor and, where applicable, may have his or her license revoked. Each day a violation exists shall constitute a separate, additional offense.

___ 28. Compliance Notice: Upon finding that one is in violation of this section, the Planning and Zoning Director, or his/her designee, may declare the use illegal and in violation of the zoning codes. The enforcing authority may then instruct the owner or operator of the use to immediately remove it from the premises by giving written Notice to Vacate the premises.

___ 29. Enforcement Against Violator(s): If all reasonable attempts by staff to remove a violator from the premises fail, staff shall inform the appropriate code enforcement officer of the violation(s) committed by the violator for purposes of pursuing prosecution.

___ 30. **Fees are non-refundable.**

E. Questions/Information Regarding the Temporary Use:

1. Type of Temporary Structure: _____

2. Explanation of products to be solicited: _____

3. State of Idaho Resale Number: _____

4. Period of time requested: From: _____ To: _____ (six (6) month maximum)
Month Month

5. Hours of operations: _____

6. Names of all employees (include yourself): _____

7. Method of addressing sanitary needs (hand washing, restroom utilization & garbage disposal):

F. Attachments: The following attachments MUST accompany this application or the application will not be accepted by the Planning and Zoning Department:

Applicant	P&Z
Initials	Verified

- | | | | |
|-----|-----|----|--|
| ___ | ___ | 1. | A map of the site / site plan: (must show the following) |
| | | | - Parking lot design and driveway access |
| | | | - Number of parking spaces |
| | | | - Footprint and dimension of all existing and proposed structures (including square footage of the property owners building) |
| | | | - Traffic circulation pattern relied upon for ingress / egress |
| | | | - Vision triangle area |
| | | | - Signage size and placement |
| | | | - Placement of Temporary Use Facility |

- Location of supporting furniture and equipment, trash receptacle placement and trash screening method
- ____ 2. Sanitary sewage treatment plan.
- ____ 3. Photograph of the temporary facility.
- ____ 4. Copy of your SWDH Permit.
- ____ 5. Proof of permission from the property owner in the form of a lease agreement or letter of consent.
- ____ 6. Proof of permission from the property owner for use of any electrical outlet or source of power.
- ____ 7. By initialing here_____, I acknowledge that all employees are of legal age to operate the business relative to State and Federal labor laws.
- ____ 8. Copy of current registration, current automobile insurance and applicable drivers' license(s).
- ____ 9. I acknowledge I have read and understand the Temporary Use /Transient Merchant Code Section 10-02-13 and will follow all requirements. Initial here, _____
- ____ 10. Payment (cash or check), in the appropriate amount, made payable to the City of Caldwell. Cash payment must be exact change.

Fees: Non-refundable \$75.00 fee for a six (6) month Temporary Use Facility to be paid to the Planning and Zoning Department at submission of application. Other fees may also be charged if the City Engineer or Water Department is involved in the application. The City Clerk will collect an additional \$25.00 fee for the License at time of license issuance.

G. Signatures:

I acknowledge that I am the owner of the property described in this application. I further acknowledge that a Temporary Use License, as described in the above application, is being sought for the aforementioned property and that my signature below signifies permission for said Temporary Use.

Signature of Property Owner

Date

I acknowledge that I am the applicant listed on this application. I further acknowledge that I have read, understand and will comply with all the standards, terms and requirements listed in this application and in City Code. I understand that non-compliance of any said standards, terms or requirements may lead to revocation of my temporary use license.

Signature of Applicant

Date

FOR OFFICE USE ONLY

ORIGINAL SUBMITTAL

Date received: _____ Received by: _____

Date of Issuance of Temporary Use License: _____

Date Temporary Use License expires: _____

I, _____, am the property owner, or authorized designee of the property owner, of property addressed as: _____, Caldwell, ID 83605.

I hereby give my permission for a temporary use /transient merchant / mobile food unit business known as _____ and operated by _____ to conduct business on the aforementioned address.

I further give permission for utilization of the following site features (i.e., dumpsters, electricity, bathrooms, water, etc.): _____

Name (Print)

Name (Signature)

Date