



# CITY OF *Caldwell, Idaho*

**Planning & Zoning**

**HEARING REVIEW APPLICATION**

**Type of Review Requested (check all that apply)**

- Annexation/Deannexation
- Appeal/Amendment
- Comprehensive Plan Map Change
- Design Review
- Ordinance Amendment
- Rezone
- Special Use Permit
- Subdivision- Preliminary Plat
- Subdivision- Final Plat
- Subdivision- Short Plat
- Time Extension
- Variance
- Other \_\_\_\_\_

**STAFF USE ONLY:**

File number(s): \_\_\_\_\_

*OA-19-07*

Project name: *OHIO updates*

Date filed: *1/25* Date complete: \_\_\_\_\_

Related files: \_\_\_\_\_

**Subject Property Information**

Address: *621 Cleveland Blvd.* Parcel Number(s): \_\_\_\_\_

Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Acreage: \_\_\_\_\_ Zoning: \_\_\_\_\_

Prior Use of the Property: \_\_\_\_\_

Proposed Use of the Property: \_\_\_\_\_

**Applicant Information:**

Applicant Name: *City of Caldwell* Phone: \_\_\_\_\_

Address: *621 Cleveland Blvd.* City: *Caldwell* State: *Id* Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

Agent Name: (e.g., architect, engineer, developer, representative) \_\_\_\_\_

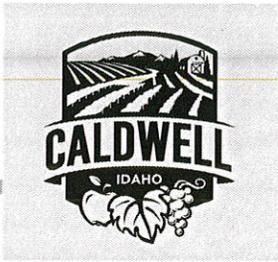
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

**Authorization**

Print applicant name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_



CITY OF  
*Caldwell, Idaho*

Planning & Zoning

ORDINANCE AMENDMENT

Project Name: <u>Ch 10 updates</u>	File #: <u>6A-19-07</u>
Applicant/Agent:	

Applicant (v)	Please provide the following REQUIRED documentation:	Staff (v)
	Completed and signed Hearing Review Application	
	Narrative fully describing the request, including the following: <ul style="list-style-type: none"> <li>➤ Specific item/code section requested to be changed</li> <li>➤ Reasons for the amendment/code change</li> <li>➤ Any other pertinent information to the request</li> </ul>	
	All of the above items shall be submitted in 8 ½ x 11 paper format AND in electronic format (preferably PDF or Word) on either a jump drive or CD. Please be aware the jump drive or CD will become part of the file and will not be returned	
	Fee	

<b>STAFF USE ONLY:</b>	
Date Application Received:	<u>10/25/19</u>
Received by:	<u>LC</u>
Proposed Hearing Date:	<u>12/10/19</u>
Hearing Body:	<u>02</u>

**Case Number OA-19-07:** A request by the City of Caldwell to amend portions of Chapter 10, the Zoning Ordinance, of City Code.

**BILL NO. 53**

**ORDINANCE NO. 3245**

**AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING CHAPTER 10, ARTICLE 02, SECTIONS 10-02-01 AND 10-02-13, SO AS TO CLARIFY CERTAIN REQUIREMENTS RELATING TO MOBILE FOOD UNITS AND OTHER TEMPORARY USES, AND TO CONSOLIDATE PROVISIONS RELATING TO BUSINESS PERMITS, GENERALLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.**

**BE IT ORDAINED** by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho:

**Section 1.** That Chapter 10, Article 02, Section 10-02-01, at Subsection (4), related to Business Permits, be amended as follows:

**10-02-01: GENERAL REGULATIONS:**

...

(4) Business Permit: Any person establishing, operating, or carrying on any permitted and/or accessory use in a commercial, industrial, and/or mixed use zoning district shall first obtain a business permit from the Planning and Zoning Department prior to establishing, operating, or carrying on such use. When a business name, occupant or owner changes, the business owner is responsible for obtaining from, and completing and submitting to, the planning and zoning department an application for a business permit. The planning and zoning department shall, upon receipt of said application and any applicable fees as established by city council through resolution, issue a business permit for display in a conspicuous place upon the premises after confirming the business address with the mapping department and confirming that the business is an allowed land use in the zoning district in which the business is located and/or that the business is a legally nonconforming land use. Once the permit has been issued, the planning and zoning department will furnish the permit information to the building department, fire department, water department, mapping department and city clerk.

...

**Section 2.** That Chapter 10, Article 02, Section 13, related to the regulation of Temporary Use Merchants, Transient Merchants, and Mobile Food Units and Special Events, be amended, as follows:

**10-02-13: TEMPORARY USE MERCHANTS, TRANSIENT MERCHANTS, MOBILE FOOD UNITS, BUSINESS PERMITS-AND SPECIAL EVENTS:**

(1) Purpose And Intent: The purpose of this section is to protect the health, safety, and welfare of the city of Caldwell and its residents. This section 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.

(2) Definitions: As used in this section, the following terms shall have the following meanings:

**BARBECUE GRILL/RANGE:** An appliance intended and approved for the commercial preparation of food using a solid fuel or gas fuel, said prepared food to be sold. Solid fuels could include wood, charcoal, or similar products. Gas fuel appliances would use propane or natural gas. Required safety precautions could include hoods, ducting, exhaust fans, grease extractors, fire extinguisher(s) and/or fire extinguishing systems or any combination thereof.

**BUSINESS PERMIT:** A permit issued by the planning and zoning department signifying a business is an allowed land use in the zoning district in which the business is located and/or that the business is a legally nonconforming land use.

**PARADE ROUTE:** The streets upon which a city sanctioned parade, per Caldwell City Code Section 09-13-01, shall be travelling, and the area within five-hundred (500) feet of the center-lines of said streets. The Parade Route shall be deemed to exist for the twenty-four (24) hours immediately prior to the start of a parade, during a parade, and for the twenty-four (24) hours immediately following a parade.

**MOBILE FOOD UNIT:** A vehicle or a readily portable structure solely for the purpose of the preparation and sale of food and beverages. As an accessory use located on the same lot and in conjunction with an allowed use; or located on a lot independent of another use. Unless specifically excepted, Mobile food units shall be subject to all provisions set forth in this section, 10-02-13.

**TEMPORARY:** A consecutive period of six (6) months or less within one calendar year.

**TEMPORARY MODEL HOME OFFICE:** A structure built as a house that will, at some point, be used as a residence but is temporarily being used as a model home office with a temporary occupancy permit only. The area used for the model home

office shall be limited to the garage only and it shall not exceed five hundred (500) square feet, unless specifically stated otherwise in the application. The expiration date of the temporary model home office shall not exceed five (5) years or when the subdivision it serves is fully developed and shall not be extended beyond the stated date unless a new permit is granted.

TEMPORARY USE: Any commercial use of land that will last for no more than six (6) consecutive months (excepting mobile food units which have an unlimited amount of time) that is not the principal or special permitted use designated for said land.

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.

TRANSIENT MERCHANT: Any person who engages in a temporary business, not to exceed seven (7) consecutive days, of selling, trading, offering for sale or trade, or displaying for the purpose of sale, trade, or giveaway any goods, wares, merchandise, or services within City limits and who in the furtherance of such purpose, hires, leases, uses or occupies any premises, including any parking lot, within the City for the purposes of conducting said temporary transient merchant business. A parcel of land shall be limited to a maximum of four (4) such sales during any calendar year, with no sale occurring within the previous thirty (30) calendar days.

TRANSIENT MERCHANT FACILITY: Any tangible structure including, but not limited to, a stall, booth, tent, platform, box, table, rack, pallet, trailer, cart, vehicle, container, or other form of offering, displaying, or storing goods and/or services used in conjunction with a transient merchant. No food preparation is permitted in a transient merchant facility.

(3) Temporary Use, ~~And~~ Transient Merchant Facilities, And Mobile Food Unit Regulations: All temporary uses, ~~and~~ transient merchants, mobile food units and associated facilities shall be subject to the following conditions and regulations:

A. No person shall engage in the temporary use of land or construct, place, or set up a "temporary use facility," ~~or~~ "transient merchant facility," or mobile food unit, as defined herein, without first procuring a certificate for said use ~~temporary use or transient merchant license.~~

B. The ~~certificate license~~ shall not allow for placement of any temporary use facility, transient merchant facility, mobile food unit, or sign within a street, public right-of-way, vision triangle, required setback area, dedicated trash dumpster location, sidewalk, public right-of-way, publicly owned parking lot, any park or

other property owned by the city or any other public agency, 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 and signage associated with a temporary use or transient merchant must be on private property, outside of any street landscape buffer areas, in any commercial zone or industrial zone.

C. All of the regulations set forth herein shall apply in the same manner along a Parade Route during a city sanctioned parade, as at any other time, including the prohibitions against placement of any temporary use facility, transient merchant facility, mobile food unit, or sign in the areas and locations described in the preceding paragraph. The license shall not allow for the placement of any Temporary Use Facility, Transient Merchant Facility or Sign within a Parade Route, except that when said uses are fully certified for operation in a certain location, and a subsequently arising parade route will include said location, said uses shall not be required to cease operation or to move.

D. 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, ~~or transient merchant facility,~~ or mobile food unit on property within the City.

E. The proposed temporary use facility, ~~or transient merchant facility use,~~ or mobile food unit 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.

F. A temporary use, ~~or transient merchant facility,~~ or mobile food unit certificate 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 certificate 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.

G. Every person who receives a temporary use, ~~or transient merchant facility,~~ or mobile food unit certificate license shall clean up all garbage or debris caused by his or her temporary use facility, ~~or transient merchant facility,~~ or mobile food unit, and shall clean up within a twenty foot (20') radius of the ~~temporary use facility or transient merchant facility~~ or unit both daily and immediately upon cessation of such use. Every temporary use facility, ~~and transient merchant facility,~~ and mobile food unit 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 or transient merchant business~~ is being conducted. The site plan shall show the location of trash receptacles or method of trash disposal.

H. All temporary use facilities, ~~and~~ transient merchant facilities, and mobile food units 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 ~~certificate temporary use or transient merchant license~~.

I. Temporary use facilities, ~~and~~ transient merchant facilities, and mobile food units shall be located on a noncombustible surface and must be at least twenty-five feet (25') away from combustible materials.

J. Temporary use facilities, ~~and~~ transient merchant facilities, and mobile food units shall comply with the following:

1. No structure shall exceed twelve feet (12') in height.
2. No structure shall exceed thirty feet (30') in length.
3. No structure shall exceed nine feet (9') in width.
4. No temporary use facility, ~~or~~ transient merchant facility, or mobile food unit shall consist of more than one cart, stall, booth, tent, platform, box, table, rack, pallet, container, trailer, recreational vehicle, motor vehicle, or any other form of offering, displaying, or storing goods and/or services, per vendor.
5. No temporary use facility, ~~or~~ transient merchant facility, or mobile food unit 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.
6. If the temporary use facility, ~~or~~ transient merchant facility, or mobile food unit 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.
7. None of the businesses regulated by this section ~~No temporary use or transient merchant~~ shall engage in the sale of any weapons.

K. Anyone operating a temporary use facility, transient merchant facility, or mobile food unit 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.

L. Anyone engaged in any business regulated by this section~~temporary use or transient merchant use~~ shall only be allowed to engage in their business between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

M. Any barbecue grill/range associated with a temporary use facility, transient merchant facility, or mobile food unit must be enclosed and permanently built into the ~~temporary use facility or unit~~. A range/hood fire suppression system must be utilized, unless alternate mitigation is approved by the fire department.

N. Unsecured menu boards or sidewalk signs in public right of way, street buffer landscape areas, and vision triangle areas are prohibited. All signage must be affixed to the temporary use facility, or transient merchant facility, or mobile food unit or located immediately adjacent to the ~~temporary use facility or transient merchant facility or unit~~ on private property with the permission of the property owner.

O. Temporary use facilities, and transient merchant facilities, and mobile food units shall have a clean appearance at all times.

P. Temporary use facilities, and transient merchant facilities, and mobile food units 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.

1. Temporary use facilities shall not move from the site during the course of their ~~certification~~licensing period unless it is to refill 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 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 time frame given to the Planning and Zoning Department. The vehicle must return to the site in the exact location as it was previously. Violation or noncompliance of any of these requirements will result in immediate revocation of the ~~certificate~~license unless there are extenuating circumstances as determined and approved by the Planning and Zoning Director or his/her authorized designee.

Q. Temporary use facilities, ~~and transient merchant facilities,~~ and mobile food units 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.

R. Temporary fireworks stands and fireworks sales are regulated under Chapter 8, Article 13, section 08-13-04 of this Code.

S. RESERVED. ~~No licensee hereunder shall:~~

~~1. Fail to comply with any of the requirements and restrictions set forth in this section;~~

~~2. Misrepresent the purpose of, or affiliation of those engaged in, the solicitation;~~

~~3. 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;~~

~~4. Represent the issuance of any license under this section as an endorsement or recommendation of the solicitation.~~

T. Mobile food units, as defined in section 10-03-11 of this chapter and as a permitted use as indicated in the land use schedule located in section 10-02-02 of this article, shall comply with all requirements ~~of~~ applicable to a temporary use facility, with the exception of ~~excepting~~ the following:

1. Mobile food units shall not be subject to the six (6) month time limitation applicable to other temporary uses, ~~do not have the six (6) month time maximum~~ and may operate from a permanent or semi-permanent location, soas long as they wish provided they remain ~~are~~ in compliance with applicable requirements, including the maintenance and/or renewal of a valid certificate of compliance;

2. Mobile food units ~~are issued a certificate of compliance by the Planning and Zoning Department. Mobile food units must renew their certificate of compliance on an annual basis; otherwise they will expire.~~ Mobile food units are subject to scheduled or unscheduled inspections at any time by applicable City, State or Federal agencies. Mobile food units who desire to leave their permanent location as identified on the issued certificate of compliance and set up in a new location must notify the City Planning and Zoning Department and provide written approval from the

new location's property owner prior to their relocation. Mobile food units are allowed certificates of compliance for multiple sites at one time, provided a schedule of locations and times at locations is submitted to the Planning and Zoning Department to be kept on file with the application. ~~References within this Section to licenses shall also apply to certificates of compliance.~~

(4) During special plaza events, the Plaza Operator, as identified in the then-controlling Memorandum of Understanding for the Overall Supervision and Management of the Indian Creek Plaza, shall have the authority to authorize and control all temporary use facilities, transient merchant facilities, or mobile food units ~~Mobile Food Units and Temporary Uses~~ within the area located between 5th Avenue, 10th Avenue, Union Pacific Railroad, and Blaine Street in downtown Caldwell, said control extending along both sides of any street constituting a boundary of said area.

(5) Inspection And Qualifications For Certificate~~License~~:

A. 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, ~~or~~ transient merchant use or mobile food unit shall be set by resolution of the Council. Applicant shall also bear the actual costs of necessary inspections.

B. The applicant shall complete an application obtained from the Planning and Zoning Department and attach a site plan, a photograph of the temporary use, ~~or~~ transient merchant facility or mobile food unit, 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.

C. 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, and the suitability of the applicant, and each person who will be employed "on site" and interacting with members of the public at the location of the temporary use, transient merchant facility, or mobile food unit, has been demonstrated (as set forth in subsection "D.," below), the planning and zoning office shall issue a certificate of compliance for the proposed facility or unit ~~any mobile food units~~, that the applicant must display on the temporary use facility, ~~or~~ transient merchant use facility, or mobile food unit, so as to allow the certificate to be ~~and~~ facing a public

street and easily observable by the public, throughout the duration of the ~~license's~~ ~~or~~ certificate's life.

D. To determine the suitability of prospective applicants for a ~~license or~~ certificate of compliance under this article, pursuant to Idaho Code section 67-3008 and to congressional enactment Public Law 92-544, each applicant shall, for himself, and for each person who will be employed "on site" and interacting with members of the public at the location of the temporary use, transient merchant facility, or mobile food unit, request from the Idaho state police, bureau of criminal identification, a fingerprint based national background check, understanding that said fingerprints will be submitted to the federal bureau of investigation, and directing that the results be sent directly to the city clerk of the city of Caldwell. The city clerk is authorized to receive said criminal history information for the purpose of evaluating the applicant's fitness for licensing under this article. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. Provided, however, that any applicant who is under the age of eighteen (18) at the time of application, shall not be required to request said fingerprint based national background check, but, rather, shall be subjected to a locally administered background check to be conducted by the city clerk in conjunction with the chief of police.

E. No applicant~~person~~ shall be issued a ~~license or~~ certificate of compliance when that person, or any other person who will be employed "on site" and interacting with members of the public at the location of the temporary use, transient merchant facility, or mobile food unit:

1. Would not be of sufficient age to be considered lawfully employable under title 44, chapter 13 of the Idaho Code, or other applicable state or federal laws;

2. Is required to register as a sex offender, pursuant to the sexual offender registration notification and community right-to-know act, Idaho Code section 18-8301 et seq., and/or the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.;

3. Has ever been convicted of or pled guilty to any violent felony offense, including, but not limited to, aggravated assault, aggravated battery, robbery, homicide, aggravated arson, kidnapping, stalking, rape or any felony of a sexual nature;

4. Has been, within ten (10) years prior to the date of making application for such certificate~~license~~, arrested for, charged with, convicted of, paid any fines, been placed on probation, received a deferred sentence,

received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any felony, or for any misdemeanor which, if committed in the state of Idaho, would have constituted a felony;

5. Has been, within five (5) years prior to the date of making application for such ~~certificate~~ license, arrested for, charged with, convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any misdemeanor, involving:

- i. The use of force against the persons or property of another;
- ii. The threat of force against the persons or property of another;
- iii. Theft or larceny;
- iv. The use, possession or sale of illicit drugs;
- v. Possession of a concealed weapon;
- vi. Illicit sexual, lewd or obscene activity or materials, including, but not limited to, violations of Idaho Code sections 18-919, 18-1515, 18-4103 through 4105, or 18-4116;
- vii. Stalking, telephone harassment, or violations of protection orders or do not contact orders; or
- viii. Contributing to the delinquency of a minor.

If an ~~applicant person~~ fails to qualify for a ~~license or~~ certificate of compliance for the sole reason that they, or any other person who will be employed “on site” and interacting with members of the public at the location of the temporary use, transient merchant facility, or mobile food unit, have been arrested for or charged with a felony or enumerated misdemeanor under subsection (E)(4) or (E)(5) ~~(2)D or (2)E~~ of this section, and the ~~applicant person~~ can provide proof to the satisfaction of the police chief that such arrest did not result in charges or any charges filed were dismissed or resulted in acquittal, the city shall issue a ~~certificate~~ license if the ~~applicant or other~~ person otherwise qualifies.

Prior to allowing any person to be employed “on site” and to interact with members of the public at the location of a temporary use, transient merchant facility, or mobile food unit, the applicant shall have the continuing obligation to ensure the suitability of that person has been demonstrated to the City in accordance with the

requirements of this subsection and subsection "D.," above. Further, the applicant shall immediately notify the Planning and Zoning Director upon learning of any circumstances that would render him or her, or any other person employed "on site" and interacting with members of the public at the location of the temporary use, transient merchant facility, or mobile food unit, no longer suitable hereunder.

If the suitability of an applicant has been demonstrated in accordance with the requirements of this subsection and subsection "D.," above, the suitability of that particular person or persons need not be demonstrated on future applications hereunder for a period of two (2) years.

(6) Exemptions: The provisions of this section shall not apply to:

- A. Any sales under court order;
- B. 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;
- C. The sale of farm or garden products under "farm stand" as defined in section 10-03-11 of this chapter;
- D. The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- E. The occasional sale of admission by local school students to a function of their school; or fundraising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;
- F. Any political group seeking funds or membership;
- G. Garage, yard, or similar sales by individuals at their residence or place of business;
- H. Any organization exempt from taxation as provided by 26 USC 501 and meeting all the requirements for the exemptions provided by 26 USC 503;
- I. Any activity conducted as a special event or a city sponsored special event which shall be governed by chapter 6, article 23 of this code;
- J. Lemonade stands;
- K. Charitable car wash;

L. Idaho Youth Games;

M. Events conducted at the fairgrounds;

N. Any uses similar to those listed above that are approved by the planning and zoning director or his/her authorized designee.

(7) Expiration Of ~~Certificate~~License: All ~~certificates~~licenses issued under the provisions of this section shall expire on the date specified in the certificate, which shall be calculated based on the limitations set forth below:~~license~~.

A. No temporary use ~~facility certificate~~license shall be issued for a period longer than six (6) months.

B. No transient merchant ~~facility certificate~~license shall be issued for a period longer than seven (7) days.

C. No certificate for a temporary model home office may be issued for a period longer than five (5) years, though said certificate may be renewed, upon request, until such time as the use is no longer necessary or said use is no longer in compliance with city policies or standards.

~~D. No certificate for a mobile food unit may be issued for a period longer than one (1) year. The only exceptions to this time frame rule are the temporary model home office and mobile food units. A temporary occupancy permit for a temporary model home office may be renewed and granted until such time that the use is no longer necessary or is not complying with city policies and standards. A certificate of compliance for a mobile food unit shall be granted until such time that the use is no longer necessary or is not complying with city policies and standards and shall not carry an expiration date.~~

~~E~~D. A temporary use ~~facility~~ or transient merchant ~~facility certificate~~license that has expired may be renewed subject to the provisions of this section and shall ~~pay upon payment~~ of the applicable 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. However, Sshould 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.

~~F~~E. Once a temporary use facility or transient merchant facility certificate license has expired, the facility shall be removed from the property on which it operated and shall not be replaced or relocated unless a new ~~temporary use~~ license application has been submitted and approved by city staff.

~~(8) RESERVED. Business Permits: When a business name, occupant or owner changes, the business owner is responsible for obtaining from, and completing and submitting to, the planning and zoning department an application for a business permit. The planning and zoning department shall, upon receipt of said application and any applicable fees as established by city council through resolution, issue a business permit for display in a conspicuous place upon the premises after confirming the business address with the mapping department and confirming that the business is an allowed land use in the zoning district in which the business is located and/or that the business is a legally nonconforming land use. Once the permit has been issued, the planning and zoning department will furnish the permit information to the building department, fire department, water department, mapping department and city clerk.~~

~~(9) Penalties: Failure to abide by~~comply with the provisions of this Section will result in the ~~suspension~~revocation of any license or certificate of compliance issued under this Section until such time as the facility or unit in question has been brought into compliance, and an administrative fee of \$100 has been paid to the planning and zoning department. Should the same facility or unit, including any owner and employee associated therewith, cause the unit or facility to be in violation of the provisions of this Section within one (1) year of a previous suspension, said facility's or unit's certificate shall be revoked, and said facility or unit shall be ineligible for issuance of a new certificate within the City of Caldwell, and the disqualification from applying for a new license or certificate of compliance for a period of 365 days from the date of revocation. Should the same facility or unit be found to be in violation of the provisions of this Section for a third time within three (3) years from the most recent certificate suspension or revocation, said facility or unit, together with its primary owner or operator, shall be guilty of a Anyone operating any Temporary Use or Mobile Food Unit without having first obtained a license or certificate of compliance shall be issued a fine in the amount of \$100. A third offense of operating without a license or certificate of compliance shall constitute a misdemeanor, punishable as set out in Caldwell City Code, Chapter 1, Article 1, Section 01-01-05.

**Section 3.** This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

**Section 4.** This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**Section 5.** All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

**PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO,** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO,** this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Mayor Garret Nancolas

\_\_\_\_\_  
City Clerk (or Deputy)