# City of Caldwell

**Submit Application to:**

City of Caldwell
City Clerk's Office
P.O. Box 1179
411 Blaine Street
Caldwell, ID 83606
Phone: (208) 455-4773
208-455-4656
Fax: (208) 455-3003
cityclerk@cityofcaldwell.org

## DOOR-TO-DOOR SALESPERSON LICENSE
## (12-month period)

**Any person who goes up to a structure within a residential district and takes any action to alert the occupants of said person's presence, while carrying, conveying, or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same of any services for sale or making sales and delivering articles to purchasers, or gathering information by survey, or other means, with the intent that such information will or may be used for subsequent contact with the consumer concerning the sale of any goods, wares, merchandise, food or farm products or provisions, or any services.**

**This application does not apply to those persons who leave fliers, pamphlets or handbills advertising goods, or services and inviting contact from the intended consumer, but do not make direct contact with the potential consumer.**

**All individuals must complete the application and the Door-to-Door Salesperson License must be issued by the City Clerk's Office before any such business may be operated within the City of Caldwell.**

Date of Application: _____

First Name:_____ Middle Initial:_____ Last:_____

Date of Birth_____ **Last 4 #'s** of Social Security:_____

Local Address_____, City_____, State_____, Zip_____

List last two addresses _____

_____

Email address: _____ Driver's License number and state where issued: _____

Home Phone Number: _____ Cell/Other: _____

Name of Company _____

Address of Company _____

Business Phone Number _____

Nature of business and goods or services to be sold or solicited _____

_____

Has a permit or license been revoked during the past five years?_____

If yes, where and when?_____

List any occasions within the past five years that you have been arrested for any crime, misdemeanor or violated any municipal laws.

| Date of Arrest | Place of Arrest | Charge | Disposition |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

_____ ***(initial)*** *I HAVE READ ALL THE ABOVE AND DECLARE UNDER PENALTY OF PERJURY THAT EACH AND EVERY STATEMENT MADE IS TRUE, CORRECT AND COMPLETE.*

_____***(initial)*** *I HAVE READ THE ATTACHED CITY CODE (CHAPTER 6, ARTICLE 5) CONCERNING THE DOOR-TO-DOOR SALESMEN, PEDDLER, OR TRANSIENT MERCHANT LICENSE.*

_____***(initial)*** *I HAVE READ THE ATTACHED CITY CODE (CHAPTER 1, ARTICLE 5) CONCERNING THE APPEAL PROCESS TO CITY COUNCIL IF LICENSE IS DENIED.*

**BY SIGNING/TYPING MY SIGNATURE BELOW, I ATTEST THAT THE INFORMATION I HAVE PROVIDED ON THIS APPLICATION IS TRUE, CORRECT AND COMPLETE.**

_____ _____

**Signature of Applicant** **Date**

**Items to be provided by the applicant WITH APPLICATION:**

☐ 1. One (1) recent **passport-sized photograph** (2"x2")

☐ 2. If selling food: **Southwest Health District Health Inspection Certificate**: address 13307 Miami Lane, Caldwell; (208) 455-5300

☐ 3. **Proof of Vehicle Insurance and Vehicle Registration**: Documentation for all vehicles used by the applicant in relation to any of the activities covered through this application. This would include transportation to and from an area where the applicant will be traveling on foot. Where multiple applicants will be *sharing a single vehicle*, such facts must be stated on the application, and at least one of the applicants must produce the required documentation at the time of submittal.

☐ 4. **Idaho Transportation Department – Driving Record (if applicable):** If the sale or advertising of the applicant's goods is made **from a motor vehicle**, then the applicant must submit an official Idaho Driver's License Record, obtainable from the Idaho Transportation Department, and *issued within thirty (30) days* prior to the City Clerk's receipt of the application.

☐ 5. **State of Idaho Tax Commission – Certificate Resale Tax Number (if applicable):** Certificate is issued by the Idaho Tax Commission at 800 Park Boulevard, Plaza IV – Boise Phone: 334-7660

☐ 6. If a motorized or non-motorized cart or unit is intended to be used in any way by an individual as they engage in licensed activities in accordance with this application, a **picture and description** of said cart or unit shall be included with the application:

| | |
|---|---|
| **Make:**<br><br>**Model:** | **Description:** (color, company logo, wrapped, etc.) |

**Items the Caldwell City Clerk's Office will provide:**

**A Federal Bureau of Investigation (FBI) Background Check is required. Once the application and attachments are submitted, the Clerk will provide:**

1. **Federal Bureau of Investigation – Privacy Statement disclosure form:** Applicant must sign the Idaho State Police Bureau of Criminal Identification – Noncriminal Justice Applicant Privacy Statement and return to Clerk. (This form remains in the applicant's file.)

2. **Background Check Fingerprint Card:** Fingerprint card will be provided to the applicant by the City Clerk. Applicant must return the fingerprint card to the Caldwell City Clerk for processing. Results of background check will be submitted by the ISP to the City Clerk and Chief of Police for review.

   *Allow approximately 2-3 weeks for processing the background check through the Idaho State Police/FBI. The FBI Background Check is valid for two (2) years if applicant renews license.*

3. **Door-to-Door or Peddler License certificate and Vendor card.** Once all requirements are complete, the City Clerk will issue the license and vendor card.

**Costs of Licensing:**

1. Fingerprinting: the DMV or ISP offices will charge $10.00 to perform the fingerprinting.

2. Background check processing: Cost is $33.25 to submit the fingerprints and process the background check. Payment should be made out to the City of Caldwell.

3. Once all requirements are complete, the cost for the Door-to-Door or Peddler license is $50 for one year.

4. NOTE: If the license is renewed for a second year BEFORE the CURRENT LICENSE RUNS OUT, an FBI Background check will not be required. The cost for the same license a second year will be $50.00.

## APPROVAL SIGNATURES

| REVIEWER | SIGNATURE | DATE | DETERMINATION | | | |
|---|---|---|---|---|---|---|
| CITY CLERK | | | APPROVED | | DENIED | |
| POLICE CHIEF | | | APPROVED | | DENIED | |

Denied for the following reasons:_____

_____

## Clerk's Checklist

| Description of Item | ✔ For office use only |
|---|---|
| **Application Fee: $50** | |
| **Copy of Driver's License:**<br>Must be current within the state who issued the license. | |
| **One (1) recent passport-sized photograph (2"x2"):** | |
| **Federal Bureau of Investigation (FBI) Background Check:**<br>1. FBI Privacy Statement<br>2. Completed Fingerprint card returned for processing (date)<br>3. Forwarded fingerprint card to ISP (date)<br>4. Background check complete notification (date) | |
| **Southwest Health District Inspection Certificate:**<br>This certificate is only required if the applicant is selling food. | |
| **Proof of Vehicle Insurance and Vehicle Registration**:<br>Documentation for all vehicles used by the applicant in relation to any of the activities covered through this application. | |
| **Idaho Transportation Department – Driving Record:**<br>If the sale or advertising of the applicant's goods is made from a motor vehicle. | |
| **State of Idaho Tax Commission – Certificate Resale Tax Number** | |
| **Photo and Description of vehicle used** (if applicable) | |

# ARTICLE 5

# DOOR TO DOOR SALESMEN

SECTION:

**06-05-01: Definition**

**06-05-03: Licenses Required**

**06-05-05: Exceptions**

**06-05-07: License Application**

**06-05-08: Location Restrictions**

**06-05-09: Prerequisite For Peddling Food**

**06-05-10: Investigation Of Applicant**

**06-05-11: License Fee; License Shall Be Carried**

**06-05-13: Unlawful Conduct**

**06-05-15: Revocation Of License**

**06-05-17: Penalties**

## 06-05-01: DEFINITION:

DOOR-TO-DOOR SALESPERSON: Any person who goes up to a structure within a residential district and takes any action to alert the occupants of said person's presence, while carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same or any services for sale or making sales and delivering articles to purchasers, or gathering information by survey, or other means, with the intent that such information will or may be used for subsequent contact with the consumer concerning the sale of any goods, wares, merchandise, food or farm products or provisions, or any services. This article shall not apply to those persons who leave fliers, pamphlets or handbills advertising goods or services and inviting contact from the intended consumer, but who do not make direct contact with the potential consumer. This article shall also not apply to common carriers.

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.

PEDDLER: Any person traveling from place to place, or from street to street, carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same or any services for sale or making sales and delivering articles to purchasers, or gathering information by survey, or other means, with the intent that such information will or may be used for subsequent contact with the consumer concerning the sale of any goods, wares, merchandise, food or farm products or provisions, or any services. This article shall not apply to those persons who leave fliers, pamphlets or handbills advertising goods or services and inviting contact from the intended consumer, but who do not make direct contact with the potential consumer. This article shall not apply to common carriers. (Ord. 2880, 8-1-2011; Ord. 3222, 7-1-2019)

## 06-05-03: LICENSES REQUIRED:

It shall be unlawful for any "peddler" or "door-to-door salesperson" as the same are herein defined, to engage in such business within the corporate limits of the city without having first been issued a license by the city clerk's office. (Ord. 2749, 8-18-2008; Ord. 3222, 7-1-2019)

## 06-05-05: EXCEPTIONS:

The provisions of this article do not apply to:

(1) Any sale under court order;

(2) An auction sale;

(3) Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to or solicit orders for future delivery from local retailers, businesses, governments, schools or wholesale firms; (Ord. 2206, 10-6-1997)

(4) The sale of farm or garden products under "farm stand" as defined in section 10-03-11 of this code; (Ord. 2749, 8-18-2008)

(5) The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;

(6) Contribution solicitation where the person being solicited to contribute personally knows the identity of the person soliciting the contribution, the name of the group or organization he represents and the nature of the services performed or offered by the group or organization;

(7) The sale of admission by local school students to a function of their school or fundraising or community events sponsored by local service clubs such as Elks, Kiwanis, Boy or Girl Scouts, etc.;

(8) Any political group seeking funds or membership;

(9) Any solicitation of information for a telephone book or a city directory by a company representative;

(10) A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale;

(11) A sale of goods, wares, merchandise and personal property of any nature whatsoever for resale to or by a business establishment at a fixed location where goods or services are offered or exhibited for sale;

(12) Any sales that are within the provisions provided within the home occupation permit; (Ord. 2206, 10-6-1997)

(13) Any activity protected against regulation by any provision of the United States constitution or Idaho constitution. (Ord. 2777, 11-17-2008)

### 06-05-07: LICENSE APPLICATION:

(1) Application for a license to be issued under the provisions of this article shall be made to the city clerk and shall state:

A. The name and address of the applicant and all persons associated with him or her in his or her business.

B. Whether the license is desired for a peddler or a door-to-door salesperson.

C. The specific type and scope of the business which the applicant wishes to engage in.

D. A general description of the thing or things to be sold.

(2) Applicant will need to show proof of a state of Idaho resale number.

(3) Each applicant must file with his application one recent passport sized photograph of himself, a copy of which shall be included on the license when issued, the original being retained with the application filed with the city clerk. Each licensee shall at all times have his license with him and shall exhibit the same upon request.

(4) To determine the suitability of prospective applicants for a license under this article, pursuant to Idaho Code section 67-3008 and to congressional enactment Public Law 92-544, each applicant shall 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.

(5) If a vehicle will be used by the applicant in relation to any of the activities covered by this article, either directly or indirectly, and including simply in transportation to and from an area where the applicant will be traveling on foot, then satisfactory proof of registration and current insurance on said vehicle must be shown at the time of application. Where multiple applicants will be sharing a single vehicle, such fact should be stated on the application, and at least one of the applicants must produce the required documentation at the time of application.

(6) If a motorized or non-motorized cart or unit is intended to be used in any way by an individual as they engage in the activities licensed under this chapter, a picture and description of said cart or unit shall be included with the application.

(7) If the sale or advertising of the applicant's goods is made from a motor vehicle, then the applicant must submit an official Idaho driver's license record, obtainable from the Idaho transportation department, and issued within thirty (30) days prior to the city clerk's receipt of the application.

(8) If the applicant is a non-profit entity, wishing to conduct fundraising activities within city right-of-way, they may apply for a license under this chapter by means of a separate application which shall be provided by the City Clerk. To the extent that they would otherwise apply, the requirements of this chapter, or any other chapter of Caldwell City Code, shall be made applicable to such non-profit activities on a case-by-case basis, subject to the discretion of the City Clerk. Any license issued under this special provision shall be for a period of time not exceeding six (6) consecutive hours, and the license shall specify the day or days on which said license may be exercised. (Ord. 2850, 12-6-2010, eff. 1-1-2011; Ord. 3003, 6-1-2015; Ord. 3222, 7-1-2019; Ord. 3222-A, 9-3-2019)

### 06-05-08: LOCATION RESTRICTIONS:

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 peddling 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. The City Clerk may override the aforementioned authority on a case-by-case basis. The plaza operator shall require all peddlers to provide proof of appropriate insurance to the plaza operator prior to commencing their peddling.

No licensee shall operate within a parade route. (Ord. 2253, 10-19-1998; Ord. 3222, 7-1-2019; Ord. 3222-A, 9-3-2019)

### 06-05-09: PREREQUISITE FOR PEDDLING FOOD:

When the applicant proposes to peddle any food or product for human consumption, certification by the Southwest health district is required prior to issuance of a license. (Ord. 2206, 10-6-1997)

### 06-05-10: INVESTIGATION OF APPLICANT:

(1) Upon receipt of application, or application renewal, the city clerk shall refer the application to the chief of police, who shall cause an investigation to determine the validity and completeness of 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. Where an application for

renewal of a license is involved and the application is completed and submitted prior to the expiration of the previous license, and where the city clerk has received no complaints or allegations of any violation of this chapter or other laws by the applicant, the clerk may approve the renewal application administratively once, without referral of the application to the chief of police and without the submittal of an additional fingerprint based national background check. Any subsequent application for renewal shall be treated in all respects as a new application, with referral of the application to the chief of police and must be accompanied by a newly issued fingerprint based national background check.

(2) No person shall be issued a license when that person:

A. 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;

B. 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.;

C. 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;

D. Has been, within ten (10) years prior to the date of making application for such 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;

E. Has been, within five (5) years prior to the date of making application for such 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:

1. The use of force against the persons or property of another;

2. The threat of force against the persons or property of another;

3. Theft or larceny;

4. The use, possession or sale of illicit drugs;

5. Possession of a concealed weapon;

6. 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;

7. Stalking, telephone harassment, or violations of protection orders or do not contact orders; or

8. Contributing to the delinquency of a minor.

F. Has, at the time of such application an outstanding warrant;

G. Has had a similar license revoked by the city or any other city of this state or of the United States within the preceding five (5) years.

H. Has violated this article, or any similar ordinance in any other city of this state or of the United States, within the preceding years, by acting as a "peddler" or "door-to-door salesperson" without first obtaining the requisite license.

I. If a person fails to qualify for a license for the sole reason that they have been arrested for or charged with a felony or enumerated misdemeanor under subsection (2)D or (2)E of this section, and the 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 license if the person otherwise qualifies.

(Ord. 2850, 12-6-2010, eff. 1-1-2011; Ord. 2880, 8-1-2011; Ord. 2915, 9-17-2012; Ord. 3003, 6-1-2015; Ord. 3222, 7-1-2019)

### 06-05-11: LICENSE FEE; LICENSE SHALL BE CARRIED:

(1) A per person license fee shall be paid in an amount established by resolution of the city council, valid for twelve (12) months. The fee for an application for renewal of a license shall be as set forth by resolution of the city council.

(2) Every person licensed under this section shall have with him or her while engaged in such business the license received by him or her from the city clerk and shall produce the same at the request of any city official or at the request of any individual within the city of Caldwell to whom he or she is exhibiting his or her goods or selling or attempting to sell same. The license shall be exhibited in a conspicuous place if the licensee is using a vehicle. (Ord. 2850, 12-6-2010, eff. 1-1-2011)

### 06-05-13: UNLAWFUL CONDUCT:

No licensee shall:

(1) Misrepresent the purpose of solicitation;

(2) Misrepresent affiliation of those engaged in the solicitation;

(3) Continue efforts to solicit from a person once that person informed the solicitor that he does not wish to give anything or to buy anything from that solicitor;

(4) Represent the issuance of any license under this article as an endorsement or recommendation of the solicitation;

(5) 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;

(6) Knowingly make any false statement on an application for a license. (Ord. 2206, 10-6-1997)

**06-05-15: REVOCATION OF LICENSE:**

The city has the power to revoke any license granted in accordance with this article for any of the following causes:

(1) Fraud, misrepresentation or false statements contained in the application for license;

(2) Fraud or misrepresentation or false statement made in the course of conducting the business or trade;

(3) Any other violation of this article;

(4) Conviction of any crime or misdemeanor involving moral turpitude;

(5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. 2206, 10-6-1997)

**06-05-17: PENALTIES:**

(1) This subsection, 06-05-17(1), shall not apply to licensed peddlers and door-to-door salespersons operating within parade routes. Any individual licensed under this article, who fails to abide by the provisions of this article, shall have any license issued under this article revoked, and said individual shall be disqualified from applying for any new license for a period of 365 days. Any individual found to be engaging in any activities requiring a license under this article without having first obtained a license, shall be issued a warning. Any individual who has been issued a warning under this section, or whose license has been suspended under this section, who is found to be engaging in any activity requiring a license under this article, shall be issued a fine in the amount of one hundred dollars ($100), except that an individual who has already received a fine under this section, and is found to be engaging in any activities requiring a license under this article, shall be guilty of a misdemeanor, punishable as set out in Caldwell City Code, Chapter 1, Article 1, Section 01-01-05.

(2) Any licensed peddler or door-to-door salespersons found to be operating within a parade route shall be issued a warning. Any peddler or door-to-door salesperson found to be operating within a parade route, if said individual has received a prior warning under this section, shall have any license issued under this article revoked, and said individual shall not be issued any new license under this article for a period of three hundred sixty-five (365) days.

(3) No individual or entity shall cause or permit any employee, agent, contractor, principal, or other affiliated entity or individual, to violate the provisions of this article. A first violation of this subpart (3) shall result in the issuance of a warning to said individual or entity and shall result in notification being made to the state agency responsible for the licensing or registration of the business of said individual or entity. After the issuance of said warning, each recurring violation of this article shall constitute a misdemeanor. (Ord. 3222, 7-1-2019)

## 01-05-01: TITLE:

This Article shall be referred to and known as *THE CITY OF CALDWELL CONTESTED HEARING PROCEDURES ORDINANCE*. (Ord. 1918, 11-4-91)

Appeal procedures in the event of a license denial

## 01-05-03: DEFINITIONS:

As used in this Article:

AGENCY: Each City board, commission, department or officer, including the Council, authorized by law to make rules, grant licenses or to determine contested cases and quasi-judicial matters, except legislative matters.

CONTESTED CASES: A proceeding including, but not restricted to, licensing in which the legal rights, duties or privileges of a party are required by law to be determined.

LICENSE: The whole or part of any permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license required solely for revenue purposes.

LICENSING: The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

PARTY: Each person or agency named or admitted as a part, or properly seeking and entitled of right to be admitted as a party.

PERSON: Any individual, partnership, corporation, association, governmental subdivision or public or private organization or any character other than an agency.

QUASI-JUDICIAL: The action of any agency in applying general laws, ordinances, rules or policies to specific persons and/or parties, interests or situations. (Ord. 1918, 11-4-1991)

## 01-05-05: APPLICABILITY:

(1) Except for section 01-05-07 of this article, the provisions hereof shall apply to the procedures employed by an agency or the city council when that agency and/or the city council are acting in a quasi-judicial capacity involving an appeal of an initial determination of an agency.

(2) When licensing is required to be preceded by notice and opportunity for hearing by ordinance or state statute, the provisions of this article shall apply, unless specifically in contravention to state statute, or when the provisions of this article are specifically excepted by city ordinance or where a specific procedure is prescribed by another city ordinance.

(3) This article applies to contested matters before the planning and zoning commission. (Ord. 1918, 11-4-1991)

(4) This article appertains to contested matters arising out of orders, decisions or determinations made by the public works director or city engineer under chapter 4, article 7 and subsection 11-02-06(1)I of this code, and to appeals of the building official under the building, plumbing, electrical, housing and mechanical codes as set forth in chapter 12 of this code, and decisions of the fire chief under the fire code, as adopted in chapter 8, article 13 of this code, except that in the event of any conflicts between this article and the provisions named above in chapters 4, 8, 11 or 12 of this code and/or the provisions contained in the codes therein adopted, the provisions of those codes, chapters and/or articles shall control. (Ord. 2685, 5-7-2007)

## 01-05-07: LICENSE PROCEDURE:

(1) No license shall be granted until there has been an investigation by the appropriate agency upon the application submitted pursuant to the terms and conditions of the ordinance applicable. After the investigation, the application shall be forwarded to the appropriate agency which, if provided by ordinance of the city of Caldwell, shall act upon the license request, or the agency shall submit its recommendations to the city council for appropriate action. If the agency recommends or if it determines the application be denied, the agency shall state in writing:

A. The statutes, ordinances and standards used in evaluating the application;

B. The reasons for the denial; and

C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

(2) When a licensee has made timely and sufficient application for the renewal of a license, the existing license does not expire until the application has been finally determined by the agency, and in the case that the application is denied or in the case the terms of the new license are limited, the license does not expire until the last day for seeking review of the agency order.

(3) No agency revocation, suspension, annulment or withdrawal of any license shall be effective until the agency shall have served personally and/or by mail notifying the licensee of the intended action. The notice shall state the facts or conduct upon which the intended action is based. The notice shall also state that the licensee may show cause that the licensee is in compliance with all lawful requirements and why the intended action should not be taken. If good and sufficient evidence is not shown, the intended action becomes effective on the fifteenth day after notice has been personally served or from the date of mailing of the notice; which fact shall also be stated in the notice. If the agency finds that the public health, safety or welfare imperatively requires emergency action, the agency is empowered to order a summary suspension of a license pending proceedings for revocation and/or other intended action. The order and notice shall specify the facts and findings relied upon for summary suspension. (Ord. 1918, 11-4-91)

## 01-05-09: APPEALS TO THE CITY COUNCIL:

(1) Any action by an agency, when acting in a quasi-judicial capacity, or when licensing shall become final unless within fifteen (15) days after notice as provided in Section 01-05-07 of this Article, a notice of appeal to the City Council has been filed with the City Clerk by a party.

(2) All interested parties, that is, all parties entitled to notice either pursuant to City ordinance or pursuant to State statute, or persons who are considered applicants under City ordinance or State statute, shall be entitled to service of notice as set forth in Section 01-05-11 of this Article. (Ord. 1918, 11-4-91)