

CITY OF STANLEY, IDAHO ORDINANCE No. 223

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO AMENDING TITLE 5, "BUSINESS LICENSES AND REGULATIONS" OF THE STANLEY CITY CODE AS FOLLOWS: AMENDING CHAPTER 5.04 LIQUOR SALES, SECTION 5.04.010 LICENSE, ISSUANCE, FEE: AMENDING THE PROVISION FOR CHARGING A LICENSE FEE; AMENDING SECTION 5.04.030 LICENSE GENERALLY: LICENSE EXPIRATION DATE; AMENDING CHAPTER 5.08 BEER SALES, SECTION 5.08.010 DEFINITIONS: AMENDING THE DEFINITIONS; AMENDING SECTION 5.08.020 LICENSE; APPLICATION: COUNCIL DECISION ON PERMIT; AMENDING SECTION 5.08.040 LICENSE; FEE: FEE SET BY RESOLUTION AND SET EXPIRATION DATE FOR LICENSES; AMENDING SECTION 5.08.050 UNLAWFUL PRACTICES: REMOVING ITEMS COVERED BY STATE LAW; AMENDING CHAPTER 5.12 WINE SALES, SECTION 5.12.010 DEFINITIONS: ESTABLISHED BY STATE CODE; AMENDING SECTION 5.12.030 LICENSE; APPLICATION: REQUIRE THAT THE APPLICATION BE PROCESSED BY THE CITY CLERK; AMENDING SECTION 5.12.050 LICENSE; FEE: FEE SET BY RESOLUTION AND CHANGING THE LICENSE PERIOD; REPEALING CHAPTER 5.12 WINE SALES, SECTION 5.12.080 POSSESSION IN MOTOR VEHICLE; REPEALING SECTION 5.12.090 AGE FOR PURCHASE, CONSUMPTION OR POSSESSION; AMENDING CHAPTER 5.20 TEMPORARY VENDORS' LICENSES AND REGULATIONS, SECTION 5.20.000 PURPOSE: TO DELETE THE SECOND PARAGRAPH; AMENDING SECTION 5.20.010 DEFINITIONS: AMENDING THE DEFINITIONS; AMENDING SECTION 5.20.020 LICENSES REQUIRED: REQUIREMENTS OF LICENSE FOR TEMPORARY BUSINESS; AMENDING SECTION 5.20.040 APPLICATION FOR LICENSE: REMOVING SOME REQUIREMENTS OF APPLICATION; AMENDING SECTION 5.20.050 LICENSE FEES: FEES SET BY RESOLUTION, CHANGING THE TERM OF THE LICENSE, AND ADDING A PROVISION FOR RENEWALS; AMENDING SECTION 5.20.070 RESTRICTIONS: REMOVING SET HOURS OF OPERATION; AMENDING CHAPTER 5.20 TEMPORARY VENDORS' LICENSES AND REGULATIONS; TO REPEAL SECTION 5.20.120 EXPIRATION OF LICENSE; AMENDING CHAPTER 5.24 BUSINESS LICENSES, SECTION 5.24.010 DEFINITIONS, BUSINESS OR OCCUPATION: TO PROVIDE FOR THE DURATION OF BUSINESS OR OCCUPATION; AMENDING SECTION 5.24.030 BUSINESS LICENSE REQUIREMENT: PROVIDING THE TERM OF BUSINESS LICENSES AND REQUIREMENTS OF OBTAINING THE LICENSE; AMENDING SECTION 5.24.040 LICENSE FEES: FEES SET BY RESOLUTION.

WHEREAS, The City Council of the City of Stanley finds it necessary to update its City Code to clarify certain procedures, to remove unnecessary provisions, and to add new provisions in furtherance of the health, safety and welfare of the City of Stanley.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STANLEY, IDAHO, AS FOLLOWS:

Section 1: That Title 5, Chapter 5.04, Section 5.04.010 of the Stanley Municipal Code is hereby amended as follows:

5.04.010: LICENSE; ISSUANCE; FEE:

A. The city clerk ~~shall is empowered, authorized and directed to issue licenses to~~ qualified applicants as provided in this chapter, ~~permitting whereby the licensee shall be~~ authorized and permitted to sell liquor by the drink at retail in accordance with the rules and regulations of the city and the commissioner of law enforcement made pursuant to Idaho Code, Title 23, Chapter 9.

B. Each licensee, licensed under the provisions of this act shall pay an annual license fee in advance to the city clerk ~~in the sum of one hundred twenty five dollars (\$125.00)~~ per year, payable on or before ~~January 1~~ September 1 of each calendar year. The annual license fee shall be set by City Council resolution. ~~Resolution of the City Council.~~

Section 2: That Title 5, Chapter 5.04, Section 5.04.030 of the Stanley Municipal Code is hereby amended as follows:

5.04.030: LICENSE; GENERALLY:

Every license issued under this act shall set forth the name of the person to whom issued, the location by street and number, or other definite designation, of the premises, and ~~such~~ other information as the commissioner shall deem necessary. If issued to a corporation or association, the names of the principal officers and the governing board shall be set forth. ~~Such~~ The license shall be signed by the licensee and shall be nontransferable. Every license issued under the provisions of this act is separate and distinct, and no person except the licensee ~~therein~~ named shall exercise any of the privileges granted ~~thereunder~~, and all licenses are applicable only to the premises in respect to which they are issued. ~~All licenses shall expire at twelve o'clock (12:00) midnight on December 31 of the calendar year for which issued.~~ The license year shall be from September 1 to August 31 of the following year. No person shall be granted more than one license for any one year; and no partnership, association, or corporation holding a license under this act shall have as a member, officer, or stockholder any person who has any financial interest of any kind in, or is a member of, another partnership or association or an officer of another corporation holding a license in the same city for the same year. The license shall be posted in a conspicuous place.

Section 3: That Title 5, Chapter 5.08, Section 5.08.010 of the Stanley Municipal Code is hereby amended as follows:

5.08.010: DEFINITIONS

BEER ————— ~~As used in this chapter, means any beverage defined as beer under the laws of the state.~~

PERSON ————— ~~Defined in accordance with the provisions of Idaho Code section~~
~~-23-1001~~

DEALER

RETAILER
WHOLESALE
PACKAGE

BEER	Defined in accordance with I.C. 23-1001(a)
PERSON	Defined in accordance with I.C. 23-1001(i)
PREMISES	Defined in accordance with I.C. 23-1001(j)
RETAILER	Defined in accordance with I.C. 23-1001(k)

Section 4: That Title 5, Chapter 5.08, Section 5.08.020 of the Stanley Municipal Code is hereby amended as follows:

5.08.020: LICENSE APPLICATION:

~~Before any retailer sells and beer under the provisions of this chapter, he shall first make a written application, under oath, to the trustees of the city for a license permitting him to make such sales. In such application, he shall state whether he is a citizen of the United States, and whether or not he is a bona vide resident of the state for a period of at least one year prior to the making of the application; he shall further state whether or not he has, at the time of making the application, a license from the county and also a license from the state permitting him to sell beer; he shall further state in his application whether or not he has ever been convicted for the violation of any law regulating, governing, or prohibiting the sale of alcoholic beverages or intoxicating liquors; the he will conduct an orderly place of business where the beer is sold and will observe and obey all the laws of the state and all the ordinances of the city in carrying on the business as a retailer.~~

Applicant shall first obtain and hold a license from the State of Idaho and Custer County before applying for a city license. Application for City of Stanley license to sell beer, or for transfers or renewals, shall be in writing, signed and sworn to by the applicant upon application forms furnished by the clerk. The application shall be filed by the clerk and presented to the mayor and council at the next meeting of the council. The council shall render a decision to approve or deny a license application within 60 days following submission of an application.

If the City Council denies an application, it shall follow the procedures in I.C. 23-1016 (2) (a) (b) (c); and in I.C. 23-1016 (4) and (5).

Section 5: That Title 5, Chapter 5.08, Section 5.08.040 of the Stanley Municipal Code is hereby amended as follows:

5.08.040: LICENSE; FEE:

A. Each person licensed under the provisions of this chapter shall pay to the city an annual license fee ~~according to the following schedule as set by City Council resolution.~~ The fee schedule shall follow the provisions of I.C. 23-1016 (a)(b).

~~1. Where such retailer sells only bottled beer, which beer is not consumed upon the premises, fifty dollars (\$50.00), a year;~~

~~—2. Where such retailer sells only bottled beer, consumed on the premises, twenty five dollars (\$25.00), a year;~~

~~—3. Where such retailer sells draught beer and bottled beer, or draught beer only, twenty five dollars (\$25.00), a year.~~

B. ~~All licenses issued under the provisions of this act shall expire on December 31 of the year on which they are issued. The license year shall be from September 1 to August 31 of the following year.~~ No refund shall be made for any cancellation, revocation, or other termination of a license during the year for which it was issued.

Section 6: That Title 5, Chapter 5.08, Section 5.08.050 of the Stanley Municipal Code is hereby amended as follows:

5.08.050: UNLAWFUL PRACTICES:

~~—A. It is unlawful for any person to sell such beer to any minor as defined by state law.~~

~~—B. It is unlawful for any person to sell such beer without being regularly licensed under the provisions of this chapter, and under the laws of the state.~~

Section 7: That Title 5, Chapter 5.12, Section 5.12.010 of the Stanley Municipal Code is hereby amended as follows:

5.12.010: DEFINITIONS:

The following terms as used in this chapter are defined as follows:

COMMISSIONER: ~~———— The commissioner of law enforcement of the state.~~

DIRECTOR: The Director of the Idaho State Police

PERSON: Includes an individual, firm, copartnership, association, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular, unless the intent to give a more limited meaning is disclosed by the context in which it is used.

RETAIL WINE LICENSE: A license issued by the commissioner, authorizing a person to sell wine at retail.

RETAILER: ~~———— A person to whom a retail wine license has been issued.~~

WINE: ~~———— An alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar.~~

RETAILER: Defined in accordance with I.C. 23-1303(k)

RETAIL WINE LICENSE: Defined in accordance with I.C. 23-1303 (l)

PERSON: Defined in accordance with I.C. 23-1303 (j)

PREMISES: Defined in accordance with I.C. 23-1001 (k)
WINE: Defined in accordance with I.C. 23-1303 (p)

Section 8: That Title 5, Chapter 5.12, Section 5.12.030 of the Stanley Municipal Code is hereby amended as follows:

5.12.030: LICENSE; APPLICATION:

Applicant shall first obtain and hold a license from the Director of the Idaho State Police and Custer County before applying for a City license. Application for a City of Stanley license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the clerk. Such The application shall be filed by the clerk and presented to the mayor and council at the next regular meeting of the council. for their approval, rejection, or further consideration. The council shall render a decision to approve or deny a license application within 60 days following submission of an application.

If the City Council denies an application, it shall follow the procedures in I.C. 23-1016 (2) (a) (b) (c); and in I.C. 23-1016 (4) and (5).

Section 9: That Title 5, Chapter 5.12, Section 5.12.050 of the Stanley Municipal Code is hereby amended as follows:

5.12.050: LICENSE; FEE:

The license fee imposed and collected shall be the sum of twenty-five dollars (\$25.00) per year. set by City Council resolution. The fee schedule shall follow the provisions of I.C. 23-1315 The Such license year shall be from one minute after twelve o'clock (12:01) A.M. January 1 through December 31; provided, however, should a license be issued for less than a full calendar year, the license fee shall be prorated in accordance with the actual months of issuance. September 1 through August 31 the following year.

Section 10: Repeal. That Title 5, Chapter 5.12, Section 5.12.080 of the Stanley Municipal Code is hereby repealed.

Section 11: Repeal. That Title 5, Chapter 5.12, Section 5.12.090 of the Stanley Municipal Code is hereby repealed.

Section 12: That Title 5, Chapter 5.20, Section 5.20.000 of the Stanley Municipal Code is hereby amended as follows:

5.20.000: PURPOSE:

The purpose of this chapter shall be to protect the health, safety and welfare of residents of the city and to protect its citizens from crime by means of regulation of vendors, peddlers, solicitors, and temporary merchants.

~~The regulations contained in this chapter are 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.~~

Section 13: That Title 5, Chapter 5.20, Section 5.20.010 of the Stanley Municipal Code is hereby amended as follows:

5.20.010: DEFINITIONS:

LICENSING OFFICER: The city clerk or other designee of the City Ceouncil.

PUBLIC SAFETY OFFICER: Licensing officer, fireman, or police officer.

SOLICITOR: An individual, including an employee or agent of a group of individuals, partnership, or corporation, whether a resident of the city or not, who is taking or attempting to take, whether in person, ~~or by telephone, computer, or internet device,~~ orders for sale of food, beverage, goods, merchandise or services to be furnished or performed in the future, ~~whether he is~~ they are collecting advance payments on such sales or not. ~~Such~~ The definitions shall include any person who, for ~~himself~~ themselves or for another person, hires, leases, uses or occupies any temporary structure, motor vehicle, cart or stand within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

TEMPORARY: Operating within the city for a period of ~~six (6) continuous months~~ 30 days or less.

TEMPORARY MERCHANT/VENDOR: Any person whether owner, employee, agent of a group of individuals, partnership, corporation, or otherwise, whether a resident of the city or not, who engages in a temporary business of selling, taking orders for, or delivering goods, wares, merchandise and services within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any temporary structure, motor vehicle, cart or stand within the city for the exhibition and sale of food, beverages, goods, merchandize or services.

~~TEMPORARY VENDOR: A person, including an employee or agent of a group of individuals, partnership, or corporation, who sells or offers to take orders or sell food, beverages, goods, or merchandise from a stand, cart, motor vehiele or any other type of conveyance, or from their person. The word "vendor" shall include the words "hauler", "huckster", and "peddler".~~

Section 14: That Title 5, Chapter 5.20, Section 5.20.020 of the Stanley Municipal Code is hereby amended as follows:

5.20.020: LICENSES REQUIRED:

~~It shall be lawful for any "vendor", "solicitor", or "temporary merchant", as the same are herein defined, to~~ A temporary merchant/vendor may engage in such a temporary business or to employ another in a temporary such business within the corporate limits of the city without first obtaining a license from the City Clerk's Office in compliance with the provisions of this chapter. License will be valid for the period defined on the license and shall not exceed thirty (30) days. If more than one (1) temporary license is requested

within the calendar year it shall be approved by the council at the next regular council meeting.

Section 15: That Title 5, Chapter 5.20, Section 5.20.040 of the Stanley Municipal Code is hereby amended as follows:

5.20.040: APPLICATION FOR LICENSE

A. ~~Contents:~~ Applicants for a license ~~under this chapter~~ must file with the City Clerk an application furnished by the City Clerk ~~which~~ that shall contain, but not necessarily be limited to, the following information:

1. Name and description of the applicant: if the applicant is an association, company or corporation, then it shall state the name along with the names and descriptions of the persons who will be soliciting in the City;
2. Address, both legal and local.
3. A brief description of the nature of the business and the goods to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.
4. ~~If employed, the name and address of the employer, together with credentials establishing the exact relationship between the employer and the applicant.~~
5. 4. The proposed method of operation, length of time for which the right to do business is desired and, if a motor vehicle is to be used, a description of the vehicle ~~same~~, together with the license number or other means of identification.
6. ~~Whether a permit or license issued to the applicant has been revoked during the last five (5) years, and if so, where and when.~~
7. ~~Social security number and/or dDriver's license number of applicant.~~
8. ~~A statement of whether or not the applicant has been convicted of a misdemeanor or felony of any Federal, State, or Municipal law within the preceding three (3) years, the nature of the offense, and the date, and the punishment or penalty assessed thereof.~~
9. ~~The place where the goods or property are to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.~~
10. 5. A written permission statement from any private property owner verifying their consent to do business on their private property and verifying that applicant has been given permission to use the sanitary services on that property.

B. ~~State Regulations: When the applicant proposes to peddle any prepared food product for human consumption, all regulations of the State of Idaho must be met and a~~

~~certification by the District 7 Health Department shall be required prior to issuance of a license.~~

C. Nontransferable: No license issued hereunder shall be transferable.

Section 16: That Title 5, Chapter 5.20, Section 5.20.050 of the Stanley Municipal Code is hereby amended as follows:

5.20.050: LICENSE FEES:

The license fee for any temporary vendor, solicitor or canvasser, or temporary merchant shall be ~~twenty-five dollars (\$25.00)~~ set by City Council resolution. Each ~~per~~ licensing period shall require a separate fee. Licenses shall be issued ~~for a six (6)-month period~~ the period specified on the approved permit. All fees shall be paid in advance.

Section 17: That Title 5, Chapter 5.20, Section 5.20.070 of the Stanley Municipal Code is hereby amended as follows:

5.20.070 RESTRICTIONS;

A. Location: No licensee hereunder shall have any exclusive right to any location in a public street, nor shall he/she 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 public safety 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 ordinance or is in violation of Title 8, Cehapter 14 of this code.

B. Hours of Operation: ~~Vendors, canvassers, and solicitors shall be allowed to engage in their licensed business only between nine o'clock (9:00 A.M.) and one hour after sunset unless located in a commercially zoned area. All vending stands, carts or vehicles must be removed from public property during non-vending hours. If it pertains to a special event, the city council may make an exception to the usual hours of operation. Temporary vendors may be allowed at special events under the terms of the event contract.~~

C. Removal Of Trash: All trash or debris accumulating within twenty feet (20') of any vending stand shall be collected by the vendor and deposited in trash containers. All vendors selling food or beverages must provide trash receptacles adjacent to or as a part of their stands.

D. Prohibited Areas: Any duly authorized public safety officer shall prohibit vendors from selling on specified public ways if it determines such prohibitions are necessary for the protection of public health and safety. Vendor carts, stands, and motor vehicles are prohibited within fifteen feet (15') of loading zones, or driveways of a fire station, police station or medical facilities.

E. Sewer And Sanitation Facilities: Each licensee shall provide written proof of access to sewer and sanitation facilities.

Section 18: Repeal. That Title 5, Chapter 5.20, Section 5.20.120 of the Stanley Municipal Code is hereby repealed.

Section 19: That Title 5, Chapter 5.24, Section 5.24.010 of the Stanley Municipal Code is hereby amended as follows:

5.24.010: DEFINITIONS:

In construing the provisions of this chapter, the following definitions shall apply:

BUSINESS OR OCCUPATION: All activities, trades, and pursuits conducted or engaged in for profit, including, without limitation, short-term rentals, wholesale businesses, retail businesses, restaurants and/or bars, cafés and/or other food providers, hotels, motels, outfitting/guiding businesses, personal service businesses and professions, and businesses conducted as home occupations in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted.

BRANCH ESTABLISHMENT: A secondary location of a business or the operation and transaction of business at a location other than that of the primary business.

CITY: ~~The city of Stanley, Idaho.~~

CITY CLERK: ~~The city clerk of the city of Stanley, Idaho.~~

PERSON: Any individual, firm, partnership, company, corporation, joint venture, association, or other business entity.

BUSINESS PREMISES: Includes all real property and structures thereon, in or upon which any business or occupation is conducted. Includes all real property and structures on a parcel and any adjacent parcels with the same ownership upon which any business or occupation is conducted.

SHORT-TERM RENTALS: A person who owns and/or manages one or more residences at different premises rented to third parties for periods of less than 30 days.

YEAR: ~~The calendar year.~~

Section 20: That Title 5, Chapter 5.24, Section 5.24.030 of the Stanley Municipal Code is hereby amended as follows:

5.24.030: BUSINESS LICENSE REQUIREMENT:

The term of all business licenses shall be June 1 through May 31 of the following year.

An individual business license shall be required for:

1. ~~Each~~ each premises where a business or occupation is located within the city of Stanley in which any person is engaged in any business or occupation. Any person conducting such a business or engaged in such an occupation shall apply for the required business license by filling out an application provided by the city clerk.
2. ~~A license shall be required for each~~ Each branch establishment and/or separate location of a business.

3. Each different type of business on the same premises regardless of management or ownership.

Section 21: That Title 5, Chapter 5.24, Section 5.24.040 of the Stanley Municipal Code is hereby amended as follows:

5.24.040: LICENSE FEE:

~~A The business license fee for the administrative costs of processing applications and issuing licenses, in the amount of one hundred dollars (\$100.00) shall be set by City Council Resolution for all business. All fees shall be paid by each applicant at the time of making application for the required business license. The license shall be issued for the calendar year in which the application is submitted, and there shall be no proration of the application fee. All business licenses required hereunder shall be renewed annually for each year in which the business or occupation subject to this chapter remains in operation. Each person presently engaged in a business or occupation within the city of Stanley shall comply with this chapter on or before July 1, 2000. The amount of the fee provided for herein may be adjusted by resolution of the Stanley city council without amending this chapter.~~

Section 22: Repealer: All ordinances, policies or parts thereof, which are in conflict herewith, are hereby repealed.

Section 23: Severability: Should any part or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared be unconstitutional or invalid.

Section 24: Effective Date: This ordinance shall be in full force and effective from the date of passage and publication according to law.

Section 25: Codification: The City Clerk is directed to forward the signed and approved ordinance to the codifier for codification.

APPROVED by the Mayor and City Council of the City of Stanley on this 31 day of July, 2025.



Steve Botti, Mayor

ATTEST: 

City Clerk

