

**TITLE 3
BUSINESS AND LICENSE REGULATIONS**

**Chapter 1
GENERAL LICENSE PROVISIONS**

3-1-1: PURPOSE:

The purpose of this chapter is to provide personnel charged with the responsibility of protecting the health and safety of the public and the environment with information relating to business operations within the city that will aid them in providing police, fire, and environmental protection as well as information regarding contact persons in the event of an emergency. It is the further purpose of this chapter to provide the city with information regarding the types of businesses operating within the community in order to facilitate recruitment and retention of businesses and to further the economic development of the community. (Ord. 516, 10-16-2012)

3-1-2: APPLICABILITY:

The provisions of this chapter shall be applicable to all persons that are engaged in business activities within the Hayden city limits, whether the place of the business is physically located in commercial, industrial or in-home locations within the city limits, or the entity is performing work, sales or services within the city limits. For the purpose of this chapter, the term "business activities" shall include, but not be limited to, wholesale and retail businesses and all activities, occupational callings, trades, pursuits or professions that conduct business with the object of gain, profit, benefit or advantage. Each business location shall be deemed a separate business unless it is a specific annex to the main location of the business. (Ord. 516, 10-16-2012)

3-1-3: DEFINITIONS:

AIRPORTER: A shuttle service that transports people to and from the airport for the purpose of air travel.

CASUAL OR ISOLATED SALES:

- A. A sale in which the tangible personal property involved was not acquired or held by the seller for use in the operation of his business or for resale, and the sale was not made through a broker, agent or other person regularly engaged in making sales of tangible personal property; or
- B. A sale of tangible personal property acquired or held by the seller for use in the operation of his business (not acquired or held for resale) if such sale is made in a complete and bona fide liquidation of a business of the seller.
- C. A sale of personal household goods owned by the person conducting the sale (i.e., yard sales).

PERSON: Individuals operating a business in their individual name, corporations, partnerships, limited liability companies, and individuals operating under an assumed business name. (Ord. 516, 10-16-2012)

3-1-4: LICENSE REQUIRED:

- A. No person shall engage in any business within the city of Hayden for which licensing is required by this chapter, without having submitted a license application to the community and economic development department and receiving a general business license in accordance with the provisions of this chapter. This license shall be in addition to any other license required by other chapters of this title. Such license shall be valid until December 1 of that year so long as the ownership, management, nature of the business or location of the business remains unchanged, or the license has not been revoked or suspended, and must be renewed annually on or before December 1 of each subsequent year.
- B. The business license is not intended to repeal any license or franchise provisions of any other ordinance of the city of Hayden, nor is the license to be considered a waiver of any other requirements of compliance with any federal, state and local laws. (Ord. 516, 10-16-2012)

3-1-5: EXEMPTIONS:

- A. The license requirements of this chapter shall not apply to:
1. Persons who make casual sales or isolated sales, not more than four (4) times per calendar year.
 2. Delivery of goods by vehicle to a location within the Hayden city limits when the sale of the goods took place outside the city limits.
 3. Domestic servants, newspaper carriers or casual labor not included as temporary employees of a regularly conducted business.
 4. Lessor of any residential property having one or two (2) family units.
 5. Government/public utility agencies.
 6. Minors under the age of eighteen (18) doing business.
 7. Taxi, limousine, airporter or similar service where the business operates from premises outside the city limits.
 8. Sales of goods or services by mail, telephone, or internet where the seller operates from premises located outside the city limits and the only event occurring within the city limits is receipt of goods or services.
 9. Provision of internet or wireless phone services where the provider operates from premises located outside the city limits and the only event occurring within the city limits is receipt of the services.
 10. Church operations and functions, except for church functions that include sales of goods.
 11. Fraternal organizations and lodges, except for functions that include sales of goods.

B. The fee provisions of this chapter shall not apply to:

1. Persons qualifying as a nonprofit business, including charitable activities, within the meaning of section 503(c)(3) of the United States internal revenue code, and do not provide retail sales, or operate a daycare, school/educational institution, or organized sports competitions. Possession of a certificate of such status from the internal revenue service shall be required to qualify for this exemption.
2. Festivals, community events not sponsored by a governmental entity, flea markets, so long as the operator of the event has obtained a business license.
3. Subcontractors, so long as the general contractor has obtained a business license. (Ord. 516, 10-16-2012)

3-1-6: LICENSE APPLICATION:

A business license application shall be provided by the community and economic development department and the application shall contain information including, but not limited to, the following:

- Name of business;
- Name of business owner;
- Business telephone number;
- Street and mailing address for the business;
- Emergency contact name and number;
- Business e-mail address;
- Business website;

Detailed description of the business, including, but not limited to, the number of employees, any hazardous materials to be used or kept on site and the location of those materials, the type of waste planned to be discharged (i.e., industrial waste, or fats, oils and grease), the square footage dedicated to business per floor, etc.; and

Any other information deemed necessary by the city for the health and safety of emergency service personnel or utility service providers.

Every application shall be personally signed by the owner or his agent. The application shall be submitted no less than ten (10) business days prior to the date on which business will commence for new businesses. Businesses already in operation on the date of passage of this chapter shall submit an application no later than December 1, 2012. (Ord. 516, 10-16-2012)

3-1-7: LICENSE FEE:

A license fee in an amount set by resolution of the city council is due at the time the application for a new license or for a renewal is submitted to the community and economic development department

and/or prior to the issuance of a business license. Since the fee is based on the costs associated with processing the application, a reduced fee will not be applied to midyear applications or renewals. (Ord. 516, 10-16-2012)

3-1-8: NONTRANSFERABLE:

A license issued under this chapter is not transferable from one person to any other person. Such license may not be transferred from one location to another without application to and approval by the community and economic development department. (Ord. 516, 10-16-2012)

3-1-9: DISPLAY OF LICENSE:

Every business required under this chapter to obtain a business license shall display such license in a prominent location upon the business premises. No person shall loan, sell, give or assign to any other person or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession any license which has been issued to said business. (Ord. 516, 10-16-2012)

3-1-10: INSPECTION:

The licensee shall allow the community and economic development department to inspect the facilities of any licensee, during the hours that the business is open to the public, to ascertain the accuracy of the information provided in the application and/or that the license is properly displayed. (Ord. 516, 10-16-2012)

3-1-11: CHANGE OF OWNERSHIP, MANAGEMENT, NATURE OF BUSINESS OR LOCATION OF BUSINESS:

A. Whenever the ownership, nature of the business or location of any business within the city is changed, a new license application reflecting the change shall be presented to the community and economic development department or a designee within thirty (30) days of said change.

B. Whenever the management of the business changes, the community and economic development department shall be notified in writing of the name of the new manager, residence address and residence phone number of the new manager. (Ord. 516, 10-16-2012)

3-1-12: COMPLIANCE WITH LAWS:

Licensees shall comply with all applicable federal, state and local laws and regulations. Failure to comply with laws and regulations relating to the business operation may result in an application denial, or a license suspension or revocation. (Ord. 516, 10-16-2012)

3-1-13: FAILURE TO COMPLY:

A general business license may be denied, suspended or revoked for failure of the applicant to comply with the provisions of this chapter. In addition, the city may assess an administrative penalty in an amount set by resolution and/or misdemeanor prosecution. (Ord. 516, 10-16-2012)

3-1-14: SUSPENSION OR REVOCATION OF LICENSE:

In the event it is brought to the attention of the city administrator that a violation has taken place, before revoking or suspending such license, the city administrator shall cause notice to be served upon the licensee, setting forth in general terms the violation or violations claimed to have been committed

and such notice shall provide a time for hearing thereon by the city administrator which date shall not be less than five (5) days or more than ten (10) days from the date of the service of the notice, and upon or following the hearing, if the city administrator shall find that the provisions of this chapter have been violated or the license was issued in error, the city administrator is authorized to revoke or suspend such license and no refund of any unused portion of the license fee shall be made to the licensee. (Ord. 516, 10-16-2012)

3-1-15: APPEAL:

Any applicant who has made application for a license under the provisions of this chapter and who has been denied such a license, or any person holding a license which is revoked or suspended under the provisions of this chapter, may request a hearing before the city council. The written appeal setting out the basis for the appeal must be submitted to the city clerk within fifteen (15) business days of the application denial, license suspension or revocation. (Ord. 516, 10-16-2012)