

ORDINANCE 1348

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.40 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. The Payette Municipal Code is amended by the addition of a new Chapter 5.40, entitled "USED CAR SALES AND USED CAR LOTS," which chapter shall read as follows:

Chapter 5.40

USED CAR SALES AND USED CAR LOTS

Sections:

- 5.40.010 Definitions
- 5.40.020 Established Used Car Lots
- 5.40.030 License Requirements and Procedures for Obtaining License
- 5.40.040 Regulations
- 5.40.050 Revocation
- 5.40.060 Penalty

5.40.010 Definitions

1. "Used car," as used in this chapter, means any used, pre-owned or second-hand motor vehicle to which a certificate of title or license plates have been issued and which motor vehicle has been registered for use on the highways by a purchaser, consumer or by a dealer, and includes any used or second-hand vehicle, defined as any vehicle required to be titled, trailer coaches or trailers weighing over 1,000 pounds.
2. "Used car dealer" means a person who brokers, deals or engages in the purchase, sale, lease, consignment sale or exchange of five (5) or more used cars within a 12-month period.
3. "Used car business" means the purchase, sale, lease, consignment sale or exchange by any person, firm or corporation of five (5) or more used cars within a 12-month period.
4. "Used car lot" means any place where used cars are displayed and offered for purchase, sale, lease, consignment sale or exchange in the open by a used car dealer or used car business.
5. "Established used car lot" means any land in the City of Payette maintained or used

for conducting a used car business which business was in existence at the time this chapter was created.

5.40.020: Established Used Car Lots

Any established used car lot must have:

A. A permanent structure containing not less than one hundred twenty (120) square feet of interior floor space to be used as business or sales office. Any new structure to be built shall conform to the Payette Municipal Code and the International Building Code, 2009 edition. Any existing structure shall substantially conform to standards established in the Payette Municipal Code, in regard to matters connected with public health and safety. The City Building Inspector shall cause an inspection to be made to determine such compliance.

B. Improved grounds complying with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of used cars:

1. Parking space for inventory shall be not less than ten (10) feet by twenty (20) feet for each used car.

2. Improved ground shall contain a gravel base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete that conforms to Idaho Department of Transportation Standards of Specifications.

3. The finished grade of such improved grounds shall be not less than twelve (12) inches or more than thirty six (36) inches above the grade of the street adjoining said premises.

4. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress.

C. Must be in compliance with all standards of the Payette Municipal Code, including but not limited to, section 17.72.020.

5.40.030: License Requirements and Procedure for Obtaining License

No person, firm, corporation or other entity shall operate as a used car dealer or engage in a used car business within the City of Payette without a City Used Car Sales License as herein provided. A separate City Used Car Sales License shall be required for each established used car lot.

The City Clerk is hereby authorized to issue a City Used Car Sales License upon submission by the applicant of a written application on forms to be provided by the City Clerk and upon compliance by the applicant with the following requirements:

A. The application shall be accompanied by written detailed plans showing the layout of land to be used, the portion thereof to be improved as required herein, method proposed for improvement, drainage, driveways for ingress and egress, and buildings to be built or existing buildings to be used in the operation of the established used car lot.

The application shall also be accompanied by evidence that he/she has obtained all applicable zoning, use, or site plan approvals/permits required to be obtained prior to operating a used car lot or business in the proposed location in the City. The granting of a City Used Car Sales License is contingent on obtaining all applicable zoning, use, or site plan approvals/permits. The City Clerk shall submit all such plans to the City Engineer for his/her approval prior to granting of the City Used Car Sales License.

B. Applicant must furnish evidence that he/she possesses a valid State of Idaho Used Vehicle Dealer's License.

C. There shall be a one-time City Used Car Sales License fee in the amount of \$100 paid when an application is filed. There shall be no other license fees as long as in the lot remains in compliance with City Codes. In the event the City Clerk determines that the Used Car Sales lot is out of compliance with City Codes, the license shall become null and void, and before an applicant may re-commence business, there shall be a renewal application filed. There shall be a \$100.00 renewal fee paid with the application for a renewal.

No City Used Car Sales License issued under this ordinance may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the City Clerk and the payment of a transfer fee in the amount of \$25. Provided however, the transferee shall be required to furnish any and all information as may be contained in an initial application for a City Used Car Sales License. Prior to transferring any City Used Car Sales License, the City Clerk shall determine that the established used car lot for which the City Used Car Sales License has been issued is complying with all of the provisions of this ordinance.

5.40.040: Regulations

Each licensee under this ordinance shall comply with the following regulations:

1. Keep the premises in a neat and clean condition. Dealer shall not allow any used motor vehicles that are part of its inventory to encroach upon the streets, alleys, sidewalks or other publicly maintained areas of the City.
2. Not allow any loud or boisterous noises to emanate from its place of business, either by persons congregating there or by the playing of recording instruments, radios and/or television sets or other sound-reproducing equipment.
3. At all times keep each motor vehicle used in connection with its said business or maintained as part of the inventory thereof insured with public liability and property damage insurance in an amount not less than \$10,000 per person and \$20,000 per accident, personal injury or death liability insurance and \$5,000 property damage insurance.

5.40.050: Revocation

Any City Used Car Sales License issued under this ordinance shall be automatically revoked upon termination, suspension, revocation or failure to renew the licensee's State of Idaho Used Vehicle Dealer's License or upon proof by competent legal evidence that the licensee made a false statement in any application for City Used Car Sales License filed upon this ordinance. Any such City Used Car Sales License may be revoked by the City Council in their discretion upon proof of conviction of the licensee for a violation of this ordinance.

5.40.060: Penalty

Any violation of this Ordinance shall be a misdemeanor punishable by fine, imprisonment or both, up to but not exceeding the maximum penalties set forth in Idaho Code § 50-302, as amended.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

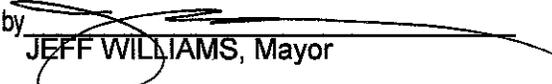
Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 6th day of September, 2011.

CITY OF PAYETTE, IDAHO

by 
JEFF WILLIAMS, Mayor

ATTEST:



Mary Cordova, City Clerk