

## ORDINANCE 1365

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 5.15.010, 5.15.040, 5.15.050, 5.15.090 and 5.15.160 IN CHAPTER 5.15 OF TITLE 5, TO PROVIDE FOR ADMINISTRATIVE PERMITTING OF MOBILE FOOD VENDORS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.**

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

**Section 1.** Section 5.15.010, 5.15.040, 5.15.050, 5.15.090 & 5.15.160 of Title 5, Chapter 5.15 of the Payette Municipal Code is hereby amended as follows:

### **5.15.010: GRANTING OF CONCESSION:**

No mobile or temporary food service vendor shall dispense any food or any drink within the city limits unless he shall be granted a concession therefor by the city ~~council~~ clerk. (Ord. 1103 § 1, 1995)

### **5.15.040: INVESTIGATION AND ISSUANCE:**

The city clerk shall refer the application to the chief of police ~~or his/her representative~~, who shall make a criminal history background investigation of the applicant. Upon completion, the chief of police, or his/her representative, shall forward the results of the investigation to the city clerk. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the city clerk shall, upon payment of the prescribed fee, ~~and approval of the city council~~, issue the license to the applicant. The city clerk shall deny the applicant the license if the applicant has:

### **5.15.050: FOOD AND DRINK CONCESSIONS:**

The proprietor of any mobile or temporary food service concession stand or operation shall be required to receive permission from the city ~~council-clerk~~ prior to receiving a concession license from the clerk's office, furnish proof of public liability insurance coverage in the minimum amount of five hundred thousand dollars (\$500,000.00) combined single limit, and to pay a concession license fee of fifty dollars (\$50.00) for each location at which the concession will be operated. Additional requirements may be imposed by the ~~council-clerk~~ and shall be subscribed on the permit.

C. Whenever any person shall apply for a food vendor license or permit to establish an outlet in a mobile, movable, temporary or portable building where the only service provided shall be a drive-through service, they shall file an application with the city clerk. The information contained in the application shall be the same as that information set out in section 5.15.030 of this chapter. ~~That application shall be presented to the city council in the same manner as any other mobile vendor application.~~ The terms and conditions of this chapter shall apply, except that the ~~council~~ city clerk may permit the mobile vendor to operate in a building which is smaller than twenty feet by twenty feet (20' x 20'), may allow or deny sandwich board advertising, shall be allowed to prohibit any kind of noise or sound emanating from a vendor's location which would be intended to attract attention to the vendor's location or product or prohibit any kind of condition which would constitute a nuisance or create a

condition which would constitute a detriment to public safety. Any permit issued for a mobile vendor under this subsection shall be for a specific licensee, for a specific location, for a specified period of time and for a specified product.

D. Any mobile or temporary food service concession stand or operation on city owned property will have mayor and city council approval.

#### **5.15.070: PUBLIC HEALTH PERMIT:**

The concessionaire must obtain a valid public health permit for the mobile food concession to be used prior to issuance of the city permit. ~~All city permits shall be issued on a monthly calendar basis. Application for such city permit shall be made on a form supplied by the city clerk twenty (20) days in advance of the issuance of such city permit.~~

#### **5.15.090: FIRE EXTINGUISHER:**

All mobile food concessions shall contain at least one functional fire extinguisher approved by the ~~department of public safety~~ [Payette Fire Department](#).

#### **5.15.160: VIOLATION, LICENSE, SEIZURE:**

In the event that the licensee shall violate any of the terms or conditions of the license, or in the event that any product offered by the licensee is a stolen item, or in the event that the licensee violates any municipal ordinance in reference to the business, the ~~department of public safety~~ [Payette Police Department](#) shall be authorized to seize and confiscate the license and hold the same pending a hearing before the city council. No business shall be conducted without a license. If the licensee requests a hearing, a revocation hearing shall be held by the city council. Fourteen (14) days' notice shall be given by mailing to the licensee at the address provided by the licensee on the application or any amendments thereto. The notice shall set out the time and place of hearing, the reasons for the revocation and that the licensee may be represented by counsel.

**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.

**Section 6.** Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 50-302, as amended. Each day during which a violation takes place or is allowed to continue shall constitute a separate violation of this chapter.

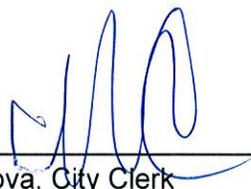
PASSED and APPROVED by the Mayor and City Council of the  
City of Payette, Idaho this 11 day of May, 2012.

CITY OF PAYETTE, IDAHO

by 

JEFFREY T. WILLIAMS - Mayor

ATTEST:



  
Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1365

Ordinance 1365 is an ordinance of the City Of Payette, Idaho, adopted April 16, 2012. The ordinance may be descriptively known as the Payette City Food Vendors Ordinance. Ordinance 1365 amends sections 5.15.010, 5.15.040, 15.15.050, 5.15.090 and 5.15.160 of Title 5, Chapter 5.15 to allow the Payette City Clerk to issue food vendors licenses. Ordinance 1365 provides a severability clause, provides for publication by summary, sets an effective date, provides a penalty and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1365 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 14th day of May, 2012.



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Bert L. Osborn