

ORDINANCE NUMBER 1241 ✓

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 5.15.050 OF THE PAYETTE CITY CODE, BY ADDING NEW SUBSECTIONS A, B AND C WHICH SECTIONS ALLOW DESIGNATED COMMITTEES TO ACT ON BEHALF OF THE COUNCIL FOR THE LIMITED PURPOSE OF ISSUING TEMPORARY MOBILE VENDOR PERMITS AND WHICH ALLOWS THE COUNCIL TO WAIVE THE 20' X 20' MINIMUM BUILDING SIZE REQUIREMENT FOR DRIVE THROUGH MOBILE BUSINESSES; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;

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

Section 1. Section 5.15.050 of the Payette City Code is hereby amended with the addition of subsections A and B, which are set out as follows:

(A) During any period of time designated by the Mayor or by the City Council as a ceremonial, festival, cultural or special event period, the City may designate any Committee as the organization which issues temporary mobile vendor permits. As a part of that authority, in accordance with a plan approved by the council, the Committee may designate the public areas of the City in which temporary mobile vendors may set up, display, promote and sell their products. The designated committee will require that any vendor comply with the requirements of the Idaho Code and the Payette City Code.

(B) In the event any applicant for a mobile vendor license is denied a permit or is placed in a location which the applicant finds to be objectionable or if any other action is taken which the applicant feels is adverse, the applicant may appeal that action or denial to the City Council. The Council shall have ultimate authority to issue, deny or modify any permit.

(C) When ever 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 above. 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 may permit the mobile vendor to operate in a building which is smaller than 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.

Section 2. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Section 3. Any ordinances or resolutions which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1241.

Section 5. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

Passed and approved by the Mayor and City Council this 21st day of March, 2005.

CITY OF PAYETTE

By Mark S. Heleker
Mayor

ATTEST: John P. Jacobs
City Clerk