### TITLE 3

**BUSINESS AND LICENSING REGULATIONS**

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CHAPTER 1

GENERAL BUSINESS LICENSES AND PERMITS

SECTION:

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3-1-1: APPLICATIONS: Applications for all licenses and permits required by this Code shall be made in writing to the City Clerk/Treasurer, unless otherwise specifically provided by law. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required by the issuing official. (2000 Code)

3-1-2: PERSONS SUBJECT TO LICENSE: Whenever in this Code a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the City. (2000 Code)
3-1-3: **FORMS:** Forms for all licenses and permits, and applications therefor, shall be prepared and kept on file by the City Clerk/Treasurer. (2000 Code)

3-1-4: **LICENSE FEES:** License fees shall be as provided from time to time by resolution of the City Council and on file in the office of the Clerk/Treasurer. (2000 Code)

3-1-5: **SIGNATURES:** Each license or permit issued shall bear the signatures of the Mayor and the City Clerk/Treasurer in absence of any provision to the contrary. (2000 Code)

3-1-6: **INSPECTIONS; INVESTIGATIONS:** Upon the receipt of an application for a license or permit where laws of the City necessitate an inspection or investigation before the issuance of such permit or license, the City Clerk/Treasurer shall refer such application to the proper officer for making such investigation within forty eight (48) hours of the time of such receipt. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. For the protection of health, the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor. (2000 Code)

3-1-7: **TERM OF LICENSE:** All annual licenses shall terminate on the last day of the calendar year of the City where no provision to the contrary is made. (2000 Code)

3-1-8: **BUILDING AND PREMISES:** No license shall be issued for the conduct of any business and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the City. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of Title 13 of this Code. (2000 Code)
3-1-9: **CHANGE OF LOCATION:** In the absence of any provision to the contrary, the location of any licensed business or occupation or of any permitted act may be changed, provided ten (10) days' notice thereof is given to the City Clerk/Treasurer; and provided, the planning requirements and/or building requirements of this Code are complied with. (2000 Code)

3-1-10: **NUISANCES:** No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact. (2000 Code)

3-1-11: **POSTING OF LICENSE:** It shall be the duty of any person conducting a licensed business in the City to keep his license posted in a prominent place on the premises used for such business at all times. (2000 Code)

3-1-12: **REVOCATION OF LICENSE OR PERMIT; HEARING:** Any license or permit, for a limited time, may be revoked by the Mayor and City Council during the life of such license or permit for the violation by the licensee or permittee of any provision relating to the license or permit, the subject of the license or permit, or the premises occupied; such revocation may be in addition to any fine imposed. The Mayor and the City Council shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any business license or permit for a period not to exceed fifteen (15) days.

A. **Hearing:** Within ten (10) days after the City officials have so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

B. **Notice Of Hearing:** Notice of hearing for revocation of a license or permit shall be given, in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be sent to the licensee or permittee by certified mail at his last known address or personally served at least five (5) days prior to the date of the hearing.

C. **Hearing Procedures:** At the hearing, the licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision and recommendation.

*City of Wallace*
D. Causes For Revocation: Business licenses and permits issued under the ordinances of the City, unless otherwise provided, may be revoked by the Mayor and City Council after notice and hearing as provided in subsections B and C of this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license or permit;

2. Any violation by the licensee or permittee of any ordinance provision, State or Federal law, rules or regulations relating to the license or permit, the subject matter of the license or permit, or the premises occupied, or otherwise.

3. Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

4. Failure of the licensee or permittee to pay any fine or penalty owing to the City;

5. Refusal to permit an inspection or investigation or any interference with a duly authorized City officer or employee while in the performance of his duties in making such inspections, as provided in this Code. (2000 Code)

3-1-13: APPEAL PROCEDURE:

A. Right To Appeal: Any applicant aggrieved by the refusal of the City to issue a license or permit or by the revocation of a license or permit shall have the right to appeal the City's decision to the City Council. Such appeal shall be requested by submitting a written request to the Mayor within five (5) days of the action of the City which is appealed.

B. Council Consideration: The City Council shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his appeal orally or in writing. The Council shall act on the appeal within seven (7) days of the hearing and shall either uphold the action of the City or shall direct the issuance of a license or permit which the City has denied or the reissuance of a license or permit which the City had revoked. (2000 Code)

City of Wallace
CHAPTER 2
LIQUOR CONTROL

SECTION:

3-2-1: Beer, Wine Or Liquor On City Property Prohibited; Exceptions
3-2-2: Permits
3-2-3: Carrying Of Open Containers Prohibited
3-2-4: Penalties

3-2-1: BEER, WINE OR LIQUOR ON CITY PROPERTY PROHIBITED; EXCEPTIONS:

A. Prohibited: It is unlawful for any person to consume any beer, wine or intoxicating liquor, to have in his or her possession any opened or open containers or receptacles containing beer, wine or intoxicating liquor on any public park, property, grounds, sidewalks, streets, and other thoroughfares, within the city or at any other place therein, including any motor vehicle moving or parked, other than a private residence or open premises licensed for the sale and consumption of beer, wine or liquor.

B. Exceptions:

1. Public law enforcement facilities may possess alcohol or alcoholic beverages for evidentiary purposes, and except as set forth under subsection 3-2-2A of this chapter.

2. Any establishment who is licensed to sell beer, wine or liquor and who has previously obtained a permit for on-site sale and consumption from the city of Wallace and who is in compliance with the criteria set forth by resolution of the city council, and except as set forth under subsection 3-2-2A of this chapter. (Ord. 2000-02, 5-9-2000)
3-2-2: PERMITS:

A. The city council may authorize permits for the on-site sale and consumption of alcoholic beverages on city property, public sidewalks and other public rights of way, which property, sidewalk or other public rights of way are contiguous to a permitted outdoor eating facility, upon the following conditions being met:

1. Fulfillment of all criteria as set forth by resolution of city council; a copy of said resolution can be obtained from the city clerk, at City Hall, 701 Cedar Street, Wallace, Idaho.

2. Until such time as criteria are adopted, no permit shall be issued for the on-site consumption of alcoholic beverages on city property, public sidewalks and other public rights of way.

B. On-site sale and consumption of alcoholic beverages on city property, public sidewalks and other public rights of way, as set forth in subsection A of this section, shall take place at all times of the year, but only during those times specified on the permit and shall be strictly adhered to. However all permits shall expire December 31 of each year, regardless. (Ord. 2000-02, 5-9-2000)

3-2-3: CARRYING OF OPENED CONTAINERS PROHIBITED:

A. It shall be unlawful for any person to carry or drink from any opened glass or opened metal container in or on any city property, public street or sidewalk within the city limits, regardless if the on-site sale and consumption is pursuant to a permit and even then, shall conform with the criteria set forth by resolution of the city council.

B. The owner of every establishment which sells beverages in glass or metal containers in the city shall post two (2) copies of subsection A of this section in their establishments. Copies may be obtained at Wallace City Hall, 701 Cedar Street, Wallace, Idaho. Failure to post such copies shall be unlawful, a violation of which shall be an infraction and shall carry a fine of fifty dollars ($50.00) and shall result in the immediate cancellation of the permit. (Ord. 2000-02, 5-9-2000)
3-2-4: PENALTIES:

A. The penalties for any violation of this chapter or the criteria set forth in the resolution passed by the Wallace city council for obtaining and/or retaining a permit, shall be considered a misdemeanor and shall carry a fine not to exceed three hundred dollars ($300.00) and up to six (6) months in jail, or both such fine or imprisonment and the immediate cancellation of the permit.

B. Neither the adoption of this chapter nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date hereof or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Wallace city council or the validity of any such action to be taken upon matters pending before the city council on the effective date hereof. (Ord. 2000-02, 5-9-2000)
CHAPTER 2
LIQUOR CONTROL

ARTICLE A. LIQUOR BY THE DRINK

SECTION:

3-2A-1: Purpose
3-2A-2: License Required
3-2A-3: Application
3-2A-4: License Fee; Term
3-2A-5: Qualifications
3-2A-6: Issuance
3-2A-7: Limitations
3-2A-8: Violation; Penalty

3-2A-1: PURPOSE: This Article is passed pursuant to and under the authority of provisions of title 23, chapter 9, Idaho Code. (Ord. 294, 6-20-1947; amd. 2000 Code)

3-2A-2: LICENSE REQUIRED: It shall be lawful for any person to sell liquor by the drink at retail within the corporate limits of the City after having first procured a license as hereinafter provided. (Ord. 294, 6-20-1947; amd. 2000 Code)

3-2A-3: APPLICATION: Applications for license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the City Clerk/Treasurer and presented to the Mayor and City Council at the next meeting of the said City Council for their approval, rejection or further consideration. (Ord. 294, 6-20-1947; amd. 2000 Code)

3-2A-4: LICENSE FEE; TERM: The license fee imposed and collected shall be seventy five percent (75%) of the current

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State fee for the license year, which license year shall be from January 1 to December 31. (Ord. 359, 12-12-1960; amd. 2000 Code)

3-2A-5: QUALIFICATIONS: The applicant for a license shall possess all of the qualifications necessary to obtain a license from the Director of the Department of Law Enforcement of the State, as prescribed by title 23, chapter 9, Idaho Code, and maintain such qualifications throughout the period for which such license is issued. The possession of a license regularly issued by the Department of Law Enforcement of the State shall be prima facie evidence of the applicant's qualifications to receive a license hereunder. (Ord. 294, 6-20-1947; amd. 2000 Code)

3-2A-6: ISSUANCE: Upon filing the application for license as herein provided and upon producing evidence of the issuance of a license to the applicant by the Director of the Department of Law Enforcement of the State, and upon approval by the Mayor and the City Council of such application, and the payment of the license fee as herein provided, the City Clerk/Treasurer shall issue to the applicant a license to sell liquor by the drink at retail within the City for such calendar year or the remainder thereof. (Ord. 294, 6-20-1947; amd. 2000 Code)

3-2A-7: LIMITATIONS: No person shall be granted more than one license for any one year and such license shall be nontransferable. (Ord. 294, 6-20-1947)

3-2A-8: VIOLATION; PENALTY:

A. Violation: Violation of any of the provisions of title 23, chapter 9, Idaho Code, shall be deemed a violation of this Article. A revocation or suspension of the State license by the Director of the Department of Law Enforcement shall be deemed prima facie evidence for revocation or suspension of the license issued hereunder. (Ord. 294, 6-20-1947; amd. 2000 Code)

B. Penalty: A violation of the terms of this Article, in addition to being grounds for revocation or suspension of the license issued hereunder, shall be penalized as provided in Section 1-4-1 of this Code. (Ord. 294, 6-20-1947; amd. Ord. 350, 9-14-1959; 2000 Code)
CHAPTER 2
LIQUOR CONTROL

ARTICLE B. BEER

SECTION:

3-2B-1: Definitions
3-2B-2: Alcoholic Content
3-2B-3: License Required
3-2B-4: Application
3-2B-5: License Fees
3-2B-6: Investigation
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3-2B-9: City Council Action
3-2B-10: Prohibited Places Of Sale
3-2B-11: Posting Of License
3-2B-12: Transferability
3-2B-13: Hours Of Sale
3-2B-14: Sales To And Employment Of Minors
3-2B-15: Peddling Prohibited
3-2B-16: Revocation
3-2B-17: Penalty

3-2B-1: DEFINITIONS: As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

BEER: Any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

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

RETAILER: Person licensed to sell beer to the consumers at premises described in the license. (1944 Code § 2-101; amd. 2000 Code)

3-2B-2: **ALCOHOLIC CONTENT:** Beer containing not more than six percent (6%) of alcohol by weight may be manufactured, imported and/or sold and distributed in and into the City limits or possessed therein in the manner and under the conditions prescribed by this Code and not to be inconsistent with any State statute or regulation thereof. It shall be unlawful to sell and dispose of or possess for the purpose of sale, beer of any kind or character of an alcoholic content greater than herein prescribed or other than in the manner permitted by this Article. (1944 Code § 2-102; amd. 2000 Code)

3-2B-3: **LICENSE REQUIRED:** It shall be unlawful for any person to sell and retail to the consumer any beer within the corporate limits of the City without first obtaining a license therefor from the City. A separate license shall be required for each place of business where beer is sold. (1944 Code § 2-103)

3-2B-4: **APPLICATION:**

A. **Form:** Every person who shall apply for a City license or permit to sell beer at retail shall tender the license fee to, and file written application for license or permit with, the City Clerk/Treasurer. The application shall be on a form prescribed by the City Clerk/Treasurer which shall require such information concerning the applicant, the premises for which license is sought and the business to be conducted thereon by the applicant as the Clerk/Treasurer may deem necessary or advisable, and which shall enable the Clerk/Treasurer to determine that the applicant is eligible and has none of the disqualifications for license, as provided for in this Section.

B. **Required Information:** Such information shall include the following:

1. The name and place of residence of the applicant and length of his residence within the State, and if the applicant is a partnership,
the names, places of residence and lengths of residence within the State of each partner, and, if the applicant is a corporation or association, the date and place of incorporation or organization, the location of its principal place of business in Idaho, the name of its registered agent, and the names and places of residence of its officers, directors or members of its governing board, and of the person who manages or will manage the business of selling beer at retail;

2. The particular place for which the license is desired, designating the same by a street and number, if practicable, or by such other apt description as definitely locates such place, and the name of the owner of the premises for which license is sought;

C. Qualifications: The application shall affirmatively show:

1. The applicant is the bona fide owner of the business which will be engaged in the sale of beer at retail and with respect to which license is sought;

2. The condition of the place or building wherein it is proposed to sell beer at retail conforms to all laws and regulations of the State and to the ordinances of the County and City applicable thereto relating to public health and safety and to the zoning ordinances of the City applicable thereto;

3. There is no stamp or permit outstanding and in force which has been issued to any person by the United States Government for the premises for which license to sell beer at retail is sought which stamp or permit denotes payment of any special tax imposed by the United States Government on a retail dealer in liquor or wines, unless said premises are premises for which a retail license for sale of liquor by the drink, issued under the provisions of chapter 9, title 23, Idaho Code, is in force and effect;

4. The individual applicant, or each partner of a partnership applicant, or a corporation applicant or an association applicant is qualified to do business within the State;

5. The applicant, if an individual, is not less than nineteen (19) years of age;

6. Within three (3) years immediately preceding the date of filing the application the applicant has not been convicted of the violation of any law of the State of Idaho, any other state, or of the United

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States, regulating, governing or prohibiting the sale, manufacture, transportation or possession of alcoholic beverages or intoxicating liquors, or, within said time, suffered the forfeiture of a bond for failure to appear in answer to charges of any such violation;

7. Within five (5) years immediately preceding the date of filing the application the applicant has not been convicted of any felony or paid any fine or completed any sentence of confinement therefor within said time;

8. Within three (3) years next preceding the date of filing said application the applicant has not had any license provided for herein, or any license or permit issued to the applicant pursuant to the law of this State, or any other state, the United States, or the City to sell, manufacture, transport or possess alcoholic beverages or intoxicating liquors, revoked.

D. Partnership, Corporation Or Association: The affirmative showing required with respect to an applicant under subsections C5 through C8 of this Section shall also be required to be made with respect to each partner of a partnership applicant and to each incumbent officer, director or member of the governing board of a corporation or association applicant.

E. Affirmation: The application must be subscribed and sworn to by the individual applicant, or by a partner of a partnership applicant, or by an officer, agent or manager of a corporation or association applicant, before a notary public or other person authorized by law to administer oaths.

F. Inability To Affirm; False Statement: If an applicant shall be unable to make any affirmative showing required in this Section or if an application shall contain a false material statement, knowingly made, the same shall constitute a disqualification for license and license shall be refused. If license is received on any application containing a false material statement, knowingly made, such license shall be revoked. If at any time during the period for which license is issued a licensee becomes unable to make the affirmative showings required by this Section license shall be revoked, or, if disqualification can be removed, the license shall be suspended until the same shall be removed. The procedure to be followed upon refusal, revocation or suspension of license as herein provided for shall be in accordance with the procedure set forth in this Article.

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G. Expiration: All licenses issued hereunder shall expire at one o’clock (1:00) A.M. on January 1 of the following year and shall be subject to renewal upon proper application. (2000 Code)

3-2B-5: LICENSE FEES: The fees for licenses herein provided for shall be as follows:

A. Retailers’ license fee, where such retailers sell draught beer and bottled beer or canned beer, or draught beer only, seventy five percent (75%) of the current State fee.

B. Retailers’ license fees, where such retailers sell only bottled or canned beer for consumption on the premises where sold, seventy five percent (75%) of the current State fee.

C. Retailers’ license fees, where such retailers sell, only bottled beer or canned beer, none of which is consumed on the premises where sold, seventy five percent (75%) of the current State fee. (1944 Code § 2-105; amd. 2000 Code)

3-2B-6: INVESTIGATION: No license shall be granted hereunder until there has been an investigation by the Police Department of all applicants hereunder. After investigation, the application shall be forwarded to the City Council with a written recommendation from the Chief of Police. If the Chief of Police recommended that an application be denied, he shall state in writing:

A. The statutes or ordinances and standards used in evaluating the application;

B. The reason for the denial; and

C. The action, if any, that the applicant could take to obtain the license, transfer or renewal thereof. (Ord. 482, 12-13-1983; amd. 2000 Code)

3-2B-7: STATE LICENSE REQUIRED: No license shall be issued to any person until he shall have first filed with the City Clerk/Treasurer evidence showing that he has applied for and received a State license issued to him pursuant to the laws of the State. (1944 Code § 2-114; amd. 2000 Code)

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3-2B-8: **TERM:** All licenses shall be granted by the Mayor and Council for a period of one year beginning January 1 and ending December 31. A full year's license fee shall be collected after January 1. (Ord. 482, 12-13-1983)

3-2B-9: **CITY COUNCIL ACTION:**

A. **Action On Applications:** The City Council shall grant or deny the application within thirty (30) days of the time it is filed with the City Clerk/Treasurer.

B. **Hearing Required:** Prior to any revocation, suspension, or denial, the applicant or licensee shall be afforded a hearing according to section 23-1016, Idaho Code.

C. **Denial Of Application:** Whenever the Mayor and City Council deny an application, they shall specify in writing:

1. The statutes, ordinances and standards used in evaluating the application;

2. The reason for the denial; and

3. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

D. **Record Of Proceedings:**

1. **Transcribable, Verbatim Record:** In all cases where the City Council is considering applications for licenses, transfers, or renewals thereof, a transcribable verbatim record of the proceedings shall be made.

2. **Retention Of Record After Denial:** If the application for a license, transfer or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter.

3. **Transcription Or Record:** Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense.

4. **Minutes:** The City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely or

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as otherwise provided by law. (Ord. 482, 12-13-1983; amd. 2000 Code)

5. Evidence: The City Council shall also provide for the keeping of any evidence submitted at the proceedings. Evidence shall be retained indefinitely or as otherwise provided by law. (2000 Code)

3-2B-10: PROHIBITED PLACES OF SALE: No license shall be issued to any person for the purpose of selling, possessing for sale, or offering for sale beer at any private dwelling, including apartment houses, lodging houses, or private rooms used for dwelling purposes. (1944 Code § 2-109)

3-2B-11: POSTING OF LICENSE: It shall be the duty of each person to whom a license is issued under this Article, to keep the same at all times posted in a conspicuous place in his place of business, and in case such license is transferred, a notice of such transfer shall be attached to and posted with the original license. (1944 Code § 2-113)

3-2B-12: TRANSFERABILITY: No license issued under this Article shall be transferred except by permission of the City Council, and such transfer shall be made only upon written application to the City Council, and such application shall contain the same information required in making an original application. (1944 Code § 2-108)

3-2B-13: HOURS OF SALE:

A. Hours Prohibited: It shall be unlawful and a misdemeanor for any person in any place licensed to sell beer or where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, to sell, dispense or give away beer between the hours of two o’clock (2:00) A.M. and six o’clock (6:00) A.M.

B. Consumption Of Beer Already Served:

1. Permitted: Any patron present on the licensed premises after the sale of beer has stopped as provided in subsections A of this Section shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverage already served.
2. Violation: Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon the licensed premises after the time provided for in subsection B of this Section shall be guilty of a misdemeanor.

C. Penalty: A violation of subsection A of this Section shall constitute an offense and be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-111; amd. 2000 Code)

3-2B-14: **SALES TO AND EMPLOYMENT OF MINORS:** Any person who is nineteen (19) years of age or older may sell, serve, possess or dispense beer in the course of his employment, otherwise it shall be unlawful for any person to sell, serve or dispense beer to or by any person under twenty one (21) years of age, proof of which, shall be a validly issued state, district, territorial, possession, provincial, national or other equivalent government driver's license, identification card or military identification card bearing a photograph and date of birth, or a valid passport. (2000 Code)

3-2B-15: **PEDDLING PROHIBITED:** No license shall be issued hereunder for the sale of, nor shall any person acting under such license sell beer by peddling or in any way soliciting orders for the same, and no sale shall be made except in the place for which the license has been granted; provided, however, that any licensee may accept orders left at his place of business by a purchaser and make delivery thereof; or, unless the licensee has obtained an appropriate permit either through the County or the State to sell outside his place of business. (1944 Code § 2-110; amd. 2000 Code)

3-2B-16: **REVOCATION:**

A. Power To Revoke: The City Council shall have the power to refuse a license to any applicant and/or revoke a license at any time when in the judgment of said City Council the business interest and the welfare of the City and/or of the inhabitants thereof will be served by the denial or revocation thereof.

B. Inspection: For the purpose of ascertaining whether or not any licensee is conforming to the provisions of this and other ordinances of the City, State, or Federal government, the City police shall have
the right at all reasonable times to inspect the place where beer is sold under the license issued.

C. Revocation Of State Or Federal License: The revocation or suspension of a State or Federal license to deal in beer shall ipso facto revoke or suspend any license issued to such licensee under this Article. (1944 Code § 2-107; amd. 2000 Code)

3-2B-17: PENALTY: Any person violating any of the provisions of this Article shall be guilty of an offense and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-116; amd. 2000 Code)
CHAPTER 2
LIQUOR CONTROL
ARTICLE C. WINE

SECTION:
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3-2C-1: RETAIL SALE:

3-2C-1-1: PURPOSE: Idaho Code title 23, chapter 13 authorizes the retail sale of wine containing not more than sixteen percent (16%) alcohol by persons other than the State Liquor Dispensary, and authorizing the city councils of the various cities throughout the State to adopt ordinances authorizing such sale, it is hereby declared to be the purpose and intent of the Mayor and Council of the City to authorize issuance of retail licenses for the sale of wine within this City pursuant to the terms and conditions of such Act. (Ord. 401, 6-22-1971; amd. 2000 Code)

3-2C-1-2: SALE PERMITTED: Retail sales of wine containing not more than sixteen percent (16%) alcohol by volume shall be permitted and is hereby authorized in the City. (Ord. 401, 6-22-1971; amd. 2000 Code)

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3-2C-1-3: LICENSE REQUIRED; FEE: Before any person shall engage in the retail sale of wine as defined in Idaho Code subsection 23-1303(a), such person shall apply to the City Council for a retail wine license and shall pay an annual license fee therefor in the sum of seventy five percent (75%) of the current State fee. No retail wine license shall be issued to an applicant who does not possess the qualifications set forth therefor in Idaho Code, title 23, chapter 13. (Ord. 401, 6-22-1971; amd. 2000 Code)

3-2C-1-4: TRANSFER OF LICENSE; FEE:

A. Application: No retail wine license may be transferred to another person, including executor, administrator or trustee in bankruptcy of the estate of the licensee, unless the transferee shall first have obtained the approval of the City Council to such transfer upon application containing the substantially same information required of an applicant for a City retail wine license.

B. City Council Approval: If the transferee possesses all of the qualifications and none of the disqualifications for such license, the City Council shall approve the transfer, which approval shall be attached and made a part of the license.

C. Fee: The fee for each transfer of a retail wine license shall be twenty five dollars ($25.00), which fee shall accompany the application for transfer. (Ord. 401, 6-22-1971; amd. 2000 Code)

3-2C-1-5: REVOCATION; SUSPENSION: The retail license of any retailer who violates any of the laws, rules or regulations of the State, the United States or of this City relating to the sale of alcoholic beverages, beer, or wine, shall be subject to revocation or suspension by the City Council. (Ord. 401, 6-22-1971; amd. 2000 Code)

3-2C-2: SALE BY THE DRINK:

3-2C-2-1: LICENSE REQUIRED: Any wine by the drink licensee licensed by the Department of Law Enforcement to sell wine by the drink pursuant to a retail wine license issued by the Department of Law Enforcement and who shall have also been issued a license for the retail sale of wine by the drink by the County shall be thereinafter
authorized to sell wine by the drink within the City upon making application for and obtaining approval and issuance of a license to be issued by the City. (Ord. 420, 1-8-1974)

3-2C-2-2: LICENSE FEE: The annual license fee to be paid to the City Clerk/Treasurer for said wine by the drink licensee shall be the sum of seventy five percent (75%) of the current State fee for the calendar year commencing January 1 and ending December 31, for each and every calendar year thereafter. The fee for a retail wine by the drink license shall accompany the application for said license. (Ord. 420, 1-8-1974; amd. 2000 Code)

3-2C-2-3: VIOLATION; PENALTY: Any individual who sells wine by the drink within the City without first obtaining and possessing a valid wine by the drink license herein provided hereof, upon conviction shall be guilty of a misdemeanor and shall be punished as provided in Section 1-4-1 of this Code. (Ord. 420, 1-8-1974; amd. 2000 Code)
CHAPTER 3
PEDDLERS AND SOLICITORS

SECTION:

3-3-1: Definitions
3-3-2: Registration
3-3-3: Application; Affidavit
3-3-4: Investigation
3-3-5: Bond
3-3-6: Registration And Investigation Fees
3-3-7: Exhibition Of Registration
3-3-8: Unlawful Conduct
3-3-9: Exceptions
3-3-10: Appeal From Denial Of Registration
3-3-11: Revocation

3-3-1: DEFINITIONS: Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

APPLICANT: Each natural person applying for registration pursuant to this Chapter.

CANVASSER OR SOLICITOR: Any individual, whether a resident of the City or not, traveling either by foot, motor vehicle, or any other type of conveyance, from place to place or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether the individual is collecting advance payments on such sales or not; provided, that such definition

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shall include any person who for himself, or for another person, hires, leases, uses or occupies any building, structure, tend, railroad boxcar, boat, hotel or motel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. This does not include nonprofit businesses qualifying under the Internal Revenue Code, or businesses and organizations identified by resolution adopted by the City Council.

PEDDLER:

Any person, whether a resident of the City or not, traveling by foot, motor vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provision, or other personal property, offering and exposing the same for sale, or making sales and delivering articles to purchasers; provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a business enterprise shall be deemed to be a peddler subject to the provisions of this Chapter. The word "peddler" shall include the words "hawker" and "huckster".

TRANSIENT MERCHANT:

Any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise and who, in furtherance of such purpose, hires, leases, or occupies any building, structure, motor vehicles, tent, railroad boxcar, boat or other conveyance, public rooms in hotels or motels, lodging houses, apartments, shops or any streets, alleys or other places for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, that such definition shall not be construed to include any person who, while occupying such temporary location, does not
sell from stock, but exhibits samples only for the purpose of securing orders for further delivery only. The term "transient merchant" shall include the terms "itinerant merchant" and "itinerant vendor". (Ord. 95-03, 5-30-1995)

3-3-2: REGISTRATION:

A. Required: It shall be unlawful for any "canvasser or solicitor", "peddler", or "transient merchant" as the same are herein defined, to engage in such business within the corporate limits of the City without first registering therefor in compliance with the provisions of this Chapter.

B. Transfer Of Registration; Validity: Registration issued pursuant to this Chapter shall not be transferable, nor valid after the end of either:

1. The length of time for which the right to do business is requested; or

2. The calendar year in which the application for registration was approved, whichever is the shorter time period. (Ord. 95-03, 5-30-1995)

3-3-3: APPLICATION; AFFIDAVIT: Applicants for registration under this Chapter must file with the City Clerk/Treasurer an application furnished by the City, which shall contain, but not necessarily be limited to, the following information:

A. The name of the applicant. If the applicant is employed by an association, company, corporation or individual, its name shall be stated with the name of each person who will be soliciting in the City in its behalf together with credentials establishing the exact relationship;

B. The applicant’s place and date of birth;

C. The applicant’s social security number;

D. The applicant’s driver’s license number;

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E. The applicant's permanent home address, permanent mailing address, permanent telephone number, full local address and local telephone number;

F. A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches (2" x 2") showing the head and shoulders of the applicant in a clear and distinguishing manner;

G. A brief description of the nature of the business and goods to be sold. If goods are products of a farm or orchards, the name of the producer and an applicable health certificate;

H. Proposed method of operation;

I. The length of time for which the right to do business is requested;

J. The applicant's Idaho State sales tax certificate or temporary sales tax permit;

K. If a vehicle is to be used, a description of the vehicle including the license and vehicle identification numbers;

L. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed, and the proposed method of delivery;

M. When food or other products for human consumption are to be sold, a certification by the applicable health agency shall be required prior to issuance of a registration;

N. A statement as to whether or not the applicant has ever been convicted of any misdemeanor or felony, the date and nature of the offense and the punishment or penalty assessed therefor;

O. For purposes of conducting the investigation provided for herein, each applicant shall sign a waiver authorizing the Chief of Police or his designated agent to conduct the investigation including, but not limited to, a criminal history background check through local, State or national law enforcement agencies.

P. A statement as to whether any complaints have been filed against the applicant as a result of doing business, and the nature of the complaint and resolution.

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Q. A statement as to whether the applicant has conducted his business for more than three (3) days;

R. A statement as to whether the applicant has conducted his business in excess of twice in one calendar year. (Ord. 95-03, 5-30-1995)

3-3-4: INVESTIGATION:

A. Referral To Chief Of Police: Upon receipt of a completed registration application, the City Clerk/Treasurer shall refer it to the Chief of Police who shall cause an investigation to be conducted within five (5) days to determine the validity and completeness of the information presented on the application, thereafter endorsing upon the application his approval or disapproval of the application.

B. Approved Application: If the application is approved, the applicant shall be so notified by the City Clerk/Treasurer and, upon payment of the prescribed registration and investigation fees, a permit to conduct business shall be issued. Such business permit shall show the name, address and photograph of the applicant, the kind of goods to be sold or the type of sales to be solicited thereunder, the amount of the fee paid, the date of issuance and the date of expiration, and the license number and other identifying description of any vehicle used. A permanent record of all permits issued shall be kept by the City Clerk/Treasurer.

C. Denied Application: If the application is denied, the City Clerk/Treasurer shall provide written notification to the applicant, providing the reasons therefor, and advising the applicant of appeal procedures. (Ord. 95-03, 5-30-1995; amd. 2000 Code)

3-3-5: BOND: Before any permit as provided herein shall be issued for engaging in the business of "peddler", "solicitor or canvasser", or "transient merchant" as defined in this Chapter, every business, firm, company, corporation or individual which has one or more employees or agents acting in such capacity shall file with the City a surety bond covering all such employees or agents and running to the City, or a cashier's check, in the amount and pursuant to the procedure to be established by resolution adopted by the City Council. (Ord. 95-03, 5-30-1995)

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3-3-6: **REGISTRATION AND INVESTIGATION FEES:** Registration and investigation fees shall be payable in advance, in the amount and pursuant to the procedure to be established by resolution adopted by the City Council. (Ord. 95-03, 5-30-1995)

3-3-7: **EXHIBITION OF REGISTRATION:** The business permit issued to the applicant hereunder shall be exhibited in a conspicuous place if the applicant is using a vehicle or a building in his business and otherwise must be kept on the person and exhibited at any time upon request. (Ord. 95-03, 5-30-1995)

3-3-8: **UNLAWFUL CONDUCT:** No applicant who is registered with the City pursuant to this Chapter shall:

A. Fail to advise the City Clerk/Treasurer of having knowingly made any false statement on an application for registration hereunder;

B. Enter upon any premises where the same is posted with a sign stating "No Solicitation Allowed" or "No Peddlers Allowed" or other words to that effect;

C. Represent the issuance of any registration under this Chapter as an endorsement or recommendation of the solicitation;

D. Misrepresent the purpose of the solicitation;

E. Misrepresent the affiliation of those engaged in the solicitation;

F. Engage in any fraud, misrepresentation or false statement in the course of carrying on the solicitation;

G. Make physical contact with the person being solicited unless that person's permission is obtained;

H. Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything or to buy anything from that solicitor;

I. Engage in any peddler's or transient merchant's activities on any City property or right of way or in any area within the City for which the City has previously granted a concession other than streets and

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sidewalks or other areas open to the public. (Ord. 95-03, 5-30-1995; amd. 2000 Code)

3-3-9: EXCEPTIONS: The provisions of this Chapter shall not apply to the following:

A. The City, its agents and concessionaires;

B. Any sheriff's or other sales under court order;

C. Any bona fide auction sale;

D. Traveling salespersons who exclusively sell to, or solicit orders for future delivery from, local retail businesses, local wholesale firms, local governments or local schools;

E. The sale of a newspaper subscription in which the seller is the person engaged in both the sale and delivery of the newspaper;

F. The occasional sale of admission to a local function or fund raising sales by recognized service clubs or nonprofit organizations, or otherwise identified by resolution adopted by the City Council;

G. Contribution solicitation where the person being solicited to contribute personally knows the identity of the person soliciting the contribution, the name of the group or organization he represents, and the nature of the services performed or offered by the group or organization;

H. Garage, yard or similar sales by individuals at their residence or place of business not exceeding three (3) days in length nor exceeding twice in one calendar year, which sale shall not include business inventory. (Ord. 95-03, 5-30-1995)

3-3-10: APPEAL FROM DENIAL OF REGISTRATION:

A. Right To Appeal: An applicant aggrieved by the denial of the City to issue a business permit under this Chapter shall have the right of appeal to the City Council.

B. Time Limitation: Such appeal shall be filed with the City Clerk/Treasurer within five (5) days from the date of denial and must
be in writing setting forth the reasons such business permit should not have been denied.

C. Hearing: The City Council shall hear the appeal within fourteen (14) days after the filing thereof, and shall render its decision immediately following the hearing.

D. Decision: The decision of the majority of the Council shall be final.

E. Appeal: Appeal of the Council’s decision may be made in accordance with Idaho law. (Ord. 95-03, 5-30-1995; amd. 2000 Code)

3-3-11: REVOCATION: The City Council shall have the right and power to revoke any business permit granted in accordance with this Chapter for any violation of this Chapter; or, any Federal, State or local law or ordinance. (Ord. 95-03, 5-30-1995)
CHAPTER 4
MOBILE HOME PARK, MOBILE HOME LOT

SECTION:

3-4- 1: Definitions
3-4- 2: License Required
3-4- 3: Application
3-4- 4: License Fee
3-4- 5: Mobile Home Park Plan
3-4- 6: Water Supply
3-4- 7: Sewage And Refuse Disposal
3-4- 8: Garbage Receptacles
3-4- 9: Fire Protection
3-4-10: Fire Inspection
3-4-11: Posting Of License
3-4-12: Register Of Occupants
3-4-13: Transfer Of License
3-4-14: Revocation Of License
3-4-15: Penalty

3-4-1: DEFINITIONS: The following words and terms shall have the significance hereby attached to them:

MAINTAIN OR OPERATE: Applies to a period in excess of two (2) weeks.

MOBILE HOME: A structure transportable in one or more sections and is eight (8) body feet or more in width and is thirty two (32) body feet or more in length, and which is built on a permanent chassis, and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.
MOBILE HOME PARK OR TRAILER COURT: Land under single ownership designed for the temporary or permanent parking of three (3) or more vehicles used for human habitation within a minimum lot area for each mobile home site which is less than the requirements for a single-family home and/or where an individual septic tank is not provided for each mobile home. Mobile home park or trailer court also includes a continuous parcel of land under single ownership where the density of mobile homes is over three (3) per acre. Mobile home park or trailer court does not include land designated or designed for the display or sale of mobile homes.

PARK TRAILER: A "park trailer" as defined in the American National Standards Institute (ANSI) A119.5 Standard for Park Trailers.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are: travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motor home.

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

Fifth-Wheel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits, of gross trailer area not to exceed four hundred (400) square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

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Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Travel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

Truck Camper: A portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-2: **LICENSE REQUIRED:** Any person who maintains or operates a mobile home park or trailer court must first obtain a license from the City Council, through the office of the City Clerk/Treasurer, which license must be approved by the City Council and which will be effective for the balance of the calendar year of its issuance. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-3: **APPLICATION:**

A. Filing: Applications for a license shall be filed with, and issued by, the City Council through the office of the City Clerk/Treasurer.

B. Required Information: Application shall be in writing and signed by the applicant and shall contain the following:

1. The name and address of the applicant.

2. The location and legal description of the mobile home park or trailer court.
3. Such further information as may be requested by the City Council to enable it to determine if the proposed location will comply with legal and statutory requirements, including a sketch or plot plan, and additional permits, if any.

4. No change or alteration in the plot plan shall be made without first making a written application for such change or alteration to the City Council and receiving a written permit therefrom.

C. Investigation: The City Council shall investigate said application and the location therein specified and if it is found by the Council that said location and application are in compliance with all the provisions of this Chapter and all other applicable ordinances or statutes, the application may be approved. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-4: LICENSE FEE: The annual fee for such licenses shall be as follows:

| Mobile Home          | $ 1.05 |
| Mobile Home Park    | 10.50  |

(Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-5: MOBILE HOME PARK PLAN: The mobile home park shall conform to the following requirements:

A. Location: The park shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

B. Mobile Home Spaces:

1. Size: Mobile home spaces shall be provided consisting of a minimum of six hundred (600) square feet for each space, which shall be at least twenty two feet (22') wide and clearly defined.

2. Clearance Between Homes: Mobile homes shall be so parked on each space that there shall be at least twelve feet (12') clearance between mobile homes at their nearest points.

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3. Property Lines: No mobile home shall be located closer than seven feet (7') from any property line bounding the mobile home park.

C. Access To Driveway: All mobile home spaces shall have access to a driveway upon such mobile home park and said driveway is to be of not less than twenty feet (20') in width and said driveway shall have unobstructed access to a public thoroughfare.

D. Inspection: The sanitary and housekeeping conditions provided for and maintained shall be at all times subject to inspection by the Department of Health and Welfare, the Panhandle Health District as well as by a health officer of this City and these conditions shall conform to and in all respects to the sanitary laws of both the State and City. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-6: WATER SUPPLY:

A. Required: An adequate supply of water approved by the Department of Health and Welfare and Panhandle Health District for drinking and domestic purposes to meet the requirements of the park shall be supplied. The water supply shall be obtained from faucets only.

B. Common Drinking Cup: No common drinking cup shall be permitted and no common vessel for obtaining water for use in the various mobile homes shall be permitted. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-7: SEWAGE AND REFUSE DISPOSAL:

A. Sewer System: Waste from sinks, showers, bath tubs, toilets and laundries shall be discharged into a public sewer system, if said public sewer system be available in the general area of the mobile home park, in compliance with applicable laws of this City and State. All kitchen sinks, wash basins, bath or shower tubs or toilets in any mobile home harbored in any mobile home park must empty into an air-tight pipe or hose which discharges such waste water or sewage into the public sewer system, septic tank, or other appropriate sewage disposal system, which is subject to the discretionary approval of the Panhandle Health District and City Council.

B. Inspections; Noncompliance: All sewage disposal facilities shall be subject to the periodical inspections by the City Council, or

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Panhandle Health District and if said systems do not meet with their approval, they may order the mobile home park operator to conform to their specifications, and in the absence of compliance with these specifications, said City Council may revoke the license issued to said mobile home park operator. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-8: GARBAGE RECEPTACLES: Tightly covered garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be kept in a sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans do not overflow. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-9: FIRE PROTECTION: No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. All fire laws of the City shall apply to mobile home parks. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-10: FIRE INSPECTION: A member of the Fire District shall have the right to inspect said premises from time to time for the purpose of better securing fire protection for the inhabitants of said parks and shall make recommendations to the City Council for the improvement of said parks and shall report immediately any situations occurring in said parks constituting in its discretion fire hazards, whether they be violations of this Chapter or not. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-11: POSTING OF LICENSE: The permit certificate shall be conspicuously posted on the individual mobile home not located within a mobile home park or in the office of or on the premises of the mobile home park at all times. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-12: REGISTER OF OCCUPANTS:

A. Register Required: It shall be the duty of the licensee to keep a register containing a record of all mobile home owners that are occupants located within the park.
B. Required Information: The register shall contain the following information:

1. Name and address of each occupant in each mobile home.

2. Make, model and year of all automobiles and mobile homes.

3. License plate number and owner of each mobile home and automobile by which it is towed.

4. The state issuing such license.

5. The date of arrival and departure of each mobile home and the number or other identification of the space or spaces occupied.

C. Inspection: The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

D. Maintenance Of Record: The register records shall not be destroyed until after a period of three (3) years following the date of registration. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-13: TRANSFER OF LICENSE:

A. Mobile Homes: All licenses issued unto the operators of mobile homes shall be personal to the licensee and shall not be transferable.

B. Mobile Home Parks: All licenses issued unto operators of mobile home parks shall be personal to the licensee and not be transferable without the written consent of the City Council first being obtained. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-14: REVOCATION OF LICENSE:

A. Power To Revoke: The City Council may revoke any permit to maintain a mobile home or license to maintain and operate a mobile home park when the person covered has been found guilty of violating any provisions of this Chapter or other State or Federal law pertaining thereto.
B. Reissuance: After such revocation a permit or license may be reissued if the circumstance leading to the revocation has been remedied and the mobile home or mobile home park is maintained and operated in full compliance with this Chapter or any other ordinance or statute pertaining thereto. (Ord. 360, 4-13-1961; amd. 2000 Code)

3-4-15: PENALTY: Any person who shall violate any provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-4-1 of this Code. (Ord. 360, 4-13-1961; amd. 2000 Code)
CHAPTER 5

TAXICABS

SECTION:

3-5-1: Definition
3-5-2: License Required
3-5-3: Application
3-5-4: License Fees; Term
3-5-5: Insurance Requirements
3-5-6: Parking Regulations
3-5-7: Violation; Penalty

3-5-1: **DEFINITION:** The term "taxicab" as used herein shall mean and include each vehicle which shall receive, carry or discharge passengers for hire, on, from or to any of the streets of the City for transportation to points within or without said City but which is subject to call of its patrons and the destination of which is determined by its patrons at the time of hiring same. (1944 Code § 2-201)

3-5-2: **LICENSE REQUIRED:** No person shall carry on, engage in, or prosecute the business of operating a taxicab within the corporate limits of the City until such person shall have first obtained a license therefor as herein provided. (1944 Code § 2-202)

3-5-3: **APPLICATION:** Every person before engaging in the business of operating a taxicab shall apply to the City Clerk/Treasurer for a license to engage in and carry on such business and the Clerk/Treasurer, upon the payment of the license fee as in this Chapter provided, shall issue a license to carry on such business, and in such license shall specify the number and kinds of vehicles licensed, and how propelled; provided, that this Chapter is not intended to apply to stages or railroads, carrying passengers. (1944 Code § 2-203; amd. 2000 Code)

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3-5-4: LICENSE FEES; TERM:

A. Annual Fee: The annual license fees for operating taxicabs in the City shall be as follows:

1. For one vehicle, twenty five dollars ($25.00).

2. For two (2) vehicles, owned and operated by the same party, forty dollars ($40.00).

3. For three (3) vehicles, owned and operated by the same party, fifty dollars ($50.00).

4. For each additional vehicle exceeding three (3), all owned and operated by the same party, the sum of five dollars ($5.00) per vehicle.

B. Term: No license shall be granted for less than six (6) months and all licenses shall be dated as of January 1 or July 1, and any license granted shall expire at one or the other of said dates, and if license be issued between such dates, no deductions shall be made, but a full six (6) months fee must be paid. (1944 Code § 2-204)

3-5-5: INSURANCE REQUIREMENTS:

A. Liability Insurance: No person shall operate any taxicab within the City without first having obtained public liability and property damage insurance in some good and reliable insurance company, with limits of not less than five thousand dollars ($5,000.00) for damage to the property of others, and not less than five thousand dollars ($5,000.00) for injuries to one person and not less than ten thousand dollars ($10,000.00) per personal injuries caused by any one accident. (1944 Code § 2-206)

B. Proof Of Insurance: The City Clerk/Treasurer shall decline to issue a license to any applicant for a taxicab license under the provisions of Sections 3-5-2, 3-5-3 and 3-5-4 of this Chapter until the applicant has furnished proof satisfactory to the City Clerk/Treasurer that such insurance has been purchased. (1944 Code § 2-208; amd. 2000 Code)

C. Inspection: Any person operating a taxicab within the City shall submit his public liability and property damage insurance policies to

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any official of the City for examination upon request. (1944 Code § 2-207)

3-5-6: PARKING REGULATIONS: The Police Department shall designate places where taxi stands may be located, not to exceed ten feet (10') along the curb for each vehicle, and such places shall be properly marked and it shall be unlawful for any operator of a taxicab to park any taxicab in any other place except to load or unload passengers. (1944 Code § 2-206)

3-5-7: VIOLATION; PENALTY:

A. Violation Of Sections 3-5-2 Through 3-5-4: Any person who violates the provisions of Sections 3-5-2, 3-5-3 and 3-5-4 of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-205; amd. Ord. 350, 9-14-1959; 2000 Code)

B. Violation Of Sections 3-5-5 And 3-5-6: Any person who violates any of the provisions of Sections 3-5-5 and 3-5-6 of this Chapter shall be guilty of an offense and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-210; amd. Ord. 350, 9-14-1959; 2000 Code)
CHAPTER 6
JUNK DEALERS

SECTION:
3-6-1: Definition
3-6-2: Monthly License Fee
3-6-3: Fixed Place Of Business
3-6-4: Purchases From Minors
3-6-5: Register Of Purchases
3-6-6: Penalty

3-6-1: DEFINITION: "Junk dealer" within the meaning of this Chapter is defined as every person who shall be occasionally, regularly, principally or incidentally engaged either in buying or in collecting old lead, old metals, bottles, broken glass, old paper, rope, rags, rubber and other odds and ends of every nature and description whether or not included in or similar to any of the classes previously specified, within the limits of the City (including the sale in the City of any of the said articles bought or collected elsewhere). (1944 Code § 2-501)

3-6-2: MONTHLY LICENSE FEE: Every junk dealer shall pay a monthly license fee, of twenty five dollars ($25.00). (1944 Code § 2-502)

3-6-3: FIXED PLACE OF BUSINESS: It shall be unlawful for any person to engage in the business of a "junk dealer" as defined in this Chapter without first having obtained a license so to do, as provided in Section 3-6-2 of this Chapter; provided, that no license shall issue to any person who is not of good moral character, and who shall not have a fixed place of business for carrying on such business of a junk dealer, and that the words "fixed place of business" as used in this Chapter shall be understood as meaning a place of business situated upon land either owned by the licensee, or for the use of which the said licensee holds a lease from the owner thereof. (1944 Code § 2-503)
3-6-4: **PURCHASES FROM MINORS:** It shall be unlawful for any such junk licensee, by himself, his agents or servants to purchase any property from any minor under the age of eighteen (18) years unless the parent or guardian of such minor, in view of the property to be purchased, states to such dealer that such property is the property of such minor and that said minor has a right to sell and dispose of the same. (1944 Code § 2-504)

3-6-5: **REGISTER OF PURCHASES:**

A. Required: Every junk licensee shall keep a substantial and well-bound register in which he shall enter at the time of making every purchase, the following:

1. The date, hour and place of purchase;

2. A true and accurate description of every article purchased;

3. The amount paid for each of such articles; and

4. The name, age, residence and occupation of the vendor.

B. Entries: All entries shall be made in the English language in a legible manner and with ink.

C. Inspection: The register shall be open to the inspection of any person at any and all times.

D. Occupation Abandoned: Whenever any junk licensee abandons his occupation as such, he shall deliver in good condition to the City Clerk/Treasurer the register of transactions he has kept during the time he was a junk licensee. (1944 Code § 2-505; amd. 2000 Code)

3-6-6: **PENALTY:** Any person violating any provision of this Chapter shall be guilty of an offense and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-506; amd. 2000 Code)
CHAPTER 7

TENT OR OPEN AIR AMUSEMENTS

SECTION:

3-7-1: License Required
3-7-2: Application
3-7-3: License Fees; Term
3-7-4: Issuance
3-7-5: Penalty

3-7-1: **LICENSE REQUIRED:** It shall be unlawful for any person, within the corporate limits of the City, to engage in the business of conducting, operating, managing, controlling or keeping open, or to aid, abet or assist in so doing, any tent, circus, or open air show, any tent or open air pavilion for amusement purposes, any tent or open air merry-go-round, skating rink or skating rink floor, any tent or open air dance floor, or any similar tent or open air amusement enterprise without first having applied for and secured a license from the City, as in this Chapter provided, for such business. (1944 Code § 2-301)

3-7-2: **APPLICATION:** Any person desiring to operate, manage, control, conduct or keep open in said City any tent or open air amusement enterprise designated in Section 3-7-1 of this Chapter shall make application to the City Clerk/Treasurer for a license therefor. Said application for license shall be in writing and shall specify the kind and character of tent or open air amusement enterprise the applicant intends to operate; the place within the City, giving the lot and block number, where the same is to be located, the names of the true owners of said amusement enterprise; and the hours within which it is proposed to operate the same. (1944 Code § 2-302; amd. 2000 Code)

3-7-3: **LICENSE FEES; TERM:**

A. Fee: The license fee for each of the tent or open air amusement enterprise mentioned in Section 3-7-1 of this Chapter shall be the

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sum of one hundred dollars ($100.00) per week or fraction thereof, which license fee shall accompany the application and must be paid in advance of the issuance of any license.

B. Term: No license herein provided for shall be issued for a longer period than one week, but the same may be renewed weekly, upon the payment of the said weekly license fee, without any new written application for a license. (1944 Code § 2-303)

3-7-4: ISSUANCE: Upon the receipt of the written application herein provided for and the payment of the license fee, the City Clerk/Treasurer shall issue a license in accordance with the provisions of this Chapter. (1944 Code § 2-303; amd. 2000 Code)

3-7-5: PENALTY: Each and every person who operates, manages, conducts, keeps open, or who aids, assists and abets, in so doing, any of the tent or open air amusement enterprises mentioned in Section 3-7-1 of this Chapter, without first having secured a license therefor, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. Each act in violation of this Chapter shall constitute a separate offense. (1944 Code § 2-304; amd. Ord. 350, 9-14-1959; 2000 Code)

City of Walla Walla
CHAPTER 8
BILL POSTING AND HANDBILLS

SECTION:
3-8-1: License Required
3-8-2: Issuance; Fee; Term
3-8-3: Regulations
3-8-4: Exceptions
3-8-5: Permission Required
3-8-6: Penalty

3-8-1: LICENSE REQUIRED: No person shall engage in the business of billposting, distributing or sign tacking in the City of any bills, pictures or advertisement announcing the business or place of meeting of any skating rink, opera, theater, menagerie or any other exhibition of whatsoever nature or kind, or any other advertising matter in any manner, except as in hereinafter specified, unless said person shall have first been licensed by the Mayor and City Council. (1944 Code § 2-401)

3-8-2: ISSUANCE; FEE; TERM: Any person of good character desiring a license, shall be licensed by the Mayor to engage in the business of billposting, handbill and sign advertising, for the term of one year from the date of said license, upon the payment of the sum of twenty five dollars ($25.00), conditioned that the said licensee shall perform the duties of his office in a good, lawful and proper manner, in compliance with the ordinances of the City government the character of the matter posted or distributed, and the manner of posting and distributing the same. (1944 Code § 2-402)

3-8-3: REGULATIONS: No person shall scatter or throw upon the streets, sidewalks or alleys of the City, handbills, posters, advertisements or paper; and nothing herein shall be construed to authorize any person to obstruct the streets, sidewalks and alleys of the City, or
create any nuisance therein, nor does this Chapter interfere or prevent the posting of notices required by law to be posted. (1944 Code § 2-403)

3-8-4: EXCEPTIONS: Nothing herein contained shall be so construed as to prevent any person residing and doing business in the City from distributing circulars or handbills, advertising the business in which said person is directly engaged. (1944 Code § 2-404)

3-8-5: PERMISSION REQUIRED: No person shall post, paint, tack or otherwise attach any notice or other advertisement matter, to any of the fences, walls or buildings, or other property in the City unless the person shall first obtain the consent of the owner of such property or his agent or tenant. And no person shall post, paint, tack or otherwise attach any notices or advertising matter to any of telegraph, telephone or electric poles, or any poles in the streets or alleys in the City. (1944 Code § 2-405)

3-8-6: PENALTY: Any violation of the provisions of this Chapter shall be deemed a misdemeanor, and any person, upon conviction, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-406; amd. 2000 Code)
CHAPTER 9
HOTEL REGISTERS

SECTION:

3-9-1: Register Required
3-9-2: Penalty

3-9-1: REGISTER REQUIRED: Every owner, proprietor or manager of any hotel or lodging house in the City be and is hereby required to keep a register of names of all persons lodging in such hotel or lodging house under his management, or control, and the true name of such lodger so far as the owner, proprietor, or manager of such hotel or lodging house shall have knowledge, shall be registered, and no false or fictitious name shall be entered on such register. And such register of names shall be open for inspection of all persons at all times. (1944 Code § 2-901)

3-9-2: PENALTY: Any person violating the provisions of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 2-902; amd. 2000 Code)