

CHAPTER 5.04

GENERAL LICENSE AND PERMIT REGULATIONS

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5.04.###: DEFINITIONS:

The following words and phrases shall be construed as defined in this section, unless the context clearly indicates a different meaning or a different definition is specifically provided for a particular use:

APPLICANT: A person who applies for a license to engage in or operate a regulated business within the City.

CONVICTION: An individual is considered to have been convicted of a criminal offense for purposes of this title when: A. A judgment of conviction, adjudication, or withheld judgment has been entered against the individual by any Federal, State, military or local court; B. There has been a finding of guilt against the individual by any Federal, State, military, or local court; C. A plea of guilty or no contest by the individual has been accepted by any Federal, State, military, or local court; or D. The individual has entered into or participated in first offender, deferred adjudication, or other arrangement or program where judgement of conviction has been withheld. This includes when the individual has entered into participation in a drug court, mental health court, domestic violence court, or other specialty court.

LICENSE OR PERMIT: Written permission from the City to engage in or operate a business regulated by the City pursuant to this Code.

LICENSEE: A person holding a valid license issued by the City.

5.04.010: GENERAL PROVISIONS:

No person shall engage in, carry on, or attempt to engage in or carry on any trade, business, or profession for which a license or permit may be required by this title without first

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having obtained such a license or permit from the Pocatello Police Department Licensing & Enforcement Officer or Chief's Designee, or as applicable, from the designated Planning and Development Services official or the designated Parks & Recreation official, city clerk, or in the case of building contractors, from the building official or his authorized representative.

Unless otherwise specifically provided, fees shall be set by annual resolution by the City Council and shall not be prorated; licenses and permits granted hereunder may be renewed annually, provided that the applicant possess all of the qualifications and none of the disqualifications set forth herein and provided the applicant requests renewal prior to the expiration of their current license; and all ~~All~~ such licenses or permits shall be in effect for a period of approximately one (1) year, where the license or permit shall run from the date of issuance until valid, unless otherwise specifically provided, for one calendar year from January 1 through twelve o'clock (12:00) midnight the following year on the last day of the month in which the license or permit was originally issued, unless said license or permit was otherwise suspended or revoked, December 31. Fees shall not be prorated.

Unless otherwise specifically provided, the Licensing & Enforcement Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official, may grant a license or permit expiration extension of up to thirty (30) days upon receipt of a written request from the licensee

(Ord. 2555 § 1, 1997; Ord. 2447 § 1, 1993)

5.04.020- MISCELLANEOUS LICENSES AND FEES:

~~In addition to the licenses required by other chapters of this title, the following businesses shall obtain licenses, pay the fees and meet the requirements set forth herein:~~

~~—A. Carnivals/Circuses: The proprietor or manager of every carnival or circus shall be required to show proof of public liability insurance coverage, provide proof of regular equipment maintenance through safety inspection/maintenance records, and pay a license fee of one hundred dollars (\$100.00) per day of operation.~~

~~—B. Christmas Tree Sales: The proprietor or manager of a Christmas tree selling operation shall pay a license fee of fifty dollars (\$50.00) and shall be required to allow an electrical inspection of the premises on which the operation is maintained. Provided, however, this fee shall not be charged to any grocery store or other establishment which sells Christmas trees in addition to its regular merchandise unless such operation requires connections to electrical outlets or the running of electrical cords outside the perimeter of the building, in which case the fee and inspection shall be required.~~

~~C. School Crossing Guards: Any person hired as a school crossing guard shall make application to the city clerk, on forms provided, for licensing as a school crossing guard prior to beginning work. Upon presentation by the applicant of proof of employment by the school district (or the company providing such services to the school district) to the city clerk and payment of a license fee in an amount established by resolution of the city council, the city clerk shall issue a crossing guard license, which shall be valid from August~~

15 of any year through August 14 of the succeeding year. License fees shall not be prorated. Licenses may be renewed upon application and payment of a fee at least thirty (30) days prior to expiration in an amount established by resolution of the city council. The licensing department shall require the applicant to provide fingerprints and information necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to section 67-3008, Idaho Code, and congressional enactment public law 92-544, the staff shall submit a set of the applicant's fingerprints and the required fees on forms prescribed by the state to the Idaho state police, bureau of criminal identification (or any other agency which may hereafter be so authorized in its place by the state) for a criminal records check of state and national databases. The licensing department and the police department shall receive the information from the Idaho state police and from the federal bureau of investigation and shall use it to evaluate the fitness of applicants for the licenses, pursuant to standards and criteria separately set out in this title. Further dissemination or other use of the criminal history information is hereby prohibited, as also specified by state and federal law.

(Ord. 3094, 2022; Ord. 2923, 2013; Ord. 2809, 2007; Ord. 2697 §§ 1, 2, 2002; Ord. 2654 § 1, 2000; Ord. 2447 § 1, 1993)

5.04.030: CRIMINAL HISTORY CHECKS:

Whenever a criminal history check is required to determine the suitability of an applicant for a license or permit under this title, including, but not limited to, ~~crossing~~ Crossing guards, ~~solicitors~~ Solicitors, ~~or peddlers~~ Peddlers, ~~daycares~~, ~~taxicabs~~ Taxicab or ~~For-Hire Transportation Operators~~, ~~security~~ Security guards, ~~guards~~, and ~~Private detective~~ Detectives ~~agencies~~, the licensing department shall require the applicant ~~to shall~~ provide fingerprints and information necessary for the Licensing & Enforcement Officer or Chief's Designee to obtain criminal history information from the Idaho ~~state~~ State police ~~Police~~ and the ~~federal~~ Federal bureau ~~Bureau~~ of investigation Investigation. Pursuant to section 67-3008, Idaho Code, and ~~congressional~~ Congressional ~~enactment~~ Enactment ~~public~~ Public ~~law~~ Law 92-544, the staff shall submit a set of the applicant's fingerprints and the required fees on forms prescribed by the ~~state~~ State to the Idaho ~~state~~ State police ~~Police~~, bureau ~~Bureau~~ of ~~criminal~~ Criminal ~~identification~~ Identification (or any other agency which may hereafter be so authorized in its place by the ~~state~~ State) for a criminal records check of state and national databases. The Licensing & Enforcement Officer or Chief's Designee ~~licensing department and the police department~~ shall receive the information from the Idaho ~~state~~ State police ~~Police~~ and from the ~~federal~~ Federal bureau ~~Bureau~~ of ~~investigation~~ Investigation and shall use it to evaluate the fitness of applicants for the licenses or permits, pursuant to standards and criteria separately set out in this title. Further dissemination or other use of the criminal history information is hereby prohibited, as also specified by state and federal law. (Ord. 2923, 2013)

5.04.###: ISSUANCE OR DENIAL

The Licensing & Enforcement Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official shall review the

application and, where applicable, the results of the criminal history and background check, and shall issue a license or permit to any applicant who meets the requirements as set out in these chapters. If the Licensing Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official does not find that the applicant meets the qualification as set out in these chapters, they shall deny the license or permit application.

Upon denial of a license or permit, Licensing & Enforcement Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official shall provide written notice of the decision to the applicant. When verification of delivery is necessary, notice shall be sent by certified mail.

5.04.###: REVOCATION OR SUSPENSION:

Licenses or permits issued pursuant to the provisions of these chapters may be revoked or suspended by the Licensing & Enforcement Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official whenever it finds that the licensee has violated the provisions of these chapters.

Upon revocation or suspension of a license or permit, Licensing & Enforcement Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official shall provide written notice of the decision to the applicant. When verification of delivery is necessary, notice shall be sent by certified mail.

5.04.###: APPEALS:

Unless otherwise specifically provided, if a license or permit is denied, revoked, or suspended, the applicant may request, in writing to the Licensing & Enforcement Officer or Chief's Designee, designated Planning & Development Services official, or designated Parks & Recreation official within thirty (30) days, an appeal before the City Council. If the denial, revocation, or suspension of the license is overturned by the City Council, the license will be granted or reinstated. If the denial, revocation, or suspension is upheld by the City Council, the license will not be granted or reinstated. The decision of City Council is final and an applicant may not reapply for said license or permit for one (1) year from the first date of denial.

A person aggrieved by the decision of the City Council may seek Judicial Review in the 6th Judicial District Court, state of Idaho, in and for the county of Bannock. The petition for Judicial Review shall be filed within twenty-eight (28) days of the City Council's decision and the issues to be presented shall be limited to the evidence presented to the City Council. The District Court shall preside in its appellate capacity.

5.04.###: PENALTY:

Failure to comply with the requirements set out herein may constitute a violation subject to a misdemeanor citation in accordance with Pocatello Municipal Code 1.04.040 and/or license suspension or revocation.

CHAPTER 5.56

TAXICABS OR FOR-HIRE TRANSPORTATION

SECTION:

5.56.010: Definitions

5.56.020: License Required; Application; ~~Fee~~

5.56.030: Insurance Requirements

~~5.56.040: Issuance Or Denial Of License~~

5.56.050: Disqualifications ~~For~~ for License

~~5.56.060: Term Of License~~

~~5.56.070: License Renewal; Fee~~

5.56.080: Display ~~Of of~~ License ~~And and~~ Fare Rates

~~5.56.090: Revocation/Suspension~~

5.56.010: DEFINITIONS:

For the purpose of this chapter, the words set out in this section shall have the following meanings:

TAXICAB OR FOR-HIRE TRANSPORTATION: Any motor vehicle regularly used for the purpose of transporting ~~persons~~ members of the general public for hire, which receives ~~or discharges~~ passengers within the city limits, or advertises for such use, whether or not such vehicle or vehicles are engaged in carrying passengers entirely within the city limits; providing that "taxicab or for-hire transportation" as defined in this section does not include a school bus or other motor vehicle used exclusively for the transportation of children to and from school, nor a motor bus operated by a public transit system, nor a motor bus with a seating capacity of over seven (7) passengers operated on a regular schedule over regularly designated streets, nor courtesy cars provided free of charge to the hotel/motel guests for transport to and from the airport, nor vehicles operating for the purpose of carrying United States mail or other United States property, nor vehicles that are exempt from municipal licensing under the Transportation Network Company Services Act, Idaho Code 49-37, nor any vehicle that exclusively provides prearranged non-emergency medical transportation.

TAXICAB OR FOR-HIRE TRANSPORTATION BUSINESS: The conducting of a general taxicab or for-hire transportation business, whether by providing a central dispatch service only, contracting with individual taxicab or for-hire transportation operators/drivers, or employing such operators/drivers, or any combination thereof.

TAXICAB OPERATOR OR DRIVER: The person who operates a taxicab or for-hire vehicle upon and through the streets, avenues and alleys.

NON-EMERGENCY MEDICAL TRANSPORTATION COMPANY: A company that exclusively provides prearranged transportation for patients to or from medical appointments, treatment, healthcare facilities, or other medically necessary services; does not accept on-demand ride requests from the general public; and conducts criminal background checks on all employees who provide or coordinate transportation services. (Ord. 2697 § 5, 2002; Ord. 2335, 1990)

5.56.020: LICENSE REQUIRED; APPLICATION; ~~FEE:~~

It is unlawful for any person to operate a taxicab or for-hire transportation business or to drive or operate a taxicab or for-hire vehicle within the city limits without first obtaining a ~~taxicab~~ Taxicab or For-Hire Transportation Business Business license or a ~~taxicab~~ Taxicab or For-Hire operator's Operator's license. Persons operating a ~~taxicab~~ such business shall provide all information and complete all forms applicable ~~for a taxicab business~~ as is set out for taxicab or for-hire transportation operators in the following subsections, and must also include the name of the business, its mailing and street address, and telephone number on the application.

All Taxicab or For-Hire Transportation Operator licenses are valid only when associated with and operating under a duly licensed Taxicab or For-Hire Transportation Business license and shall not be issues or recognized as stand-alone licenses independent of a licensed Taxicab or For-Hire Transportation Business.

A. An applicant must complete ~~a form~~ an application provided by the Pocatello Police Department ~~police department~~, giving full name and any aliases or maiden names, current residence, place(s) of residence for the previous five (5) years ~~one full year previous to moving to his present address~~, date of birth ~~age~~, physical descriptors ~~nationality, height, color of eyes and hair~~, place of birth, whether they have been licensed to drive in any other state, length of time he has resided in the city, whether a citizen of the United States, places of previous employment, whether married or single, whether they have ~~he has~~ ever been convicted of a felony, or a misdemeanor, involving moral turpitude or possession or sale of controlled substances, the make, model, and VIN of the vehicle which they ~~he~~ will be operating ~~as a taxicab~~, whether they have ~~he has~~ previously been licensed as a taxi-cab or for-hire transportation operator driver or chauffeur and, if so, whether their ~~his~~ license has ever been revoked and for what cause, and that they have ~~he has~~ read and familiarized themselves ~~himself~~ with all traffic laws and regulations relative to the operation of motor vehicles on the public streets and highways.

B. Each applicant must provide a headshot photograph for their ID card ~~have his fingerprints and two (2) photographs of himself taken by the police department. One photograph shall be attached to the application and one to the license, if granted.~~

C. Each applicant must sign a consent form for the Pocatello Police Department ~~police department~~ to conduct a criminal history and background check as set out in Pocatello Municipal Code 5.04.030. ~~The applicant shall provide fingerprints and information necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to section 67-3008, Idaho Code, and congressional enactment public law 92-544, the staff shall submit a set of the applicant's fingerprints and the required fees on forms prescribed by the state to the Idaho state police, bureau of criminal identification (or any other agency which may hereafter be so authorized in its place by the state) for a criminal records check of state and national databases. The licensing department and the police department shall receive the information from the Idaho state police and from the federal bureau of investigation and shall use it to evaluate the fitness of applicants for the licenses, pursuant to standards and criteria separately set out in this title. Further dissemination or other use of the criminal history information is hereby prohibited, as also specified by state and federal law.~~

D. Each applicant must show a current, valid ~~class D~~ driver's license and show proof of current vehicle registration and liability insurance in the amount specified in this chapter.

~~E. The application for a taxicab operator's license and a taxicab business license must be accompanied by a nonrefundable fee in an amount established by resolution of the city council.~~

(Ord. 3094, 2022: Ord. 2697 §§ 6, 7, 2002: Ord. 2687 § 5, 2002: Ord. 2545 § 1, 1996: Ord. 2335, 1990)

5.56.030: INSURANCE REQUIREMENTS:

The applicant must provide proof of general public liability insurance upon the vehicle to be operated as a taxicab in the following minimum amounts: ~~twenty twenty-five five-~~thousand dollars (\$25,000.00) per person and ~~fifty fifty-~~thousand dollars (\$50,000.00) for two (2) or more people for personal injury, and ~~fifteen fifteen-~~thousand dollars (\$15,000.00) for property damage.

Licensees shall maintain the required insurance coverage in full force and effect for the duration of the license. The licensee shall notify the Licensing & Enforcement Officer or Chief's Designee in writing within five (5) business days of any cancellation, lapse, reduction, or other material change in coverage and shall promptly provide updated proof of insurance demonstrating continued compliance with this section. Failure to maintain or provide proof of required insurance may result in suspension or revocation of the license.

(Ord. 2337 § 1, 1990: Ord. 2335, 1990)

5.56.040: ISSUANCE OR DENIAL OF LICENSE:

~~The chief of police shall review the application and the results of the criminal history and background check, and may issue a taxicab driver's license to any applicant who meets the~~

requirements of this chapter. If the chief of police is not satisfied that the applicant meets the qualifications to operate a taxicab, he may deny the license application. Any applicant so denied a license may appeal the chief's decision by requesting in writing an appearance before the city council to offer evidence why the application should be reconsidered. A majority vote of the city council is then sufficient to issue or confirm denial of the license. (Ord. 2335, 1990)

5.56.050: DISQUALIFICATIONS FOR LICENSE:

The Licensing & Enforcement Officer or Chief's Designee ~~chief of police may shall~~ deny a license to any person who: ~~fails to meet the following requirements:~~

- A. Minimum~~Is under the~~ age of eighteen (18);
- ~~—B. Freedom from epilepsy, vertigo, ear trouble or any other infirmity of body or mind which might render him unfit for the safe operation of a taxicab;~~
- ~~—C. Ability to read, write, and speak the English language;~~
- ~~—D. Freedom from addiction to the use of intoxicating liquors or drugs;~~
- ~~—E. Criminal record free from conviction for any felony, or for any crimes involving moral turpitude or violence or possession or sale of any controlled substance;~~
- ~~FB. Possession of a valid,~~Does not possess a current, valid ~~class D Idaho~~ driver's license;
- ~~GC. Possession of~~Does not possess proof of current insurance on the vehicle to be operated as a taxicab or for-hire transportation vehicle; and
- ~~HD. Possession of~~Does not possess proof of current ~~Idaho~~ registration on the vehicle to be operated as a taxicab or for-hire transportation vehicle.
- E. Has had a similar license revoked within two (2) years by any jurisdiction.
- F. Is required to register as a sex offender pursuant to Idaho Code 18-8301 et seq. or Idaho Code 18-8401 et seq.
- G. Has been convicted within the last two (2) years of the following misdemeanors: any force against a person or property; any threats of force against the person of another; domestic battery or assault; stalking; harassment or telephone harassment; violation of a protection order or no contact order; possession of a concealed weapon; or indecent exposure.
- H. Has been convicted within the last two (2) years of the following moving violations: driving under the influence, reckless driving, and eluding police.
- I. Has ever been convicted of the following: sexual battery or assault, aggravated assault, sexual exploitation or sexual abuse of a minor or vulnerable adult, enticement of a minor,

child pornography, kidnapping, lewd conduct with a minor, prostitution, rape, felony injury to a child, or homicide.

J. Has been convicted of any other felony within the last five (5) years.

K. The Licensing & Enforcement Officer or Chief's Designee shall have the authority to deny any application if the applicant has been convicted of any offense substantially similar in nature to those listed above, regardless of the specific title, wording, or classification of the offense. Determination of whether an offense is substantially similar shall be made at the reasonable discretion of the Licensing & Enforcement Officer or Chief's Designee and with oversight from their supervision based on the elements of the offense and the underlying conduct.

If, at any time during the term of the license, a licensee is found to meet any of the disqualifying criteria set forth in this section, the Licensing & Enforcement Officer or Chief's Designee may suspend or revoke the license in accordance with applicable procedures.

(Ord. 2687 § 6, 2002: Ord. 2335, 1990)

~~5.56.060: TERM OF LICENSE:~~

~~Licenses issued hereunder shall be valid from the date of issuance until twelve o'clock (12:00) midnight, December 31 of the year of issuance, unless sooner revoked or suspended. (Ord. 2335, 1990)~~

~~5.56.070: LICENSE RENEWAL; FEE:~~

~~Licenses granted hereunder may be renewed annually, provided that the applicant can show that he possesses all of the qualifications, and none of the disqualifications, listed in this chapter, and provided the applicant requests renewal no later than thirty (30) days prior to the expiration of his/her current license. The fees for taxicab driver's license renewals and taxicab business license renewals shall be established by resolution of the city council.~~

~~(Ord. 3094, 2022: Ord. 2704 § 1, 2002: Ord. 2697 § 8, 2002: Ord. 2335, 1990)~~

~~5.56.080: DISPLAY OF LICENSE AND FARE RATES:~~

Upon approval of the Licensing & Enforcement Officer or Chief's Designee, applicants will receive a Taxicab or For-Hire Transportation Business and/or Operator's license. Additionally, operators will be issued an ID badge with their photograph and business information. Licenses or ID badges granted hereunder shall at all times be prominently displayed within the taxicab or for-hire transportation vehicle so as to be visible to passengers. Furthermore, the fare rates to be charged passengers shall be listed and displayed within the taxicab so as to be visible clearly disclosed to passengers prior to the

commencement of any trip. No fares other than those disclosed ~~posted~~ may be charged.
(Ord. 2335, 1990)

~~5.56.090: REVOCATION/SUSPENSION:~~

~~Licenses issued pursuant to the provisions of this chapter may be revoked or suspended for a specific time by the city council whenever it finds that the licensee has violated the provisions of this chapter; provided, however, no such license shall be revoked or suspended unless charges in writing are first filed with the city council setting forth the nature of such charges against such license. Upon the filing of such charges, the city council shall fix a time and place for a hearing and shall cause a copy of the charges, together with the notice of the time and place of hearing, to be served upon the licensee at least ten (10) days prior to the date fixed for the hearing. The decision of the city council shall be final and shall be communicated in writing to the licensee within fifteen (15) days of the hearing. (Ord. 2335, 1990)~~

CHAPTER 5.##
SCHOOL CROSSING GUARDS

SECTION:

5.##.010: Definitions

5.##.020: License Required; Application

5.##.030: Disqualifications for License

5.##.040: Display of ID Badge

5.##.050: Terms of License

5.56.010: DEFINITIONS:

For the purpose of this chapter, the words set out in this section shall have the following meanings:

SCHOOL CROSSING GUARD: Any person hired or authorized by a school to supervise, direct, and/or assist children crossing streets at designated school locations.

5.##.020: LICENSE REQUIRED; APPLICATION:

It is unlawful for any person to supervise, direct, and/or assist children crossing streets at designated school locations license without a School Crossing Guard license. Applicants shall provide all information and complete all forms applicable as set out in the following subsections.

A. An applicant must complete an application provided by the Pocatello Police Department, giving full name and any aliases or maiden names, current residence, place(s) of residence for the previous five (5) years, physical descriptors, place of birth, whether they have ever been convicted of a felony or misdemeanor, and proof of employment by the School District or company providing such services to the School District;

B. Each applicant must provide a current valid photo ID and a headshot photograph for their ID card;

C. Each applicant must sign a consent form for the Pocatello Police Department to conduct a criminal history and background check as set out in Pocatello Municipal Code 5.04.030.

5.##.030: DISQUALIFICATIONS FOR LICENSE:

The Licensing & Enforcement Officer or Chief's Designee shall deny a license to any person who:

- A. Is under the age of eighteen (18).
- B. Has had a similar license revoked within two (2) years by any jurisdiction.
- C. Is required to register as a sex offender pursuant to Idaho Code 18-8301 et seq. or Idaho Code 18-8401 et seq.
- D. Has been convicted within the last two (2) years of the following misdemeanors: any force against a person or property; any threats of force against the person of another; domestic battery or assault; stalking; harassment or telephone harassment; violation of a protection order or no contact order; possession of a concealed weapon; or indecent exposure.
- E. Has been convicted within the last two (2) years of the following moving violations: driving under the influence, reckless driving, and eluding police.
- F. Has ever been convicted of the following: sexual battery or assault, aggravated assault, sexual exploitation or sexual abuse of a minor or vulnerable adult, enticement of a minor, child pornography, kidnapping, lewd conduct with a minor, prostitution, rape, felony injury to a child, or homicide.
- G. Has been convicted of any other felony within the last five (5) years.
- H. The Licensing & Enforcement Officer or Chief's Designee shall have the authority to deny any application if the applicant has been convicted of any offense substantially similar in nature to those listed above, regardless of the specific title, wording, or classification of the offense. Determination of whether an offense is substantially similar shall be made at the reasonable discretion of the Licensing & Enforcement Officer or Chief's Designee and with oversight from their supervision based on the elements of the offense and the underlying conduct.

If, at any time during the term of the license, a licensee is found to meet any of the disqualifying criteria set forth in this section, the Licensing & Enforcement Officer or Chief's Designee may suspend or revoke the license in accordance with applicable procedures.

5.##.040: DISPLAY OF ID BADGE:

Upon approval of the Licensing Officer or Chief's Designee, applicants will receive a School Crossing Guard License and ID badge. ID badges granted hereunder shall be worn and made visible at all while conducting crossing guard duties.

5.##.050: TERMS OF LICENSE

School Crossing Guard licenses shall be valid from the date of issuance and expire at 12:00 a.m. (midnight) on August 14 following the date of issuance. If an initial application is submitted within 60 days prior to August 14, the license shall expire at 12:00 a.m. (midnight) on August 14 of the following year.

CHAPTER 5.##

TRAVELING CARNIVAL OR CIRCUS

SECTION:

5.##.010: Definitions

5.##.020: Permit Required; Application

5.##.030: Insurance Requirements

5.##.040: Disqualifications for Permit

5.##.050: Display of Permit

5.##.060: Terms of Permit

5.56.010: DEFINITIONS:

For the purpose of this chapter, the words set out in this section shall have the following meanings:

TRAVELING CARNIVAL: A temporary, mobile, or itinerant commercial amusement enterprise, open to the public, that operates for a limited period of time at a specified location and offers amusement rides, mechanical rides, games, attractions, concessions, or similar entertainment activities. A traveling carnival is characterized by the transportation and temporary assembly of rides, equipment, and structures at a site that is not a permanent amusement facility.

TRAVELING CIRCUS: A temporary, mobile, or itinerant commercial entertainment enterprise, open to the public, that presents performances such as acrobatics, aerial acts, clown acts, stunt performances, trained animal acts, exhibitions, or similar attractions and that operates from temporary structures, tents, arenas, or other facilities assembled for a limited duration at a specified location.

5.##.020: PERMIT REQUIRED; APPLICATION:

It is unlawful for any person, business, organization, promoter, coordinator, sponsor, or operator to operate, conduct, sponsor, host, manage, maintain, or permit a Traveling Carnival or Traveling Circus within the City without first obtaining a valid Traveling Carnival and Circus Permit. Applicants shall provide all information and complete all forms applicable as set out in the following subsections.

Applications shall be submitted at least fourteen (14) days before the first day of the proposed event. The Licensing & Enforcement Officer or Chief's Designee may reject or deny any application submitted fewer than fourteen (14) days prior to the event if there is insufficient time to complete the required reviews or approvals.

A. An applicant must complete an application provided by the Pocatello Police Department, giving the business name, mailing address, and contact information for the event promoter, coordinator, sponsor, or operator; emergency contact information to be used during the event; the address where the activity will occur, along with contact information for the local business/individual allowing use of their property; an event description, along with dates, hours of operation, anticipated crowd size; and a site plan or map with ride, tent, structure, parking, restroom, and food vendor locations, emergency access routes, and a fire safety plan.

B. For events with amusement rides, mechanical rides, games, or similar entertainment activities, the applicant must provide proof of regular equipment maintenance through safety inspection and/or maintenance records;

C. Each applicant must provide proof of public liability insurance coverage.

5.##.030: INSURANCE REQUIREMENTS

Each applicant must provide proof of public liability insurance coverage in an amount not less than one million dollars (\$1,000,000.00). The City of Pocatello shall be listed thereon as a certificate holder and an additional insured. Said proof of insurance shall stipulate that the City of Pocatello be held harmless in the event any claim is made.

5.##.040: DISQUALIFICATIONS FOR PERMIT:

The Licensing & Enforcement Officer or Chief's Designee shall deny a permit if:

A. The applicant has made any false material representation in the application.

B. The applicant fails to provide any of the items or information required by the application.

C. The event will substantially interfere or conflict with any other event for which a permit has already been granted or activity already scheduled for a site or with the provision of public safety or other City services in support of such other previously scheduled event.

D. The event promoter, coordinator, sponsor, or operator failed to pay for any costs incurred from a previously permitted event.

E. The applicant fails to obtain, or fails to demonstrate compliance with, any permit, approval, inspection, or authorization required by the City's Building Department for the proposed event.

If, at any time during the term of the permit, a licensee is found to meet any of the disqualifying criteria set forth in this section, the Licensing & Enforcement Officer or Chief's Designee may suspend or revoke the permit in accordance with applicable procedures.

5.##.050: DISPLAY OF PERMIT:

The permit issued pursuant to this chapter shall be prominently displayed at the principal ticket booth, admissions area, or management office and shall be available for inspection by any City official upon request.

5.##.060: TERMS OF PERMIT

For the duration of the event, the business, organization, promoter, coordinator, sponsor, or operator, shall be responsible for maintaining refuse containers, removing litter, providing restroom facilities, maintaining adequate lighting, and providing security personnel when determined necessary by the Licensing & Enforcement Officer or Chief's Designee.

Upon approval by the Licensing & Enforcement Officer or Chief's Designee and under review of the Building Department, the Traveling Carnival or Traveling Circus permit shall be valid only at the specified location for the dates and times listed on the application.

CHAPTER #.##

CHRISTMAS TREE SALES

SECTION:

5.##.010: Definitions

5.##.020: Permit Required; Application

5.##.030: Insurance Requirements

5.##.040: Disqualifications for Permit

5.##.050: Display of [ID Badge/Permit]

5.##.060: Terms of Permit

5.##.010: DEFINITIONS:

For the purpose of this chapter, the words set out in this section shall have the following meanings:

CHRISTMAS TREE LOT: A temporary or seasonal outdoor sales location established for the retail sale of cut or living Christmas trees, wreaths, garlands, holiday greenery, tree stands, or related holiday merchandise for a period not exceeding sixty (60) consecutive days.

5.##.020 PERMIT REQUIRED; APPLICATION:

It is unlawful for any person to establish, operate, manage, or maintain a temporary Christmas tree sales lot within the City without first obtaining a Christmas Tree Sales Permit. Applicants shall provide all information and complete all forms required by the City as set forth in this chapter.

A permit application shall be submitted no fewer than fourteen (14) calendar days prior to the proposed opening date of the sales lot.

A. An applicant must complete an application provided by the Pocatello Police Department, giving the business name, mailing address, and contact information for the owner, operator, or manager; the address where the activity will occur, along with contact information for the local business/individual allowing use of their property; the dates and hours of operation; and a site plan showing sales area, parking, temporary structures, electrical service, lighting, fire lanes, and access points.

B. Each applicant must provide proof of public liability insurance coverage.

EXEMPTION: A grocery store, nursery, home improvement store, or other permanent retail establishment is exempt from obtaining a Christmas Tree Sales Permit when selling Christmas trees as an incidental part of its regular merchandise.

This exemption shall not apply when the sale requires temporary electrical installations, temporary structures, tents, generators, temporary occupancy, or any other condition requiring permits or inspections by the Building Department or Fire Department.

5.##.030: INSURANCE REQUIREMENTS

Each applicant must provide proof of public liability insurance coverage in an amount not less than one million dollars (\$1,000,000.00). The City of Pocatello shall be listed thereon as a certificate holder and an additional insured. Said proof of insurance shall stipulate that the City of Pocatello be held harmless in the event any claim is made.

5.##.040: DISQUALIFICATIONS FOR PERMIT:

The Licensing & Enforcement Officer or Chief's Designee shall deny a permit if:

- A. The applicant has made any false material representation in the application.
- B. The applicant fails to provide any of the items or information required by the application.
- C. The proposed sales location would conflict with another permitted use or event previously approved for the same location or would unreasonably interfere with the provisions of public safety or other City services.
- D. The lot operator or manager failed to pay for any costs incurred from a previously permitted event.
- E. The applicant fails to obtain, or fails to demonstrate compliance with, any permit, approval, inspection, or authorization required by the City's Building Department or Fire Department for the proposed event.

If, at any time during the term of the permit, a licensee is found to meet any of the disqualifying criteria set forth in this section, the Licensing & Enforcement Officer or Chief's Designee may suspend or revoke the permit in accordance with applicable procedures.

5.##.050: DISPLAY OF PERMIT:

The permit issued pursuant to this chapter shall be prominently displayed at the sales location and shall be available for inspection by any City official upon request.

5.##.060: TERMS OF PERMIT

For the duration of the event, the operator or manager shall be responsible for maintaining refuse containers, removing litter, and maintaining adequate lighting.

Upon approval by the Licensing & Enforcement Officer or Chief's Designee and under review of the Building Department and Fire Department, the permit shall be valid only at the specified location for the dates and times listed on the application.