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BURLEY, CASSIA, IDAHO
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Index to: ORDINANCE

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BEFORE THE MAYOR AND CITY COUNCIL FOR THE CITY OF ALBION, IDAHO

ORDINANCE No. 2024-08-02

AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 3, CHAPTER 5, TO-WIT: AMEND DEFINITION OF ITINERANT MERCHANT, ADD DEFINITION OF MOBILE FOOD VENDOR AND VEHICLE; REPEAL PART OF SECTION 3-5-2 ON LICENSE FEE MATTERS; CLARIFY EXCEPTIONS BY REPEAL OF PERSONS INVITED TO PREMISES; PROVIDE FOR FEES FOR LICENSES TO BE SET BY RESOLUTION; PROVIDE TERM OF LICENSE TO BE ONE YEAR; AMEND SECTION 3-5-3 FOR APPLICATION FOR LICENSE, REPEAL FINGERPRINT REQUIREMENT, CLARIFY APPLICATION INFORMATION REQUIRED FOR CONTACT, DAY FOR WHICH LICENSE IS DESIRED, DESCRIPTIONS AND INFORMATION ON MOTOR VEHICLES USED, INFORMATION OF PAST LICENSE REVOCATIONS, APPLICANT PHOTOGRAPH, INFORMATION ON SUPPLIERS OF GOODS OR SERVICES OFFERED; AMEND SECTION 3-5-4 TO CLARIFY CLERK DUTIES UPON RECEIPT OF APPLICATION; AMEND SECTION 3-5-5 TO REPEAL BOND REQUIREMENT OF APPLICANTS AND NOW TO REQUIRE ASSUMPTION OF LIABILITY, INDEMNIFICATION AND INSURANCE; AMEND SECTION 3-5-6 TO CLARIFY MERCHANT'S AGENT FOR SERVICE OF PROCESS; AMEND SECTION 3-5-8 PROVIDING THAT ITINERANT MERCHANT LICENSES

ARE NONTRANSFERABLE AND NON-ASSIGNABLE; AMEND SECTION 3-5-10 CLARIFYING RECORDS TO BE MAINTAINED BY CLERK; AMEND SECTION 3-5-12 THAT REVOCATION IS BY ACTION OF CITY COUNCIL AND TO ADD FAILURE TO COMPLY WITH ANY PROVISION OF THIS CHAPTER AS BASIS FOR REVOCATION AS WELL AS TERMINATION OF INSURANCE COVERAGE; AMENDING TO ADD SECTION 3-5-14 FOR MOBILE FOOD VENDOR LICENSE; ADD SECTION 3-5-15 FOR MOBILE FOOD VENDOR LICENSE APPLICATION REQUIREMENTS; ADD SECTION 3-5-16 TERM OF MOBILE FOOD VENDOR LICENSE; ADD SECTION 3-5-17 FOR ISSUANCE OF LICENSE OR APPEAL OF DENIAL; ADD SECTION 3-5-18 PROVIDE FOR LICENSE FEE TO BE SET BY RESOLUTION OF CITY COUNCIL AND SEPARATE LICENSE FOR EACH MOBILE UNIT; ADD SECTION 3-5-19 PROVIDING OPERATION REQUIREMENTS FOR MOBILE FOOD VENDORS; ADD SECTION 3-5-20 PROVIDING FOR REGULATION OF MOBILE FOOD VENDING IN PUBLIC PLACES; ADD SECTION 3-5-21 REQUIRING SALES VEHICLE REGISTRATION; ADD SECTION 3-5-22 REQUIREMENTS FOR SALES VEHICLE EQUIPMENT AS REQUIRED BY STATE LAW; ADD SECTION 3-5-23 REQUIRING COMPLIANCE WITH TRAFFIC AND PARKING REGULATIONS; ADD SECTION 3-5-24 PROVIDING LITTER CONTROL; ADD SECTION 3-5-25 PROVIDING FOR REVOCATION OF LICENSE BY CITY COUNCIL FOR VIOLATION OF ANY PROVISION OF THIS CHAPTER; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING PROVISIONS; AND EFFECTIVE DATE.

WHEREAS, the Mayor and City Council conduct regular review of City ordinances and policies; and

WHEREAS, the Mayor and City Council determined to review the City Code Title 3 Chapter 5 regarding Itinerant Merchants and Solicitation; and

WHEREAS, the Mayor and City council made amendments to its Itinerant Merchant

regulations to provide clarification, ease of administration and more reasonable requirements for potential merchants to meet in qualifying for a license to thereby promote and protect the health, safety and general welfare of all those in, and coming into, the City; and

WHEREAS, the Mayor and City Council determined to provide regulations to provide for mobile food vendors in the City, including a license application process; an administrative process for accepting, processing and issuing licenses, and also for regulation of mobile food vendor’s operations to promote and protect the health, safety and general welfare of Albion City residents, visitors and the general public

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

Section 1. That Title 3 Chapter 5, now entitled “Itinerant Merchant, Solicitation and Mobile Food Vendor Regulations” be, and hereby is, amended as set forth in Exhibit A, which is attached hereto and is incorporated by reference as though fully set forth herein, which Exhibit A consists of eleven (11) pages. The Exhibit A indicates language already existing in the regulations and remaining the same in black ink, language being repealed is shown in red ink, and amended language is shown in blue ink.

Section 2. The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

Section 3. This ordinance specifically repeals any ordinance of the City of Albion that is in conflict herewith.

Section 4. This ordinance shall take effect, and be in full force, from and after its required reading, passage, approval and publication.

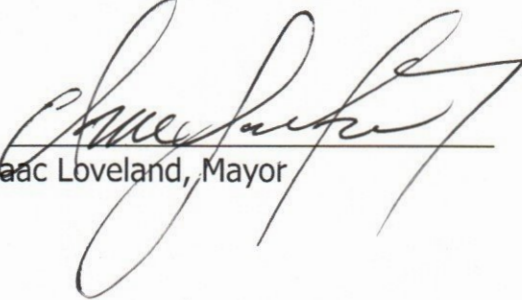
Section 5. The members of the City Council, by motion and vote and pursuant to Idaho Code ' 50-902, waived and dispensed with the requirement of three (3) separate readings of this Ordinance, by title and in full, after the second reading on September 3, 2024. Therefore, this ordinance shall take effect and be in full force from and after its first and second reading, and its passage, approval and publication.

PASSED this 3rd day of September, 2024, by the City Council of the City of Albion, Idaho. Roll call vote of Council members in favor of said Ordinance being as follows:

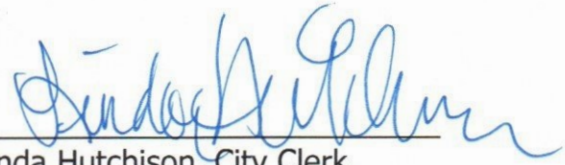
Kevin Lloyd	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Dallan Doc Carlson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Wayne Winder	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tyson Tolman	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

APPROVED this 3rd day of September, 2024, by the Mayor of the City of Albion, Idaho.

City of Albion, Idaho

By: 
Isaac Loveland, Mayor

ATTEST:


Linda Hutchison, City Clerk

CLERK'S CERTIFICATION

I, Linda Hutchison, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2024-08-02, adopted by the Mayor and City Council of Albion, Idaho, on the 3rd day of September, 2024 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 3rd day of September, 2024.

Clerk of the City of Albion, Idaho


Linda Hutchison, Clerk

SUMMARY OF ORDINANCE NO. 2024-08-02
City of Albion, Idaho

This is the summary of City of Albion Ordinance No. 2024-08-02, an ordinance of the City of Albion, Cassia County, Idaho, amending Albion City Code Title 3, Chapter 5, providing regulation of Itinerant Merchant, Solicitation and Mobile Food Vendor Regulations, to-wit: amend definition of itinerant merchant, add definition of mobile food vendor and vehicle; repeal part of section 3-5-2 on license fee matters; clarify exceptions by repeal of persons invited to premises; provide for fees for licenses to be set by resolution; provide term of license to be one year; amend section 3-5-3 for application for license, repeal fingerprint requirement, clarify application information required for contact, day for which license is desired, descriptions and information on motor vehicles used, information of past license revocations, applicant photograph, information on suppliers of goods or services offered; amend section 3-5-4 to clarify clerk duties upon receipt of application; amend section 3-5-5 to repeal bond requirement of applicants and now to require assumption of liability, indemnification and insurance; amend section 3-5-6 to clarify merchant's agent for service of process; amend section 3-5-8 providing that itinerant merchant licenses are nontransferable and non-assignable; amend section 3-5-10 clarifying records to be maintained by clerk; amend section 3-5-12 that revocation is by action of city council and to add failure to comply with any provision of this chapter as basis for revocation as well as termination of insurance coverage; amending to add section 3-5-14 for mobile food vendor license; add section 3-5-15 for mobile food vendor license application requirements; add section 3-5-16 term of mobile food vendor license; add section 3-5-17 for issuance of license or appeal of denial; add section 3-5-18 provide for license fee to be set by resolution of city council and separate license for each mobile unit; add section 3-5-19 providing operation requirements for mobile food vendors; add section 3-5-20 providing for regulation of mobile food vending in public places; add section 3-5-21 requiring sales vehicle registration; add section 3-5-22 requirements for sales vehicle equipment as required by state law; add section 3-5-23 requiring compliance with traffic and parking regulations; add section 3-5-24 providing litter control; add section 3-5-25 providing for revocation of license by city council for violation of any provision of this chapter; providing for severability; repeal of conflicting provisions; and effective date.

The full text of City of Albion Ordinance No. 2024-08-02 is available at the City Office, 225 South Main, Albion, Idaho. A copy of the full ordinance will also be provided to any citizen, upon personal request during usual City business hours as posted at the City Office, excepting City recognized holidays.

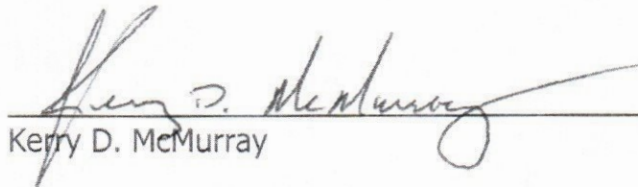
This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

CITY ATTORNEY'S STATEMENT

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2024-08-02, an Ordinance of the City of Albion, Idaho amending Albion City Code Title 3, Chapter 5, providing regulation of Itinerant Merchant, Solicitation and Mobile Food Vendor Regulations, is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901A, and provides adequate notice to the public of said provisions.

DATED this 3rd day of September, 2024.

City Attorney for Albion, Idaho


Kerry D. McMurray