

Ordinance No. 2011-01

**AN ORDINANCE AMENDING SECTION 13.16.030 F. 2. OF THE ST. ANTHONY CITY MUNICIPAL CODE; TO PERMIT THE ASSESSMENT OF LATE CHARGES WHEN AN ACCOUNT BECOMES DELINQUENT, AND ESTABLISHING THE EFFECTIVE DATE THEREOF**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT SECTION 13.16.030 F. 2. OF THE ST. ANTHONY CITY MUNICIPAL CODE BE AND HEREBY IS AMENDED TO PERMIT THE ASSESSMENT OF LATE CHARGES WHEN AN ACCOUNT BECOMES DELINQUENT, AND ESTABLISHING THE EFFECTIVE DATE THEREOF AS FOLLOWS:

2. Late Charges. ~~Ten days after~~ At such time as an account becomes delinquent, late charges ~~shall~~ may be assessed. Delinquent account late charges shall be established by the council by resolution upon the passage of the ordinance codified in this chapter and be reviewed from time to time and updated by resolution of the council.

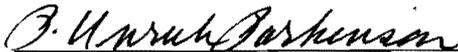
This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

Enacted by the City Council and Approved by the Mayor, on the 13<sup>th</sup> day of January, 2011.

CITY OF ST. ANTHONY, IDAHO

  
NEILS THUESON, MAYOR

ATTEST:

  
PATTY UNRUH PARKINSON, CITY CLERK



**Ordinance No. 2011-2**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.50 OF THE ST. ANTHONY CITY CODE; TO CHANGE THE TITLE OF THE CHAPTER AND ADD A NEW SECTION 8.50.040 PROHIBITING SMOKING IN DESIGNATED PUBLIC PARKS AND ESTABLISHING THE EFFECTIVE DATE THEREOF**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT TITLE 8, CHAPTER 50 OF THE ST. ANTHONY MUNICIPAL CODE BE AND HEREBY IS AMENDED TO CHANGE THE TITLE OF THE CHAPTER AND ADD A NEW SECTION 040 PROHIBITING SMOKING IN DESIGNATED PUBLIC PARKS AS FOLLOWS:

PUBLIC PARKS - - HOURS OF CLOSURE RESTRICTIONS

8.50.040. Smoking Prohibited.

It is unlawful for any person to smoke in the following public parks.

Baseball Diamonds  
Skate Park  
Sand Bar

The City Council and Mayor, by resolution, may prohibit or allow where previously prohibited, smoking in any City park.

A violation of this section shall be penalized as an infraction. The infraction penalty shall be established by resolution of the Mayor and City Council.

This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

Enacted by the City Council and Approved by the Mayor, on the 24th day of March, 2011.

CITY OF ST. ANTHONY, IDAHO

  
NEILS THUESON, MAYOR

ATTEST:

  
PATTY UNRUH PARKINSON, CITY CLERK





## **ORDINANCE NO. 2011-4**

**AN ORDINANCE REPEALING CHAPTER 15.20 OF THE ST. ANTHONY CITY CODE (SIGN CODE); ENACTING A NEW CHAPTER 15.20 (SIGN CODE) AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

WHEREAS, the current sign ordinance has adopted standards which are no longer followed or even available, and

WHEREAS, it is the judgment of the City Council that the regulation of exterior signs will promote the development of better sign construction and to provide minimum standards to safeguard life, health, safety, property and public welfare by regulating structural requirements for all signs and sign structures located outside of buildings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, AS FOLLOWS:

The current Chapter 15.20 of the St. Anthony City Code is hereby repealed. In its place the following Sign Code is adopted.

### **Chapter 15.20**

#### **SIGN CODE**

**15.20.010: ADOPTION**

**15.20.020: ADDITIONAL PROVISIONS**

**15.20.030: DEFINITIONS**

**15.20.040: SCHEDULE OF DISTRICT REGULATIONS**

**15.20.050: SIGNS FOR SEXUALLY ORIENTED BUSINESSES**

**15.20.060: PRIVATE SIGNS WHICH PURPORT TO REGULATE PUBLIC PROPERTY**

**15.20.070: SIGNS INSIDE OF OR DRAWN ON WINDOWS**

**15.20.070: VIOLATION AND PENALTY**

**15.20.010: ADOPTION:**

That certain document known as the Uniform Sign Code, 1997, copyrighted by the International Code Council is hereby adopted as the sign code for the City of St. Anthony, with such additional provisions as may be provided by ordinance or resolution of the City Council. There shall hereafter be kept on file, in the office of the city clerk, three (3) copies of the Uniform Sign Code, 1997, duly certified by the clerk, for use and examination by the public.

**15.20.020: ADDITIONAL PROVISIONS:**

**15.20.021** No sign may be placed or constructed so that any portion thereof is placed or projects into any public right-of-way without the prior written consent of the City.

**15.20.022.** The maximum height of any sign shall be twenty-four (24) feet from ground level to the top of the sign unless such sign is in a zone adjoining the freeway and its increased height is compatible with the surrounding structures and uses.

15.20.023 The definition of a "sign" and definitions of various types of signs are as set forth in section 15.20.020 of the St. Anthony City Code. This Schedule is not intended to be all-inclusive, but is to be for illustrative purposes in assisting in the understanding and compliance with the intent of this ordinance. Section 15.20.040 of the St. Anthony City Code is a table graphically setting out the regulations pertaining to signs in the various zones of the City.

#### 15.20.24 Permits and Fees.

A. Permits Required. Except as otherwise provided in the Uniform Sign Code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in this City, or cause the same to be done, without first obtaining a sign permit. A permit shall not be required for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this Ordinance, provided that the sign or sign structure is not altered in any way.

B. Permission to Install. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or authorized representative of the owner.

C. Signs Not Regulated By the Code. An application for any sign or advertising display or structure for which no specific regulation in this Ordinance is applicable shall be considered by the Planning and Zoning Commission under the conditional use permit procedure as outlined in the Planning and Zoning Ordinance, and such application shall be approved or denied in harmony with the intent of these regulations.

D. Permit Fee. An application fee shall be paid in accordance with the current fee schedule maintained by the City Clerk, as approved by the City Council by resolution.

#### 8-2-3: DEFINITIONS:

**ANIMATED SIGN:** A sign, any visible part of which moves, flashes, changes color, regardless of the source of energy causing the movement, flash, or change of color.

**ARCHITECTURAL BLADE:** A roof sign or projecting sign with no legs or braces which is an integral part of the building structure, rather than an object added to or standing on the building.

**AWNING:** A projecting cover extending over a door, window or wall section with supports attached to the building and used as cover, protection, or as decoration.

**BACKGROUND AREA:** When computing the area of sign background, only the face or faces seen from one direction at one time shall be considered.

**BILLBOARD:** A freestanding lighted or unlighted sign, advertising an establishment, merchandise, service or entertainment not sold, manufactured, produced, or furnished at the site on which the sign is located. Sign information is painted or printed and may be changeable.

**BUILDING FACE OR WALL:** All windows and wall area of a building on one elevation can be used for signs.

**CANOPY OR MARQUEE:** A permanent roof like shelter extending from part or all of a building face and constructed of some durable material such as metal, glass, or plastic.

**CANOPY SIGN OR MARQUEE SIGN:** A sign attached parallel to the faces of a canopy or marquee.

**CHANGEABLE COPY PANEL (READER BOARD):** A sign display characterized by copy or illustration, which may be modified at periodic intervals, regardless of the method.

**CONSTRUCTION SIGN:** Any sign which warns persons of construction or demolition of a project or describes the project and indicates the builder, architect or others involved in the project.

**COPY:** Any combination of letters or numbers intended to inform, direct or otherwise transmit information.

**COPY AREA:** The area of the sign occupied by copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

**DIRECTION SIGN:** Any sign which serves solely to designate the location or direction of any place or area.

**FREESTANDING, DETACHED OR GROUND SIGNS:** A sign wholly supported by columns or other vertical supports in or upon the ground.

**FRONTAGE:** Distance measured along the property line which fronts upon a street or alley. To constitute frontage, subject street or alley must provide access to abutting properties.

**HEIGHT OF SIGN:** The distance measured vertically from the finished elevation of the ground at the point of attachment to the highest point of the sign or visual appurtenances.

**ILLUMINATED SIGN:** A sign using manmade light for illumination.

**LIGHTING, DIRECT:** Lighting, the source of which is visible to a viewer.

**LIGHTING, FLOOD LIT:** Lighting reflected from the surface of a sign or building.

**LIGHTING, INDIRECT OR INTERNAL:** Lighting where the source of light must travel through a translucent material other than the bulb or tube necessary to enclose the light source. The material has the effect of dispersing the light before it strikes the eye of the viewer.

**ORIENTATION:** The placement of a sign in accordance with its primary visibility from a particular location.

**PORTABLE SIGN:** A sign not affixed to the ground or structure.

**PROJECTING SIGN:** A sign other than a wall sign, which projects from, and is supported by a wall of a building or other structure.

**PUBLIC SERVICE INFORMATION SIGN:** A sign providing general public service information, and messages of interest to the traveling public.

**REAL ESTATE SIGN:** Any sign pertaining to the sale, lease or rental of land or buildings.

**SEXUALLY ORIENTED/ADULT BUSINESS:** A business offering materials or performances that depict, describe, or relate to sexual subjects or activities, such as are popularly considered "adult".

**"SUPER" GRAPHICS:** Any abstract mosaic, mural or painting or graphic art technique or any combination thereof.

**SWINGING SIGN:** A sign installed on an arm or spar, and is not permanently fastened to an adjacent wall or upright pole.

**TEMPORARY SIGN:** A sign not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nation), searchlights, twirling or sandwich type signs, sidewalk or curb signs, balloons or other air or gas filled figures, and sign placed on the inside of a business window, intended to be displayed for a period of time not to exceed sixty (60) days.

**UNDER CANOPY OR MARQUEE SIGN:** A sign suspended below the ceiling or roof of a canopy or marquee.

**WALL OR FASCIA SIGN:** Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

**WINDOW SIGN:** Any sign attached to or painted on the window surface of a building or structure and directed to be viewed from public property.

15.20.040: SCHEDULE OF DISTRICT REGULATIONS:

Schedule B	Area	Height	Location	Illumination	Allowed	Exceptions	Area
<b>C-1, C-2</b>							
Accessory on premises free-standing sign	1 1/2 sq. ft. per lineal ft. of street frontage maximum of 65 sq. ft.	Of a height not to exceed the buildings adjoining it unless zone adjoins the freeway in which case it may be taller as long as in compliance with Uniform Sign Standards	May not be closer to property line or abutting lot than distance equal to 20% of width or length of lot upon which sign is to be located	Indirect, direct, internal	1 per street frontage	By Special Use Permit	100%
Animation	Allowed for maximum of 20% sign area, may revolve, direct light sources not to exceed 40 watts or 60 milliamps						
Construction signs	32 sq. ft.	12 ft.	5 ft. from property line	Internal, direct	1 or more not to exceed 96 sq. ft.		
Directional signs	6 sq. ft.	Not regulated	Not in clear vision triangle	Internal only			100%
Marquee and/or canopy	100%; none for alley or parking lot	No projection above or below marquee		Indirect, internal	1 per street frontage		100%
Nonaccessory off premises (freestanding)	200 sq. ft.	24 ft. or none above building height except by CUP unless zone adjoins the freeway in which	5 ft. from property	Indirect, internal, flood lit	1 per property either wall or freestanding	By special use permit	100%

		case it may be taller as long as in compliance with Uniform Sign Standards					
Public service directional sign	6 sq. ft.	Not regulated	Allowed in the public right of way with a CUP and with the approval of adjacent property owners on the same side of the street, otherwise not in clear vision triangle				
Rent, lease, sale	32 sq. ft.	10 ft.	5 ft. from property line	None	1 per street frontage		
Under marquee canopy	100%; none for alley or parking lot	8 ft. minimum clearance		Internal	1 per business		
<b>C-3 and PSD</b>							
Accessory on premises free-standing sign	1 1/2 sq. ft. per lineal ft. of street frontage	24 ft. unless zone adjoins the freeway in which case it may be taller as long as in compliance with Uniform Sign Standards	May not be closer to property line or abutting lot than distance equal to 20% of width or length of lot upon which sign is to be located	Indirect, internal, flood lit	1 per street frontage	By Special Use Permit	100%
Accessory on premises wall sign	35% of wall fronting on street, 1 sq. ft. per lineal ft. of street frontage	8 ft. above building height for single story, 6 ft. for structure exceeding 30 ft., whichever is greater	On wall facing street	Indirect, internal	1 or more not to exceed total square footage allowed	By Special Use Permit	100%
Construction	32 sq. ft.	12 ft.	5 ft. from property line	Internal or indirect	1 or more not to exceed 96 sq. ft.		
Directional	4 sq. ft.	Not regulated	Not regulated	None			100%

Marquee and/or canopy	Length not to exceed 75% of marquee width	8 ft. minimum clearance		Internal only	1 per business		
Nonaccessory off premises (freestanding)	200 sq. ft.	24 ft. or none above building height except by CUP unless zone adjoins the freeway in which case it may be taller as long as in compliance with Uniform Sign Standards	5 ft. from property line	Indirect, internal, flood lit	1 per property either wall or freestanding	By Special Use Permit	None
Public service directional sign	6 sq. ft.	Not regulated	Allowed in the public right of way with a CUP and with the approval of adjacent property owners on the same side of the street, otherwise not in clear vision triangle				
Rent, lease, sale	32 sq. ft.	10 ft.	5 ft. from property line	None	1 per street frontage		
When combination of wall and free-standing signs are used, total area for signs must be reduced by 50%							
<b>R-1, R-1A, R-2</b>							
Construction	32 sq. ft.	8 ft.	5 ft. from property line or greater	None	1 or more	By Special Use Permit	
Directional	6 sq. ft.	Not regulated	Not in clear vision corner triangle			By Special Use Permit	100%
Home occupation	Not more than 2 sq. ft.		Attached flush to the building	None	1 per dwelling unit		

PUD, subdivision identification	64 sq. ft.	8 ft.	20 ft. from property line or greater	Indirect or internal	1 per street frontage	By Special Use Permit	
Public service directional signs	6 sq. ft.	Not regulated	Allowed in the public right of way with a CUP and with the approval of adjacent property owners on the same side of the street, otherwise not in clear vision triangle			By Special Use Permit	
Rent, lease, sale	6 sq. ft.	6 sq. ft.	5 ft. from property line or greater	None	1 per lot		
All other signs	Prohibited						

**15.20.050 SIGNS FOR SEXUALLY ORIENTED BUSINESSES**

Notwithstanding any other city ordinance or city resolution, code or regulations to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for a sexually oriented business other than one sign as provided herein and except as provided in 15.20.050.D.

A. The sign shall have only one display surface, and the display surface shall:

1. Not contain any flashing lights or moving effects;
2. Be a flat plane, rectangular in shape;
3. Not exceed twenty-five (25) square feet in area or the maximum size allowed under any other relevant city ordinance or county resolution, whichever is less; and
4. Not exceed ten (10) feet in height or ten (10) feet in length or the maximum height allowed under any other relevant city ordinances or county resolution, whichever is less.

B. The sign shall contain no photographs, silhouettes, drawings or pictorial representations of any type and may contain only the name of the business.

C. Each letter of each word shall be of a solid color, and each letter shall be the same print-type, size, and color. The background on the display surface shall be of uniform and solid color.

D. A sign shall be posted on each door stating "Adults only" or "No Minors Allowed." Such signs shall comply with A-1, 2, B and C, above.

**15.20.060: PRIVATE SIGNS WHICH PURPORT TO REGULATE PUBLIC PROPERTY**

No sign of any kind may be displayed which purports to regulate in any fashion a public way or public property unless such sign is posted or displayed by the City.

15.20.070: SIGNS INSIDE OF OR DRAWN ON WINDOWS

Except as prohibited by Section 15.20.050 and Section 15.20.060, above and signs in residential zones, signs placed inside a window and signs drawn on a window are exempt from the requirements of this ordinance.

15.20.080: VIOLATION AND PENALTY:

Any person, firm or corporation violating any provision of this chapter shall, if in violation, be subject to the following civil penalties or remedies:

A. If a sign is placed in or projects into any public right of way, it may be immediately removed by the city at the owner's expense.

B. If in violation of some other provision of this chapter, the city may cause a written notice to be given requiring that the violation be corrected within fourteen (14) days and if the owner or person responsible for the violation fails to comply, the violator shall pay a civil penalty of fifty dollars (\$50.00) per day in violation and the city shall have the right to remove the sign at the owner's expense or both.

C. The city may seek injunctive relief through the courts for enforcement of the provisions of this chapter and in addition to the relief sought shall also be entitled to its attorney fees and costs.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Enacted by the City Council and Approved by the Mayor, on the 9th day of June, 2011

CITY OF ST. ANTHONY, IDAHO

  
NEILS THUESON, MAYOR

ATTEST:

  
PATTY UNRUH PARKINSON,  
CITY CLERK



**ORDINANCE NO. 2011-5**

**AN ORDINANCE MAKING PUBLIC INTOXICATION A MISDEMEANOR AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

WHEREAS, it is the judgment of the City Council that public intoxication leads to fighting, accidents and other antisocial behaviors and is a danger to the intoxicated person as well as to the public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, AS FOLLOWS:

The current Chapter 9.04 of the St. Anthony City Code is hereby amended to add the following:

Section 9.04.030

Every person found drunk or intoxicated in or upon any street, alley, highway or public place within the limits of the city is guilty of a misdemeanor.

The words drunk or intoxicated are defined as when a person is so far under the influence of alcohol or drugs that his passions are visibly excited or his judgment, sense-perceptions, continuity of thought, speech, or coordination of muscular action or some of these processes are impaired or not under normal control.

This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

Enacted by the City Council and Approved by the Mayor, on the 23rd day of June, 2011.

CITY OF ST. ANTHONY, IDAHO

  
NEILS THUESON, MAYOR

ATTEST:

  
PATTY UNRUH PARKINSON, CITY CLERK



**Ordinance No. 2011-6**

**AN ORDINANCE AMENDING SECTIONS 8.08.010 AND 8.08.20, OF THE ST. ANTHONY CITY CODE, (FIREWORKS), AND ESTABLISHING THE EFFECTIVE DATE HEREOF.**

WHEREAS, The South Fremont Fire Protection District has annexed all property within the City of St. Anthony into the fire district, and

WHEREAS, The South Fremont Fire Protection District maintains its own fire department, which has the responsibility for fire protection within the City, and

WHEREAS, Issuance of permits for the possession and use of fireworks has historically been the responsibility of the fire department, and

WHEREAS, Under the present section 8.08.10, safe and sane Fireworks sold with a City license are subject to a permit for possession and use, which permit is, in the judgment of the City Council, not necessary or appropriate.

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT SECTIONS 8.08.010 AND 8.08.20 OF THE ST. ANTHONY CITY CODE BE AND HEREBY ARE AMENDED AS FOLLOWS.

8.08.010 Possession for sale, sale giving away fireworks without permit unlawful - -  
Exceptions. It is unlawful for any person to possess for sale, sell, give away ~~or discharge any firecrackers~~ ~~or fireworks~~ of any kind in the city without first having obtained a written permit from the council permitting the possession for sale, sale, giving away or discharge of such firecrackers or fireworks as provided in Section 8.08.020.

8.08.15 Possession and discharge of fireworks unlawful without permit – Exceptions. It is unlawful to possess or discharge fireworks without first obtaining a permit from the Fire Chief of the South Fremont Fire District. The possession for private, noncommercial use and discharge of what are commonly known as “safe and sane fireworks” sold by duly licensed vendors within the state of Idaho are exempt from the requirement for a permit.

8.08.020 Permit - - Issuance.

The ~~council~~ Fire Chief of the South Fremont Fire District is authorized and empowered to issue written permits for the public display or exhibition of fireworks within the territorial limits of the city. Such permits must specify the time and place for the giving of such public display or exhibition and shall prescribe the conditions governing the conduct of the same.

This ordinance shall take effect on publication as required by law.

PASSED by the City Council and approved by the Mayor this 14th day of July, 2011.

CITY OF ST. ANTHONY, IDAHO

  
Neils Thueson, MAYOR

ATTEST:

  
PATTY UNRUH PARKINSON, CITY CLERK



ORDINANCE 2011-7

2012 FISCAL YEAR FINAL APPROPRIATION BUDGET

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, APPROPRIATING THE SUM OF \$3,277,402 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF ST. ANTHONY FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and City Council of the City of St. Anthony, Fremont County, Idaho:

Section 1: That the sum of \$3,277,402 be, and the same is appropriated to defray the necessary expenditures and liabilities of the City of St. Anthony, Fremont County, Idaho, for the fiscal year beginning October 1, 2011.

Section 2: The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

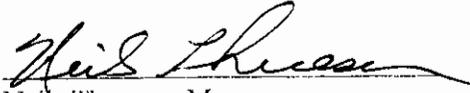
<u>ESTIMATED EXPENDITURES</u>	
GENERAL FUND	1,037,843
STREET FUND	416,463
AIRPORT FUND	14,500
WATER FUND	484,030
SEWER FUND	667,342
SANITATION FUND	303,724
PLAYGROUND EQUIPMENT FUND	3,500
WEST MAIN STREET FUND	350,000
<b>TOTAL</b>	<b>3,277,402</b>

Section 3: That a general tax levy on all taxable property within the City of St. Anthony be levied in and amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2011.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Standard Journal, a newspaper of general circulation in the City of St. Anthony, and the official newspaper of the City.

PASSED under suspension of rules upon which a roll call vote was taken and duly enacted an Ordinance of the City of St. Anthony, Fremont County, Idaho, at a convened meeting of the City of St. Anthony City Council held on the 11th day of August, 2011.

  
Neils Thueson, Mayor

Attest:

  
Patty Unruh Parkinson, City Clerk-Treasurer



**ORDINANCE 2011-8**

**AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, AMENDING ORDINANCE NO. 2010-4, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF ST. ANTHONY, IDAHO IN THE SUM OF \$249,000; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO:**

**SECTION 1.** That Ordinance No. 2010-4, the appropriation ordinance for the City of St. Anthony, Idaho, for the fiscal year commencing October 1, 2010, and ending September 30, 2011, be and the same is hereby amended as follows:

That the additional sum of \$249,000 be appropriated out of the following revenues to be used for lawfully authorized activities within the funds indicated:

Road & Street Fund	\$12,000
Police Grant Fund	\$15,000
Sewer Fund	\$130,000
Sanitation Fund	\$25,000
Industrial Park Fund`	\$2,000
Wastewater Phase III Fund	<u>\$65,000</u>
Grand Total	<u>\$249,000</u>

**SECTION 2.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

**PASSED by the City Council the 8th DAY OF September 2011, and APPROVED by the Mayor of the City of St. Anthony, Idaho, this 8th DAY OF SEPTEMBER, 2011.**

  
\_\_\_\_\_  
Neils Thueson, Mayor

Attest:

  
\_\_\_\_\_  
Patty Unruh Parkinson, City Clerk-Treasurer



## ORDINANCE NO. 2011-9

AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO REPEALING CHAPTER 5.12, PEDDLERS, AND ADOPTING A NEW CHAPTER 5.12, BUSINESS LICENSES, PROVIDING FOR BUSINESS LICENSES TO REGULATE THE TRANSACTION OF BUSINESS; PROVIDING EXCEPTIONS THERETO; PROVIDING FOR FEES AND PENALTIES; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO:

REPEAL OF CHAPTER 5.12 PEDDLERS AND ENACTMENT OF NEW CHAPTER 5.12

Chapter 5.12 of the St. Anthony Municipal Code is hereby repealed and a new Chapter 5.12 entitled "Business Licenses" is hereby enacted as follows:

### 5.12.1: SCOPE:

(a) The provisions of this chapter apply to all business licenses of the city, except where an ordinance concerning a particular business contains a specific provision to the contrary, in which case the specific provision shall apply.

(b) A further purpose of this chapter is to provide one document covering all license fees and investigation fees or processing fees connected with the issuance or renewal of licenses for any business licensed by the city. The fees provided herein shall apply in place of any earlier provision in any other ordinance. The fees and charges for businesses or operations not listed in this chapter shall be as stated in the specific ordinances or parts of ordinances relating to those businesses or operations.

### 5.12.2: TYPES OF FEES:

The following are the types of fees that are covered by this chapter:

(a) License for a Commercial Business with a permanent presence inside the city limits of the City of St. Anthony.

(b) Home occupations Business License.

(c) Special Events Business License.

(d) Out of town, seasonal or temporary Business License.

(e) Transient Solicitor License.

(f) A nonrefundable investigation fee, covering the cost of investigating to determine whether the applicant is eligible for a license. This type of fee shall be charged only in instances

specified in this chapter or in any other applicable ordinance. This fee shall be in addition to the license fee.

(g) A nonrefundable processing fee, covering the cost of processing an application. This type of fee shall be charged only in instances specified in this chapter or in any other applicable ordinance. This fee shall be in addition to the license fee.

#### 5.12.3: FEES ESTABLISHED:

Until otherwise provided by ordinance or resolution, the annual fees shall be charged for the businesses and operations as specified in schedule A attached to the ordinance codified herein and on file with the city. The fee shall be a license fee unless the phrase "investigation fee" or the phrase "processing fee" appears with the amount of the fee.

#### 5.12.4: DEFINITIONS:

The following terms shall have the following meanings, except where the context clearly indicates that a different meaning is intended and except where an ordinance concerning a particular business contains a specific provision to the contrary:

**ADULT:** Any person eighteen (18) years of age or older.

**APPROVED:** Complying with all applicable state laws and city ordinances. The word "approved" does not give any city officer or employee discretion to fail to approve any item or method, except for failure to comply with applicable city ordinances and state laws.

**BUSINESS:** Business" as used in this chapter, shall be defined as follows: Any person, firm, or corporation operating in a specified location, and selling merchandise, wares or services therein; any person, firm or corporation regularly operating a business from place to place within the city by selling merchandise, wares or services for present or future delivery, and any contractor regularly operating a contracting and building business within the city limits.

**TRANSIENT SOLICITOR:** as used in this chapter, shall be construed to mean engaging in by any person of temporary or transient business within the city or in traveling from place to place therein selling wares, goods, merchandise or services for present or future delivery. A license shall be obtained by a person operating multiple businesses for each business so operated. To determine if a business is a separate business, the city may request the Federal I.D. number, State Sales Tax number, or other identifying numbers of the business. The city clerk and mayor shall have the authority to decide whether the operation constitutes a multiple business.

**CHILD:** Any person under the age of eighteen (18) years, provided that provisions relating to sale of liquor may refer to persons under the age of twenty one (21) years, and other ordinances may refer to persons of younger ages.

**CITY:** The city of St. Anthony, Idaho.

**CITY OFFICER:** When duties and responsibilities are given to any city officer such as the city clerk or the police department, the duties may be performed by the named officer or any city

officer or employee under that officer's supervision, if that city officer or employee has been assigned by his superior to perform the duties in question. Duties concerning drafting regulations, drafting forms or making recommendations to the governing body of the city are not to be delegated. Duties concerning administrative appeals are not to be delegated.

CLERK: The city clerk.

DANGEROUS: Not safe. See definition of Safe.

LICENSE APPEAL: An appeal in accordance with city ordinances relating to license appeals.

LICENSE YEAR: The period for which business licenses are issued. In the absence of a specific provision to the contrary relating to a particular business, the license year is from January 1 to December 31 of the same year.

MINOR OR MINOR CHILD: This has the same meaning as child. See definition of Child

PERSON: An individual or a corporation, firm, partnership, association or business entity.

SAFE: Having no defect in design, materials, workmanship, method of installation or method of normal use which create a hazard to any person or property.

#### 5.12.5: APPLICATION, ISSUANCE OF LICENSE:

(a) In the absence of a provision to the contrary, applications for business licenses shall be made to the City Clerk. Forms shall be supplied by the Clerk. No license shall be issued until all appropriate fees required by ordinance have been paid. If all required information is supplied, the required fees have been paid and it does not appear that any applicable state law or city ordinances will be violated by the operation of the business, the license shall be issued. The City Clerk or other person responsible for processing license applications shall provide assistance in filling out license application forms to any person asking for assistance.

(b) Application referral. Upon application being made to the city clerk for a transient solicitor license, the City Clerk shall refer the application to the Chief of Police of the St. Anthony Police Department, who shall investigate the applicant and any employees of applicant including any prior complaints and criminal records, and file a written report containing his recommendations with the City Clerk.

(c) Decision on License Applications. The application, investigation and recommendations (if required) shall be forwarded to the Mayor who shall then decide whether or not said license shall issue. The city clerk shall notify the applicant of the decision of the Mayor.

(d) All licenses shall be issued by the Mayor or presiding officer of the city council and be attested by the City Clerk under the seal of the city. Said licenses shall show type of license, amount and expiration date.

(e) The mayor shall have the discretion in reviewing and granting or denying licenses for Transient Solicitors to consider the recommendation by the Chief of Police and the background

investigation to include criminal history, credit history, history of mental/emotional illness, military discharge status, experience in other localities and all other information relevant to the health, welfare and safety of the residents of the City.

(f) Each licensed business shall display its license in a place readily observable by the public. Each licensed Transient Solicitor shall wear on the right side of his/her chest, and display in plain sight a name tag which clearly displays the name of the solicitor and the company by whom the solicitor is employed, if any. Each solicitor shall have a copy of the business license on his person and available for inspection by any member of the public on request.

#### 5.12.6: RECORDS ON COMPUTERS:

Nothing in any city ordinance shall be deemed to prohibit the city clerk from using computers to organize information concerning licenses, or to store or process such information. The clerk shall, however, have at least one written record, on paper, of each license application and of each license issued, organized in such a way that, if necessary, a manual search could retrieve information by the names of licensees.

#### 5.12.7: ADMINISTRATIVE APPEALS:

Any person aggrieved by any decision relating to the issuance of a license may file an administrative appeal with the City Council.

#### 5.12.8: LICENSE YEAR:

Except where otherwise specifically provided in connection with a business, the license year shall run from January 1 until December 31 of the same year. No person, firm or corporation may continue to operate a business after the expiration of the license unless an application has been made for a new license and a new license has been issued.

#### 5.12.9: PAYMENT REQUIRED:

No person shall operate any business for which a license fee is established by this chapter until and unless the license fee has been paid on behalf of that business. No business license shall be issued until after the payment of the fee required by this chapter. No license shall be issued until any applicable investigation fee or processing fee has been paid. All license fees, investigation fees and processing fees shall be paid in to the city treasurer. To the extent permitted by the budget, investigation fees and processing fees may be spent on behalf of the offices or departments actually making the investigations or processing the applications in question.

#### 5.12.10: NUMBERS OF LICENSES:

In the absence of a specific provision to the contrary, no ordinance is to be interpreted as limiting the number of licenses that may be issued or as limiting the number of business enterprises of any particular kind that may be operated in the city. No city officer or employee may refuse to issue a license because of the officer or employee's belief that there are enough of

a particular type of business in the city already.

#### 5.12.11: FIRE EXTINGUISHERS:

Each business shall have at least one fire extinguisher on the premises. This is required not only for fires that may originate in the business but also for use for any nearby fire in a vehicle or other place. All such fire extinguishers shall be kept charged and ready to use, in an accessible location known to all employees on the premises.

#### 5.12.12: INSPECTIONS:

Any business in the city may be inspected by city officers and employees authorized to enforce provisions of ordinances relating to that business. In the absence of an emergency and in the absence of sound reasons whereby an inspection cannot be made during regular business hours, inspections shall be made during normal business hours. Immediately upon arriving at a place of business for the purpose of making an inspection, the city officer or employee making the inspection shall identify himself or herself and shall state that the purpose of the visit is to make an inspection. No person having control of any business premises shall refuse to permit a city officer or employee to enter for the purpose of making an inspection. If entry is refused, the city officer or employee shall leave and seek a search warrant or other appropriate court order, to gain entry.

#### 5.12.13: DUTY TO ISSUE LICENSE:

Except as provided in Section 5.12.5(e), above, no city ordinance relating to business licenses shall be interpreted as granting or attempting to grant to any city officer or employee any discretionary authority to issue a license or to refuse to issue a business license. Licenses shall be issued to each applicant complying with all applicable state laws and city ordinances, and licenses shall be refused for any applicant failing to comply with all such applicable laws and ordinances.

#### 5.12.14: FAKE REPAIRS PROHIBITED:

No person doing business anywhere in the city shall charge for any repair or maintenance work on any vehicle or other device or thing, unless such repair or maintenance work has in fact been done.

#### 5.12.15 SOLICITATION AT POSTED PREMISES PROHIBITED

(a) Any person who sells or solicits orders for the sale of goods, services, food or beverage at any posted residence without prior invitation by the occupant thereof, shall be guilty of a misdemeanor.

(b) For the purposes hereof, a residence is "posted" if a "No Solicitors," or other similar sign, is prominently displayed at or near the primary entrance to the premises.

(c) Nothing herein shall prevent door-to-door dissemination of political campaign materials, the exercise of the political franchise, or campaign activities, voter registration

activities, proselytizing or dissemination of religious faith or view point or the solicitation of contributions or donations by any education related, charitable or religious organization qualified under 26 USC Section 501.

(d) Any nonexempt person, business, or other entity conducting door-to-door sales shall be required to have a business license issued by the city.

#### 5.12.16: PENALTY:

Any person violating any provision of this chapter or of any ordinance relating to licensing shall be guilty of a misdemeanor. Where no other penalty is provided, such person shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Any person violating any such provision may in addition to a fine or in lieu of a fine be imprisoned for a term in the county jail of not more that six (6) months. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### 5.12.17: EXEMPTIONS:

Governmental activities, including among others, educational activities (also to include extracurricular fund raising activities), charitable, political and religious activities shall be exempt from the requirements of this chapter. Established festivals, parades, picnics, and other like public events sponsored by the City, Chamber of Commerce or other non-profit service organizations shall also be exempt from the requirements of this chapter. Events similar to Summerfest and the Farmers Market sponsored by the Chamber of Commerce which hosts for profit vendors shall be required to have a single event business license to the issued to the Chamber of Commerce.

#### 5.12.18: SEVERABILITY:

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

#### 5.12.19: REPEAL OF CONFLICTING PROVISIONS:

All provisions of the ordinances and Municipal Code of the City of St. Anthony which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

#### 5.12.20: CONFLICTING REGULATIONS:

If conflicts occur between different regulations of this Ordinance, or between this ordinance and other regulations of City of St. Anthony, the most restrictive regulation shall apply.

#### 5.12.21: EFFECTIVE DATE:

The City Council having determined that an emergency exists, this ordinance shall take effect upon the proclamation of the mayor or president of the council, posted in at least five (5) public places of the city.

Enacted by the City Council and Approved by the Mayor on the 22nd day of September, 2011.

CITY OF ST. ANTHONY, IDAHO

  
Neils Thueson, Mayor

ATTEST:

  
Patty Unruh Parkinson, City Clerk



Exhibit A

BUSINESS LICENSE FEES

Annual fees:

Commercial Business with a permanent physical presence inside the city limits of the City of St. Anthony.

Initial License	\$ 25.00
Renewal License	\$ 10.00

Home Occupations

Initial License	\$ 25.00
Renewal License	\$ 10.00

Commercial Special Events (no longer than three (3) days such as circuses, carnivals, festivals and events of a like) \$ 50.00

Out of Town, Seasonal or Temporary Businesses engaged in business activities within the city limits, such as food stands, contractors and vendors without a permanent place of business in the city, and like businesses \$ 50.00

Transient Solicitors \$250.00

Processing Fee<sup>1</sup> not to exceed \$250.00

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<sup>1</sup> Will be determined by City Clerk for applications involving background checks and/or significantly more work than is usual.