

**AGENDA**

**ITEM**

**NO. 18**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING TITLE 5 "BUSINESS LICENSES AND REGULATIONS" OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO; MORE PARTICULARLY BY AMENDING CHAPTERS 5.04.020 "MISCELLANEOUS LICENSES AND FEES"; 5.12.030 "LICENSING PERIOD AND FEES"; 5.30.230 "LICENSE; FEE"; 5.44.020 "LICENSE; REQUIRED"; 5.52.070 "LICENSE FEES"; 5.56.020 "LICENSE REQUIRED; APPLICATION; FEE"; 5.56.070 "LICENSE RENEWAL; FEE"; AND 5.60.060 "FEES", REMOVING ALL SPECIFIC LICENSING FEES AND ESTABLISHING THAT FEES BE SET BY RESOLUTION OF THE CITY COUNCIL; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, in reviewing Title 5 of Pocatello Municipal Code, staff has identified several sections which set forth specific licensing fees; and

WHEREAS, since the establishment of these fees, amounts have been amended through annual fee resolutions, however the original fees set forth in City Code have not accordingly been updated; and

WHEREAS, City staff has determined it would be more efficient to remove all specific fee amounts from City Code and require that all such fees amended by resolution; and

WHEREAS, the City Council has determined that the proposed amendments of Title 5 "Business Licenses and Regulations" are in the best interest of the citizens of the City of Pocatello.

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

**Section 1:** That Chapter 5.04.020 “Miscellaneous Licenses and Fees” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.04.020: MISCELLANEOUS LICENSES AND FEES:**

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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 ~~fifty dollar (\$50.00)~~ 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. ~~Provided, however, that any person whose current license expires on December 31, 2000, shall be allowed an extension of that license through August 14, 2001, at no charge.~~ Licenses may be renewed upon application and payment of a ~~fifteen dollar (\$15.00)~~ 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.

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**Section 2:** That Chapter 5.12.030 “Licensing Period and Fees” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be repealed in its entirety and shall be enacted to read as follows:

**5.12.030: LICENSING PERIOD AND FEES:**

Licenses issued within the city of Pocatello shall be valid from November 1 of a calendar year through two o'clock (2:00) a.m. on November 1 of the following year, and from August 1 of a calendar year through two o'clock (2:00) a.m. on August 1 of the following year for those issued

for Power County, or such other time period as may be set by the State. All license fees shall be set by annual resolution of the city council.

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**Section 3:** That Chapter 5.30.230 “License; Fee” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.30.230: LICENSE; FEE:**

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B. The renewal fees for children group treatment centers shall be reduced ~~by fifty dollars (\$50.00)~~ in an amount established by resolution of the City Council as long as the clinic director does not require a background check and the renewal applications and fees are submitted to the licensing department at least thirty (30) days prior to expiration of the current license.

C. The initial staff license fee ~~shall be fifty dollars (\$50.00)~~ and the annual renewal fee shall be ~~twenty dollars (\$20.00)~~ in an amount established by resolution of the City Council, as long as the license renewal application is submitted to the city licensing department at least thirty (30) days prior to expiration of the current license.

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**Section 4:** That Chapter 5.44.020 “License; Required” of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.44.020: LICENSE; REQUIRED:**

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B. Any person employed by a private investigator or private detective business or by a security guard business within the corporate limits of the city shall be licensed by the city as provided in this chapter. ~~The fee for the license shall be fifty dollars (\$50.00) for the first year.~~ If application is made at least thirty (30) days prior to expiration of the license, a licensee may renew the license ~~for a twenty dollar (\$20.00) fee;~~ provided, however, that any person who is a sole proprietor of such a business shall not be required to obtain a separate individual license after obtaining the business license. Fees for such initial or renewal license shall be in an amount established by resolution of the city council.

A license shall be renewed or a new one issued if application is made after the deadline every year any such licensee continues to engage in such work. If an applicant is to carry a firearm at any time as part of employment, authorization to do so shall be noted on his license, provided he has

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met the standards to do so as expressed in section 5.44.040 of this chapter. This authorization shall be renewed every year a licensee continues to engage in such work. Carrying of a firearm while so working without authorization shall be both grounds for revocation of license and a misdemeanor. Any person licensed under this chapter shall immediately report any discharge of his firearm within the city in connection with employment under this chapter to the chief of police, who may require a written report in regard to such a firearm discharge.

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**Section 5:** That Chapter 5.52.070 “License Fees” of the Revised and Compiled

Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.52.070: LICENSE FEES:**

At the time an application is filed with the city clerk, or the clerk's designee, the applicant shall pay a fee to cover the cost to the city of processing the application and investigating the facts stated therein. A license shall be valid for a period of one year, after which time the licensee must renew the license. Annual license fees are nonrefundable, and shall not be prorated for a portion of the licensure period. A license issued in the name of a business entity may also include licensure for one individual. All other individuals associated with the same business entity must apply for licensure as an individual who is associated with said business entity. Annual license fees required under this chapter shall be set ~~from time to time~~ by resolution of the Pocatello city council. All fees must be paid in full at the time the application for licensing is submitted. ~~License fees effective upon adoption of this chapter through September 30, 2012, shall be as follows:~~

Individual solicitor or peddler license	\$80.00
Business entity solicitor or peddler license (may including licensing for 1 individual)	100.00
Identification card fee (when not included with a license, i.e. canvassers, panhandlers)	5.00

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**Section 6:** That Chapter 5.56.020 “License Required; Application; Fee” of the

Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.56.020: LICENSE REQUIRED; APPLICATION; FEE:**

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E. ~~The applications for a taxicab operator's license must be accompanied by a fifty dollar (\$80) non-refundable fee. The application for a taxicab business license must be accompanied by a one hundred dollar (\$100) fee and a taxicab business license must be accompanied by a nonrefundable fee in an amount established by resolution of the city council.~~

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**Section 7:** That Chapter 5.56.070 "License Renewal; Fee" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.56.070: LICENSE RENEWAL; FEE:**

Licenses granted hereunder may be renewed annually, provided that the applicant can show that he possesses all 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 shall be twenty dollars (\$20); the fee and for taxicab business license renewals shall be fifty dollars (\$50) established by resolution of the city council.~~

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**Section 8:** That Chapter 5.60.060 "Fees" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be amended to read as follows:

**5.60.060: FEES:**

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~~A. The nonrefundable initial license fee and annual renewal fee for a sexually oriented business license or a sexually oriented business employee license shall be set by the city council at an amount determined to be sufficient to pay the cost of administering this program, subject to subsection B of this section.~~

~~B. In no event shall the fees exceed two hundred fifty dollars (\$250.00) for the initial license and one hundred twenty five dollars (\$125.00) for the renewal fee for a sexually oriented business license. In no event shall the fees exceed seventy five dollars (\$75.00) for the initial license and fifty dollars (\$50.00) for the renewal fee for a sexually oriented business employee license.~~

For fiscal year 2022, the nonrefundable licensing fees for sexually oriented businesses shall be as follows:

Initial License            Two Hundred Fifty Dollars (\$250)  
Renewal License        One Hundred Twenty-Five Dollars (\$125).

Thereafter licensing fees shall be set by annual resolution of the city council.

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**Section 9:** That all other Sections and Chapters of Title 5 shall remain in full force and effect.

**Section 10:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this \_\_\_ day of May, 2022.

CITY OF POCA TELLO, a municipal  
corporation of Idaho

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BRIAN C. BLAD, Mayor

ATTEST:

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KONNI R. KENDELL, City Clerk