

## CHAPTER 1

**BUSINESS REGISTRATION**

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3-1-1: **TITLE:** This chapter shall be known as the *DRIGGS BUSINESS REGISTRATION CODE* and it may be referred to as the "Driggs business registration code" in any matter being prosecuted at law. Whenever a reference is made to this chapter as the "Driggs business registration code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 272-07, 1-2-2007)

3-1-2: **PURPOSE:** The purpose of this chapter is to promote the peace, health, safety, welfare and tranquility of the community and citizens of the city by identifying all businesses within the city and registering such businesses, and ensuring equal and comprehensive enforcement of existing city rules and regulations. Furthermore, this chapter shall provide for a means of tracking the physical facilities associated with each business in order to maintain consistency from year to year. (Ord. 272-07, 1-2-2007)

**3-1-3: APPLICATION AND INTERPRETATION OF PROVISIONS:**  
 Within the Driggs city limits, the rules and regulations of this chapter shall apply to all businesses as defined in this chapter. (Ord. 272-07, 1-2-2007; amd. 2010 Code)

**3-1-4: DEFINITIONS:** The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

**BUSINESS:** A. Any and all rental of office, commercial, and residential dwelling units where the owner does not reside upon the same parcel of land, or owner occupied residences wherein rentals of two (2) or more residential units occur regardless of the amount of rent derived from the rental.

B. Business also includes any and all industries, pursuits, occupations, avocations, professions and businesses that have annual gross receipts of three thousand dollars (\$3,000.00) or more except those carried on in a temporary manner by church, civic or fraternal organizations for fundraising. This monetary threshold does not apply to residential rental registration requirements. All residential rentals shall be registered unless expressly excluded.

C. A person who is employed by another shall not be deemed a business.

D. Itinerant vendors shall be considered a business for purposes of this chapter irrespective of the amount of annual gross receipts.

E. Business shall also include hotels, motels, boarding houses, rooming houses, lodging houses, trailer courts, and mobile home parks.

**CITY:** The city of Driggs, Teton County, state of Idaho.

**CONSUMER:** One who uses and, by using, diminishes or does away with the value of the article purchased or used.

EMPLOYEE:	Any person, other than an independent contractor, employed by a business including active owners, managers, active partners and agents, also including salespersons and all persons engaged in or associated directly with the management and operation of the business concerned. The intention is to include as "employees" all persons hired by or working for the business involved, and to include owners and proprietors within the designation. In case of part time employees, the number of full time equivalent employees will be determined by dividing the total number of hours worked by all part time employees by two thousand eighty (2,080).
HOTEL, MOTEL, ROOMING HOUSE OR LODGING HOUSE:	Any building or buildings containing guestrooms intended to be rented or hired out for sleeping purposes.
ITINERANT VENDOR:	Any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment and there soliciting, selling, or offering to sell, or exhibiting for sale, by sample, by catalog, or otherwise, or taking orders for future delivery of any goods, wares or merchandise, or for services to be performed in the future.
MAYOR:	The mayor of the city.
NONPROFIT ORGANIZATION:	Any religious, charitable, social, educational, or civic group which does not distribute profits or dividends to the members thereof and where profit is not their object.
NUMBER OF EMPLOYEES:	The number of employees on the payroll of the business as of October 31 of the year immediately preceding the registration year; or in the case of a new business, the number of employees that it expects to have on the payroll

	sixty (60) days after the business commences operation.
OFFICE:	A room or building in which a person transacts his business or carries on his stated occupation.
OFFICE BUILDING:	A building designed or used primarily for office purposes or a substantial portion of which is used for that purpose.
PERSON:	A corporation, partnership, company, association, or society as well as a natural person and the agents and representatives thereof.
TEMPORARY PREMISES:	Any hotel, rooming house, storeroom, building, or any part of any building whatsoever, tent, vacant lot, freight station, railroad car, motor truck, trailer or other vehicle or any public or quasi-public place temporarily occupied for the purpose of transacting business.
TRAILER COURT OR MOBILE HOME PARK:	A tract of land providing two (2) or more mobile home lots for lease or rent to the general public.
TRANSIENT RETAIL MERCHANT:	Any or every person, firm or corporation, acting for himself or itself or representing any other person, firm or corporation who or which brings onto temporary premises within the city a stock of goods, wares, or merchandise, notions or other articles of trade, other than farm, orchard, vineyard or garden products, and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares or merchandise, notions or other articles of trade at retail, and such definition shall continue to apply until such person is continuously engaged at such particular place in the city for a period of one year. Nothing contained in this definition shall apply to duly constituted city markets when and if operated by authority of the city.
TRANSIENT WHOLESALE MERCHANT:	Any person, firm or corporation acting for himself or representing any other person, firm or corporation who or which brings into temporary

premises within the city any goods, wares, merchandise, notions or other articles of trade, other than farm, orchard, vineyard or garden products, and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares, merchandise, notions or other articles of trade at wholesale, and such definition shall continue to apply until such person is continuously engaged at such particular place in the city for a period of one year.

**YEAR:** For general city business registration purposes, means a period of time of twelve (12) months commencing each year on January 1 and ending December 31 of the same year. (Ord. 272-07, 1-2-2007)

**3-1-5: REGISTRATION REQUIRED; EXEMPTIONS; GENERAL PROVISIONS:**

**A. Registration Required:**

1. For the protection and general welfare of the inhabitants of the city, every business conducted within the city comes within the police power of the city, and no person shall engage in business without first registering unless exempt under this chapter or exempted by state law.

2. A registration shall be obtained for each branch establishment or location of a business, as if such branch establishment or location were a separate business; provided, however, that warehouses and distribution plants used in connection with and incidental to a registered business where no sales are made shall not be deemed to be a branch establishment. The provisions of this subsection A2 requiring separate business registration for separate branch locations shall not apply to residential rentals where there are less than ten (10) total units being managed from one location, provided the location from which the units are being managed is registered with the city.

**B. Revenues:** The charge for such registration shall be as fixed in subsection 3-1-7A of this chapter unless otherwise provided in this chapter. Monies received from registration shall be used to defray

the expense of issuing the registration and the physical facilities review, regulation and control of businesses within the city.

C. Application Of Provisions; Exemptions:

1. The registration requirement is intended to apply to all business entities conducting business within the city unless the entity is otherwise expressly excluded in this chapter from this requirement.

2. Any business registered at another business location within the city is not required to obtain an additional business registration for conducting its business at a fair, display show or festival.

3. A city business registration shall not be required for bazaars, farmers' markets, or arts and crafts sales conducted and sponsored solely by a nonprofit entity that has been established as a "nonprofit organization" as that term is defined in section 3-1-4 of this chapter. (Ord. 272-07, 1-2-2007)

3-1-6:       **APPLICATION FOR REGISTRATION:** The city clerk shall provide an application form in substantially the same format as addendum A attached to the ordinance codified herein for the purpose of facilitating registration. As directed by the city clerk, each applicant for registration shall file with the city clerk an application in writing on the form provided for such registration application. (Ord. 272-07, 1-2-2007)

3-1-7:       **FEES:**

A.       Established: The schedule of fees for business registration shall be as follows:

1. For any general business which is registering for the first time, a registration fee of fifty dollars (\$50.00) shall be paid.

2. For any general business which has been previously registered, a registration fee of twenty five dollars (\$25.00) shall be paid.

3. If, as a result of an inspection of a business, the inspector deems it appropriate to have additional technical inspections conducted in order to maintain minimal health, safety and welfare conditions, such inspections shall be administered by the city, and the business owner shall be responsible for the actual costs associated with the inspections.

4. Other registration fees may apply as established in other sections of this chapter.

- B. Collection: The city clerk shall be charged with the collection of all business registration fees required by the city.
- C. Refunds: If an application for a registration is denied, the fee that accompanied the application shall be returned to the applicant in its entirety except for fees associated with inspection in aid of granting or rejecting the registration. (Ord. 272-07, 1-2-2007)

3-1-8: **TERM OF REGISTRATION; NO PRORATION OF FEE:** All business registrations shall be annual, unless otherwise specified. All applicants for registration shall pay the annual fee irrespective of the point in the year at which the registration is sought. (Ord. 272-07, 1-2-2007)

3-1-9: **POSTING REGISTRATION:**

- A. Every registration issued under the provisions of this chapter shall be posted in a conspicuous place on the premises where the business is conducted.
- B. All registrations issued for a business without a fixed place of business shall be carried by the registered person while doing business and shall be shown to any person with whom the registered person is doing business or any law enforcement officer or compliance officer on demand. (Ord. 272-07, 1-2-2007)

3-1-10: **CHANGE OF LOCATION, OWNERSHIP OR USE:**

- A. Change Of Location: A registered person or business shall have the right to change the location of the registered business, provided the new location complies with the requirements of the ordinances of the city, and provided, that a written change of address is submitted to the city clerk prior to the relocation.
- B. Change Of Ownership: Whenever a business changes ownership, the new owner shall report such change to the city clerk so that the registration may be transferred.

- C. Change Of Use: Whenever a business changes the use of the primary location of the business, it shall be required to submit the location for a reinspection. (Ord. 272-07, 1-2-2007)

**3-1-11: UNLAWFUL BUSINESSES PROHIBITED; ZONING COMPLIANCE REQUIRED:** The registration provisions of this chapter shall not be construed to grant permission to carry on or conduct any unlawful business, or to conduct any business in an unlawful manner, or to grant immunity to any business from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation, or restriction. (Ord. 272-07, 1-2-2007)

**3-1-12: AUTHORITY TO REFUSE OR REVOKE REGISTRATION:** Whenever the council deems it in the public interest, it may, by resolution adopted by a majority vote of the members of the council and approved by the mayor, refuse to authorize the issuance of any registration provided in this chapter. The council may also, upon a majority vote of members thereof and approved by the mayor, revoke any registration issued under this chapter when it is deemed in the public interest to do so. (Ord. 272-07, 1-2-2007)

**3-1-13: RESPONSIBILITY OF OWNER:** Any employer or other person in charge of a business shall be responsible for ensuring to the best of their ability that there is compliance with all provisions of this chapter. (Ord. 272-07, 1-2-2007)

**3-1-14: VIOLATION; PENALTIES:**

- A. Any person who violates a provision of this chapter shall be guilty of a misdemeanor and shall be subject to fine or imprisonment, or by both such fine and imprisonment, consistent with Idaho Code section 18-113, as amended.
- B. Upon a second conviction within a three (3) year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code section 18-113, as amended, and be fined not less than one hundred dollars (\$100.00) in conjunction with any other sentence or costs deemed appropriate by the court.

- C. Upon a third or greater conviction within a three (3) year period, the person shall be guilty of a misdemeanor and punished pursuant to Idaho Code section 18-113, as amended, and be fined not less than two hundred fifty dollars (\$250.00) in conjunction with any other sentence or costs deemed appropriate by the court. (Ord. 272-07, 1-2-2007)

