

TITLE 3 - BUSINESS AND LICENSE REGULATIONS

CHAPTER 1. - GENERAL LICENSING AND PERMITTING PROVISIONS

3-1-1. - Licenses or permits required.

No person shall engage in or carry on any trade, business, profession, or activity within the limits of the city for which a license or permit is required by this title, or by any ordinance of the city, without a current, valid license or permit required for that trade, business, profession, or activity. ~~A violation of this section shall be a misdemeanor, punishable by such fine and/or imprisonment as established by Idaho Code. In addition to such penalty, any person violating any provision of this chapter shall be subject to any and all other applicable administrative, criminal, and/or civil penalties.~~ Each day ~~upon or~~ portion of a day during which a violation of this section continues or occurs may be deemed a separate and distinct violation.

Commented [EK1]: This is covered by each section and sets up a conflict where failure to have a license or permit is an infraction. By removing the general penalty provision, the specific penalty provisions will apply.

3-1-2. - Authorization of FBI National Criminal History Records Checks.

A. *Determine suitability of applicant.* In order to determine an applicant's suitability for the following licenses, the City Clerk, and/or City Clerk's designee, shall require the applicant to, and the applicant shall, furnish to the Idaho State Police a full set of fingerprints:

1. Mobile sales unit license;
2. Pawnbroker license;
3. Pawnbroker license with precious metal endorsement;
4. Precious metal dealer license; and
5. Vehicle immobilization license.

The City Clerk and/or designee shall have the Idaho State Police or the Federal Bureau of Investigation perform a criminal background investigation.

B. *Applicant consent required.* The City Clerk, and/or City Clerk's designee, shall obtain the written consent of the applicant for the criminal background investigation and if the applicant does not execute the consent, the application shall be denied.

C. *Authorization of FBI National Criminal History Records Checks.* The City Clerk, and/or City Clerk's designee, shall require an applicant for a city license to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Idaho Code § 67-3008, and Congressional enactment Public Law 92-544, the City Clerk and/or City Clerk's designee, may require the applicant to submit a set of fingerprints for a city license and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho State Police. The Meridian Police Department is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for city license, and the Meridian Police Department shall recommend approval and/or denial of the application based on this information and relay that recommendation to the City Clerk's office. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited.

D. *No amendment without FBI approval.* This section shall not be amended without prior written approval from the Federal Bureau of Investigation.

Commented [EK2]: This section protects the City's ability to do nationwide background checks and cannot be amended without permission from ISP and the FBI. No updates are recommended to this section.

3-1-3. - Unlawful to display invalid license or permit.

It shall be unlawful to display, wear, or assert the validity of a license or permit required by the City of Meridian where such permit or license has been denied, revoked, expired, or otherwise invalidated.

3-1-4. – Notice and effective date of issuance, denial, or revocation of licenses and permits.

A. Content of notice. The City Clerk shall notify the permittee of permit issuance, denial, or revocation in writing. Notice of denial or revocation shall include the grounds for such decision, and notice of the right to appeal such decision, if any. No right to appeal shall attach where the grounds for the City Clerk's decision are that the applicant failed to timely submit a complete application.

B. Effective date. The effective date of the City Clerk's issuance, denial, or revocation of a license or permit shall be the date the City Clerk or designee mails notice of same via U.S. Mail, personally delivers notice of same to the applicant, licensee, or permittee, or e-mails notice of same to the applicant, licensee or permittee.

B. Address. An applicant's, licensee's, or permittee's mailing address, physical address, or e-mail address, for purpose of receiving notice of issuance, denial, or revocation of a license or permit, or any other notice from the City regarding such license or permit, shall be that provided on the application submitted to the City Clerk. If the applicant's, licensee's, or permittee's mailing address, physical address, or e-mail address changes, it shall be that person's responsibility to provide the current information to the City Clerk.

3-1-5. – Appeal.

A. Appeal requirements. Appeal of a decision of the City Clerk or designee to deny, revoke, or condition a license or permit shall comply in all regards with the following:

1. The appeal shall be made by the applicant, licensee, or permittee, or such person's attorney.
2. The appeal shall be delivered to the City Clerk via U.S. Mail, e-mail, or in person.
3. The appeal shall be received by the City Clerk no later than fourteen (14) days following the effective date of the notice of denial, revocation, or issuance of the license or permit.
4. The appeal shall be in writing.
5. The appeal shall state the reasons for such appeal.
6. The appeal shall be delivered to the City Clerk in accordance with the time set forth in the applicable City Code provision.

B. No appeal of defective application. No person may appeal the decision of the City Clerk where the grounds for such decision are that the applicant failed to timely submit an application, failed to timely submit required application materials or fees, or failed to submit a complete application.

C. City Clerk action. Upon receipt of an appeal that conforms to the appeal requirements set forth in this section, the City Clerk shall schedule a public hearing on the appeal at the next City Council meeting at which the matter may be duly noticed. No public hearing will be held if the appeal does not meet the requirements set forth in this section.

Commented [EK3]: Establishes uniformity in noticing requirements for City Clerk regarding communications with applicants, as well as effective dates of such notices.

Commented [EK4]: Establishes uniformity in appeal rights and processes for license and permit denials, conditions, and revocations.

Commented [EK5]: Establishes uniform appeal period. Applicant can appeal sooner if desired. City Council always hears the appeal at the next available City Council meeting.

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D. City Council action. Following a public hearing on the appeal, City Council shall either affirm or reverse the City Clerk's action. The City Council's decision on an appeal filed pursuant to this chapter shall be a final decision.