

CITY OF MERIDIAN ORDINANCE NO. 20-1898

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE AMENDING MERIDIAN CITY CODE SECTION 3-4-2(A)(5)(D), REGARDING CRIMINAL HISTORY DISQUALIFYING APPLICANTS FOR MOBILE SALES UNIT LICENSE; AMENDING MERIDIAN CITY CODE SECTION 3-3-2(C), REGARDING CRIMINAL HISTORY DISQUALIFYING APPLICANTS FOR VEHICLE IMMOBILIZATION LICENSE; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Meridian seeks by this ordinance to establish consistency and clarity in regulation of mobile sales unit and vehicle immobilization licensing applicants, and protect public safety, consumer interests, and property;

WHEREAS, the City Council of the City of Meridian finds that the following ordinance is necessary to protect the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That Meridian City Code section 3-4-2(A)(5)(d) shall be amended as follows:

3-4-2: MOBILE SALES UNITS:

A. License and/or Permit Requirements: It shall be unlawful for any person to operate, allow the operation of, or act as a mobile sales unit without each and all of the following licenses, permits, and/or certifications:

* * *

5. A City of Meridian mobile sales unit license.

* * *

d. The city clerk shall deny an application for a mobile sales unit license where:

(1) The application is incomplete or required application materials or fees have not been submitted within thirty (30) days from receipt of a partial application;

(2) Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete; or

~~(3) The applicant has been convicted of:~~

~~(A) A violation of any provision of this section within the five (5) years preceding the date of submission of the application.~~

~~(B) Reckless driving, eluding a police officer, racing, and/or failure to carry insurance within the five (5) years preceding the date of submission of the application, except that such conviction shall not be grounds for denial where the~~

~~applicant does not seek to operate a motor vehicle while operating or acting as a mobile sales unit.~~

~~(C) A misdemeanor charge of driving under the influence of alcohol or drugs within the five (5) years preceding the date of submission of the application, or a felony charge of driving under the influence of alcohol or drugs within the ten (10) years preceding the date of submission of the application, except that such conviction shall not be grounds for denial where the applicant does not seek to operate a motor vehicle while operating or acting as a mobile sales unit.~~

~~(D) Any misdemeanor charge involving theft or fraud within the five (5) years preceding the date of submission of the application, or any felony charge of theft or fraud within the fifteen (15) years preceding the date of submission of the application.~~

~~(E) A misdemeanor charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order within the five (5) years preceding the date of submission of the application, or a felony charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order within the ten (10) years preceding the date of submission of the application.~~

~~(F) Any crime involving, or related to, firearms or other weapons.~~

~~(G) Any crime involving, or related to, a child or children, elderly persons, and/or other vulnerable persons.~~

~~(H) Any crime involving, or related to, prostitution, indecent exposure, obscene conduct, or other sexual conduct or activity.~~

~~(I) Any crime involving, or related to, drugs or illicit substances.~~

~~(4) The applicant is or at any time has been required by any law or legal order to register as a sex offender.~~

(3) Within the five (5) years preceding the date of submission of the application, the applicant has been convicted of, or has completed a sentence of incarceration for, any of the following crimes, or any probation or parole violation related to such conviction:

(A) A violation of any provision of this chapter.

(B) Any misdemeanor charge involving theft or fraud, except that a conviction of, or completion of a sentence of incarceration for, petit theft shall not be grounds for denial.

(C) Any misdemeanor charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order.

(D) Any misdemeanor charge involving, or related to, a child or children, elderly persons, and/or other vulnerable persons, except that a conviction of, or completion of a sentence of incarceration for, a first offense misdemeanor charge of injury to child shall not be grounds for denial.

(E) Any crime involving, or related to, use of or possession of drugs or illicit substances.

(4) Within the ten (10) years preceding the date of submission of the application, the applicant has been convicted of, or has completed a sentence of incarceration for, any of the following crimes, or any probation or parole violation related to such conviction:

- (A) any felony charge of theft or fraud.
- (B) Any felony charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order.
- (C) Any felony crime involving, or related to, a child or children, elderly persons, and/or other vulnerable persons, except that a conviction for a felony sex crime shall disqualify the applicant as set forth below.

(5) At any time preceding the date of submission of the application, the applicant has been convicted of any of the following crimes:

- (A) Any charge involving, or related to firearms or other weapons, except that a conviction related to carrying a concealed weapon shall not be grounds for denial.
- (B) Any charge involving, or related to a crime against any person, whether minor or adult, involving, or related to, sexual abuse, sexual assault, prostitution, indecent exposure, obscene conduct, or any other sexual conduct or activity.
- (C) Murder; manslaughter; rape; kidnapping; robbery; arson; fraud; or manufacturing, delivery, or trafficking drugs or illicit substance(s).
- (D) Any crime resulting in the requirement by any law or legal order that the applicant register as a sex offender.

Section 2. That Meridian City Code section 3-3-2(C) shall be amended as follows:

C. Denial: The City Clerk shall deny an application for a vehicle immobilization license where:

1. The application is incomplete;
2. The applicant is under eighteen (18) years of age;
3. Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete; or
4. ~~The applicant has been convicted of any of the following:~~
 - ~~a. A violation of any provision of this chapter within the five (5) years preceding the date of submission of the application.~~
 - ~~b. A violation of any local law governing vehicle immobilization within the five (5) years preceding the date of submission of the application.~~
 - ~~c. Reckless driving, eluding a police officer, or failure to carry insurance within the five (5) years preceding the date of submission of the application.~~
 - ~~d. A misdemeanor charge of driving under the influence of alcohol or drugs within the five (5) years preceding the date of submission of the application, or a felony charge of driving under the influence of alcohol or drugs within the ten (10) years preceding the date of submission of the application.~~
 - ~~e. Any misdemeanor charge involving theft or fraud within the five (5) years preceding the date of submission of the application, or any felony charge of theft or fraud within the fifteen (15) years preceding the date of submission of the application.~~

- ~~f. A misdemeanor charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order within the five (5) years preceding the date of submission of the application, or a felony charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order within the ten (10) years preceding the date of submission of the application.~~
- ~~g. Any crime involving, or related to, firearms or other weapons.~~
- ~~h. Any crime involving, or related to, a child or children, elderly persons, and/or other vulnerable persons.~~
- ~~i. Any crime involving, or related to, prostitution, indecent exposure, obscene conduct, or other sexual conduct or activity.~~
- ~~j. Any crime involving, or related to, drugs or illicit substances.~~
- ~~k. The applicant is or at any time has been required by any law or legal order to register as a sex offender.~~

4. Within the five (5) years preceding the date of submission of the application, the applicant has been convicted of, or has completed a sentence of incarceration for, any of the following crimes, or any probation or parole violation related to such conviction:

- (A) A violation of any provision of this chapter.
- (B) Any misdemeanor charge involving theft or fraud, except that a conviction of, or completion of a sentence of incarceration for, petit theft shall not be grounds for denial.
- (C) Any misdemeanor charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order.
- (D) Any misdemeanor charge involving, or related to, a child or children, elderly persons, and/or other vulnerable persons, except that a conviction of, or completion of a sentence of incarceration for, a first offense misdemeanor charge of injury to child shall not be grounds for denial.
- (E) Any crime involving, or related to, use of or possession of drugs or illicit substances.

5. Within the ten (10) years preceding the date of submission of the application, the applicant has been convicted of, or has completed a sentence of incarceration for, any of the following crimes, or any probation or parole violation related to such conviction:

- (A) any felony charge of theft or fraud.
- (B) Any felony charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order.
- (C) Any felony crime involving, or related to, a child or children, elderly persons, and/or other vulnerable persons, except that a conviction for a felony sex crime shall disqualify the applicant as set forth below.

6. At any time preceding the date of submission of the application, the applicant has been convicted of any of the following crimes:

- (A) Any charge involving, or related to firearms or other weapons, except that a conviction related to carrying a concealed weapon shall not be grounds for denial.

(B) Any charge involving, or related to a crime against any person, whether minor or adult, involving, or related to, sexual abuse, sexual assault, prostitution, indecent exposure, obscene conduct, or any other sexual conduct or activity.
(C) Murder; manslaughter; rape; kidnapping; robbery; arson; fraud; or manufacturing, delivery, or trafficking drugs or illicit substance(s).
(D) Any crime resulting in the requirement by any law or legal order that the applicant register as a sex offender.

Section 3. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

Section 4. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ____ day of October, 2020.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of October, 2020.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 20-1898**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance no. 20-1898 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of October, 2020.

William L.M. Nary, City Attorney

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 20-1898

An ordinance amending Meridian City Code section 3-4-2(a)(5)(d), regarding criminal history disqualifying applicants for Mobile Sales Unit License; amending Meridian City Code section 3-3-2(c), regarding criminal history disqualifying applicants for Vehicle Immobilization License; adopting a savings clause; and providing an effective date.

City of Meridian
Mayor and City Council
By: Chris Johnson, City Clerk

First Reading: _____
Adopted after first reading by suspension of
the rule as allowed pursuant to Idaho Code
§ 50-902: YES _____ NO _____
Second Reading: _____
Third Reading: _____