

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:

1. Any and all licenses, permits, and/or certifications required by local, State or Federal law.
2. Any and all licenses, permits, and/or certifications required by the Central District Health Department.
3. Any and all applicable licenses, permits, inspections, and/or certifications from the Idaho Tax Commission.
4. Any and all licenses, permits, inspections, and/or certifications required by title 13 of this Code and/or the policies of the Meridian Parks and Recreation Department.
5. A City of Meridian mobile sales unit license.
 - a. Application for a City of Meridian mobile sales unit license shall be made to the City Clerk, and shall include the following:
 - (1) A completed application form provided by the City Clerk, which form shall include:
 - (A) Applicant's name, physical address, mailing address, driver's license number, and social security number.
 - (B) A description of the goods and/or services to be sold, traded, given away, offered, displayed, and/or delivered under the mobile sales unit license.
 - (C) A description of the form of conveyance or transport to be used in the mobile sales unit's operation, traveling, and/or conduct of sales, trades, giveaways, offers, displays, and/or deliveries.
 - (D) A description of any and all motor vehicles to be used by the mobile sales unit, including license plate state and number, make, model, color, and other means of identification of such vehicle(s).
 - (E) A description of the hours, locations, and means at and by which the mobile sales unit will operate, travel, and/or conduct sales, trades, giveaways, offers, displays, and/or deliveries.
 - (F) A comprehensive listing of any infraction, misdemeanor and/or felony convictions; probation violations; or forfeitures of bail by or of the applicant.
 - (G) An agent upon whom service of process may be made in the state of Idaho.
 - (2) Application fee as set forth in the fee schedule of the city clerk's office, except that no application fee shall apply where applicant is or represents:
 - (A) A nonprofit organization exempt from federal income tax under 26 USC section 501(c); or
 - (B) A governmental entity.
 - (3) Two (2) photographs of the applicant. Such photographs shall be two inches by two inches (2" x 2") and shall show the head and shoulders of the applicant in a clear and distinguishable manner.
 - (4) A photocopy of applicant's driver's license or other government issued identification document.
 - (5) Fingerprints, taken by the Idaho state police, of the applicant.
 - (6) Proof of motor vehicle insurance, if the applicant seeks to operate a motor vehicle while operating or acting as a mobile sales unit.
 - (7) Proof of an insurance policy, issued by an insurance company licensed to do business in Idaho, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the mobile sales unit license. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. Such insurance shall afford minimum limits of five hundred thousand dollars (\$500,000.00) per person bodily injury, five hundred thousand dollars (\$500,000.00) per occurrence bodily injury, and one hundred thousand dollars (\$100,000.00) per occurrence property damage.
 - b. Upon receipt of all application materials required by this subsection, the city clerk shall refer the application to the chief of police, who shall cause an investigation to determine the validity and completeness of the information therein. The chief of police or his designee shall endorse upon the application the findings of the investigation and return it to the city clerk. (Ord. 10-1453, 8-17-2010)
 - c. Upon receipt of the findings of the chief of police or his designee, but no later than thirty (30) calendar days from the date of submission of the completed application and all application materials required by this subsection, the city clerk shall either issue a city of Meridian mobile sales unit license to the applicant or deny the application. Where the city clerk denies an application for a city of Meridian mobile sales unit license, he shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in this subsection. Written notice of the denial shall be sent via U.S. mail to the applicant at the address set forth on the application.
 - 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; (Ord. 14-1610, 5-21-2014)

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

e. Appeal of the city clerk's issuance or denial of an application for a mobile sales unit license may be made by any person. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the city clerk via U.S. mail or in person within fourteen (14) days of such issuance or denial. Upon receipt of such written appeal, the city clerk shall schedule a public hearing on the appeal at a city council meeting within thirty (30) days. Following a public hearing on the appeal, city council shall either affirm or reverse the city clerk's action and shall issue written findings supporting such decision. The city council's decision on such appeal shall be a final decision.

f. The city of Meridian mobile sales unit license shall include, on its face:

- (1) The name of the individual licensed to operate or act as a mobile sales unit within the city under such license;

- (2) A description of the goods and/or services that may be sold, traded, given away, offered, displayed, and/or delivered under such license;

- (3) The hours, locations, and means at and by which the mobile sales unit is licensed to operate, travel, and/or conduct sales, trades, giveaways, offers, displays, and/or deliveries under such license; and

- (4) The dates during which such license is valid. Unless earlier revoked, such license shall expire three hundred sixty five (365) days following the date of issuance.

g. A city of Meridian mobile sales unit license shall not be required for:

- (1) First amendment activity on public or private property.

- (2) A mobile sales unit that is invited to the premises or place at which goods and/or services are sold, traded, given away, offered, displayed, or delivered, where such invitation is extended by the occupant or owner of such premises or place. Such invitation may be extended explicitly by such occupant or owner, or may be extended implicitly by such occupant or owner by such occupant's or owner's transaction of business with such mobile sales unit within the previous three hundred sixty five (365) days. Such invitation may be revoked by such occupant or owner by explicit communication only, and shall be effective immediately, whether conveyed orally or in writing.

- (3) Any sale, trade, gift, offer, or display required by court order or by law.

- (4) The occasional sale by local school students of admission to a function of their school or of goods or services in support of a school program.

h. The city clerk may revoke a mobile sales unit license where:

- (1) A term or condition of the license is violated by the licensee.

- (2) In the course of operating or acting as a mobile sales unit, the licensee violates a provision of this section or of any other local, state, or federal law.

- (3) It is found, after issuance of such license, that it was issued pursuant to falsified, inaccurate, or incomplete information on the application.

(4) The licensee is convicted of:

(A) Reckless driving, eluding a police officer, racing, and/or driving under the influence of alcohol, except that such conviction shall not be grounds for revocation where the applicant is not approved to operate a motor vehicle while operating or acting as a mobile sales unit.

(B) Any charge involving theft or fraud.

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

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

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

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

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

(5) The licensee is required by any law or legal order to register as a sex offender.

The city clerk shall notify the licensee of such revocation in writing, and shall mail such notice to the applicant at the mailing address set forth in the mobile sales unit license application. Such revocation shall be effective immediately upon mailing by the city clerk.

i. Appeal of the city clerk's revocation of an application of a mobile sales unit license may be made by the licensee. Such appeal shall be made in writing, shall state the reasons for such appeal, and shall be delivered to the city clerk via U.S. mail or in person within fourteen (14) days of such revocation. Upon receipt of such appeal, the city clerk shall schedule a public hearing on the appeal at a city council meeting within thirty (30) days. The city council's decision on such appeal shall be a final decision.

B. Time Of Operation Of Mobile Sales Units:

1. It shall be unlawful for any person to operate or act as a mobile sales unit at a time of day that is outside the scope of a valid, current mobile sales unit license.

2. It shall be unlawful for any person to operate or act as a mobile sales unit upon a date that is outside the scope of a valid, current mobile sales unit license.

C. Place Of Operation Of Mobile Sales Units:

1. It shall be unlawful for any person to operate or act as a mobile sales unit at a location that is outside the scope of a valid, current mobile sales unit license.

2. It shall be unlawful for any person to park any vehicle or mode of conveyance utilized in the operation or activity of a mobile sales unit in violation of any generally applicable provision of this code or local, state, or federal law.

3. It shall be unlawful for any person to operate or act as a mobile sales unit or allow such operation or activity in any area of the city or in any manner prohibited by the Meridian unified development code.

4. It shall be unlawful for any person to operate or act as a mobile sales unit or allow such operation or activity in or on any city building, or city property other than a city park, without the prior written or recorded consent of city council.

D. Manner Of Operation Of Mobile Sales Units:

1. It shall be unlawful for any person to operate or act as a mobile sales unit if any required license, permit, and/or certification required for such operation or activity is expired or is not valid and current for any reason.

2. If the mobile sales unit is or utilizes a motor vehicle or other mode of transportation, a valid and current mobile sales unit license shall be exhibited in a conspicuous place on such vehicle or other mode of transportation at all times during such operation or activity. Otherwise, a valid and current mobile sales unit license shall be kept on the licensee's person at all times during such operation or activity and shall be exhibited at any time upon request of any person. It shall be unlawful for any person to operate or act as a mobile sales unit if a mobile sales unit license is not exhibited as required by this subsection.

3. It shall be unlawful for any person to operate or act as a mobile sales unit where such person is not specifically licensed under a valid, current mobile sales unit license.

4. It shall be unlawful for any person operating or acting as a mobile sales unit to sell, trade, give away; offer for sale, trade, or giveaway; display goods or services for the purpose of sale, trade, or giveaway; or deliver goods or services pursuant to such sale, trade, or giveaway goods or services that are outside the scope of a valid, current mobile sales unit license.

5. It shall be unlawful for any person operating or acting as mobile sales unit to operate a musical instrument or amplification device from such mobile sales unit where such music or sound is audible beyond fifty feet (50') of the source of such music or sound.

6. It shall be unlawful for any person operating or acting as a mobile sales unit to:

a. Misrepresent his or her purpose or affiliation.

b. Continue communications with a potential customer regarding a sale, trade, giveaway, or offer thereof after such customer has stated that he or she does not wish to participate in such transaction or further communicate with such mobile sales unit.

c. Represent the issuance of any license under this section as an endorsement or recommendation of such licensed activity.

E. Penalty: A violation of any provision 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 section shall be subject to any and all other applicable administrative, criminal, and/or civil penalties. Each day upon which a violation of this section continues or occurs may be deemed a separate and distinct violation.

F. Enforcement: Peace officers shall be empowered to enforce the provisions of this section. An officer may call upon the services of the Planning, Fire, Parks or other appropriate City Departments to assist in the enforcement of the provisions of this section or in an investigation of a suspected violation thereof. (Ord. 10-1453, 8-17-2010)