

## ORDINANCE NUMBER 1041

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING MUNICIPAL CODE TITLE 5, CHAPTER 5.16 OFF-SITE VENDORS, ADDING NEW LANGUAGE ALLOWING A STAND TO BE OPERATED BY A NONPROFIT ORGANIZATION AT TOWN PLAZA SUBJECT TO AN OFF-SITE VENDORS PERMIT AND RULES ESTABLISHED BY THE PLANNING DEPARTMENT, AND REPLACING REFERENCE TO THE BUSINESS SHOPPING DISTRICT WITH REFERENCE TO THE COMMUNITY CORE DISTRICT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A CODIFICATION CLAUSE: AND PROVIDING FOR A PUBLICATION SUMMARY.

WHEREAS, The City of Ketchum adopted a Downtown Master Plan on September 8, 2006 pursuant to Resolution Number 06-097. The Downtown Master Plan outlines proposed plans for a Central Plaza located on East Avenue between Sun Valley Road and Fourth Street.

WHEREAS, The plans for the Central Plaza include active storefronts, cafes, and restaurants that support activities that “spill out” into the public space. The Central Plaza is intended to be a flexible space to host a variety of activities.

WHEREAS, The operation of off-site vendors supporting a local non-profit organization fits the intention and plans for the Central Plaza. The operation of off-site vendors supporting a local non-profit organization is in the best interest of the public’s health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Ketchum, Idaho:

SECTION 1. That Chapter 5.16, Ketchum Municipal Code Title 5 of the City of Ketchum, Idaho is hereby amended, altered and changed by adding thereto the words underlined herein below, and deleting there from the language stricken through below, as follows:

### OFF-SITE VENDORS

#### Sections:

5.16.050 Exemptions.  
5.16.060 Application.  
5.16.120 License Site.

#### **5.16.050 Exemptions.**

A. The provisions of Section 5.16.030 shall not apply to:

1. Those persons engaging in or conducting business in, on, over or upon a public way within the city in accordance with procedures as the city may provide for in an ordinance concerning special events; or
  2. A city-owned concession stand located at Atkinson Park.
  3. A stand located at Town Plaza (Lots 7 & 8, Block 24, Ketchum Townsite) to be operated by a nonprofit organization(s), subject to an off-site vendor's permit and reasonable regulations established by the Planning and Zoning Department.
- B. The provisions of Section 5.16.040 shall not apply to:
1. Any person selling or distributing newspapers or magazines or distributing free samples from his or her person;
  2. Any person conducting a sale under court order;
  3. A bona fide auction sale;
  4. Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for future delivery to local retailers, local businesses, local governments, local schools or local wholesale firms and catering services or the sale of prepared food stuffs, entering private property with permission of occupants, for sale or distribution to such occupants;
  5. Any person operating a vehicle for hire;
  6. Contribution solicitation where the person being solicited to contribute personally knows the identity of the person soliciting the contribution, the name of the group or organization he/she represents, and the nature of the services performed or offered by the group or organization;
  7. The sale of tickets by local school students to a function of their school or similar fund raising activities; or fund raising sales by local service clubs or groups such as, but not limited to, Elks, Kiwanis, Lions, Boy Scouts or Girl Scouts;
  8. Any political group soliciting funds or membership;
  8. Garage, yard or similar sales by persons at their residence not exceeding twice in one calendar year, not to exceed two days each, which sales shall not include business inventory or items that have been purchased for the purpose of resale at another garage sale;
  9. Any solicitation of information for a telephone book or a city directory by a company representative;

10. All nonprofit organizations, governmental agencies, including school districts, and any organization exempt from taxation as provided by 26 U.S.C. 501 and meeting all the requirements for the exemption provided by 26 U.S.C. 503. This exemption is limited to two times in one calendar year, not to exceed three consecutive days each; or one time in one calendar year, not to exceed fourteen (14) consecutive days. In addition, this exemption is limited to those off-site locations within the ~~business shopping district (B-1)~~ Community Core district, tourist district (T), Tourist-3000 zoning district (T-3000) and the Tourist-4000 zoning district (T-4000);
11. A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location in the city where goods or services are offered or exhibited for sale;
12. The handing out of business cards by a person upon request of the receiving party;
13. Advertising materials displayed inside buses and taxis;
14. The selling, distributing or offering for sale only, periodicals from a coin-operated machine; or
16. A city-owned concession stand located at Atkinson Park. (Ord. 642 § 5, 1994)

**5.16.060 Application.**

- A. Any person who desires to engage in or conduct business at an off-site location shall make application to and receive a vendor's license from the administrator prior to engaging in or conducting business.
- B. Applicants for vendor's licenses shall file a complete application for vendor's licenses with the administrator not less than thirty (30) calendar days prior to the date such person desires to engage in or conduct business. The application shall be furnished by the city and shall contain all information relevant and necessary to determine whether a particular vendor's license may be issued including, but not limited to, the following information:
  1. Full name, date of birth and Social Security number and/or driver's license number of the applicant;
  2. The names and Social Security numbers and/or driver's license numbers of employees or agents who will be assisting the applicant in the proposed business;
  3. Home address and telephone number, permanent business address and telephone number (if any), and local address and telephone number (if any) of the applicant;

4. One current, two inch by two inch, full-face photograph of the applicant, showing the head and shoulders of the applicant in a clear and distinguishable manner;
5. If applying for use of the Town Plaza site; name and description of the nonprofit organization(s), proof of nonprofit status.
6. A brief description of the nature, character and quality of the goods or services to be offered for sale or delivered, and method of distributing products. In the case of products of farm or orchard, where such products were produced or grown;
7. Proof that applicant possesses a Federal Taxpayer Identification number;
8. Proof that applicant possesses a State of Idaho Sales Tax Identification Number;
9. The nature of the proposed advertising to be done for the business at the proposed location;
10. If a motor vehicle is to be used in the vending business, a description of the vehicle together with the motor vehicle registration number and the license number;
11. The property description of each site where the applicant proposes to engage in or conduct business;
12. Written and notarized permission of the owner(s) of the real property reflecting applicant's authority to engage in or conduct business at the specific location(s) identified in the application. Should any question exist as to the owner of real property, it shall be the duty of the applicant, as part of the application, to satisfactorily establish the same;
13. The specific dates and times requested to engage in or conduct business;
14. Proof that the applicant possesses all licenses, permits or tax identification numbers required by city ordinances and the state for the operation of the proposed business;
15. A complete listing of any other licenses or permits issued to the applicant by the city within the past five years; and
16. Whether a permit or license issued to the applicant for the purpose of vending has been revoked during the past five years, and if so, where and when.
17. A separate vendor's license shall be required for each separate vending stand, such as, but not limited to, each separate tent, cart or other form of stand. (Ord. 642 § 6, 1994)

**5.16.120 License Site.**

A. The location of the site(s) to be assigned in the vendor's license shall be determined by the administrator based upon the availability of space, the congestion which may result and other factors related to the public health, safety and welfare.

B. The location of the site(s) to be assigned in the vendor's license shall be limited to locations within the ~~business shopping district (B-1)~~ Community Core district, tourist district (T), Tourist-3000 zoning district (T-3000) and the Tourist-4000 zoning district (T-4000).

C. Only one stand shall be allowed on each license site. (Ord. 642 § 12, 1994)

D. Only one stand shall be allowed on the entire Town Plaza site.

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEALER CLAUSE. All City of Ketchum Ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 5. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.


SECTION 6. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit "A", shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 19<sup>th</sup> day of May, 2008.

CITY OF KETCHUM, IDAHO

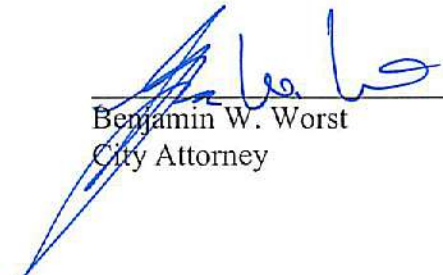
  
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Randy Hall, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk



APPROVED AS TO FORM  
AND CONTENT:

  
\_\_\_\_\_  
Benjamin W. Worst  
City Attorney

Publish: June 4, 2008  
Idaho Mountain Express

*[Faint, illegible handwritten text]*



EXHIBIT A

**PUBLICATION OF SUMMARY OF ORDINANCE NO. 1041  
CITY OF KETCHUM, IDAHO**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING MUNICIPAL CODE TITLE 5, CHAPTER 5.16 OFF-SITE VENDORS, ADDING NEW LANGUAGE ALLOWING A STAND TO BE OPERATED BY A NONPROFIT ORGANIZATION AT TOWN PLAZA SUBJECT TO AN OFF-SITE VENDORS PERMIT AND RULES ESTABLISHED BY THE PLANNING DEPARTMENT, AND REPLACING REFERENCE TO THE BUSINESS SHOPPING DISTRICT WITH REFERENCE TO THE COMMUNITY CORE DISTRICT; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A CODIFICATION CLAUSE: AND PROVIDING FOR A PUBLICATION SUMMARY.

A summary of the principal provisions of Ordinance No. 1041 of the City of Ketchum, Blaine County, Idaho, adopted on May 19, 2008, is as follows:

**Section 1:** Exempts the Town Plaza location subject to approval of an off-site vendor's permit and Planning and Zoning regulations, changes the Business shopping district to the Community Core district, adds language for nonprofit organizations to apply for the Town Plaza site, allows only one stand for the entire Town Plaza site.

**Section 2:** Provides a saving and severability clause.

**Section 3:** Provides a repealer clause.

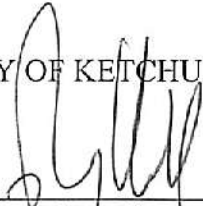
**Section 4:** Provides an effective date of June 4, 2008.

**Section 5:** Provides a codification clause.


**Section 6:** Provides a publication summary of the Ordinance.



The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Ave. North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO  
  
\_\_\_\_\_  
Randy Hall, Mayor

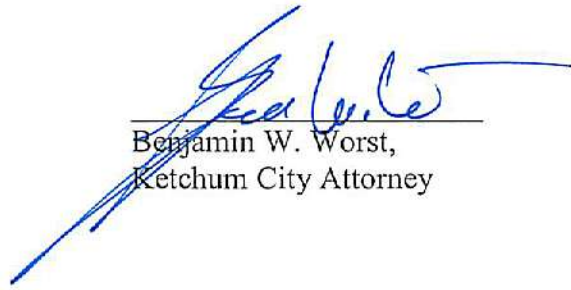
ATTEST:

  
\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

**STATEMENT OF LEGAL ADVISOR**

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1041 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated the 19<sup>th</sup> day of May, 2008.



Benjamin W. Worst,  
Ketchum City Attorney

Publish: Idaho Mountain Express  
Date: June 4, 2008