

ORDINANCE NUMBER 913

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 5, CHAPTER 5.08, ARTICLE I, LUXURY LIMOUSINE FRANCHISES, SECTION 5.08.020(B), LUXURY LIMOUSINE BUSINESS NONEXCLUSIVE FRANCHISE REQUIRED-APPLICATION AND QUALIFICATIONS AND SECTION 5.08.040(C), LUXURY LIMOUSINE DRIVER'S LICENSE, AND ARTICLE II, TAXICAB FRANCHISES, SECTION 5.08.160(B), TAXICAB BUSINESS NONEXCLUSIVE FRANCHISE REQUIRED-APPLICATION AND QUALIFICATIONS, AND SECTION 5.08.180(C), TAXICAB DRIVERS LICENSE, BY DELETING CERTAIN LANGUAGE AND ADDING NEW STATE REQUIRED LANGUAGE RELATING TO CRIMINAL BACKGROUND CHECKS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, it is necessary to amend four sections in Chapter 5.08 to insure that the City is in compliance with Idaho Code § 67-3008 and Public Law 92-544 with respect to criminal history record checks for Luxury Limousine and Taxicab Franchisee owners and their drivers.

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

**SECTION 1.** Section 5.08.020B Luxury limousine business nonexclusive franchise required–Application and qualifications, is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

B. Application for such franchise shall be made to the city clerk (license officer), in such form and manner as he or she may prescribe but the application shall include the name and address of the applicant and if a partnership, the names and addresses of each partner, and if a corporation or association, the names and address of the principal stockholders; the name of the operating manager of the business; a statement of the number of vehicles to be operated, a listed telephone number, and such other information as may be required. ~~In order to determine the applicant's suitability for a franchise, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Idaho Bureau of Criminal Identification to the Federal Bureau of Investigation for a national criminal history record check.~~ To determine the suitability of perspective applicants for a luxury limousine nonexclusive franchise, the Police Chief shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Section 67-3008, Idaho Code and congressional enactment Public Law 92-544, the Police Chief shall submit a set of fingerprints obtained from the applicant and the

required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal record check of state and national databases. The submission of fingerprints and information required by this Article shall be on forms prescribed by the Idaho State Police. The Police Chief 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 a taxicab nonexclusive franchise. As required by state and federal law, further dissemination or other use of criminal history information is prohibited. An applicant who has not been licensed within the previous twelve (12) months by this article and an applicant who is applying to renew his or her application who has not previously done so shall be required to be fingerprinted. The cost of taking and processing such fingerprints shall be borne by the applicant.

**SECTION 2.** Section 5.08.040C Luxury limousine driver's license, Application, is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

An application for such license shall be made to the ~~Chief of Police~~ City Clerk, (licensing officer), in such form and manner as he or she may be prescribed. The application shall include the applicant's full name, current residence, place of residence for three (3) years previous to moving to his or her present address, date of birth, height, color of eyes and hair, place of birth, length of time he or she has resided in the state, copy of a current Idaho driver's license, places of previous employment indicating the name, address and telephone number of each previous employer, whether he or she has ever been convicted of a felony or a misdemeanor, whether he or she has previously been licensed as a driver or chauffeur and, if so, whether his or her license has ever been revoked and for what cause. The applicant shall sign a sworn statement indicating that he or she has read and familiarized himself or herself with all traffic laws and regulations of the state and the city relative to the operation of motor vehicles on the public streets and highways and that the he or she has a current Idaho driver's license. The applicant's signed sworn statement shall be filed by the police department as a permanent record. ~~In order to determine the applicant's suitability for a luxury limousine driver's license, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Idaho Bureau of Criminal Identification to the Federal Bureau of Investigation for a national criminal history record check.~~ To determine the suitability of prospective applicants for a luxury limousine driver's license, the Police Chief shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Section 67-3008, Idaho Code, and congressional enactment Public Law 92-544, the Police Chief shall submit a set of fingerprints obtained from the applicant 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 Police Chief 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 a taxicab driver's license. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. The cost of taking and processing such fingerprints shall be borne by the applicant. An applicant who has not been licensed within the previous twelve (12) months by this article or an applicant who is applying to renew his application who has not previously done so shall be required to be fingerprinted. The cost of taking and processing such fingerprints shall be borne by the applicant.

**SECTION 3.** Section 5.08.160B Taxicab business nonexclusive franchise required – Application and qualifications, is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

Application for such franchise shall be made to the City Clerk, (license officer), in such form and manner as he or she may prescribe but the application shall include the name and address of the applicant, and if a partnership, the names and addresses of each partner, and if a corporation or association, the names and addresses of the principal stockholders; the name of the operating manager of the business; a statement of the number of vehicles to be operated, a listed telephone number, and such other information as may be required. ~~In order to determine the applicant's suitability for a franchise, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Idaho Bureau of Criminal Identification to the Federal Bureau of Investigation for a national criminal history record check. An applicant who has not been licensed within the previous twelve (12) months by this Ordinance and an applicant who is applying to renew his application who has not previously done so shall be required to be fingerprinted. The cost of taking and processing such fingerprints shall be borne by the applicant.~~ To determine the suitability of perspective applicants for a taxicab nonexclusive franchise, the Police Chief shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation pursuant to Section 67-3008, Idaho Code and congressional enactment Public Law 92-544, the Police Chief shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal record check of state and national databases. The submission of fingerprints and information required by this Article shall be on forms prescribed by the Idaho State Police. The Police Chief 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 a taxicab nonexclusive franchise. As required by state and federal law, further dissemination or other use of criminal history information is prohibited. An applicant who has not been licensed within the previous twelve (12) months by this article or an applicant who is applying to renew his application who has not



previously done so shall be required to be fingerprinted. The cost of taking and processing such fingerprints shall be borne by the applicant.

**SECTION 4.** Section 5.08.180C, Taxicab driver's license, is amended by deleting therefrom the marked out language and adding thereto the underlined language hereinbelow, to wit:

An application for such license shall be made to the Chief of Police in such form and manner as may be prescribed. The application shall include the applicant's full name, current residence, place of residence for three (3) years previous to moving to his present address, date of birth, height, color of eyes and hair, place of birth, length of time he has resided in the state, places of previous employment indicating the name, address and telephone number of each previous employer, whether he or she has ever been convicted of a felony or a misdemeanor, whether he or she has previously been licensed as a driver or chauffeur and, if so, whether his or her license has ever been revoked and for what cause. The applicant shall sign a sworn statement indicating that he or she has read and familiarized himself with all traffic laws and regulations of the state and the city relative to the operation of motor vehicles on the public streets and highways. The applicant's signed sworn statement shall be filed by the Police Department as a permanent record. ~~In order to determine the applicant's suitability for a taxicab driver's license, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Idaho Bureau of Criminal Identification to the Federal Bureau of Investigation for a national criminal history record check. An applicant who has not been licensed within the previous twelve (12) months by this Ordinance or an applicant who is applying to renew his application who has not previously done so shall be required to be fingerprinted. The cost of taking and processing such fingerprints shall be borne by the applicant.~~ To determine the suitability of perspective applicants for a taxicab nonexclusive franchise, the Police Chief shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation pursuant to Section 67-3008, Idaho Code and congressional enactment Public Law 92-544, the City Council shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal record check of state and national databases. The submission of fingerprints and information required by this Article shall be on forms prescribed by the Idaho State Police. The Chief of Police 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 a taxicab nonexclusive franchise. As required by state and federal law, further dissemination or other use of criminal history information is prohibited. An applicant who has not been licensed within the previous twelve (12) months by this article or an applicant who is applying to renew his application who has not previously done so shall be required to be fingerprinted. The cost of taking and processing

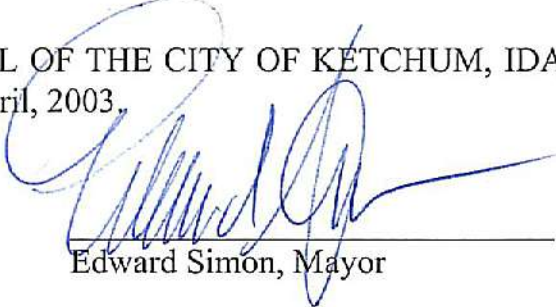
such fingerprints shall be borne by the applicant.

**SECTION 5. 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 6. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 7TH day of April, 2003.



Edward Simon, Mayor



ATTEST:



SANDRA E. CADY, City Clerk

Publish: April 16, 2003  
Idaho Mountain Express

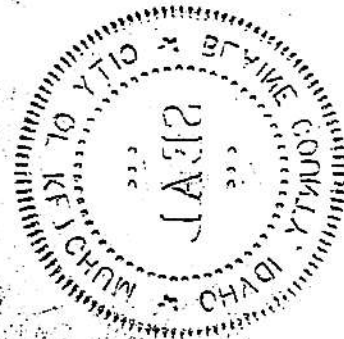
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