

APPLICATION FOR RENEWAL OF A TRANSIENT MERCHANT LICENSE
City of Caldwell Planning and Zoning Department
621 E. Cleveland Blvd., Caldwell, ID 83605
(208) 455-3021

A. I, _____, am applying for a Renewed Transient Merchant License.

This application is valid for 60 days only from the date of submittal.

The date of application submittal is: _____.

B. I understand that the Transient Merchant License does not exceed seven (7) consecutive days.

Signature of Applicant

Date

C. Applicant / Site / Property Owner Information:

Applicant Name: _____

Applicant Address: _____ City, State, Zip: _____

Applicant Phone: _____ Applicant Email: _____

Transient Merchant Business Name: _____

Address of Transient Merchant Site: _____ City, State, Zip: _____

Owner of Transient Merchant Site: _____

Owner's Address: _____ City, State, Zip: _____

**D. Acknowledgement of Temporary Uses and Transient Merchant Ordinance City of Caldwell
Code Section 10-02-13**

Applicant's
Initials

- ___ 1. Transient Merchant: Any person who engages in a temporary business, not to exceed seven (7) consecutive days, of selling, trading, offering for sale or trade, or displaying for the purpose of sale, trade, or giveaway any goods, wares, merchandise, or services within city limits and who in the furtherance of such purpose, hires, leases, uses or occupies any premises, including any parking lot, within the city for the purposes of conducting said temporary transient merchant business.
- ___ 2. Transient Merchant Facility: Any tangible structure including, but not limited to, a stall, booth, tent, platform, box, table, rack, palate, trailer, cart, vehicle, container, or other form of offering, displaying, or storing goods and/or services used in conjunction with a transient merchant. **No food preparation is permitted in a transient merchant facility.**
- ___ 3. No person shall engage in the temporary use of land or construct, place, or set-up a transient merchant facility as defined herein, without first procuring a transient merchant license.
- ___ 4. The license shall not allow for placement of any transient merchant facility within a street, vision triangle, required setback area, dedicated trash dumpster location, sidewalk, public right-of-way, street landscape buffer area, or any other position on a lot which may substantially interfere with vehicle or pedestrian circulation, emergency access or the normal functions of other uses on the property, or be potentially hazardous to the public. Placement of any and all facilities and signage associated with a transient merchant must be on private property, outside of any street landscape buffers areas, in any commercial zone or industrial zone.
- ___ 5. The written permission of and indemnification by the property owner or owners on a form provided by the City shall be required in order to operate a transient merchant facility on property within the City.
- ___ 6. The proposed transient merchant use shall be commercial in nature and in conformance with the zoning district within which it is to be located except commercial uses may be located in industrial zones.
- ___ 7. A transient merchant license shall not exempt or otherwise excuse the applicant from complying with all other applicable City, county, state or federal regulations pertaining to the type of activity the applicant will be conducting under such license. Applicants for transient merchants who will serve food or beverages shall first procure a permit from the Southwest District Health Department to ensure compliance with applicable health regulations.
- ___ 8. Every person who receives a transient merchant license shall clean up all garbage or debris caused by his or her transient merchant facility and shall clean up within a twenty (20) foot radius of the transient merchant facility both daily and immediately upon cessation of such use. Every transient merchant facility must include trash receptacles and regular trash service or must receive written permission from the applicable property owner to use the trash facilities located upon the property on which the transient merchant business is being conducted. The site plan shall show the location of trash receptacles or method of trash disposal.
- ___ 9. All transient merchant facilities shall be maintained and remain in compliance with all applicable City, county, state, and federal regulations, including without limitation fire, building, and electrical codes as well as health regulations, during the life of the transient merchant license.

10. Transient merchant facilities shall be located on a non-combustible surface and must be at least twenty-five (25) feet away from combustible materials.

11. Transient merchant facilities shall comply with the following:

- No structure shall exceed twelve (12) feet in height.
- No structure shall exceed thirty (30) feet in length.
- No structure shall exceed nine (9) feet in width.
- No transient merchant facility shall consist of more than one (1) cart, stall, booth, tent, platform, box, table, rack, palate, container, trailer, recreational vehicle, motor vehicle, or any other form of offering, displaying, or storing goods and/or services, per vendor.
- No transient merchant facility shall connect to any electrical outlets or sources of power without having first received written permission from the property owner on which said outlets or sources of power are located.
- If the transient merchant facility is a vehicle, a copy of the current registration, current insurance, a clear picture of the vehicle and any applicable driver's licenses shall be submitted with the application.

12. Anyone operating a transient merchant use shall do so in a manner that does not create excessive noise, light, dust, nuisance or other detriment to the quiet enjoyment of property in the vicinity.

13. Anyone engaged in a transient merchant use shall only be allowed to engage in their business between the hours of eight (8) a.m. and ten (10) p.m.

14. Unsecured menu boards or sidewalk signs in over three feet in height in vision triangle areas are prohibited. All signage must be on the site of the transient merchant facility. Off-premise signage is prohibited.

15. Transient merchant facilities shall have a clean appearance at all times.

16. Transient merchant facilities must at all times be parked in a legal manner. Vending operations shall be conducted only to pedestrians unless drive up service is permitted by the Planning and Zoning Director or his/her designee. The applicant shall be required to submit a site plan indicating the location of the drive up service and how it will affect pedestrian traffic on the site.

17. Transient merchant facilities must provide a sanitary sewage treatment plan. Wastewater may not be dumped or discharged on the premises, adjacent properties, or public right-of-way. If the applicant proposes the use of any sanitary sewage facilities located on private property, written permission from the property owner must be obtained.

18. No licensee hereunder shall:

- Fail to comply with any of the requirements and restrictions set forth in this section.
- Misrepresent the purpose of, or affiliation of those engaged in, the solicitation;
- Continue efforts to solicit from an individual once that individual informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;
- Represent the issuance of any license under this section as an endorsement or recommendation of the solicitation.

19. Inspection and Qualifications for License:

- At the time of filing an original application, an adult applicant shall pay the application fee to the Planning and Zoning Department. The application fee for any transient merchant use shall be set by resolution of the Council. Applicant shall also bear the actual costs of necessary inspections. The applicant shall also pay a license fee to the City Clerk prior to issuance of the license. Said license fee shall be set by resolution of the Council.
- The applicant shall complete an application obtained from the Planning and Zoning Department and attach a site plan, a photograph of the transient merchant facility,

any other attachments deemed necessary by the Planning and Zoning Department for application processing, and a sanitary sewage treatment plan with the application at the time it is filed. Filing an application does not constitute approval nor does it authorize the applicant to open for business. Staff may reject any application that does not contain the required application attachments as listed on the application.

- The Planning and Zoning Director or his/her designee shall review an application for completeness and compliance with applicable City codes. The Director shall distribute the application to the Fire Department for purposes of scheduling and conducting a fire safety inspection. When the fire safety inspection has been passed and all other required attachments have been received, reviewed and approved, the city clerk shall issue a license for the transient merchant use and said license must be displayed on the transient merchant facility, facing a public street, through the duration of the license's life.
- All transient merchants shall be required to pass a Fire Safety inspection before opening for business.

20. The provisions of this section shall not apply to:

- Any sales under court order;
- Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for delivery, from local retailers, local businesses, local governments, local schools, or local wholesale firms;
- The sale of farm or garden products: as defined under *Farmstand* in Section 10-03-11 of the City Code.
- The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- The occasional sale of admission by local school students to a function of their school; or fund raising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;
- Any political group seeking funds or membership;
- Garage, yard, or similar sales by individuals at their residence or place of business;
- Any organization exempt from taxation as provided by 26 U.S.C. 501 and meeting all the requirements for the exemptions provided by 26 U.S.C. 503;
- Any activity conducted as a Special Event.
- Lemonade stands.
- Charitable car wash.
- Idaho Youth Games.
- Events conducted at the fairgrounds.
- Any uses similar to those listed above that are approved by the Planning and Zoning Director or his/her authorized designee.

21. All licenses issued under the provisions of this section shall expire on the date specified in the license.

22. No transient merchant license shall be issued for a period longer than seven (7) consecutive days.

23. A temporary use or transient merchant license that has expired may be renewed subject to the provisions of Section 10-02-13 and shall pay a renewal fee, as established by City Council, upon renewal application. Should the temporary use or transient merchant facility be located in the exact same location and be the same business and business name as the previously- approved application, a renewal fee shall apply. Should the temporary use or transient merchant facility be located in a new location and/or be either a new business or new business name, it shall be treated as a brand new application. Renewal applications shall be completed and submitted to the planning and zoning department, along with applicable renewal fees and required attachments as indicated on said renewal application. Renewal applications shall be subject to the same inspection and approval process as original applications. Section 10-02-13(6)(D)

F. Attachments: The following attachments MUST accompany this application or the application will not be accepted by the Planning and Zoning Department:

Applicant Initials	P&Z Verified	
_____	_____	1. A map of the site / site plan: (must show the following) <ul style="list-style-type: none"> - Parking lot design and driveway access - Number of parking spaces - Footprint and dimension of all existing and proposed structures (including square footage of the property owners building) - Traffic circulation pattern relied upon for ingress / egress - Vision triangle area - Signage size and placement - Placement of transient merchant Facility - Location of supporting furniture and equipment, trash receptacle placement and trash screening method
_____	_____	2. Sanitary sewage treatment plan.
_____	_____	3. Photograph of the transient merchant facility.
_____	_____	4. Copy of an approved Low Risk Food Establishment Application from SWDH.
_____	_____	5. Proof of permission from the property owner in the form of a lease agreement or letter of consent.
_____	_____	6. Proof of permission from the property owner for use of any electrical outlet or source of power.
_____	_____	7. By initialing here, _____ I acknowledge that all employees are of legal age to operate the business relative to State and Federal labor laws.
_____	_____	8. Copy of current registration, current automobile insurance and applicable driver's licenses.
_____	_____	9. I acknowledge I have read and understand the Temporary Use /Transient Merchant Code Section 10-02-13 and will follow all requirements. Initial here_____
_____	_____	10. Payment (cash or check), in the appropriate amount, made payable to the City of Caldwell. Cash must be exact change.

Fees: A non-refundable \$75.50 fee for a seven (7) consecutive day Transient Merchant to be paid to the Planning and Zoning Department at submission of application. Other fees may also be charged if the City Engineer or Water Department is involved in the application. The City Clerk will collect an additional \$25.00 fee for the License at time of license issuance.

G. Signatures:

I acknowledge that I am the owner of the property described in this application. I further acknowledge that a Transient Merchant License, as described in this application, is being sought for the aforementioned property.

Signature of Property Owner

Date

I acknowledge that I am the applicant listed on this application. I further acknowledge that I have read, understand and will comply with all the standards, terms and requirements listed in this application. I understand that non-compliance of any standards, terms or requirements may lead to revocation of my transient merchant license.

Signature of Applicant

Date

FOR OFFICE USE ONLY

ORIGINAL SUBMITTAL

Date received: _____

Received by: _____

Date of Issuance of Transient Merchant License: _____

Date Transient Merchant License expires: _____

I, _____, am the property owner, or authorized designee of the property owner, of property addressed as: _____, Caldwell, ID 83605.

I hereby give my permission for a temporary use /transient merchant / mobile food unit business known as _____ and operated by _____ to conduct business on the aforementioned address.

I further give permission for utilization of the following site features (i.e., dumpsters, electricity, bathrooms, water, etc.): _____

Name (Print)

Name (Signature)

Date