



Delivered
April 2

NAMPA

City Clerk's Office

March 29, 2024

RE: Public Hearing Notice and Council Direction – Mobile Food Vendors

Dear Mobile Food Vendor or Property Owner:

On **April 15, 2024, at 6:00 p.m. in the Council Chambers** at City Hall, 411 3rd Street South, Nampa, Idaho, a **public hearing** will be held before the Nampa City Council for the consideration to amend Title 5 of Nampa City Code (NCC) by **removing mobile food vending from Title 5, Chapter 5-Peddlers and Solicitors, to establish its own license, Mobile Food Vendors.**

Interested parties not wanting to testify during the public hearing, but wishing to provide comments to be considered by City Council, can submit them in writing to the City Clerk's Office at the address listed below or email to clerks@cityofnampa.us.

During the March 5, 2024, Council meeting, a status update was provided to Council on the proposed new license as well as a request for direction on next steps in the process. This meeting can be viewed online at <https://nampa.primegov.com/Portal/Meeting?meetingTemplateId=5338> and clicking on agenda Item 8-3. The following is a summary of the Council direction provided to staff regarding mobile food vending:

- Continue with public outreach letters, including a notice on the upcoming public hearing.
- Compliance of current City Code regulating mobile food vendors to begin now, **with the exception of the "no overnight parking" regulation, which will be temporarily paused until November 1, 2024.**
- Compliance of City Code regulating mobile food vendors, **in its entirety**, to begin November 1, 2024.
- Remove the fingerprinting requirement from the proposed code.
- Schedule a public hearing on the proposed Mobile Food Vendor License for the April 15, 2024 meeting.

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Oficina del Secretario Municipal

29 de marzo de 2024

ASUNTO: Aviso de Audiencia Pública y Dirección del Consejo: Vendedores Móvil de Alimentos

Estimado vendedor ambulante de comida o propietario:

El **15 de abril de 2024, a las 6:00 p. m. en la Cámara del Consejo** del Ayuntamiento, 411 3rd Street South, Nampa, Idaho, se llevará a cabo **una audiencia pública** ante el Ayuntamiento de Nampa para considerar la modificación del Título 5 del código de la ciudad de Nampa (NCC) al **eliminar la venta ambulante de alimentos del Título 5, Capítulo 5: Vendedores ambulantes y representante comercial, para establecer su propia licencia, Vendedores Móvil de Alimentos.**

Las partes interesadas que no deseen testificar durante la audiencia pública, pero que deseen proporcionar comentarios para que sean considerados por el Concejo Municipal, pueden enviarlos por escrito a la Oficina del Secretario Municipal a la dirección anotado abajo o por correo electrónico a clerks@cityofnampa.us.

Durante la reunión del 5 de marzo de 2024, se proporcionó al Consejo un informe actualizado de la nueva licencia propuesta, también se solicitó dirección sobre los próximos pasos del proceso. Esta reunión se puede ver en línea en <https://nampa.primegov.com/Portal/Meeting?meetingTemplateId=5338> haciendo clic en el artículo 8-3 de la agenda. Lo siguiente es un resumen de las instrucciones del Consejo proporcionadas al personal con respecto a la venta ambulante de alimentos:

- Continuar con cartas de divulgación pública, incluido un aviso sobre la próxima audiencia pública.
- Desde ahora se empezará a cumplir el actual Código de la Ciudad que regula a los vendedores ambulantes de comida, **con la excepción de la orden de “no estacionarse de durante la noche”, que se suspenderá temporalmente hasta el 1 de noviembre de 2024.**
- El Código de la Ciudad que regula a los vendedores ambulantes de comida, se cumplirá **en su totalidad**, a partir del 1 de noviembre de 2024.
- Eliminar el requisito de toma huellas dactilares del código propuesto.

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CHAPTER 5. - PEDDLERS AND SOLICITORS

Sections:

5-5-1. - Definitions.

Mobile vending cart: A movable pushcart that is operated by a vendor standing on the sidewalk. The mobile vending cart will be allowed in the DH zoning district.

Mobile vending trailer: A mobile trailer operated by a vendor standing on or within the frame of the trailer on the public rights-of-way or private property. Mobile vending trailer will not be allowed in the DH zoning district.

Mobile vending vehicle: A motorized vehicle operated by a vendor standing on or within the frame of the vehicle in the public rights-of-way or private property. Mobile vending vehicles will not be allowed in the DH zoning district.

Peddler or vendor: Any person traveling by foot, motor vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, food or farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers.

Sidewalk: That portion of the public right-of-way which is between the curb lines or the lateral lines of a roadway and the adjacent property line intended for the use of pedestrians in public places of the City of Nampa.

Sidewalk vending: The peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other things of value from a mobile vending cart by a vendor to persons on the public right-of-way, including sidewalks.

Solicitor, vendor or canvasser: Any person traveling either by foot, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether he is collecting advance payments on such sales or not. Such definition includes any person who, for himself, or for another person hires, leases, uses or occupies any premises within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

Transient merchant, itinerant merchant, itinerant vendor, or telephone solicitor: Any person who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who in the furtherance of such purpose, hires, leases, uses or occupies any premises, including any parking lot, within the city, for the exhibition and sale of such goods, wares and merchandise.

(Ord. 3984, 10-3-2011)

5-5-4. - Driver's license; colored copy.

Each applicant must attach a colored copy of his/her driver's license to the application.

(Ord. 3984, 10-3-2011)

5-5-5. - Prerequisite.

When the applicant proposes to peddle any food or product for human consumption, certification by the Southwest district health is required prior to issuance of a license.

(Ord. 3984, 10-3-2011)

5-5-6. - Fees.

- A. Except as provided in subsection 5-5-7.A of this chapter at the time of filing an application an investigation fee shall be paid and is nonrefundable.
- B. The license fee is payable upon filing of the application and the fee is nonrefundable.

(Ord. 3984, 10-3-2011)

5-5-7. - Investigation of applicant.

- A. Upon receipt of an application for any license under this chapter, the application shall be referred to the Nampa Police Department which shall conduct an investigation to determine the suitability of the applicant to be licensed. The investigation 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 Idaho Code section 67-3008 and congressional enactment public law 92544. The Nampa Police Department 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 Nampa police department 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 an applicant for licensure. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. The applicant shall pay, in advance, the fees required by the Idaho State Police Bureau of Criminal Identification for the criminal records check.

- B. No person shall be issued a license when that person:

1.

subsequent to the issuance of a peddlers and solicitors license, renders the licensee ineligible or unqualified for such a license. Failure to continually maintain said requirements throughout the duration of the license may result in revocation of the license.

(Ord. 3984, 10-3-2011)

5-5-8. - Bond requirements.

Bonds in the following amounts and under the following conditions are required for those engaging in a business as defined in this chapter, where the business transaction involves collecting monies, including deposits, for future delivery of goods, products or services.

Before any license is issued every applicant desiring to ply his trade under this chapter and the applicant's business involves collecting monies for future delivery of any goods or products shall file with the city clerk a surety bond running to the city, or a cashier's check in the amount of \$500.00. Every person who has one or more employees or agents acting in a capacity defined in this chapter who collects any monies for future delivery of goods or products shall file with the city clerk a surety bond covering all such employees or agents and running to the city, or a cashier's check in the amount of \$500.00 for each employee and/or agent.

Every bond shall be executed by the applicant as principal and at least one surety upon which service of process may be made in the state, said bond to be approved by the city attorney, conditioned that the applicant and all of the applicant's agents and employees comply fully with all the provisions of this chapter.

Based upon written justification and letters of reference from local persons, or being licensed during the previous or current calendar year, the above bonding requirements may be waived when specifically approved by the council.

After expiration of a license, the city clerk shall, upon application of the licensee, return the bond or cashier's check six months after receipt of application, for return, unless the clerk has been notified of the pendency of any claim or cause of action by any person upon the bond or cashier's check.

(Ord. 3984, 10-3-2011)

5-5-9. - Exhibition of license.

The license shall be exhibited in a conspicuous place if the licensee is using a vehicle or a building in his business and otherwise must be kept by the person and exhibited at any time upon request.

(Ord. 3984, 10-3-2011)

5-5-10. - General restrictions.

Generators on mobile vending carts, trailers or vehicles powered by gasoline are prohibited. Only generators powered by propane are acceptable. No mobile vending cart, trailer or vehicle shall carry more than two five-gallon containers of propane on a public right-of-way. Generators shall not be placed on the ground.

Mobile vending carts, trailers and vehicles must have the barbecue grill enclosed and permanently built into the structure of the cart, trailer or vehicle.

A five pound "K" class handheld fire extinguisher is required if a heating or cooking appliance is used.

With the exception of merchandise or food items to be sold, mobile vending carts, trailers and vehicles presented for inspection shall be exactly as they appear when operating on a public right-of-way, including any food rack.

Support equipment and accessories shall not be placed so as to impede pedestrian traffic. Umbrellas, canopies, or other covers used on mobile vending carts, trailers or vehicles must be securely fastened.

Mobile vending carts, trailers and vehicles shall have a clean appearance at all times.

(Ord. 4034, 8-20-2012)

5-5-11. - Unlawful conduct.

No licensee shall:

- A. Misrepresent the purpose of solicitation;
- B. Misrepresent affiliation of those engaged in the solicitation;
- C. Continue efforts to solicit from a person once that person informs the solicitor that he does not wish to give anything to or to buy anything from that solicitor;
- D. Represent the issuance of any license under this chapter as an endorsement or recommendation of the solicitation;
- E. Enter upon any premises when the same is posted with a sign stating "No peddlers allowed" or "No solicitation allowed" or other words to such effect;
- F. Knowingly make any false statement on an application for a license.

(Ord. 3984, 10-3-2011)

5-5-12. - Revocation of license.

The council has the power to revoke any license granted in accordance with this chapter for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license;
- B.

CHAPTER 8 MOBILE FOOD VENDORS

SECTION:

5-8-1: Purpose

5-8-2: Definitions

5-8-3: License Required

5-8-4: General Regulations

5-8-5: Mobile Food Vending on Public Property

5-8-6: License Issuance Process

5-8-7: Revocation of License

5-8-8: Notice of Correction and Revocation Process

5-8-9: License Revocation Appeal Process

5-8-1: PURPOSE:

The creation and intent of this chapter is to promote and ensure the public health, safety, and welfare of the residents and visitors of the City of Nampa. Specifically, this chapter provides proper regulations and best practices for operating and maintaining safe, clean, and appealing mobile food vendors within the City.

5-8-2: DEFINITIONS:

The following words are defined as follows for this chapter only:

ADJOINING PROPERTY:	Any lot(s) or parcel(s) of land immediately adjacent to the Vending Area, as measured from the right-of-way centerline towards shall be the dividing line in determining adjacency.
COMMON AREA:	As defined in Title 10, Chapter 1 of the Nampa City Code.
DISCHARGE LOCATION:	The location where graywater/wastewater from the vending cart/vehicle is taken to for lawful discharge or treatment.

PUBLIC PROPERTY:	All property owned or maintained by the State of Idaho, the City of Nampa, or any political subdivision thereof, including without limitation, parks, parking lots, rights of way, pathways, parcels of land and sidewalks.
SIDEWALK VENDING:	Mobile food vending from the public right-of-way outside the curb lines, any sidewalk, pathway or pedestrian access.
STREET VENDING:	Mobile food vending from a vending vehicle situated on the public right-of-way between the curb lines or edges of pavement.
UNIMPROVED LOT:	A lot or parcel of land that does not have a building on the property and lacks any of the required site improvements as provided in applicable city code and policies, including without limitation paving, parking, curb, gutter, sidewalks, landscaping, etc.
VENDING AREA:	Any area used or anticipated to be used for mobile food vending, and related activities including, without limitation, preparation, display, transactions, customer queuing, customer seating areas, and other associated activities.

5-8-3: LICENSE REQUIRED:

It is unlawful for any Mobile Food vendor, or licensee, agent, or employee of that vendor to do any of the following:

- A. Operate in an unauthorized location,
- B. Operate without a City of Nampa license,
- C. Operate without a valid health department permit or fire department approval,
- D. Operate in violation of City Code or any applicable health department regulations.

A violation of any section of this chapter is a misdemeanor which may include revocation of the license and/or denial of a future license for a period of up to three (3) years.

5-8-4: GENERAL REGULATIONS:

The following are applicable to ALL mobile food vendors:

- A. **Exclusive Rights:** No Mobile Food vendor shall have exclusive right to any location on public property. Special event permits, or any other permit issued by the City, for the use of any public property will take precedence for the duration of the event, or time, associated with the use of public property.

8. All Mobile Food vendors shall operate in such a manner that prevents the spilling or splattering of grease, water, food, or trash on any public or private property. The vendor shall be responsible for the cleaning and/or repair of any public or private property which is soiled, stained, or damaged by the placement or operation of the Mobile Food vending business.

C. Operating Hours and Other Time Limitations:

1. Operating hours for Mobile Food vending in non-residential zones shall be limited to between the hours of 6:00 a.m. and 12:00 a.m. (Midnight). A Mobile Food vending vehicle, trailer, cart or similar conveyance shall not be parked, located or remain on the lot or parcel of land on which they are approved to conduct Mobile Food vending outside of the above operating hours unless the vehicle, trailer, cart or similar conveyance and its presence is completely concealed from public view, or they are enclosed behind a permitted site obscuring fence built to the maximum height allowed for the applicable zoning district.

D. General Operation Restrictions and Requirements:

1. Drive-thru operations shall not be permitted.
2. City water, sewer service and permanent electrical connections are not permitted.
3. Audio amplification of any kind is prohibited, unless otherwise permitted within this City Code.
4. Each Mobile Food vending cart, vehicle or trailer containing a food preparation area shall have a lawful discharge location approved by the City Engineer. Permanent domestic water and sewer services are not allowed.
5. Mobile Food vendors shall display, in a readily visible location, the following items at all times when in operation:
 - a) City license (Mobile Food Vendor Permit),
 - b) Health permit,
 - c) Fire District Approval.
6. The dumping of any ice, trash, gray or wastewater, or any other items associated with Mobile Food vending, into public waste receptacles, private dumpsters, public planter boxes, gutters, storm drains, or the street is prohibited.
7. Each Mobile Food vendor shall provide proof of liability insurance as specified in Nampa City Code 5-1-11, *Insurance required*, as amended, of this title and shall agree in writing to indemnify and hold the City harmless from any liability, injury or damage resulting from the operation of the Mobile Food vending operation. The vendor's obligation to hold harmless and indemnify the City shall not be limited by

5-8-5: MOBILE FOOD VENDING ON PUBLIC PROPERTY:

The following additional regulations apply to all Mobile Food vending operations which take place on public property.

- A. Each Mobile Food vendor operating on public property shall receive written permission from the appropriate governing authority. For public property owned by the City of Nampa, the City of Nampa designee shall make decisions on authorization which may include conditions of operation at that location.
- B. In addition to meeting the insurance requirements in Section 5-8-4 D.7 herein, the general liability insurance policy for each Mobile Food vendor operating on public property shall name the City as an additional insured entity and shall cover any liability, injury or damage to public or private property or persons. The policy shall be in the minimum amount as specified in Section 5-1-11 of this title. The vendor's obligations to hold harmless and indemnify the City are not limited by insurance policy limits. The vendor shall provide the City with a certificate of insurance demonstrating the required coverage prior to commencing operation.
- C. In addition to the general regulations set forth in Section 5-8-4, the following regulations shall also apply:
 1. Sidewalk and Street Vending:
 - a) Each Mobile Food vending operation shall obtain written consent of each adjoining property owner or their authorized agent (business manager, property manager) prior to operation.
 2. Street Vending:
 - a) Vending vehicles shall follow all traffic regulations, including but not limited to, speed limits, parking locations, parking time limits, obstructing traffic, and noise limitations.

5-8-6: LICENSE ISSUANCE PROCESS:

- A. The term of any license issued under this Chapter shall be six (6) or twelve (12) months as specified on the license and expires at the end of the applicable term. Application for such license shall be made upon a form supplied by the City Clerk and applicant shall pay a license fee as established by resolution of the City Council. The license fee shall be paid to the city at the time of application.
- B. If a license, or renewal thereof, is denied, written notice of the reason(s) therefor shall be provided to the applicant or licensee by mailing the decision to the address noted on the application form. The applicant or licensee may file an appeal to City Council within fourteen (14) days of the date that notice is provided in accordance with this chapter.

- ~~e) Any crime involving, or related to, use of or possession of drugs or illicit substances.~~
- ~~3. Within the ten (10) years preceding the date of submission of the application, or renewal thereof, the applicant has pled guilty to, received a withheld judgment for, or 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.~~
- ~~4. At any time preceding the date of submission of the application, or renewal thereof, the applicant has been convicted of any of the following crimes:~~
 - ~~a) Any felony 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.~~

5-8-7: REVOCATION OF LICENSE

- A. The City Clerk may revoke a mobile food vendor license where the Mobil Food Vendor does any of the following:
 - 1. Operates in an unauthorized location,
 - 2. Operates without a City of Nampa license,
 - 3. Operates without a valid health department permit or Fire department approval,
 - 4. Operates in violation of City Code or any applicable health department regulations.
- B. Any acts that violate a term or condition of the license.

7. Any crime resulting in the requirement by any law or legal order that the applicant register as a sex offender.

5-8-8: NOTICE OF CORRECTION AND REVOCATION PROCESS:

The City Clerk or any public safety officer, city official, or other city staff member authorized by the Mayor (herein the "enforcement designee") is authorized to enforce this chapter.

- A. First Notice of Correction: The enforcement designee shall, upon receipt of credible information that a violation of this chapter has occurred by a licensee, provide a written First Notice of Correction for any violations of this code and shall be provided to the licensee which describes the general nature of the prohibited act. This Notice may be provided in person or by certified mail at the address on the license application. Should the City Clerk or enforcement designee determine that the circumstances constitute an immediate danger to life or health, the enforcement designee may 1) issue a misdemeanor citation without providing a First Notice of Correction; and/or 2) summarily revoke the license pending the final review of the matter by the enforcement designee. The licensee will have ten (10) days from the date of the Notice to correct the violation or provide information refuting the violation to the enforcement designee.
- B. Second Notice of Correction: Following a First Notice of Correction and review of any information submitted by the licensee, if the enforcement designee determines that a violation of this chapter exists and has not been corrected, they shall provide a written a Second Notice of Correction for any violations of this code to licensee which describes the general nature of the prohibited act. This Notice may be provided in person or by certified mail at the address on the license application. If a misdemeanor citation was not issued and/or the license was not previously revoked as part of the First Notice of Correction and the enforcement designee determines that the circumstances constitute an immediate danger to life or health, the enforcement designee may 1) issue a misdemeanor citation without providing a Second Notice of Correction; and/or 2) summarily revoke the license pending the final review of the matter by the enforcement designee. The licensee will have ten (10) days to correct the violation or provide information refuting the violation.
- C. Notice of Revocation: After the process is completed under the First and Second Notices of Correction, if the enforcement designee determines that a revocation is the appropriate remedy for the violation, a written "Notice of Revocation" will be issued by the City Clerk stating the reason(s) for the revocation. This Notice of Revocation shall be provided to the licensee in person or by certified mail at the address on the license application. Revocation shall become final within fourteen (14) days from the date on the Notice of Revocation provided to the licensee, unless the licensee appeals the action to the City Council.

Amendments to Nampa City Code Title 10, Chapters 1, 3, and 22
(Approved by Nampa City Council on August 7, 2023; Ordinance Adoption PENDING)

10-1-18: MOBILE FOOD VENDORS

10-1-18.A: Mobile Food Vendor Courts (Food Truck Courts):

10-1-18.A.1: Locations allowed: Mobile Food Vendor Courts are permitted by conditional use permit only on properties commercially or industrially zoned and must abide by the requirements outlined in this section.

10-1-18.A.1.a: Limitations:

Drive-throughs associated with such businesses are not allowed under any circumstances, as this type of use is intended for walk-up service only.

To mitigate potential conflict with adjacent residential uses/areas, professional offices, etc the Planning and Zoning Commission may condition the CUP to require:

- Permanent electrical connections in lieu of generators.
- Limited Hours of operation
- Landscape buffering/visual screening
- Access to restroom facilities

10-1-18.A.2: Number of Trucks allowed: Area of the lot shall accommodate the appropriate number of trucks versus parking space and landscaping available with the property boundary.

10-1-18.A.3: Site Improvements Required: A site improvement permit through the Nampa Planning and Zoning Department shall be required.

10-1-18.A.3.a: Parking: Solid surface parking with standard striped spaces per city code Title 10, Chapter 1, and Chapter 22 parking requirements shall be required in all zoning districts.

10-1-18.A.3.b: 10% of the gross area of the space dedicated for the required parking and vendor pad(s), shall be provided, in a central location, for outdoor eating and open space areas. Outdoor eating areas shall be permanently installed and shall include grassy areas, seating, tables and some form of shelter (e.g., umbrellas, tents, canopy, pergola).

10-1-18.A.3.c: Landscaping shall be required on any unimproved lot, when the court is established and shall meet the landscape buffer width, landscaping material installation requirements and other potential

10-3-2: SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS

Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	GB1	GB2	GBE	IP	IL	IH
Auction sales (no livestock in BC)														C	C				P	P
Automobile or truck sales, new												C		P	P	P			P	P
Automobile or truck sales, used												C		P					P	P
Automobile parts and accessories												C		P	C			C	P	
Alcohol Sales Establishment, Primary Use ¹												C	C	C			P	C	C	
Drug paraphernalia store/head shop ²																				
Electrical and electronic supply	P											P	P	P	P	C		C	P	
Farmer's Market											P	P	P	P	P	P				
Firearm Sales				C		C	C	C	C	C	P	P	P	P	P	P				
<u>Food Truck Court</u>	<u>C</u>				<u>C</u>				<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

10-22-6: SPECIAL PARKING AND LANDSCAPE CORRIDOR DISTRICTS AND SPACES REQUIRED

10-22-6.B: Number of [Parking] Spaces Required:

<u>Food Truck Court</u>	<u>5 spaces per vendor pad</u>
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landscaping requirements, as outlined in city code Title 10, Chapter 33. Landscaping and green space shall be maintained by the person(s) responsible for the daily operations of the court in conformance with the requirements of NCC §10-33-2).

10-1-18.A.3.d: Frontage and street improvements shall be installed according to City of Nampa Engineering Standards for any unimproved lot.

10-1-18.A.3.e: Restroom Facilities: Access to permanent restroom facilities shall be provided, either by establishing a permanent restroom facility or on neighboring properties as outlined in the Mobile Food Vendor License city code Title 5, Chapter 8.

already done

10-1-18.A.3.f: Electrical Connections: If electrical connections are provided, an electrical permit/inspection through the City of Nampa Building Department will be required prior to any installation of equipment or meters on-site.

10-1-18.A.3.g: Trash Receptacles/Maintenance: Trash receptacles shall be provided for use by the vendors and customers and shall be maintained by the person(s) responsible for the daily operations of the court.

10-1-18.B: Mobile Food Vendors (not in a court): Mobile Food Vendors shall operate in accordance with the following policies. Non-compliance with these policies will result in the revocation or suspension of the Mobile Food Vendor License issued by the City Clerks office.

10-1-18.B.1: Locations allowed: Food vendors are permitted only on properties commercially or industrially zoned and must abide by the requirements outlined in this section and Title 5, Chapter 8 in regards to licensing. Mobile Food Vendors may be invited into a subdivision by the HOA, for temporary events (less than four hours), as long as they abide by the requirements outlined in this section.

10-1-18.B.2: Shall be individually responsible for any garbage or debris that directly results from their vending activity.

10-1-18.B.3: Noise and odors shall be contained within the immediate vicinity of the mobile food vendor's establishment so as not to be a nuisance to the neighbors.

10-1-18.B.4: Shall only be allowed advertising on their vehicles (i.e., no movable [portable] signs shall be used/displayed in conjunction with their operation).

10-1-18.B.5: Obtain the proper permits from Southwest District Health, the Nampa Fire District and the Nampa City Clerk's office.

no A frames? Feather flags?

5-8-9: LICENSE REVOCATION APPEAL PROCESS:

- A. The applicant or licensee must file his/her appeal in writing to the City Council with the City Clerk within fourteen (14) days of date on the notice of denial of a license, denial of a license renewal or Notice of Revocation of a license. The written appeal shall set forth the specific facts or circumstances (including any supporting documentation) which the licensee believes establishes that there is not credible evidence to support the denial of a license or renewal thereof, or that there is not credible evidence that a violation has occurred or that the violation in question has not been corrected. During any pending appeal of a revocation, the license is considered suspended and the licensee may not operate its Mobile Food vendor services.
- B. Upon receipt of such written appeal, the City Clerk shall schedule a public hearing for the City Council to consider the appeal within forty (40) days of the date of the appeal if filed. The appellant shall be notified in writing (in person or by certified mail) by the City Clerk of the time and place of the public meeting where the appeal will be heard.
- C. At the public hearing, the appellant will have the opportunity to present their testimony, information and documentation to the City Council. The City Clerk and/or the enforcement designee will present any testimony, information and documentation supporting their decision. The appellant shall have the final opportunity to speak in rebuttal. The City Council may ask questions of the appellant and city officials and staff. The Mayor may place reasonable time limitations on the presentations similar to those pertaining to other public hearings before the City Council. Following receipt and consideration of the information and comments provided on the appeal, the City Council shall either affirm or reverse the action and issue their written decision within thirty (30) calendar days of the public hearing regarding the appeal. The City Council's decision shall be based upon competent and substantial evidence contained in the record. The City Council's decision on such appeal shall be a final decision.
- D. A copy of the City Council's written decision shall be provided by the City Clerk to the appellant by certified mail. The written decision of the City Council shall be effective on the date set forth within the decision.

- C. In the course of operating or acting as a Mobile Food vendor, the licensee violates a provision of this section or of any other applicable local, state, or federal law.
- D. It is found, after issuance of such license, that it was issued pursuant to falsified, inaccurate, or incomplete information on the application.
- E. The licensee pleads guilty to, is convicted of, or is granted a withheld judgment for:
 - 1. Reckless driving, eluding a police officer, racing, and/or driving under the influence of alcohol.
 - 2. Any charge involving theft or fraud.
 - 3. Battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order.
 - 4. Any crime involving, or related to, firearms or other weapons.
 - 5. Any crime involving, or related to, a child or children, elderly persons, and/or other vulnerable persons.
 - 6. Any crime involving, or related to, prostitution, indecent exposure, obscene conduct, or other sexual conduct or activity.
 - 7. Any crime involving, or related to, drugs or illicit substances.
- F. The licensee is required by any law or legal order to register as a sex offender.
- G. The City Clerk shall revoke a Mobile Food vendor license where the Mobile Food vendor does any of the following during the term of the license:
 - 1. Any felony charge of theft or fraud.
 - 2. Any felony charge of battery, assault, domestic battery or assault, telephone harassment, stalking, or violation of a protective order.
 - 3. 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.
 - 4. Any felony 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.
 - 5. 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.
 - 6. Murder; manslaughter; rape; kidnapping; robbery; arson; fraud; or manufacturing, delivery, or trafficking drugs or illicit substance(s).

~~C. Upon receipt of an application for any license, or renewal thereof, under this chapter, the application shall be referred to the Nampa Police Department which shall conduct an investigation to determine the suitability of the applicant to be licensed.~~

~~1. The investigation 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 Idaho Code Section 67-3008 and Congressional Enactment Public Law 92544. The Nampa Police Department 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.~~

~~2. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho State Police. The Nampa Police Department 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 an applicant for licensure. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited.~~

~~3. The applicant shall pay, in advance, the fees required by the Idaho State Police Bureau of Criminal Identification for the criminal records check.~~

D. An application will include the information and fees required by the City Clerk including the health department permit and fire department approval. The City Clerk shall deny an application for a Mobile Food Vendor license, or renewal thereof, where:

1. Investigation of such application or application materials reveals that provided information is invalid, false, or incomplete; or

2. ~~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.~~

the applicable insurance policy limits. Additionally, each Mobile Food vendor shall carry workers' compensation insurance as required under Idaho law.

8. The use of any tent, structure, or building, whether permanent or temporary, is not permitted.
9. Lots:
 - a) Unimproved Lots: Mobile Food vending activities are not allowed.
 - b) Improved Lot with an Unoccupied Building: Prior to beginning operation, applicant must provide to the City written permission from the property owner or authorized agent. Written permission must also be provided to the City, prior to the beginning of operation, from at least one adjacent business(es) willing to allow restroom use in their facility for the applicant's patrons and employees. The restrooms must be available during the applicant's hours of the operation at that location. Permitted restroom locations will be identified on the Mobile Food Vendor Permit.
 - c) Improved Lot With No Primary Structure: Prior to beginning operation, applicant must provide to the City written permission from the property owner or authorized agent. Written permission must also be provided to the City, prior to the beginning of operation, from at least one adjacent business(es) willing to allow restroom use in their facility for the applicant's patrons and employees. The restrooms must be available during the applicant's hours of the operation at that location. Permitted restroom locations will be identified on the Mobile Food Vendor Permit.

Improved Lot With an Occupied Building: Prior to beginning operation, applicant must provide to the City written permission from the property owner or authorized agent. The restrooms in the occupied building on the lot must be available for the applicant's patrons and employees during the applicant's hours of the operation at that location. If restrooms are not available in the occupied building on the lot, then written permission must also be provided to the City, prior to the beginning of operation, from at least one adjacent business(es) willing to allow restroom use in their facility for the applicant's patrons and employees. Permitted restroom locations will be identified on the Mobile Food Vendor Permit.

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- E. The activities provided under the exceptions noted in Nampa City Code 10-1-12, *Regulations Exceptions Allowances*, are not subject to the requirements of this chapter.

B. Location And Site Restrictions:

1. Mobile Food vending is prohibited within residential zones, unless otherwise permitted within and subject to the other provisions of this city code. If a homeowners association exists for the applicable residential location, then vending within a residential zone may be authorized by written consent of the governing homeowners association and such vending must be completely located within a common area for the subdivision. Mobile Food vending shall not occur between the hours of 10:00 p.m. and 7:00 a.m. in residential zones.
2. Mobile Food vending activities are prohibited in any congested area where their operations may impede or inconvenience the public flow of travel.
3. Mobile Food vending activities are allowed on public property by permit only.
4. Mobile Food vending activities shall not be located in the following areas:
 - a) Where clear pedestrian passage on the public sidewalk is five (5) feet wide or less;
 - b) Crosswalk areas;
 - c) Within the clear vision triangle area on corners of intersections, alleyways or driveways;
 - d) All Mobile Food Vending vehicles, carts, trailers and areas shall maintain a ten (10) foot setback from adjacent buildings and property lines.
 - e) In any area which obstructs the movement or visibility of vehicles or bicycles using the appropriate public right-of-way, access easement, or drive aisle.
 - f) Vending activities cannot impede utility boxes and/or vaults, handicap ramps and parking spaces, trash enclosures, or emergency call boxes.
 - g) Vending activities cannot be within twenty (20) feet of fire hydrants.
5. Unless otherwise provided in this chapter, or through a temporary concessionaire permit or special event permit, vending areas shall be spaced a minimum of ten (10) feet apart.
6. Mobile Food vendors shall not use or attach any items to public facilities or amenities, including without limitation, trees and landscaping in a public right of way or easement, streetlights, power poles, traffic or other signage, street furniture, railings, etc.,
7. The Mobile Food vendor shall ensure that their patrons use appropriate covered trash receptacles provided by the vendor at that location. The vending area and the area within twenty-five (25) feet of the vending area shall be kept in a neat and orderly condition and free of loose or discarded beverages, debris, food, and trash.

FOOD AND BEVERAGE PREPARATION AREA:	Any area or location where food or beverage is prepared for human consumption.
FOOD TRUCK COURT	One or more lots or parcels of land, or a designated space in the right-of-way, where two or more mobile food vending vehicles are permitted by the city to be located in order to offer food or beverage(s) for sale to the public as the principal/primary use of the land.
IMPROVED LOT WITH AN OCCUPIED BUILDING:	A lot or parcel of land that has met all site improvement standards and requirements as provided in applicable city code and policies, including without limitation, paving, parking, curb, gutter, sidewalks, landscaping, etc. and where at least one building on the property has a valid existing tenancy or occupancy.
IMPROVED LOT WITH NO PRIMARY STRUCTURE:	A lot or parcel of land that has met all site improvement standards and requirements as provided in applicable city code and policies, including without limitation, paving, parking, curb, gutter, sidewalks, landscaping, etc. and where no building exists for which a valid certificate occupancy may be issued.
IMPROVED LOT WITH AN UNOCCUPIED BUILDING:	A lot or parcel of land that has met all site improvement standards and requirements as provided in applicable city code and policies, including without limitation, paving, parking, curb, gutter, sidewalks, landscaping, etc. and where no lawful tenants or occupants exist in any of the buildings on the parcel. Reference Nampa City Code Title 4, Chapter 12, <i>Vacant Building Registration and Maintenance</i> .
MOBILE FOOD VENDING:	Peddling, vending, selling, displaying, preparing or offering food or beverage(s) for sale for a limited duration using or from a mobile food vending cart, vehicle, trailer or vending area.
MOBILE FOOD VENDING CART:	A movable push-cart or similar conveyance that is operated or used by a vendor for mobile food vending.
MOBILE FOOD VENDING VEHICLE:	A vehicle or similar conveyance operated or used by a vendor for mobile food vending.
MOBILE FOOD VENDOR:	Any person traveling by foot, vehicle or any other type of conveyance from place to place or street to street, preparing or offering food or beverage items for sale.
MOBILE FOOD VENDING TRAILER	A mobile trailer or similar conveyance that is operated by a vendor for mobile food vending.
PRIVATE PROPERTY VENDING:	Mobile food vending where all aspects of the activity take place on property that is not public property.

Fraud or misrepresentation or false statement made in the course of conducting the business or trade;

C. Any other violation of this chapter;

D. Conviction of any crime or misdemeanor involving moral turpitude;

E. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(Ord. 3984, 10-3-2011)

5-5-13. - Appeals.

Appeals may be submitted in writing (including, but not limited to, court documents) to the clerk's office within five days of the denial of the license. The clerk's office shall have up to five days to determine the final disposition.

(Ord. 3984, 10-3-2011)

No licensee shall have any exclusive right to any fixed, regular, or established location in a public street or right-of-way, nor shall he be permitted to conduct his business in any congested area where his operations might impede or inconvenience the public. The judgment of a police officer is deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. No business activity shall be carried on in any area of the city by any licensee where such business activity is prohibited by the city zoning code. No licensee shall be permitted to conduct his business or trade in or on any city park, city building or adjacent grounds.

Mobile vending/pushcarts are the only vending units allowed in the DH zoning district.

Unless positioned on a designated identified vending location, a mobile vending cart shall not be located:

- A. Where clear pedestrian passage on the public sidewalk is less than five feet wide;
- B. Within a midblock crosswalk area;
- C. Within any street corner area;
- D. In a manner in which the movement or visibility of vehicles using the street or other public right-of-way is obstructed.

Within the downtown area of the City of Nampa, there cannot be more than two mobile vending carts within a block frontage area.

Mobile vending carts shall not be locked or chained to a parking meter, tree, streetlight or other street furniture.

Mobile vending carts shall not be left unattended on city streets or sidewalks for more than 15 consecutive minutes.

Utility service connections are not permitted. Electrical lines are not allowed overhead or lying in the pedestrian portion of the sidewalk. City streetlight facilities shall not be used in any way to supply electrical service to a vendor site.

Vendors and solicitors shall keep the area of operation free of debris. Vendors selling food or beverages must provide trash receptacles and waste removal adjacent to or as a part of their operation. All spilled food, beverages, grease or other trash or debris accumulating within 20 feet of any mobile vending cart, trailer or vehicle shall be cleaned and collected by the vendor and deposited in the vendor's trash receptacle. The vendor is prohibited from depositing its waste, ice and any gray or waste water into sidewalk waste receptacles, privately owned dumpsters, city planters, gutters or the street drainage system.

Mobile vending carts, trailers or vehicles shall be maintained in such a manner that prevents the spilling or splattering of grease, water, food or trash on any public right-of-way where the cart, trailer, or vehicle is located. The cart, trailer or vehicle owner shall be responsible for the cleaning and repair of any public right-of-way soiled, stained or damaged by the placement and operation of their mobile vending operations.

Is under the age of 18 years;

2. Is required to register as a sex offender, pursuant to the sexual offender registration notification and community right-to-know act, Idaho Code section 18-8301 et seq., and the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.;
3. Has been, within five years prior to the date of making application for such license, convicted of, paid any fines, been placed on probation or is currently on probation or parole, received a deferred sentence, received a withheld judgment, completed any sentence of confinement (including options in lieu of confinement), or suffered the forfeiture of a bond for any felony;
4. Has been, within five years prior to the date of making application for such license, convicted of, paid any fine, been placed on probation or currently is on probation or parole, received a deferred sentence, received a withheld judgment, completed any sentence of confinement (including options in lieu of confinement), or suffered the forfeiture of a bond for any misdemeanor, involving:
 - a. The use of force against the persons or property of another;
 - b. The threat of force against the persons or property of another;
 - c. Theft or larceny;
 - d. The use, possession or sale of illicit drugs or possession of paraphernalia;
 - e. Possession of a concealed weapon;
 - f. Illicit sexual activity;
 - g. Driving under the influence of alcohol (DUI) and/or drugs or reckless driving;
 - h. Stalking, telephone harassment, or violations of protection orders or no contact orders;
 - i. Contributing to the delinquency of a minor;
5. Has, at the time of such application an outstanding warrant;
6. Has had a similar license revoked by the city or any other city of this state or of the United States within the preceding five years.

No license shall be granted to any applicant nor may a licensee maintain an existing license in good standing where satisfactory proof is submitted that such applicant operates motor vehicles in an unskilled, dangerous or reckless manner, or habitually uses intoxicating liquor or drugs, or who repeatedly violates the laws relating to traffic or to this chapter.

7. A peddlers and solicitors license shall not be issued to a person who, at the time of application for renewal of a license issued hereunder would not be eligible or qualified for such license upon a first application, and a licensee must continue to have and maintain all the qualifications and none of the disqualifications provided herein throughout the license period. It shall be the duty of the licensee to immediately notify the clerk's office if any event,

(Ord. 4034, 8-20-2012)

5-5-2. - Licenses required.

It is unlawful for any person wishing to ply his trade as defined in this chapter, to engage in such business without first complying with the following requirements and obtaining a license.

(Ord. 3984, 10-3-2011)

5-5-3. - Exceptions.

The provisions of this chapter do not apply to:

- A. Any sales under court order;
- B. A bona fide auction sale;
- C. Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to or solicit orders for future delivery from local retailers, local businesses, local governments, local schools or local wholesale firms;
- D. The sale of farm or garden products by the person producing the same;
- E. The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- F. 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 represents, and the nature of the services performed or offered by the group or organization;
- G. The occasional sale of admission by local school students to a function of their school; or fundraising or community events sponsored by local service clubs, or church groups, or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts and chamber of commerce;
- H. Any political group seeking funds or membership;
- I. Any solicitation of information for a telephone book or a city directory by a company representative;
- J. A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale;
- K. A sale of goods, wares, merchandise and personal property of any nature whatsoever for resale to or by a business establishment at a fixed location where goods or services are offered or exhibited for sale;
- L. A sale of services to be furnished or performed in the future to or by a business establishment at a fixed location;
- M. An occupation governed by section 10-1-10, "Home occupations", of this Code.

29 de marzo de 2024

Aviso de audiencia pública y dirección del consejo: vendedores ambulantes de alimentos

Página 2

- Programe una audiencia pública sobre la licencia de vendedor ambulante de alimentos propuesta para el 15 de abril de 2024.

Se adjuntan copias de lo siguiente:

- (1) Código de la ciudad actual que regula a los vendedores ambulantes de comida (NCC 5-5- Vendedores ambulantes y representantes comerciales);
- (2) Versión Revisada del Orden para vendedores ambulantes de alimentos; y
- (3) Cambios o Modificaciones aprobadas al Título 10 de la NCC, Capítulos 1, 3 y 22 (Adopción Orden Pendiente).

Si tiene alguna pregunta, comuníquese con la Oficina del Secretario Municipal. Gracias.

Atentamente,



Charlene Tim
Secretaria Municipal

Adjuntos: (en inglés)

Código de la ciudad de Nampa Título 5, Capítulo 5 – Vendedores ambulantes y representantes comerciales

Anteproyecto de ordenanza revisado: licencia para vendedores ambulantes de alimentos

Enmiendas al Título 10, Capítulos 1, 3 y 22 (*Aprobadas el 7/8/23; Adopción de Ordenanza Pendiente*)

March 29, 2024

Public Hearing Notice and Council Direction – Mobile Food Vendors

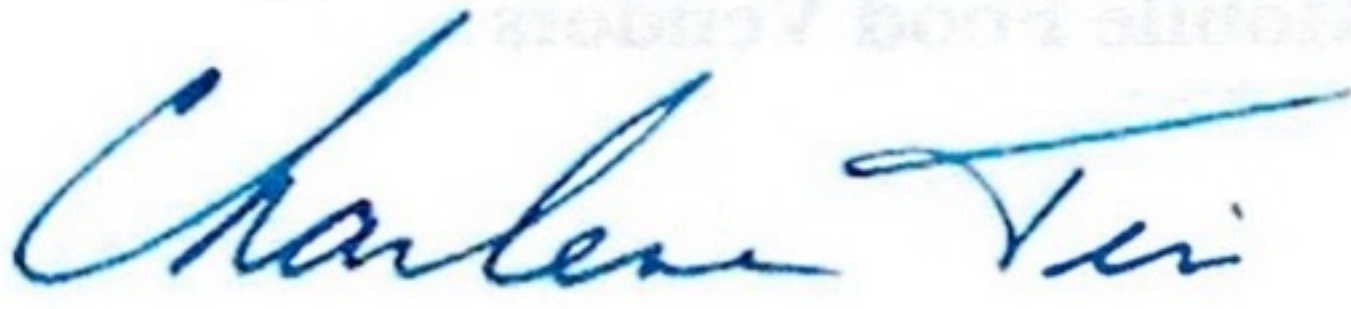
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Attached are copies of the following:

- (1) Current City Code regulating mobile food vendors (NCC 5-5-Peddlers and Solicitors);
- (2) Revised Proposed Draft Ordinance for Mobile Food Vendors; and
- (3) Approved amendments to NCC Title 10, Chapters 1, 3, and 22 (Ordinance Adoption Pending).

If you have any questions, please contact the City Clerk's Office. Thank you.

Sincerely,



Charlene Tim

City Clerk

Enclosures:

Nampa City Code Title 5, Chapter 5 – Peddlers and Solicitors

Revised Proposed Draft Ordinance – Mobile Food Vendors License

Amendments to Title 10, Chapters 1, 3, and 22 (*Approved on 8/7/23; Ordinance Adoption Pending*)