

# CITY OF DOVER

## ORDINANCE NO. 98

AN ORDINANCE OF THE CITY OF DOVER, BONNER COUNTY, IDAHO, ESTABLISHING THE REQUIREMENT THAT ALL BUSINESSES LOCATED WITHIN THE CITY OF DOVER APPLY FOR AND OBTAIN BUSINESS REGISTRATION CERTIFICATES AND RENEW THOSE CERTIFICATES ANNUALLY; PROVIDING CERTAIN EXEMPTIONS FROM THAT REQUIREMENT; PROHIBITING ANY PERSON FOR WHOM A REGISTRATION CERTIFICATE IS REQUIRED FROM ENGAGING IN BUSINESS WITHIN THE CITY OF DOVER WITHOUT OBTAINING SUCH REGISTRATION CERTIFICATE; ESTABLISHING A FEE FOR BUSINESS REGISTRATION APPLICATION AND CERTIFICATE RENEWAL; PROVIDING THE PENALTY FOR VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Dover City Council has determined that requiring a Business Registration Certificate for each location within the City of Dover upon which a business or occupation is conducted will promote the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, IDAHO AS FOLLOWS:

SECTION 1. Definitions. In construing the provision of this Ordinance, the following definitions shall apply:

- a. "City" means the City of Dover, Idaho.
- b. "Year" shall mean the calendar year.
- c. "Person" shall mean any individual, firm, partnership, company, corporation, joint venture, association, or other business entity.
- d. "Business" or "Occupation" shall mean all activities, trades, and pursuits conducted or engaged in for profit, including without limitation wholesale businesses, retail businesses, personal service businesses and professions, person(s) operating a flea market, special events sales with more than one (1) booth or vendor, and businesses conducted as home occupations in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted.
- e. "City Clerk" means the City Clerk of the City of Dover, Idaho.
- f. "Premises" includes all real property and structures thereon, in or upon which any business or occupation is conducted.

SECTION 2. Exemptions From Registration Certificate Requirement. None of the provisions of this Ordinance shall apply to any agency of the United States Government and political subdivisions of the State of Idaho, including counties, school districts, sewer districts, fire districts, other special districts, charitable entities and organizations, person(s) who have occasional sales of their own household property, not more than two (2) times in a calendar year, and vendor(s) occupying a space in a flea market or special events sales. All such entities shall be exempt.

SECTION 3. Business Registration Certificate Requirement. A Business Registration Certificate shall be required for each premise located within the City of Dover in which any person is engaged in any business or occupation. Any person conducting such a business or engaged in such an occupation shall apply for the required Business Registration Certificate by filling out an application provided by the City Clerk. A Registration Certificate shall be required for each branch establishment and/or separate location of a business.

SECTION 4. Registration Certificate Fee. A Business Registration Certificate Fee for the administrative costs of processing applications and issuing Registration Certificates shall be paid by each applicant at the time of making application for the required Business Registration Certificate. The Registration Certificate shall be issued for the calendar year in which the application is submitted. The Registration Certificate Fee will be pro-rated from the application date to the end of the calendar year applied for. All Business Registration Certificates required hereunder shall be renewed annually for each year in which the business or occupation subject to this Ordinance remains in operation. Each person presently engaged in a business or occupation within the City of Dover shall comply with this Ordinance. The amount of the fee provided for herein shall be set at Twenty-Five Dollars (\$25.00) per calendar year, and shall be paid to the City Clerk. The amount of the fee provided for herein may from time to time be adjusted by Resolution of the City Council without amending this Ordinance.

SECTION 5. Display of Registration Certificate. Every business required under this Ordinance to obtain a Business Registration Certificate shall display such Registration Certificate in a prominent location upon the business premises. No business shall loan, sell, give or assign to any other person or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession any Registration Certificate which has been issued to said business.

SECTION 6. Prohibition Against Doing Business Without A Registration Certificate. No person shall engage in any business or occupation within Dover city limits without first having obtained a Business Registration Certificate as required by this Ordinance.

SECTION 7. Standards For Issuance of Registration Certificate. A Registration Certificate shall be issued only to applicants who meet the following requirements:

- a. **Compliance with Zoning Requirements.** The business and premises for which the application is made are not in violation of any zoning regulations.
- b. **Option Tax.** The business is not in arrears of any city taxes.

SECTION 8. Change of Location. No registered business owner shall change the location of the business without having first applied for and received a new Business Registration Certificate pursuant to the terms of this Ordinance.

SECTION 9. Suspension or Revocation of Registration Certificate. In the event it is brought to the attention of the City Council that a violation has taken place, before revoking or suspending such Registration Certificate, the City Council shall cause notice to be served upon the registered business owner, setting forth in general terms the violation or violations claimed to have been committed and such notice shall provide a time for the registered business owner to respond to the allegations. The City Council may revoke or suspend the Registration Certificate if the City Council finds that the Registration Certificate was issued in error or that the registered business owner has violated the provisions of this Ordinance. No refund of any unused portion of the Registration Certificate Fee shall be made to the registered business owner.

SECTION 10. Right of Appeal. Any person aggrieved by a decision of the City Clerk as to the issuance of a Registration Certificate in accordance herewith shall have the right to appeal to the City Council by filing a written appeal with the City Clerk within fifteen (15) days following the date of the action or decision giving rise to the appeal.

SECTION 11. Enforcement.

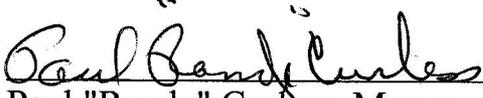
- a. **Civil Liability:** The City of Dover shall, at the direction of the City Council, institute civil suit in the name of the City to enforce compliance with the provisions of this Ordinance by injunctive relief, declaratory relief or other civil remedy. The City shall be entitled to recover its costs and attorneys fees from the other party upon prevailing in any such civil action. No civil judgment, or any act by the City or the violator shall bar or prevent a criminal prosecution for each and every violation of this Ordinance.

- b. **Criminal Liability:** A person who violates any provision of this Ordinance or operates any business or occupation for which a Registration Certificate is required by this Ordinance without having first obtained a Registration Certificate as herein provided, shall be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisonment for not more than sixty (60) days, or both such fine and imprisonment, which penalty shall be in addition to any other penalties provided in this Ordinance. Each day that a violation of this Ordinance occurs shall be deemed a separate offense.

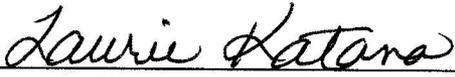
SECTION 12. Severability Clause. If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstance, shall ever be held invalid or unenforceable by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and be applicable to all circumstances to which they may validly apply.

SECTION 13. Effective Date. This Ordinance shall be in full force and effect upon passage and publication provided by law.

PASSED AND ADOPTED BY THE DOVER CITY COUNCIL AND  
APPROVED BY THE MAYOR THIS 18<sup>th</sup> DAY OF SEPTEMBER, 2007.

  
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Paul "Randy" Curlless, Mayor

ATTEST:

  
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Laurie Katana, City Clerk-Treasurer

# CITY OF DOVER

## A SUMMARY OF ORDINANCE NO. 98

**AN ORDINANCE OF THE CITY OF DOVER, BONNER COUNTY, IDAHO, ESTABLISHING THE REQUIREMENT THAT ALL BUSINESSES LOCATED WITHIN THE CITY OF DOVER APPLY FOR AND OBTAIN BUSINESS REGISTRATION CERTIFICATES AND RENEW THOSE CERTIFICATES ANNUALLY; PROVIDING CERTAIN EXEMPTIONS FROM THAT REQUIREMENT; PROHIBITING ANY PERSON FOR WHOM A REGISTRATION CERTIFICATE IS REQUIRED FROM ENGAGING IN BUSINESS WITHIN THE CITY OF DOVER WITHOUT OBTAINING SUCH REGISTRATION CERTIFICATE; ESTABLISHING A FEE FOR BUSINESS REGISTRATION APPLICATION AND CERTIFICATE RENEWAL; PROVIDING THE PENALTY FOR VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.**

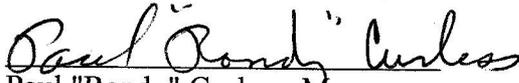
A summary of the principal provisions of Ordinance Number 98 of the City of Dover, Bonner County, Idaho, and adopted September 18, 2007 is as follows:

- SECTION 1. Provides for definitions of terms.
- SECTION 2. Provides for exemptions from registration certificate requirement.
- SECTION 3. Provides for business registration certificate requirement.
- SECTION 4. Establishes a registration certificate fee.
- SECTION 5. Requires the display of registration certificate.
- SECTION 6. Establishes prohibition against doing business without a registration certificate.
- SECTION 7. Establishes standards for issuance of registration certificate.
- SECTION 8. Prohibits change of location without notification.
- SECTION 9. Provides for suspension or revocation of registration certificate.
- SECTION 10. Establishes the right of appeal.
- SECTION 11. Provides for enforcement.
- SECTION 12. Provides for a severability clause.
- SECTION 13. Provides for an effective date.

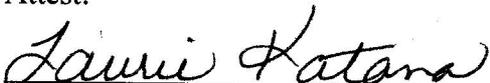
A full text of Ordinance Number 98 is available from the City Clerk and can be provided upon request during normal business hours.

Dated this 2<sup>nd</sup> day of October, 2007.

City of Dover, Bonner County, Idaho

  
Paul "Randy" Curless, Mayor

Attest:

  
Laurie Katana, Clerk-Treasurer