



Street Stand Merchant Application

Fee: \$60.00

(Permit expires 6 months from date issued)

200 S. Whitley Drive/P.O. Box 324 Fruitland, Idaho 83619 Phone: 208-452-4421 Fax: 208-452-7032

Issuance of a street stand merchant permit is subject to review and approval by City staff. Permit applications should be submitted no earlier than 1 year and no later than 7 days prior to operation.

REQUIRED ITEMS TO BE PROVIDED WITH APPLICATION:



1. Location Set-up Diagram (8 ½" x 11") indicating location of proposed street stand/stationary food unit showing: <ul style="list-style-type: none"> • Parking lot design & driveway access • Placement of the street stand • All existing & proposed structures on the site and distance from proposed street stand • Location of tables, chairs, trash receptacles, etc. • Proposed traffic circulation pattern for ingress & egress • Generator locations and/or sources of electricity 	
2. Sanitary Sewage Treatment Plan (if applicable)	
3. Narrative fully describing the proposed use/request	
4. Recorded warranty deed or updated Assessor record verifying property owner information: <ul style="list-style-type: none"> • https://www.payettecounty.org/elected-officials/treasurer/property-tax-information • Payette County Assessor: 1130 3rd Avenue N. Payette, ID 83661 Phone: 208-642-6012 	
5. Complete list of proposed location(s)	
6. Property owner letter(s) of permission with specific dates allowed for each location	
7. Southwest District Health Inspection Certificate (If selling produce)	
8. Proof of Fire Safety Inspection (if applicable)	
9. Proof of Vehicle Insurance and Vehicle Registration: Documentation for all vehicles used by the applicant in relation to any of the activities covered through this application.	
10. Color copy of applicants valid Driver's License	
11. State of Idaho Sales Tax Number:	
12. Photo and description of vehicle/food truck/ mobile food unit being used Make: Model: Year: Plate #: Description (color, company logo, wrapped, etc.)	
13. Copy of current ISP Criminal Background Check (for self and any employees interacting with the public): <ul style="list-style-type: none"> • Name Based Background Check • https://isp.idaho.gov/bci/background-checks/ • Idaho State Police 700 S. Stratford De. STE. 120 Meridian, ID 83642 • Phone: 208-884-7130 Fax: 208-884-7193 	
14. List of Employees interacting with the public (current background checks must be provided)	
15. Nonrefundable application fee of \$60.00. No Proration.	

INCOMPLETE APPLICATIONS WILL BE RETURNED UNPROCESSED

Date of Application: _____

Applicant Name: _____ Company Name _____

Applicant's Phone Number: _____ E-mail: _____

Applicant Address: _____

Self-employed Yes No Employer: _____ Phone # _____

Employer's Address: _____ E-mail: _____

Product(s) to be sold/offered for sale: _____

Owner of goods: _____

STREET STAND MERCHANT FACILITY LOCATION(S) OF OPERATION:



DO NOT LIST LOCATIONS OF SPECIAL EVENT PARTICIPATION

Location Address	Property Owner Name, Address, Phone #	Dates of Operation	Letter from Property Owner	Location Set-up Diagram
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

LIST OF EMPLOYEES:

Applicant must list, for himself, and for each person who will be employed “onsite” and interact with members of the public at any location listed above. Copy of current **ISP Criminal Background Check must be provided:** (Use additional page if necessary)

EMPLOYEE NAME	ADDRESS	PHONE#	DOB

I have read and understand the attached city code, and certify that I will conduct my business in accordance with these standards. If I cannot meet these standards, I understand that the city will not allow my Mobile Food Unit to continue.

All facts set forth in this application are true and complete. In the event the product causes any damage to any resident of the city, I acknowledge the jurisdiction of the Idaho courts to resolve any disputes.

Applicant signature: _____ Date: _____

Applicants printed name: _____ Phone #: _____

APPROVAL SIGNATURES

REVIEWER	SIGNATURE	DATE	APPROVED	DENIED
City Clerk				
Police Chief				
Fire Inspector				
Zoning Administrator				

Denied for the following reasons: _____

Date License Granted: _____

KEEP FOR YOUR RECORDS:

STREET STAND MERCHANTS AND MOBILE FOOD UNITS

Purpose and Intent: The purpose of this section is to protect the health, safety, and welfare of the City of Fruitland and its residents. This section is intended to regulate specific activities which are commercial in nature.

Definitions: As used in this section, the following terms shall have the following meanings:

BARBECUE GRILL/RANGE: An appliance intended and approved for the commercial preparation of food using a solid fuel or gas fuel, said prepared food to be sold. Solid fuels could include wood, charcoal, or similar products. Gas fuel appliances would use propane or natural gas. Required safety precautions could include hoods, ducting, exhaust fans, grease extractors, fire extinguisher(s) and/or fire extinguishing systems or any combination thereof.

MOBILE FOOD UNIT: A vehicle, trailer or readily portable structure solely for the purpose of the preparation and sale of food and beverages. As an accessory use located on the same lot and in conjunction with an allowed use; or located on a lot independent of another use. Mobile food units shall be subject to all provisions set forth in this section.

STREET STAND MERCHANT: Any person who engages in a temporary business, not to exceed six (6) months, of selling, trading, offering for sale or trade, or displaying for the purpose of sale, trade, or giveaway any goods, wares, merchandise, produce, 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.

STREET STAND MERCHANT FACILITY: Any tangible structure including, but not limited to, a stall, booth, tent, platform, box, table, rack, pallet, trailer, cart, vehicle, container, or other form of offering, displaying, or storing goods and/or services used in conjunction with a street stand merchant. No food preparation is permitted in a street stand merchant facility.

CONDITIONS AND REGULATIONS:

Street Stand Merchant Facilities, And Mobile Food Unit Regulations: All street stand merchant, mobile food units and associated facilities shall be subject to the following conditions and regulations:

- A. No person shall engage in the temporary use of land or construct, place, or set up a street stand merchant facility, or mobile food unit, as defined herein, without first procuring a license for said use.
- B. The license shall not allow for placement of any street stand merchant facility, mobile food unit, or sign within a street, public right-of-way, vision triangle, required setback area, dedicated trash dumpster location, sidewalk, publicly owned parking lot, any park or other property owned by the city or any other public agency, 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 street stand merchant and mobile food units must be on private property, outside of any street landscape buffer areas. Street stand merchants and mobile food unit are only allowed in commercial or industrial zones.
- C. Community events such as the, Fruitland Spring Fair, Fruitland Fire Department Fund Raising Events, Fruitland Family Fun Days, Santa in the Park, Fruitland Trunk or Treat, National Night out, and any Fruitland Chamber of Commerce sponsored event, etc., will require a Special Event Permit. Any and all street stand merchant facility, or mobile food units wanting to participate is those event must apply directly with the event coordinator of said event. The City will not issue individual licenses for participation in Special Events.

- D. The written permission of and indemnification by the property owner or owners shall be required in order to operate a street stand merchant facility, or mobile food unit on property within the City.
- E. The proposed street stand merchant facility, or mobile food unit shall be commercial in nature and in conformance with the zoning codes within which it is to be located except commercial uses may be located in industrial zones.
- F. A street stand merchant facility, or mobile food unit 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 who will serve food or beverages shall first procure a permit from the Southwest District Health Department to ensure compliance with applicable health regulations.
- G. Every person who receives a street stand merchant facility, or mobile food unit license shall clean up all garbage or debris caused by his or her street stand merchant facility, or mobile food unit, and shall clean up within a twenty foot (20') radius of the facility or unit both daily and immediately upon cessation of such use. Every street stand merchant facility, and mobile food unit must include trash receptacle 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 use is being conducted. The site plan shall show the location of trash receptacles or method of trash disposal.
- H. All street stand merchant facilities, and mobile food units 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 license.
- I. No license issued or granted by the city shall in any manner be assignable or transferable or authorize any person other than the one therein named to do business or authorize any other business than is therein mentioned to be done or authorize the transaction of such business.
- J. Street stand merchant facilities, and mobile food units shall comply with the following:
 - 1. No structure shall exceed twelve feet (12') in height.
 - 2. No structure shall exceed thirty feet (30') in length.
 - 3. No structure shall exceed nine feet (9') in width.
 - 4. No street stand merchant facility, or mobile food unit shall consist of more than one cart, stall, booth, tent, platform, box, table, rack, pallet, container, trailer, recreational vehicle, motor vehicle, or any other form of offering, displaying, or storing goods and/or services, per vendor.
 - 5. No street stand merchant facility, or mobile food unit 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.
 - 6. If the street stand merchant facility, or mobile food unit 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.
 - 7. None of the businesses regulated by this section shall engage in the sale of any weapons.
- K. Anyone operating a street stand merchant facility, or mobile food unit 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.

- L. Any barbecue grill/range associated with a mobile food unit must be enclosed and permanently built into the facility or unit. A range/hood fire suppression system must be utilized, unless alternate mitigation is approved by the fire inspector. Food preparation is not allowed in a street stand merchant facility.
- M. Unsecured menu boards or sidewalk signs in public right of way, street buffer landscape areas, and vision triangle areas are prohibited. All signage must be affixed to the street stand merchant facility, or mobile food unit or located immediately adjacent to the facility or unit on private property with the permission of the property owner.
- N. Street stand merchant facilities, and mobile food units shall have a clean appearance at all times.
- O. Street stand merchant facilities, and mobile food units must at all times be parked in a legal manner. Vending operations shall be conducted only to pedestrians. Drive-thru operations shall not be permitted.
- P. Street stand merchant facilities, and mobile food units 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.
- Q. Street stand merchant facilities and mobile food units are subject to scheduled or unscheduled inspections at any time by applicable City, State or Federal agencies. Mobile food units and street stand merchants who desire to leave their licensed location as identified on the issued license and set up in a new location must notify the City Clerk's Office and Zoning Department during business hours, 48 hrs. before relocation. The licensee must provide written approval from the new location's property owner, with dates allowed, recorded warranty deed or updated county records for the subject property, and provide a site plan for the subject property. Approval of the new location must be granted prior to relocation.
- R. Street stand merchant facilities and mobile food units shall not be left vacant or not in operation for more than 7 consecutive days. Street stand merchant facilities and mobile food units must be removed from location.

Inspection and Qualifications for License:

- A. At the time of filing an original application, an adult applicant shall pay the application fee to the City Clerk's Office. The application fee for any street stand merchant use or mobile food unit shall be set by resolution of the Council. Applicant shall also bear the actual costs of necessary inspections.
- B. The applicant shall complete an application obtained from the City Clerk's Office and attach a location set up diagram, a photograph of the street stand merchant facility or mobile food unit, any other attachments deemed necessary by the City Clerk 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.
- C. The City Clerk or his/her designee shall review an application for completeness and compliance with applicable City codes and shall distribute the application to the Chief of Police for review of criminal background. The Chief of Police will then distribute the application to the Zoning Administrator to review and approve proposed locations for appropriate zoning, they will then distribute the application to the Fire Inspector for purposes of reviewing or scheduling a fire safety inspection. When the fire safety inspection has been passed, all other required attachments have been received, reviewed and

approved, and the suitability of the applicant, and each person who will be employed “on site” and interacting with members of the public at the locations of the street stand merchant facility, or mobile food unit, has been demonstrated (as set forth in subsection D. below), the City Clerk’s office shall issue a license that the applicant must display on the street stand merchant facility, or mobile food unit, so as to allow the license to be facing a public street and easily observable by the public, throughout the duration of the license’s life.

- D. To determine the suitability of prospective applicants for a license under this article, pursuant to Idaho Code section 67-3008, each applicant shall, for himself, and for each person who will be employed “on site” and interacting with members of the public at the location of the street stand merchant facility, or mobile food unit, request from the Idaho state police, bureau of criminal identification, a name based criminal background check. Provided, however, that any applicant who is under the age of eighteen (18) at the time of application, shall not be required to request said background check, but, rather, shall be subjected to a locally administered background check to be conducted by the Chief of Police. The Chief of Police shall have sole discretion to determine how often any background check shall be renewed and whether or not to grant a waiver for the background check requirements.
- E. No applicant shall be issued a license when that person, or any other person who will be employed “on site” and interacting with members of the public at the location of the street stand merchant facility, or mobile food unit:
1. Would not be of sufficient age to be considered lawfully employable under title 44, chapter 13 of the Idaho Code, or other applicable state or federal laws;
 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/or the juvenile sex offender registration notification and community right-to-know act, Idaho Code section 18-8401 et seq.;
 3. Has ever been convicted of or pled guilty to any violent felony offense, including, but not limited to, aggravated assault, aggravated battery, robbery, homicide, aggravated arson, kidnapping, stalking, rape or any felony of a sexual nature;
 4. Has been, within ten (10) years prior to the date of making application for such certificate, arrested for, charged with, convicted of, paid any fines, been placed on probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any felony, or for any misdemeanor which, if committed in the state of Idaho, would have constituted a felony;
 5. Has been, within five (5) years prior to the date of making application for such license, arrested for, charged with, convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, completed any sentence of confinement, or suffered the forfeiture of a bond for any misdemeanor, involving:
 - i. The use of force against the persons or property of another;
 - ii. The threat of force against the persons or property of another;
 - iii. Theft or larceny;
 - iv. The use, possession or sale of illicit drugs;
 - v. Possession of a concealed weapon;

- vi. Illicit sexual, lewd or obscene activity or materials, including, but not limited to, violations of Idaho Code sections 18-919, 18-1515, 18-4103 through 4105, or 18-4116;
- vii. Stalking, telephone harassment, or violations of protection orders or do not contact orders; or
- viii. Contributing to the delinquency of a minor.

If an applicant fails to qualify for a license for the sole reason that they, or any other person who will be employed “on site” and interacting with members of the public at the location of the street stand merchant facility, or mobile food unit, have been arrested for or charged with a felony or enumerated misdemeanor, and the applicant can provide proof to the satisfaction of the Chief of Police that such arrest did not result in charges or any charges filed were dismissed or resulted in acquittal, the city shall issue a license if the applicant or other person otherwise qualifies.

Prior to allowing any person to be employed “on site” and to interact with members of the public at the location of a street stand merchant facility, or mobile food unit, the applicant shall have the continuing obligation to ensure the suitability of that person has been demonstrated to the city in accordance with the requirements of this subsection and subsection D., above. Further, the applicant shall immediately notify the City Clerk and Chief of Police upon learning of any circumstances that would render him or her, or any other person employed “on site” and interacting with members of the public at the location of the street stand merchant facility, or mobile food unit, no longer suitable hereunder.

EXEMPTIONS:

The provisions of this section shall not apply to:

- A. The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- B. The occasional sale of admission by local school students to a function of their school; or fundraising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;
- C. Any political group seeking funds or membership;
- D. Youth lemonade stands;
- E. Charitable car wash;
- F. Idaho Youth Games;
- G. Any uses similar to those listed above that are approved by the City Clerk or his/her authorized designee.

EXPIRATION OF LICENSE:

All licenses issued under the provisions of this section shall expire on the date specified in the license, which shall be calculated based on the limitations set forth below:

- A. No street stand merchant facility certificate shall be issued for a period longer than 6 months.
- B. No certificate for a mobile food unit may be issued for a period longer than one (1) year.
- C. Once a street stand merchant facility or mobile food unit license has expired, the facility or unit must be removed from the property on which it operated and shall not be replaced or relocated within the City, unless a new application has been submitted and approved by city staff.

PENALTIES:

Failure to comply with the provisions of this section will result in the suspension of any license issued under this section until such time as the facility or unit in question has been brought into compliance, and an administrative fee of \$100 has been paid to the City Clerk's Office. Should the same facility or unit, including any owner and employee associated therewith, cause the unit or facility to be in violation of the provisions of this section within one (1) year of a previous suspension, said facility's or unit's license shall be revoked, and said facility or unit shall be ineligible for issuance of a new license within the City of Fruitland for a period of three hundred sixty five (365) days from the date of revocation. Should the same facility or unit be found to be in violation of the provisions of this section for a third time within three (3) years from the most recent license suspension or revocation, said facility or unit, together with its primary owner or operator, shall be guilty of a misdemeanor, punishable as set out in Fruitland City Code.