

Administrative Committee



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208-883-7015

**Monday,
July 11, 2022**

4:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item and limitations may be placed on the time allowed for comments. If you plan to address the Committee, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Please note that Committee meetings are televised, videotaped and/or recorded. Links to view the Committee meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

REGULAR AGENDA

1. **Approval of Administrative Committee May 9, 2022 Minutes (ACTION ITEM) - Taylor Riedner**
2. **Bucer's Outdoor Concert Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona**

Bucer's Coffeehouse and Pub is hosting an Outdoor Concert on Friday, August 12th, from 7 pm to 10 pm on Main Street between 1st and 2nd Streets. In addition to being the Event Sponsor, Bucer's is also the licensed beer/wine vendor for the event. The event has been reviewed and approved by staff as of May 20, 2022. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Bucer's Outdoor Concert is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12, a draft resolution has been prepared for the Council's consideration.

PROPOSED ACTIONS: Recommend approval of the Resolution allowing for the temporary suspension of the open container law within the event footprint of Bucer's Outdoor Concert for the duration of the event; or provide staff with further direction.

3. **Deutchman Portable Collection Proposal (ACTION ITEM) - Megan Cherry**

Phil and Sandra Deutchman, professors emeriti at UI and WSU, respectively, have offered two works from their collection to be included in the City of Moscow Portable Collection. These include *Origins*, a 70" x 48" work made by Sandra Deutchman in 1992. This acrylic on canvas painting is valued at \$5500 and would need to be located in a permanent and secure display location. A location has been identified inside the Finance Department that would not only be secure, but would also be highly accessible for public viewing. The second artwork is by George Wray, longtime friend of the Deutchmans as well as prolific artist and University of Idaho professor. This untitled work is a 12" x 12" neon piece that, as with Deutchman's painting, would need to be installed in a relatively permanent location. Its value is around \$1000. Following discussion and a vote by a majority of MAC members to recommend acceptance of the donation, the Legal Department created a draft agreement for review by City Council. Both artworks will be photographed, installed, and insured pending Council approval.

PROPOSED ACTIONS: Recommend approval of the donation to the Portable Collection, or provide staff with further direction.

4. Proposed Day Care Code Amendments (ACTION ITEM) - Katie Short

In 2019, the City was approached by several daycare providers who expressed concerns regarding the availability of daycare services within the City and requested that the City review the City's daycare regulations to assess if any modifications could be made to increase daycare capacity and access. The City began the review in late 2019 and into 2020 but the onset of the pandemic delayed progress. City Staff have now completed the review and are proposing several amendments to the City's daycare regulations for the Council's consideration. The amendments include revisions to definitions and terms to be more consistent with State Code; revisions to the criminal disqualifying offenses provisions to remove several minor offenses from disqualifying persons from obtaining a daycare provider license; amendments to the child-provider ratio to increase daycare capacity (the City's ratios remain more restrictive than the State of Idaho's); and revision to the religious vaccination exemption to match State standards. Staff from the Police, Community Development, and Legal Departments participated in this process. Two public input sessions were held to accept comments regarding the proposed changes from daycare providers, parents, and the public. The proposed ordinance is now before the Council for consideration.

PROPOSED ACTIONS: Recommend approval of the proposed Ordinance to the City Council; or provide staff with further direction.

5. Proposed Amendments to Taxi Cab Licensing Requirements (ACTION ITEM) - Anthony Dahlinger

During a recent review of the City's Taxicab regulations, it was identified that amendments were warranted to update the regulations to reflect current processes and standards. The proposed changes include revision of the issuing office from the City Clerk to the Police Department which currently issues taxi licenses; amending the City's insurance requirements to be consistent with that which is required in Pullman; and updating the criminal offense disqualifications to reference the specific sections of State law rather than the current list of offenses. The proposed ordinance is now before the Council for consideration.

PROPOSED ACTIONS: Recommend approval of the proposed Ordinance; or provide staff with further direction.

REPORTS

Staff Report (if needed)

ADJOURN

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday
May 9, 2022

4:00 PM

Council Chambers
206 E. Third St.

The meeting was called to order at 4:30 p.m.

PRESENT: Hailey Lewis, Julia Parker, Anne Zabala

OTHERS: Mayor Art Bettge

STAFF: Bill Belknap, Mia Bautista, David Schott, Jen Pfiffner, Megan Cherry, Taylor Riedner

REGULAR AGENDA

1. Approval of Administrative Committee February 14, 2022 Minutes (ACTION ITEM) - Laurie M. Hopkins

The minutes were approved as presented.

2. Camp Moscowanna Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona

The Moscow Chamber of Commerce + Visitor Center is hosting Camp Moscowanna on Saturday, June 4th, from 4 pm to 8 pm on Main Street between 3rd and 6th Streets. This summer camp-themed event is designed to evoke the nostalgia of family-friendly gatherings and features: corn-hole, a children's fishing hole, sing-a-long log, relay race, scavenger hunt, live music, up to ten local food vendors, and up to nine beer/wine vendors. The event has been reviewed and approved by staff as of April 13, 2022. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Camp Moscowanna is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12, a draft resolution has been prepared for the Council's consideration.

PROPOSED ACTIONS: Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of Camp Moscowanna for the duration of the event; or provide staff with further direction.

Pfiffner introduced the item as written above. The first bay in the Jackson Street parking lot will have extra restrooms. Sam Martinet, Chamber of Commerce Executive Director said this is the third event of a series of themed block parties. Winterfest was a larger footprint but she will be monitoring how many vendors register and will reduce the footprint to 3rd and 5th should vendors be minimal. There are more tickets available than there were for Winterfest. Because of this, event planners felt more restrooms should be added. There was some confusion as to where the alcohol boundary was in regards to the downtown restrooms. Therefore, the first bay and the area of the downtown restroom were added to the footprint of the event. The Committee recommended approval and that it be placed on the Council consent agenda.

3. Idaho Commission on the Arts ARPA Grant (ACTION ITEM) - Megan Cherry

The Idaho Commission on the Arts (ICA) announced an American Rescue Plan Act (ARPA): Relief for Arts Nonprofits grant opportunity on April 22, 2022, with a deadline of May 9, 2022. This opportunity is for a one-time, non-matching grant available to arts organizations throughout Idaho. Grant funding for this program originates from federal ARPA funds, with award amounts based upon a formula similar to the ICA's annual Public Programs in the Arts grant. Staff anticipates up to \$8000 in funds awarded through this program. If received, the revenue would offset existing full-time personnel costs. Due to

the short time between the announcement and the deadline for applications, the Arts Department submitted an application on behalf of the City of Moscow Arts Department on May 4, 2022, and is seeking ratification of that application.

PROPOSED ACTIONS: Recommend ratification of the ICA ARPA grant funds application made May 4, 2022, or provide staff further direction.

Cherry introduced the item as written above. Zabala would have liked to see the grant go towards arts programming. Belknap said operation budgets are appropriations for that fiscal year and if not expended, would go into the unanticipated fund balance and rolled over to the next budget year. Cherry added there are certain requirements for the expense of the grant funds. The personnel option was the simplest reporting. The Committee recommended approval and that it be placed on the Council consent agenda.

4. Rendezvous in the Park Beer and Wine Garden Request (ACTION ITEM) - David Schott

Rendezvous in Moscow, Inc. is requesting City Council approve a Resolution allowing them to have a beer garden provided by a licensed vendor in East City Park for Rendezvous in the Park 2022 between the hours of 3:00 p.m. and 10:00 p.m. local time from July 13, 2022, through July 17, 2022. The event is open to the public, and there have been no issues related to this request since the first beer and wine garden was approved. The location of the beer garden has changed this year. The beer and wine garden in 2022 will be on the east side of East City Park. Security will be provided by Allied Universal Security Services again this year. The Chief of Police has reviewed the request and the safety requirements addressed in the Resolution and had no issue with the request.

PROPOSED ACTIONS: Recommend approval of the Resolution authorizing the beer and wine garden request for Rendezvous in the Park 2022; or provide staff with further direction.

Lewis disclosed she is an active member of the Rendezvous board and would be abstaining from the conversation. Schott introduced the item as written above and said there have not been any issues in the past. Having no questions, the Committee recommended approval and that it be placed on the Council consent agenda.

REPORTS

Staff Report (if needed)

No report.

ADJOURN

The meeting closed at 4:11 p.m.

COMMITTEE STAFF REPORT

DATE: Monday, July 11, 2022



RESPONSIBLE STAFF

Amanda Argona, Community Events Manager

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

Jen Pfiffner, Deputy City Supervisor - Recreation, Culture and Employee Services

AGENDA ITEM TITLE

Bucer's Outdoor Concert Alcohol Use Request in Entertainment District (ACTION ITEM) - Amanda Argona

DESCRIPTION

Bucer's Coffeehouse and Pub is hosting an Outdoor Concert on Friday, August 12th, from 7 pm to 10 pm on Main Street between 1st and 2nd Streets. In addition to being the Event Sponsor, Bucer's is also the licensed beer/wine vendor for the event. The event has been reviewed and approved by staff as of May 20, 2022. Following standard operating procedures for events with alcohol that are within the Entertainment District boundaries, Bucer's Outdoor Concert is requesting a temporary suspension of the open container law by resolution. Per Moscow City Code, Section 10-1-12, a draft resolution has been prepared for the Council's consideration.

STAFF RECOMMENDATION

Recommend approval of the resolution allowing for the temporary suspension of the open container law within the event footprint of Bucer's Outdoor Concert for the duration of the event; or provide staff with further direction.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the Resolution allowing for the temporary suspension of the open container law within the event footprint of Bucer's Outdoor Concert for the duration of the event; or provide staff with further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution_Beer-Wine_The Entertainment District_Bucer's Outdoor Concert_final

RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ALLOW FOR THE TEMPORARY VENDING OF BEER AND/OR WINE AND EXEMPTION TO THE OPEN CONTAINER PROHIBITION IN THE ENTERTAINMENT DISTRICT UNDER SPECIFIC REGULATIONS AND UNDER CERTAIN LIMITED CONDITIONS PURSUANT TO MOSCOW CITY CODE 10-1-12; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Moscow City Code 9-6-35 and 9-8-17 prohibit any person from selling, serving, giving away, dispensing, consuming or carrying any beer or wine in open containers on or in any public street, highway, alley, lane, sidewalk, public or private parking lot, conveyance, or primary and secondary school facility in the City of Moscow, Idaho (hereinafter “City”) except in accordance with specific regulations adopted by the Council by Resolution; and

WHEREAS, The Entertainment District is defined in Moscow City Code 10-1-12 as an exemption to the Open Containers Prohibition (hereinafter “The Entertainment District”); and

WHEREAS, Bucer’s (hereinafter “the Event Sponsor”) desires to have its sponsored event, Bucer’s Outdoor Concert (hereinafter “the Permitted Event”), in The Entertainment District (see Attachment “A”); and

WHEREAS, the Permitted Event (see Attachment “B”) is an event sponsored by the Event Sponsor, intended to promote family and community fellowship; and

WHEREAS, Council wishes to allow for the vending and responsible consumption of beer and/or wine under certain conditions, contained herein and during limited hours during the Permitted Event; and

WHEREAS, Council wishes to prohibit the sale and/or consumption of liquor during the Permitted Event; and

WHEREAS, Council believes the regulations contained herein are appropriate; and

WHEREAS, Council believes that the specific regulations contained herein balance health and safety concerns of citizens with the desire to promote responsible use of alcoholic beverages; and

WHEREAS, nothing contained in this Resolution is intended to waive other laws and regulations applicable to the sale and consumption of alcohol within City limits (including a requirement for a catering permit; a beer and wine permit for benevolent, charitable and public purpose events; or a winery sponsored event permit); and

WHEREAS, nothing contained within this Resolution is intended to endorse or support any particular belief, philosophy, or political position of the Event Sponsor or of the Permitted Event, and/or its affiliates, associations, contributors, supporters, participants, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow, Idaho as follows:

SPECIFIC REGULATIONS ON THE SALE AND/OR CONSUMPTION OF BEER AND/OR WINE DURING AUGUST 12, 2022:

Intent:

This Resolution is intended to allow the sale and consumption of beer and wine only (not liquor), pursuant to these specific regulations and is not intended to amend or expand the Moscow City Code or any other applicable law or regulation beyond the scope of the particulars of this Resolution or beyond the hours of the Permitted Event. Other than as specifically provided herein, park, sanitary, health, litter, police, fire, sidewalk café, alcohol vending, and other laws and regulations shall be unaffected by this Resolution. This Resolution is not a waiver of any State, County, or local requirement of a permit or licensure related to sales and/or distribution of alcohol including a requirement for a catering permit; a beer and wine permit for benevolent, charitable and public purpose events; or a winery sponsored event permit. This Resolution shall not establish precedent nor shall it apply to any event other than the Permitted Event held on the 12th day of August, 2022, from 7:00 p.m. to 10:00 p.m.

Liability, Insurance and Safety:

1. No less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell beer and/or wine, the Event Sponsor shall deliver to the Community Events Division one (1) copy of written proof that the licensed vendor(s) has current, paid up, off-premise liquor liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits. City shall be named as an additional insured on the insurance policy of the licensed vendor
2. No less than ten (10) days prior to the first activity of the Permitted Event herein described, the Event Sponsor shall deliver to the Community Events Division one (1) copy of written proof that the Permitted Event has obtained current, paid up, general liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits. Such general liability insurance or special event insurance policy shall be primary to any other insurance related to these events and to that of any potential party subject to a claim related to the Permitted Event.
3. The Moscow Police Chief or designee is hereby empowered to order the immediate cessation of all activities allowed under this Resolution at any time he/she reasonably determines that it is in the best interest of City to do so. There shall be no appeal from a determination by the Moscow Police Chief or his designee to terminate all or part of the Permitted Event.

Vendor:

1. The Event Sponsor shall be the only one (1) licensed vendor selling beer and/or wine at the Permitted Event.
2. The Event Sponsor, as the licensed vendor, shall obtain and shall comply with all alcohol related laws and regulations, including, but not limited to, the City requirement of a City catering permit; a State beer and wine permit for benevolent, charitable, or public purpose events; or a winery sponsored event permit.
3. The name, address, telephone number, alcohol license permit number of the Event Sponsor, as the licensed vendor, and proof of insurance covering the vendor's activities (as required herein)

shall be provided to the Community Events Division no less than ten (10) days prior to the Permitted Event at which such licensed vendor shall sell beer and/or wine.

4. The City shall play no role in determining which vendor shall be selected to sell alcoholic beverages during the Permitted Event, unless it is a City sponsored event.
5. The Event Sponsor shall provide at least two (2) persons to check proper identification for those who shall be sold beer and/or wine during the Permitted Event. These persons shall be clearly identified and shall be stationed no less than ten feet (10') from the vendor's sales or dispensing counter where they shall issue one (1) wristband per individual twenty-one (21) years of age or older.
6. The Event Sponsor shall provide at least two (2) law enforcement officers or two (2) guards from a recognized private security firm to provide security for the Permitted Event. Such officers or guards shall be clearly identified as such and shall be on duty at all times beer and/or wine is being served during the Permitted Event. The Event Sponsor shall have sole discretion on who will provide security at the Permitted Event and shall be responsible for all payment and costs associated with such security services.
7. The Event Sponsor and City both specifically understand and acknowledge that the Event Sponsor shall be solely responsible for any and all liability resulting from action or inaction, and/or negligence, and/or gross negligence by security provided by the Event Sponsor for the Permitted Event.

Sales and Consumption:

1. No less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell beer and/or wine, the Event Sponsor shall deliver to the Community Events Division a finalized site map which shall be drawn to show the location, dimension of, and relative distance between the following within The Entertainment District: (a) the beer and/or wine sales area; and (b) the boundaries where the beer and/or wine shall be consumed. Said site design and any subsequent alterations shall be approved in writing by Moscow Deputy City Supervisor – Recreation, Culture, and Employee Services or his/her designee, and by the Moscow Chief of Police prior to the Permitted Event.
2. All beer and/or wine sales and dispensing shall take place within the area designated by the Event Sponsor and as shown on the site map required by this Resolution.
3. The Event Sponsor shall include an identification checking station and its general location on Event Site Map. Identification checking station shall include a minimum of two (2) persons to check proper identification. These persons shall be clearly identified and be responsible for the issuance of wristbands denoting attendees are of legal drinking age.
4. No person shall be allowed to purchase beer and/or wine other than within the area designated for beer and/or wine sales and dispensing as shown on the map required by this Resolution and only persons with a designated wristband shall be allowed to purchase and possess beer and/or wine.
5. All beer and/or wine shall be dispensed in and consumed from the designated Event container. Such container shall be a readily identifiable container not more than sixteen ounces (16 oz.) in size which shall not bear a logo for an alcoholic beverage.
6. Every occupant within The Entertainment District shall provide identification to law enforcement officers or City employees at any point in time or location when requested to do so.
7. No person under twenty-one (21) years of age shall be allowed to wear the designated wristband at any time during the Permitted Event.

8. A sign shall be prominently posted at or near the area designated for beer and/or wine sales and dispensing stating that service to persons under twenty-one (21) years of age is prohibited.
9. Beer and/or wine shall be sold only within the designated area in The Entertainment District only between the hours of 7:00 p.m. and 10:00 p.m. local time on the 12th day of August, 2022, during the Permitted Event.
10. Beer and/or wine shall be consumed only within The Entertainment District between the hours of 7:00 p.m. and 10:00 p.m. local time on the 12th day of August, 2022, during the Permitted Event.
11. No person shall carry or consume any alcoholic beverage within The Entertainment District which is not purchased or dispensed from the licensed vendor at the Permitted Event. Consumption of alcohol outside of The Entertainment District, in any public street, highway, alley, lane, sidewalk, public or private parking lot, conveyance, or primary and secondary school facility in the City of Moscow, shall be considered a violation of the City's open container ordinance.

Fee:

The Event Sponsor shall submit to the Community Events Division, within ten (10) days of the event, the required fee established by Council that is associated with this Resolution.

Failure To Comply:

Failure to comply with this Resolution shall expose any such person to all relevant civil and criminal consequences and may result in denial of subsequent applications for alcohol permits in public parks for a period of no less than five (5) years.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Hailey Lewis	_____	_____	_____	_____
Gina Taruscio	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Maureen Laflin	_____	_____	_____	_____
Anne Zabala	_____	_____	_____	_____
Julia Parker	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor of the City of Moscow, Idaho this ____ day of _____, 2022.

Arthur D. Bettge, Mayor

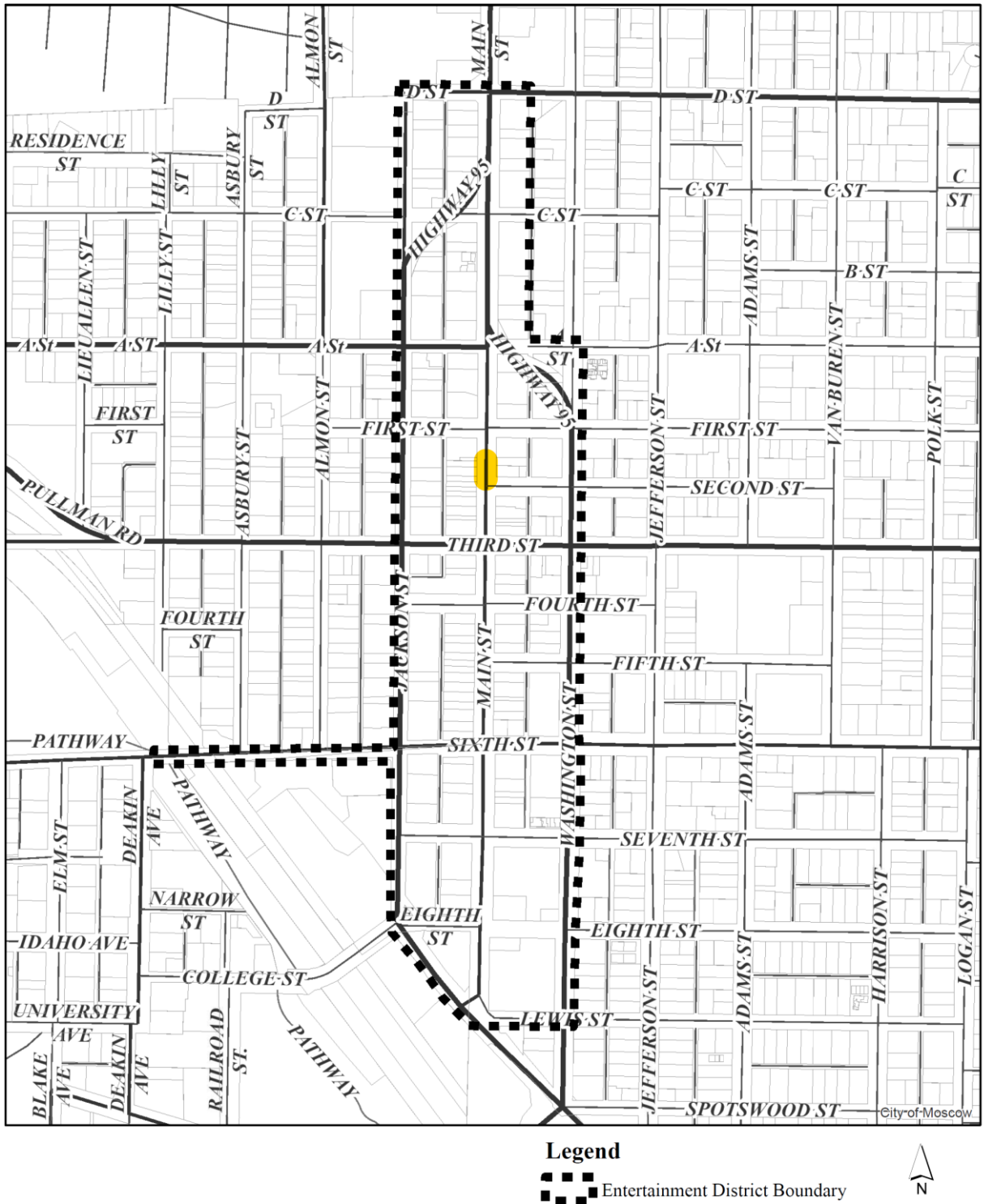
CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of a Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, 2022 and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

DRAFT

Attachment A

Exhibit 'A' - Entertainment District Boundary



Attachment B

	CITY OF MOSCOW	PERMIT NUMBER: <u>CE2022-14</u>
	206 E. THIRD	EVENT DATE: <u>Friday, August 12, 2022</u>
	MOSCOW, ID 83843	EVENT TIME: <u>7 – 10 pm</u>
	208-883-7000	
THIS IS TO CERTIFY THAT		
Pat Greenfield Bucer's LLC 201 S. Main Street Moscow, ID 83843		
IS HEREBY GRANTED A CITY OF MOSCOW COMMUNITY EVENT PERMIT FOR THE LOCATION NAMED BELOW WITHIN THE CORPORATE LIMITS OF THE CITY OF MOSCOW, IN CONFORMITY WITH THE PROVISIONS OF CHAPTER 17, TITLE 10 OF THE MOSCOW CITY CODE.		
PERMIT TYPE: <u>Community Event with Alcohol</u>		
PERMIT LOCATION: <u>Main Street between 2nd Street and Zion's Bank drive thru/1st Street</u>		
I, _____, CERTIFY UNDER PENALTY OF PERJURY PURSUANT TO THE LAWS OF THE STATE OF IDAHO, THAT THE FOREGOING IS TRUE AND CORRECT. I AGREE TO ALL THE TERMS AND CONDITIONS OF MOSCOW CITY CODE TITLE 10, CHAPTER 17 PARADE; PUBLIC ASSEMBLY AND RESOLUTION 2015-05 POLICY AND PROCEDURES FOR RIGHT-OF-WAY PERMITS. DAMAGE TO ANY PUBLIC IMPROVEMENTS ARE THE RESPONSIBILITY OF THE PERMIT HOLDER.		
ISSUED THIS _____ DAY OF _____, 2022		
_____ (SIGNATURE OF LICENSEE)		_____ (SIGNATURE OF STAFF)
_____ DATE		_____ DATE

City of Moscow Community Events Division
EVENT APPLICATION



Thank you for your interest in organizing/sponsoring an Event in the City of Moscow!
Events by local citizens add to the cultural wealth of our town and may range from fun runs to political marches, neighborhood block parties to street fairs.

Submit completed forms electronically or physically to the Community Events office:
communityevents@ci.moscow.id.us or 206 E. Third Street, Suite 300, Moscow. All applications must be legible.

The City reserves the right to request additional information reasonably necessary to a fair determination as to issuance of a permit. Permits are issued on a first-come, first-served basis. According to Moscow City Code Title 10 Section 17-4, event applications for regular or recurring events must be submitted at least sixty (60) days and not more than one hundred eighty (180) days before the proposed date of the event. Event applications for single, non-recurring events must be submitted at least ten (10) days and not more than one hundred eighty (180) days before the proposed date of the event.

Events with alcohol are to be submitted at least two (2) months prior to the event date to allow for adequate review and presentation to Administrative Committee and City Council. Administrative Committee meets on the 2nd and 4th Monday of each month and City Council meets on the 1st and 3rd Monday of each month pending no holiday delays or rescheduling of meetings.

1. Name of Event: Bucer's Community Street Concert
2. Event Date(s): August 12
3. Event Location: In front of 201 S. Main Street (Bucer's)
4. Are you requesting a street closure for Event? Yes ☒ No ☐

If yes, provide street closure location(s). List cross streets, intersections, building addresses, etc. Include these details on your site map (see item 27.)
In front of Bucer's

5. Do you require parking restrictions for the Event? Yes ☒ No ☐

If yes, list parking restrictions (i.e. no parking on day of event, parking restricted to a particular area, etc.).
No Parking in front of Bucer's and directly opposite.

6. Street Closure set-up/Load-in time: 4:30 pm Event(s) Start time: 7:00 pm
7. Event(s) End time: 10:00 pm Street Closure take-down/Load-out time: 11:00 pm
8. Is this a recurring Event (i.e. every 1st Thurs. or every Sat. May thru Oct.)? Yes ☐ No ☒
9. Is this an annual Event? Yes ☐ No ☒
10. Are you planning on having refreshments and/or food? Yes ☒ No ☐

EVENT APPLICATION – LAST UPDATED AUGUST 11, 2021

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City of Moscow Community Events Division
EVENT APPLICATION



If yes, describe your waste and recycling plan. Applicants are responsible for removing all waste from their event footprint and disposing of properly, including emptying permanent trash receptacles in the downtown area. Dumpsters located downtown are for private use.

Using Bucer's trashcan and we have our own dumpsters to empty into.

11. Are you planning on serving alcohol/having alcohol available for purchase at the Event?

Yes ☒ (continue to Q.12)

No ☐ (skip to Q.14)

**All events with alcohol are required to have a Catering Permit.
This process is to be handled by your licensed alcohol Vendor.**

Catering Permit applications are to be submitted to the City Clerk/Deputy City Clerk for approval.

12. Is the Event taking place in the public right-of-way (i.e. sidewalks, streets, etc.) within the City of Moscow Entertainment District? The Entertainment District allows for a temporary suspension of the Open Container law by Resolution of the City Council. See page 6 for a map of the Entertainment District.

Yes ☒ (continue to Q.13)

No ☐ (skip to item B.)

13. Are the Event organizers interested in pursuing a temporary suspension of the Open Container law by City Council Resolution?

Yes ☒ (see item A.)

No ☐ (skip to item B.)

A. Event organizers pursuing a temporary suspension by City Council Resolution of the Open Container law for their Event within the public right-of-way of the Entertainment District boundaries must satisfy the following conditions with their Event listed below, in addition to any requirements detailed in the Moscow City Code, as set forth by City Council Resolution, and/or Catering Permit:

- ☐ Include an identification checking station and its general location on Event Site Map. Identification checking station shall include a minimum of two (2) persons to check proper identification. These persons shall be clearly identified and be responsible for the issuance of wristbands denoting attendees are of legal drinking age.
- ☐ Submit the Alcohol Use Application and \$100 non-refundable fee upon approval of Event.
- ☐ Be present at City of Moscow Administrative Committee and City Council meetings regarding authorization of alcohol at Event by Resolution.
- ☐ Post signage and waste receptacles at Event entry and exit points. Signage to clearly state "No Alcohol Permitted Beyond this Area". Additional requirements may be mandated by City Council Resolution.

City of Moscow Community Events Division
EVENT APPLICATION



B. Event organizers requesting for alcohol use for their Event that takes place in the public right-of-way **NOT within the Entertainment District boundaries must satisfy the following conditions with their Event, in addition to following any requirements set forth by Resolution and/or Catering Permit. This option is also available to Event organizers who are **NOT** pursuing a temporary suspension by City Council Resolution of the Open Container law:**

- ☐ Include the location and estimated size of the beer garden on Event Site Map. Please note: barricades required for beer gardens are 8' in length.
- ☐ Complete and submit a Barrier Use Contract with this application.
- ☐ Submit the Alcohol Use Application and \$100 non-refundable fee upon approval of Event.
- ☐ Be present at City of Moscow Administrative Committee and City Council meetings regarding authorization of alcohol at Event by Resolution.

Upon approval from Council, remaining Event fees will be due, and applicant's vendor(s) are required to submit a Catering Permit application to the City Clerk/Deputy City Clerk. Any additional required paperwork outlined by the City Council Resolution and/or this process will also be due upon approval.

14. Are you planning on having a band or music? Yes ☒ No ☐

If yes, describe below any recording equipment, sound amplification equipment, etc. Submit a completed **Noise Exemption Permit Request** with this Event application.

15. Approximate number of persons, animals, and/or vehicles comprising the Event, the type(s) of animals and description of vehicles, and approximate number of participants and spectators in viewing attendance:
Not sure. Few hundred pedestrians 100-300 people

16. Do you plan on having banners, signs, or other attention-getting devices in the Event? Yes ☐ No ☒

17. Do you plan on using any designated public facilities or infrastructure for the Event? Yes ☐ No ☒
If yes, list public facilities or infrastructure (i.e. public restrooms, picnic shelters, stages, etc.).

City of Moscow Community Events Division
EVENT APPLICATION



18. Are you requesting additional City Police services for escort services, traffic, and/or crowd control?
Yes ☐ No ☒

If yes, contact City of Moscow Police Department at 208-883-7059 to discuss and see attached Fee Schedule.

19. Please use this area to include more detail or attach additional pages for additional information about Event that is pertinent for us to know.

20. Organization Sponsoring Event: Bucer's LLC
21. Organization Address: 201 S. Main Street
22. Organization Officers/Authorized Representatives: Pat Greenfield
23. Individual Responsible for Event Organization: Pat Greenfield
24. Individual's Address: 208 E. 2nd Street
25. Individual's Day, Message, or Cell Phone Number: 208-596-0887
26. Individual's E-mail: Bucerscoffeepub@aol.com
27. City reserves the right to alter your route if the City determines the proposed route will require significant City services and/or severely limit transit opportunities in high traffic areas. Applicant understands and agrees that the City is reserving that right? If answers no, application may be denied. Yes ☒ No ☐
28. **Submit a Site Map with this application.** Event Applications without a Site Map will not be processed. Details on a Site Map may include but are not limited to locations of desired street closures, walking routes, assembly points, start and finish points, locations of food and beverage vendors, stages, service areas, etc. A blank map of downtown Moscow is available on page 7.
29. **Residential Neighborhood Block Parties:** Provide Proof of Insurance (Requirement may be waived at Discretion of City)
30. **All other Event Types (except Public Assembly):** Provide Proof of Insurance (Required – Certificate of Insurance must include the City of Moscow as an Additional Insured and list \$500,000 as the minimum amount of general liability or \$1,000,000 if alcohol is included.)

City of Moscow Community Events Division
EVENT APPLICATION



HOLD HARMLESS AGREEMENT:

The applicant/group/organization (hereinafter "SPONSOR"), through its duly and specifically authorized agents, hereby releases City of Moscow, Idaho (hereinafter "CITY") and agrees, contracts and covenants not to bring suit and agrees to defend, hold harmless, and indemnify CITY, its officers, employees, agents and representatives from any and all claims, costs, judgments, awards, or liability to any person, including claims by SPONSOR's own agents, officers, employees and representatives, to which SPONSOR might otherwise be immune, arising from the Community Event, Block Party, Public Assembly, Parade or Sidewalk Walking Parade scheduled to occur as indicated on this application (hereinafter "Event"), including any Street Closure permitted under the terms of CITY's Policy on Street Closure. No SPONSOR shall be required to indemnify or hold harmless CITY for claims, actions and demands that arise out of CITY's sole negligence. Inspection, review and/or acceptance by CITY of any activity performed by or during the Event, or any activity or non-activity by CITY Police officers or other officers, employees, agents or representatives of CITY, shall not be grounds for avoidance of any of the covenants of defense, indemnification or hold harmless by SPONSOR on behalf of CITY.

SPONSOR acknowledges that he/she has read and understands the current Idaho Governor's Idaho Rebounds Plan which includes any existing Stay Healthy Order and/or Guidelines and has read the protocols for social/physical distancing, use of face masks/face coverings, and sanitation requirements and guidelines. SPONSOR agrees to comply with the Governor's Order and/or Guidelines and ensure that all participants will comply with the Order and/or Guidelines. SPONSOR acknowledges any and all City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event. SPONSOR agrees to comply with any and all City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event and ensure that all participants comply with the City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event. SPONSOR agrees that if CITY determines she/he and/or any participant is not in compliance with the Governor's Orders and Guidelines and/or is not in compliance with City of Moscow Public Health Directives and/or Regulations in effect at the time of the Event, CITY reserves the right to revoke the Event permit.

I, SPONSOR, certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct and that I have the authority to bind the group or organization, if applicable, to this Agreement.

NAME: Pat Greenfield

DATE: 4/25/2022

EVENT SPONSOR ELECTRONIC SIGNATURE:



By checking this box as an electronic signature, **I agree to all the terms and conditions** that apply to the Community Event /Residential Neighborhood Block Party/Public Assembly/Street Parade/Sidewalk/Pathway Event, Permitting Process, and Hold Harmless Agreement. **I certify under penalty of perjury pursuant to the law of the State of Idaho that everything in the application is true and correct and that I have authority to bind the group or organization, if applicable, to this Agreement.**

EVENT SPONSOR NON-ELECTRONIC SIGNATURE:

(Required only if printing and submitting in person)

*The information on this form is Public Record and may be posted to a public website.
Moscow City Code Title 10, Chapter 17 is available from the City Clerk at PO Box 9203, Moscow, ID, 83843, or on the City's web page at <https://www.ci.moscow.id.us/393/City-Code>.*

FOR OFFICE USE ONLY

☐ Community Event without alcohol	☒ Community Event with alcohol	☐ Street Parade Event
☐ Sidewalk/Pathway Event (fun runs, trail runs, walk-a-thons)	☐ Public Assembly – no fee (march, picket, rally, demonstration, etc.)	☐ Residential Neighborhood Block Party Event
Date App Rec'd: <u>5/4/2022</u>	Fees Due: <u>\$264</u>	Fees Paid: _____

70 dB
56-108

NOISE EXEMPTION PERMIT REQUEST

Moscow City Code 10-11-2

(Please allow at least three business days in which to process this request)

Requested Event Date(s): Aug. 12/22 Begin time: _____ End time: _____

Event Location: Front of Bucers (street closure)

Amplified Music (DJ, party, etc.) ☒ No ☐ Yes

Alcoholic Beverages Available ☐ No ☒ Yes - Purchaser: BUCER'S

Live Band Performing ☐ No ☒ Yes - Group: COLBY ACUFF BAND

Describe the event: Musical performance - concert

Name of requesting person/Group/Organization: PAT GREENFIELD / BUCER'S

Person responsible for Group or Organization: "

Requesting Person's Address: 208 E. 2nd, MOSCOW ID

Phone Number: 208 596 0887

Email Address: Bucerscoffee pub@aol.com

Responsible person available **AT AND DURING** this event: PAT Greenfield

Cell- or contact-phone during event: 208 596 0887

Your signature is unconditional acceptance of all terms and conditions. This permit may be modified or revoked by City at any time if permit conditions are violated. Read the following carefully:

The applicant/group/organization hereby agrees to indemnify and hold harmless City of Moscow, Idaho from all claims, actions and demands of any kind whatsoever related to and/or arising out of the activity(ies) specified in this application and does hereby accept all risk and responsibility for any damage(s) stemming from such activity. Every Applicant requesting a noise Exemption Permit shall cooperate with law enforcement by adjusting the noise level in the event of any citizen complaint(s). In the event of non-compliance, law enforcement may revoke this permit. No applicant/group/organization shall be required to indemnify or hold harmless City of Moscow, Idaho for claims, actions and demands that arise out of City's sole negligence.

Requesting Person's Signature: _____

Date: _____

☒ APPROVED

☐ DENIED

Date permit valid: 08/12/2022

Hours permit valid: 7pm-9pm

Noise level (dba) shall not exceed 85 Dba

at ☒ source or ☐ property line

Other Conditions: _____

James Fry Jr.
James Fry Police Chief or Designee (208) 883-7054



Street Closure sign



Event footprint



No Alcohol sign



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/10/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Liberty Mutual Insurance PO Box 188065 Fairfield, OH 45018	CONTACT NAME: PHONE (A/C, No, Ext): 800-962-7132 FAX (A/C, No): 800-845-3666 E-MAIL ADDRESS: BusinessService@LibertyMutual.com
INSURED Bucer's LLC 201 S Main St Moscow ID 83843	INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 24082

COVERAGES

CERTIFICATE NUMBER: 68168620

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	☒	BKS57544211	10/14/2021	10/14/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$15,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY		BKS57544211	10/14/2021	10/14/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☒ N	N/A			PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability		BKS57544211	10/14/2021	10/14/2022	Each Common Cause \$1,000,000 Aggregate \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Moscow is an Additional Insured if required by written contract or written agreement subject to General Liability Blanket Additional Insured Provision. This Policy is Primary and we will not ask for contribution of the Policy issued to the Additional Insured.
Waiver of Subrogation Applies.
Re Event: Community Streets Concert on Main Street between 1st and 2nd from 4:30-11:00 pm on August 12, 2022

CERTIFICATE HOLDER

The City of Moscow
206 E Third St
Moscow ID 83843

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Christina Carter

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ACORD 25 (2016/03)

The ACORD name and logo are registered marks of ACORD

68168620 | 57544211 | 21-22 GL AU OT | Christina Carter | 5/10/2022 5:16:59 PM (EDT) | Page 1 of 1

Friday, August 12th, 2022. 7-10pm.

Date(s)/Time(s)

EVENT(S) APPROVED/DENIED

☒ ☐

Approve Deny

Officers available? ☐ Yes ☐ No ☒ N/A

☒ ☐

Approve Deny

☒ ☐

Approve Deny

○ ○

Approve Deny

☒ ☐

Approve Deny

☒ ☐

Approve Deny

ITD permit required? ☐ Yes* ☒ No ☐ N/A

Time of street closure?	4:30 pm	11:00 pm
	Start	End

Street Fees: \$124.00

City Clerk/Deputy City Clerk

City of Moscow Community Events Division
ALCOHOL USE APPLICATION



Required for Events requesting Alcohol Use in the Moscow Downtown Central Business Zoning District or a Moscow Parks Facility.

City Council has the right to deny this application, but applicants may still move forward with their approved Event without alcohol.

Timeline for requesting Alcohol Use:

1. At least two months prior to Event, applicant submits Event Application or Parks Reservation for review.
2. Upon approval of Application or Reservation, applicant submits:
 - a. Alcohol Use application
 - b. Pays \$100 non-refundable Alcohol Use fee
 - c. Name(s) of licensed alcohol provider(s)
 - d. Events in a Moscow Park Facility also include:
 - i. Location of the beer/wine garden during the event with size dimensions, entry and exit points, and serving location. Provide as much detail as possible.
3. Staff drafts a Resolution according to the Event and communicates with applicant on security and insurance requirements.
4. Applicant must be present at Administrative Committee meeting (meetings are held on the 2nd and 4th Mondays of each month pending no holiday delays).
5. Applicant must be present at City Council meeting (meetings are held on the 1st and 3rd of each month pending no holiday delays).
6. Upon approval, applicant pays any remaining fees.

Event Name: Street Concert **Event Date(s):** Aug 12, 2022

Event Location: In front of Bucer's 201 S. Main

Event Start time: 7:30 pm **Event End time:** 10 pm

Individual responsible per Event Application/Parks Reservation: Pat Greenfield

By signing this Alcohol Use application, applicant understands that their Event may not have alcohol unless approved by City Council, and that City Council has the right to deny Alcohol Use applications. Applicant also understands that the \$100 fee is non-refundable regardless of the decision issued by City Council.

Signature of Individual responsible for Event **Date**

Date Received: 5/25/2022 Date non-refundable fee paid: 5/25/2022

COMMITTEE STAFF REPORT

DATE: Monday, July 11, 2022



RESPONSIBLE STAFF

Megan Cherry, Arts Program Manager

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Deutchman Portable Collection Proposal (ACTION ITEM) - Megan Cherry

DESCRIPTION

Phil and Sandra Deutchman, professors emeriti at UI and WSU, respectively, have offered two works from their collection to be included in the City of Moscow Portable Collection. These include *Origins*, a 70" x 48" work made by Sandra Deutchman in 1992. This acrylic on canvas painting is valued at \$5500 and would need to be located in a permanent and secure display location. A location has been identified inside the Finance Department that would not only be secure, but would also be highly accessible for public viewing. The second artwork is by George Wray, longtime friend of the Deutchmans as well as prolific artist and University of Idaho professor. This untitled work is a 12" x 12" neon piece that, as with Deutchman's painting, would need to be installed in a relatively permanent location. Its value is around \$1000. Following discussion and a vote by a majority of MAC members to recommend acceptance of the donation, the Legal Department created a draft agreement for review by City Council. Both artworks will be photographed, installed, and insured pending Council approval.

STAFF RECOMMENDATION

Recommend approval of the donation to the Portable Collection, provide staff further direction, or take such other action deemed appropriate.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the donation to the Portable Collection, provide staff further direction, or provide staff with further direction.

FISCAL IMPACT

The fiscal impact of accepting this donation will be minimal.

PERSONNEL IMPACT

The personnel impact includes facilitating photography, inventory, and insurance updates as well as installation and related signage.

ATTACHMENTS

1. 2022_Portable Collection_Gifted Art_Wray and Deutchman; from Sandra Deutchman_final
2. Wray, George_Untitled
3. Deutchman, Sandra_Origins_1992
4. Deutchman, Sandra_Origins Site Mock-up_Before
5. Deutchman, Sandra_Origins Site Mock-up_After

**GIFTED ART AGREEMENT
BETWEEN CITY OF MOSCOW, IDAHO and
SANDRA DEUTCHMAN, GEORGE WRAY, AND KALLY THURMAN**

THIS GIFTED ART AGREEMENT BETWEEN CITY OF MOSCOW, IDAHO and SANDRA DEUTCHMAN, GEORGE WRAY, AND KALLY THURMAN (hereinafter “Agreement”) is made between City Of Moscow, Idaho, a municipal corporation of the State of Idaho, 206 East Third Street, Moscow, Idaho, 83843 (hereinafter “CITY”), and Sandra Deutchman, 1282 Goodpasture Island Road #209, Eugene, Oregon 97401 (hereinafter “DONOR”) and George Wray, 200 Good Samaritan Lane, Moscow, Idaho 83843 (hereinafter “ARTIST”) and Kally Thurman, 620 Wellington Place, Hope, Idaho 83836 (hereinafter “AGENT”).

WHEREAS, CITY was gifted two artworks from DONOR; and

WHEREAS, the artwork entitled “Origins,” an acrylic painting on canvas, was created by DONOR and the second untitled artwork made with neon, glass, and electrical components was created by ARTIST (hereinafter “Artworks”); and

WHEREAS, the donations were facilitated by AGENT;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. DONATION: CITY was gifted, and accepts the donation of two Artworks from DONOR, images of which are attached hereto as Exhibit “A”. ARTIST’s untitled Artwork is already in possession of CITY and DONOR shall grant possession of “Origins” by June 20, 2022.
2. RIGHT TO USE IMAGES: The Parties agree that CITY, with receipt of the gifted Artworks from DONOR, acquires the right to use the Artworks and their images, without any compensation to DONOR, ARTIST, or AGENT including any portion of an image. The use of Artworks may include, but is not limited to, electronic and print promotion of CITY-sponsored programs, communications, and functions. Images of Artworks may be provided to other entities, such as newspapers or other publishers, for inclusion in print advertisements. CITY will grant credit to ARTIST and DONOR as specified on the face of this Agreement in any labels or publications. ARTIST warrants that he has all rights to the neon Artwork and that the Artwork is not subject to any ownership, lien, encumbrance, copyright infringement or other claim by any other person or entity. DONOR warrants that she has all rights to the “Origins” Artwork and that the Artwork is not subject to any ownership, lien, encumbrance, copyright infringement or other claim by any other person or entity. DONOR, ARTIST, and AGENT agree that they shall not take any action to limit or affect this warranty during the term of this Agreement unless they individually or in unity obtain the advance written agreement of CITY.
3. DEACCESSION: CITY plans on displaying both Artworks, but should City determine deaccession would be appropriate at a later date, such deaccession from collection shall proceed pursuant to the provisions of Public Art Guidelines Section VII. D., adopted by Moscow City Council in 2021 or any subsequently adopted similar policy.

4. NON-DESTRUCTION: CITY shall not permit any intentional destruction, damage, or modification of the Artworks.
6. INDEMNIFICATION: DONOR, ARTIST, and AGENT agree to defend, hold harmless and indemnify CITY, its officers, agents, representatives and employees from and against any and all loss of or damage to property or property interest and from any and all claims, costs, damages, lawsuits, causes of action, judgments, suits or proceedings of any kind brought against said Parties for or as a result of any matter arising out of DONOR's gift of Artworks to CITY.
7. ENTIRE AGREEMENT: This Agreement and the exhibits hereto, if any, contain the entire Agreement between the Parties, and supersedes any and all other agreements and understandings, oral or written, whether prior to or contemporaneous with this Agreement. This Agreement and all rights herein may not be assigned without written consent of the other Parties. Any changes to this Agreement will be in writing, signed by both Parties.
8. ATTORNEY FEES: Attorney fees shall be awarded to the prevailing Party in any action to enforce this Agreement or to declare forfeiture or termination.
9. JURISDICTION AND VENUE: It is agreed that this Agreement shall be construed under and governed by the laws of the State of Idaho. In the event of litigation concerning it, it is agreed that proper venue shall be the District Court of the Second Judicial District of the State of Idaho, in and for the County of Latah.
10. COMMUNICATION BETWEEN PARTIES: CITY, DONOR, ARTIST, and AGENT hereby designate their authorized representatives to act on their behalf with respect to the services and responsibilities under this Agreement. In the event any changes are made to the authorized representatives or other information listed below, the Parties agree to furnish each other timely, written notice of such changes.

The following designated representatives are authorized to make decisions regarding this Agreement on behalf of their respective Parties.

DONOR: Sandra Deutchman
1282 Goodpasture Island Rd. #209
Eugene, OR 97401
deutchman.sandra@gmail.com

CITY: Arts Program Manager
PO Box 9203
Moscow, ID 83843

ARTIST: George Wray
200 Samaritan Lane
Moscow ID 83843
gtwray@frontier.com

AGENT: Kally Thurman
620 Wellington Pl.
Hope, ID 83836
kallythurman@gmail.com

DONOR, ARTIST, and AGENT agree that they (1) have read the foregoing Agreement, understands it and agree with its contents and conditions; (2) either have had an opportunity to speak with legal counsel or opted not to seek legal counsel prior to signing this Agreement; and

(3) understand that the terms of this Agreement are contractually and legally binding and that no verbal statement to the contrary, by any person, can void or alter the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date indicated above.

DONOR:

I, Sandra Deutchman, certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct.

Sandra Deutchman

ARTIST:

I, George Wray, certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct.

George Wray

AGENT:

I, Kally Thurman, certify under penalty of perjury pursuant to the law of the State of Idaho, that the foregoing is true and correct.

Kally Thurman

CITY

Megan Cherry, Arts Program Manager

Attachment A



"Origins" by Sandra Deutchman



Neon Artwork by George Wray





Existing Artwork



Proposed Artwork



COMMITTEE STAFF REPORT

DATE: Monday, July 11, 2022



RESPONSIBLE STAFF

Anthony Dahlinger

ADDITIONAL PRESENTER(S)

Katie Short, Mia Bautista, City Attorney

OTHER RESOURCES

AGENDA ITEM TITLE

Proposed Day Care Code Amendments (ACTION ITEM) - Katie Short

DESCRIPTION

In 2019, the City was approached by several daycare providers who expressed concerns regarding the availability of daycare services within the City and requested that the City review the City's daycare regulations to assess if any modifications could be made to increase daycare capacity and access. The City began the review in late 2019 and into 2020 but the onset of the pandemic delayed progress. City Staff have now completed the review and are proposing several amendments to the City's daycare regulations for the Council's consideration. The amendments include revisions to definitions and terms to be more consistent with State Code; revisions to the criminal disqualifying offenses provisions to remove several minor offenses from disqualifying persons from obtaining a daycare provider license; amendments to the child-provider ratio to increase daycare capacity (the City's ratios remain more restrictive than the State of Idaho's); and revision to the religious vaccination exemption to match State standards. Staff from the Police, Community Development, and Legal Departments participated in this process. Two public input sessions were held to accept comments regarding the proposed changes from daycare providers, parents, and the public. The proposed ordinance is now before the Council for consideration.

STAFF RECOMMENDATION

Recommend approval of the proposed Ordinance to the City Council.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the proposed Ordinance to the City Council; or provide staff with further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Ordinance 2022 - Amending Title 9 Chapter 10 Day Care_DRAFT_5-18-22

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 9, CHAPTER 10, RELATING TO DAY CARE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho Code Title 39, Chapter 11 establishes minimum standards for the protection of children in daycare facilities; and

WHEREAS, the City has authority to adopt an ordinance for regulation and/or licensing of daycare services, the City's Ordinance requirements must be at least as stringent as the requirements detailed under Title 39, Chapter 11 (I.C. 39-1108); and

WHEREAS, on December 3, 1984, the Mayor and City Council enacted Ordinance 84-25, providing for the regulation of the operation and maintenance of child care facilities; and

WHEREAS, the Mayor and City Council have revised the Day Care Regulations from time to time, including through Ordinances 2000-08, 2005-06, 2009-25, 2010-05, 2010-13, 2011-06; and

WHEREAS, City staff has received a request from Day Care providers to amend the City Code to amend the child to staff ratios which would allow one more child to staff per age group and to revise the disqualifying offenses; and

WHEREAS, the amendments herein are designed to comply with Idaho State Code; and

WHEREAS, City Council believes it to be in the best interest of the community to continue to provide a City licensure provision of Day Care within City limits, and believes these changes improve the Day Care Licensing requirements and continue to address the safety concerns for children within the City; and

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

SECTION 1: All matters stated above are found to be true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following sections of this Ordinance.

SECTION 2: That Moscow City Code Title 9, Chapter 10 be amended as follows:

MOSCOW DAY CARE ORDINANCE

Sec. 10-1: Short Title

Sec. 10-2: Purpose
Sec. 10-3: Definitions
Sec. 10-4: License ~~or Registration~~ Required
Sec. 10-5: Application Required
Sec. 10-6: ~~Temporary Licenses~~ [Repealed]
Sec. 10-7: Investigation. Background Check Required
Sec. 10-8: Denial, Suspension, Revocation of License
Sec. 10-9: Issuance of License
Sec. 10-10: Fee
Sec. 10-11: Day Care Facility License Renewal
Sec. 10-12: Day Care Provider License Renewal
Sec. 10-13. License Revocation and Duty to Notify of Ineligibility
Sec. 10-14: Notice
Sec. 10-15: Appeals
Sec. 10-16: Insurance and Liability; Prepayment
Sec. 10-17: Health Requirements
Sec. 10-18: Inspection
Sec. 10-19: Standards
Sec. 10-20: Child-Staff Ratios
Sec. 10-21: No City Liability Created
Sec. 10-22: Penalties and Additional Fees

Sec. 10-1. Short Title.

This Chapter shall be known as the Moscow Day Care Ordinance.
(Ord. 2010-05, 03/01/2010)

Sec. 10-2. Purpose.

It is hereby declared to be the purpose of this Ordinance to establish a minimum City-wide system for the protection of children receiving Day Care services. This system is intended to establish minimum standards while still leaving primary responsibility for evaluation and selection of Day Care services with parents. Every ~~person and/or facility providing~~ Day Care Facility, as defined by this Chapter, is encouraged-required to become licensed. An additional purpose of this Ordinance is to exercise the authority granted to the City to adopt an ordinance for regulation and/or licensing of Day Care services at least as stringent as the requirements of the basic Day Care license in Idaho Code Title 39, Chapter 11. The City hereby exercises the authority granted by the State to the City to require a limited criminal history background check at least as extensive as that required by Idaho Code Title 39, Chapter 11 and to establish procedures for issuing licenses to Day Care Facilities which shall be maintained and operated in conformity with the standard authorized in this Chapter. Nothing in this Chapter shall be construed to limit or restrict the teaching of religious doctrines, values, or tenets in a Facility licensed under the provisions of this Chapter.

(Ord. 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011)

Sec. 10-3. Definitions.

For the purposes of this Chapter, the following terms, phrases, words and derivations shall have the meaning given herein. When consistent with the context, words used in the present tense

include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. *Applicant.* A Person who submits to the City an application for a license or the renewal of a license ~~individually or in behalf of a corporation, partnership or association~~ to provide, conduct, operate, maintain, or be employed at a Day Care Facility under this Chapter.
- B. *Child.* ~~An individual who is under the age of~~ A person less than eighteen-thirteen (1813) years of age, including an individual who is related by blood, adoption or who is otherwise the charge of any individual providing Day Care. The age of a child shall be determined by their date of birth.
- C. *Day Care.* ~~Direct~~C-care and supervision ~~of children~~ provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, marriage or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. ~~For purposes of this Chapter, Day Care shall not include any arrangement for the care of Related children; however, a Day Care License shall be required pursuant to this Chapter where the total number of children who are not Related and who are provided direct care and supervision in a home or Facility exceeds five (5) children.~~
- D. *Day Care Facility.* A place or facility providing daycare services for compensation to seven (7) or more children not related to the provider. Any business, place of business, home, residence, or establishment which provides Day Care. This definition includes any Premises, location, play area, playground, organization, institution, partnership, public school, private school, home, residence, dwelling, group home, foster home, place or facility whether such business or concern calls itself a mini school, kindergarten, nursery, preschool, club, cooperative, mother's day out, after school program, all day kindergarten program, a kindergarten plus program, learning center or any other business whose activity is the same or substantially similar to a Day Care operation or concern. The definition of Day Care Facility shall not include:
 - 1. Any institution, school or facility operated by or under the direction of the State of Idaho by any agency or political subdivision of the State of Idaho or by any other public body or public entity, ~~except for an after school program or the like.~~
 - 2. Any preschool, elementary, junior high, or high school licensed and designated as such by the State of Idaho, ~~except for an after school program or the like.~~
 - 3. Any medical or hospital facility operated pursuant to license issued by the State of Idaho.
 - 4. Any day camp, summer camp, sports camp, or similar program designed primarily for children to attend, as long as such camp or program does not exceed a total of twelve (12) weeks during a calendar year, or not more often than once a week.
 - 5. The occasional care of a neighbor's, relative's, or friend's child or children by a person not ordinarily in the business of providing Day Care.
 - 6. The operation of a private school, ~~or religious school,~~ or religious kindergarten for educational purposes for children ~~over four~~five (54) years of age and older ~~or a religious kindergarten.~~
 - 7. The provision of Day Care exclusively for children of parents who are simultaneously in the same building as such children.
 - 8. A family day care home.
 - 9. The provision of care for children of a family within the second degree of relationship.

- E. There shall be ~~four~~three classifications of Day Care Facility:
1. ~~Family Day Care Facility. A Day Care Facility providing Day Care for five (5) or fewer children;~~
 2. *Group Day Care Facility.* A Day Care Facility providing Day Care for ~~six~~seven (67) to twelve (12) children;
 3. *Small Day Care Facility.* A Day Care Facility providing Day Care for thirteen (13) to twenty (20) children; and
 4. *Large Day Care Facility.* A Day Care Facility providing Day Care for twenty-one (21) or more children.
- F. *Day Care Poster.* An informational sign provided by the City for prominent display in every licensed Day Care Facility.
- G. *Director.* An adult who has primary responsibility for the day-to-day operations and/or management of a Day Care Facility.
- ~~H.~~ *Employee.* Any person working for compensation in a facility that provides day care.
- ~~HI.~~ *Family Day Care Home.* A home, place or facility providing day care for six or fewer children.
- ~~J.~~ *Licensee.* A Person who holds a current and valid license issued by the City for operation of a Day Care Facility.
- ~~IK.~~ *Owner.* Any Person with a financial or proprietary interest of any kind in a Day Care Facility.
- ~~JL.~~ *Person.* Any individual, group of individuals, association, firm, partnership or corporation.
- ~~KM.~~ *Premises.* A structure, facility, yard, play area, or any part of a structure, facility, yard, or play area where any Day Care is provided.
- ~~LN.~~ *Preschool.* A place of structured instruction for school age children and where such place is not operated by or under the direction of the State of Idaho by any agency or political subdivision of the State of Idaho or by any other public body or public entity where learning and knowledge is imparted to children in preparation for public and/or private education (whether or not meals are served and/or a sleeping area is provided).
- ~~O.~~ *Provider.* A person who meets the qualifications contained in this chapter to provide unsupervised care of children at an approved Day Care Facility.
- ~~P.~~ *Ratio.* The number of staff required to supervise a certain number of children.
- ~~MP.~~ *Related.* A niece, nephew, first generation cousin, grandchild, brother, sister, half-brother, half-sister, step-brother, step-sister, son, daughter, step-son, step-daughter, who is related either by blood, adoption, or marriage to the Day Care provider or pursuant to a legal guardianship.
- ~~Q.~~ *Regularly on the Premises.* Individuals thirteen (13) years of age or older who are on the premise of a Day Care Facility and have access to the children for twelve (12) hours or more in any one (1) month period.
- ~~NR.~~ *Registered Day Care Provider.* A Family Day Care Facility providing Day Care to four (4) or five (5) children that complies with all requirements to operate a “family day care home”, as defined in Title 39, Chapter 11 of the Idaho Code, or any person working in such Facility. *School Age.* All persons resident of the state, between the ages of five (5) and twenty-one (21) years. The age of five (5) years shall be attained when the fifth anniversary of birth occurs on or before the first day of September of the school year in which the child is to enroll in kindergarten.
- ~~OS.~~ *Staff.* Every individual who provides Day Care at a Day Care Facility; every employee or other individual who has unsupervised direct contact with children who attend a Day Care

Facility; and every individual providing Day Care for more than twelve (12) hours in any one (1) month period (whether or not such individual is directly supervised or receives compensation).

- PT.** *Volunteer.* Every individual who provides service in a Day Care Facility (whether or not directly supervised) no more than twelve (12) hours in any one (1) month period and without any express or implied promise of compensation.

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011; 2012-20, 09/17/2012)

Sec. 10-4. License ~~or~~ Registration Required.

- A. No Person shall maintain, operate, or permit to be operated within the City, any Day Care Facility, as herein defined unless a current and valid Day Care Facility license ~~or certificate of registration~~ has been issued by the City as provided herein.
- B. No Person shall maintain, operate, or permit to be maintained or operated, a Day Care Facility on Premises under such Person's control unless all necessary licenses ~~and/or registration~~ for such operation shall have been so obtained and remain in effect.
- C. Every Person who provides Day Care at a licensed Day Care Facility, other than a directly supervised Volunteer as defined in this Chapter, shall apply for a license within five (5) business days of the first day of employment at such licensed Day Care Facility. A Volunteer who intends to provide unsupervised Day Care shall be licensed. Any individual who provides Day Care for more than twelve (12) hours in any one (1) month period with or without any express or implied promise of compensation shall be licensed. Daycare providers must be fourteen years of age (14) or older to obtain a City of Moscow Provider's License and count in the child-to-provider ratios; however, providers aged fourteen (14) to eightenseventeen (187) years of age may not provide unsupervised care for children in the facility, and must be supervised by an adult. An adult is defined as being eighteen (18) years of age and older.
- D. Every owner, director, office staff member, staff, or other Day Care Facility employee who provides unsupervised Day Care shall be licensed ~~or registered~~. No unlicensed Day Care provider, including a Volunteer or temporarily licensed Day Care provider or employee, ~~or licensed provider under the age of eighteen (18)~~, shall provide unsupervised Day Care on any occasion, including indoors, outdoors, rest periods, field trips, and the like.
- ~~E. A Registered Day Care Provider shall not be required to be licensed by the City but shall be required to demonstrate qualification as a Registered Day Care provider to the City by annual completion of a registration form approved by the City Clerk. No Registered Day Care provider who fails to demonstrate compliance with the requirements of a "family day care home", as defined in Title 39, Chapter 11 of the Idaho Code, shall provide Day Care within the City. No Registered Day Care provider shall provide Day Care where such Facility or person would be disqualified from being licensed.~~

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2012-20, 09/17/2012)

Sec. 10-5. Application Required.

- A. 1. Applicant: Every Applicant ~~for seeking~~ a license under this Chapter shall complete a form provided by the City, which shall include all information, releases and authorizations necessary to provide a complete criminal history background check as set forth herein. Information to be provided to City for a Day Care Facility license shall include, but may not

be limited to, a current list of all Owners, Director, Staff, and all individuals thirteen (13) years of age or older who will have unsupervised direct contact with children or are regularly on the Premises of a day care facility residing at the Premises. In addition, an Applicant for a Day Care Facility license must designate one Person as Director, if applicable. Failure to provide the necessary information, releases or authorizations shall be grounds to deny a license or application. An Applicant may provide Day Care at more than one (1) Licensed Day Care Facility as long as all locations where Day Care services are to be provided by such Applicant are identified and meet the requirements provided herein.

2. Corporation. When the Applicant for such a license is a corporation, such corporation must be authorized to do business in the State of Idaho. The application shall be made by the Director of the Premises and such application shall contain all information required of an individual Applicant as provided herein. Such license to a corporation shall be revoked upon a change of Director. A new application and license shall be required before a Director other than the Director designated in the original application shall provide services at such Premises. After investigation as required herein and upon change of Director, the City may issue a license for an interim period of not to exceed sixty (60) days during which time the corporation shall make the new application for license, naming therein the new Director of the Premises.

3. Partnership: When the Applicant for such a license is a partnership, each active partner in the partnership shall join in the application for such license and shall furnish all of the information and recommendations required of an individual Applicant as provided herein, and shall be subject to the same provisions for revocation and reapplication upon a change of Director as provided in the case of corporation Applicants above.

4. Association: When the Applicant for such a license is an unincorporated association, the application shall be made by the officers of the association and Director of the Premises and shall contain all information required of an individual Applicant as provided herein, and shall be subject to the same provisions for revocation and reapplication upon a change of Director as provided in the case of corporation Applicants above.

B. Additional Information May Be Required.

Upon application submission, if additional information is required by the City in order to complete the application or to clarify or explain an ambiguity, the applicant shall submit such information within thirty (30) days of original application date or change in circumstances. Failure to comply shall require applicant to submit a new application and fee.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-13, 07/06/2010)

Sec. 10-6. Temporary Licenses. [Repealed]

~~A. In order to facilitate the provision of Day Care during the Day Care license application process, a temporary license may be granted to an applicant by the City. Such temporary license may be granted for not more than sixty (60) days from the first date of application. Issuance of such temporary license shall be at the City's sole discretion.~~

~~B. A permanent Day Care license shall only be granted following training, CPR/First Aid Certification, successful background check and compliance with all other provisions of this Chapter.~~

~~C. At least one (1) person who has a permanentis licensed shall remain on the licensed Premises with any temporarily licensed Day Care Provider.~~

(Ord. 2005-06, 02/07/2005)

Sec. 10-7. Investigation. Background Check Required.

Before any ~~permanent~~ license shall be issued under this Chapter, the City shall complete an investigation of every Applicant, Licensee, Owner, Director, Staff, and individual thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly residing at on the Premises of a day care facility, and an inspection of the Premises, except as otherwise provided. The purpose of the investigation is to determine whether the Applicant, ~~or~~ Licensee, Owner, Director, Staff, individuals thirteen (13) years of age or older, and the Premises fully comply with all pertinent ordinances and regulations of the City; to ensure that the Day Care Facility does not create a nuisance or danger to the public; and to require a criminal history background check for first-time applicants and license renewal applicants at least as stringent as that required by Idaho Code Title 39, Chapter 11.

The City shall perform a background check on every Applicant, Licensee, Owner, Director, Staff, and individual thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly residing at on the Premises of a day care facility; ~~however, where Day Care is provided in the home of a child or a child's legal guardian, a background check for such child's parent(s), legal guardian(s) or Related children, shall not be required.~~

~~New fingerprints are required every five (5) years.~~

Background checks and crime information requests made to the FBI shall be conducted pursuant to the authorizations provided in Idaho Code Section 56-1004A, and any other applicable law. Where possible and required herein, a background check on an individual under eighteen (18) years of age shall include a check of the juvenile justice records of adjudication of the magistrate division of the district court, county probation services, and department of health and welfare records in all jurisdictions in which such individual has lived since the age of twelve (12), as authorized by the minor and his or her parent or guardian. ~~Background checks and crime information requests made to the FBI shall be conducted pursuant to applicable law, including but not limited to, Idaho Code Section 56-1004A, as amended. The limited criminal history check shall include, but shall not be limited to, the statewide criminal identification bureau; the FBI criminal history; and the statewide child abuse registry for first time applicants and shall include, but shall not be limited to, the statewide criminal identification bureau; and the statewide child abuse registry for license renewal applicants.~~

A. Requirements. To determine the suitability of prospective Day Care Applicant, Licensee, Owner, Director, Staff, and individual thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly residing at on the Premises, the Moscow City Police Department or designee ~~and/or City Clerk for the City of Moscow~~ shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police (ISP) and the Federal Bureau of Investigation (FBI). Pursuant to Idaho Code Section 67-3008, and congressional enactment Public Law 92-544, the Moscow City Police Department and/or City Clerk for the City of Moscow shall submit the required fees and a set of fingerprints obtained from the applicant, to the ISP, Bureau of Criminal Identification, for a criminal records' check of State and National databases per Public Law 92-544. The submission of fingerprints and information required by this Section shall be on forms prescribed by the ISP. The City Moscow Police Department and/or City Clerk for the City of Moscow is authorized to receive criminal history information from the ISP and from the FBI for the purpose of evaluating the fitness of applicants for Applicant, Licensee, Owner, Director, Staff, and individual thirteen (13) years

of age or older who have unsupervised direct contact with children or are regularly residing at-on the Premises. As required by State and Federal law, further dissemination or other use of the criminal history information is prohibited. The applicant authorizes the use of FBI records for the screening process.

B. Background Check Guidelines. All background checks require a complete set of fingerprints; a signed statement that contains the applicant's name, address, and date of birth appearing on a valid identification document issued by a governmental entity, as well as furnishing if such applicant has or has not been convicted of a crime, and the particulars and description of the same. New fingerprints are required every five (5) years.

(Ord. 2001-18; 09/17/2001; 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010 13, 07/06/2010; 2011-06, 06/20/2011; 2019 06, 07/01/2019)

Sec. 10-8. Denial, Suspension, Revocation of License.

No Day Care license shall be issued, and a license may be denied, suspended or revoked:

A. Where Applicant, Licensee, Owner, Director, Staff, individual thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly residing at-on the Premises, managing agent of a corporation, or active partner of a partnership -has:

1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any offense involving neglect or any physical injury to or other abuse of a child, any of the following crimes enumerated crimes in Idaho Code 39-1113(2), I.C. 18-4116 Indecent Exposure, or any substantially similar provision of foreign criminal violation in another jurisdiction, notwithstanding the form of judgment(s):

- a. Felony injury of a child, section 18-1501, Idaho Code.
- b. The sexual abuse of a child under sixteen years of age, section 18-1506, Idaho Code.
- c. The ritualized abuse of a child under eighteen years of age, section 18-1506A, Idaho Code.
- d. The sexual exploitation of a child, section 18-1507 or 18-1507A, Idaho Code.
- e. Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.
- f. Lewd conduct with a child under the age of sixteen years, section 18-1508, Idaho Code.
- g. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- h. Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
- i. Assault with intent to murder, section 18-4015, Idaho Code.
- j. Voluntary manslaughter, section 18-4006, Idaho Code.
- k. Rape, section 18-6101 or 18-6108, Idaho Code.
- l. Incest, section 18-6602, Idaho Code.
- m. Foreible sexual penetration by use of foreign object, section 18-6608, Idaho Code.
- n. Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.
- o. Aggravated, first degree, second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.
- p. Crimes against nature, section 18-6605, Idaho Code.
- q. Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
- r. Mayhem, section 18-5001, Idaho Code.
- s. Poisoning, section 18-4014 or 18-5501, Idaho Code.
- t. Possession of sexually exploitative material, section 18-1507A, Idaho Code.
- u. Robbery, section 18-6501, Idaho Code.
- v. Stalking in the first degree, section 18-7905, Idaho Code.

- ~~w. Video voyeurism, section 18-6609, Idaho Code.~~
 - ~~x. Enticing of children, section 18-1509 or 18-1509A, Idaho Code.~~
 - ~~y. Inducing individuals under eighteen years of age into prostitution, section 18-5609, Idaho Code.~~
 - ~~z. Inducing Person under eighteen years of age to patronize a prostitute, section 18-5611, Idaho Code.~~
 - ~~aa. Any felony punishable by death or life imprisonment.~~
 - ~~bb. Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.~~
42. Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:
- a. Such Person has been released from, and is no longer under, any form of treatment in relation to such classification, and
 - b. Such Person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the Person is no longer mentally ill and presents no threat or danger to any Child. Such examination shall not be at City expense.
53. Had his or her parental rights restricted or terminated by a Child protection action under Idaho Code, Section 16-1601 et seq., or Child custody termination action under Idaho Code, Section 16-2001 et seq.
64. ~~A~~Where a registered sex offender resides on the Premises where Day Care services are provided.
- B. Where Applicant, Licensee, Owner, Director, Staff, individual thirteen (13) years of age or older ~~who have unsupervised direct contact with children or are regularly residing at on~~ the Premises, managing agent of a corporation, or active partner of a partnership has ~~b:~~ Been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the ~~crimes enumerated in I.C. 39-1113(3), the~~ following enumerated crimes, or any substantially similar provision ~~of foreign criminal violation in another jurisdiction,~~ notwithstanding the form of judgment(s) ~~for any offense involving neglect or any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction,~~ for a period of five (5) years immediately preceding the date of application for license or renewal:
- ~~1. Aggravated assault, section 18-905, Idaho Code.~~
 - ~~2. Aggravated battery, section 18-907(1), Idaho Code.~~
 - ~~3. Burglary, section 18-1401, Idaho Code.~~
 - ~~4. Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.~~
 - ~~5. Forgery of a financial transaction card, section 18-3123, Idaho Code.~~
 - ~~6. Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.~~
 - ~~7. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.~~
 - ~~8. Misappropriation of personal identifying information, section 18-3126, Idaho Code.~~
 - ~~9. Insurance fraud, section 41-293, Idaho Code.~~
 - ~~10. Damage to or destruction of insured property, section 41-294, Idaho Code.~~
 - ~~11. Public assistance fraud, section 56-227, Idaho Code.~~
 - ~~12. Provider fraud, section 56-227A, Idaho Code.~~
 - ~~13. Attempted strangulation, section 18-923, Idaho Code.~~
 - ~~14. Misdemeanor injury to a child, section 18-1501(2), Idaho Code.~~

- ~~15. Felony domestic violence, section 18-918, Idaho Code.~~
16. Any felony violation (~~felony or misdemeanor~~) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code. An individual must have pled guilty, been found guilty or received a withheld judgment to be denied under any misdemeanor violation of the Uniform Controlled Substance Act Chapter 27, Title 37, Idaho Code.
- ~~172. Grand theft, section 18-2407(1), Idaho Code.~~
- ~~18. The provision of Day Care exclusively for a child or children related to the person providing care, except as subject to the requirements of the Idaho Child Care Program for persons receiving benefits thereunder.~~
- ~~193. Disseminating obscene material to minors, as defined in sections 18-1513 through 18-1515, Idaho Code.~~
- ~~204. Arson, as defined in sections 18-801 through 18-803, Idaho Code.~~
- ~~21. Transporting a minor in a motor vehicle while under the influence, section 18-1501(3), Idaho Code.~~
- ~~225. Driving under the influence of alcohol, drugs, or other intoxicating substances, section 18-8004, Idaho Code.~~
- ~~203. Excessive alcohol concentration, section 18-8004C, Idaho Code.~~
- ~~246. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, section 18-8006, Idaho Code.~~
- ~~257. Reckless driving, section 49-1401(1), Idaho Code.~~
- ~~26. Persons under the age of twenty one (21) not allowed to purchase, attempt to purchase, or otherwise consume or possess any alcoholic beverage, section 23-604, Idaho Code.~~
- ~~27. Persons under the age of twenty one (21) not allowed to purchase, attempt to purchase, possess, serve, dispense, or consume beer, wine or other alcoholic liquor, section 23-949, Idaho Code.~~
- ~~28. Violation of City open container law. Moscow City Code Title 10, Chapter 1, Section 12.~~
- ~~298. Any felony as defined by Idaho Code, Section 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.~~
- ~~309. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.~~
- ~~3110. Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.~~
- C. For any Premise, unless all applicable codes, and other pertinent provisions of all City ordinances, including health requirements herein, as far as can be determined, are being complied with.
- D. For any Applicant, Licensee, Owner, Director, Staff, or individual thirteen (13) years of age or older presiding who have unsupervised direct contact with children or are regularly -at-on the Premises, where there is evidence demonstrating to the City that health or safety problems exist or are probable. No Applicant, Licensee, Owner, Director, Staff, or individual who have unsupervised direct contact with children or are regularly presiding-at-on the Premises shall be qualified to receive a license under this Chapter for a period of no less than one (1) year from the date of the health and/or safety problems which resulted in denial, ~~or~~ revocation, or suspension of a license under this Chapter.

- E. For any Applicant, Licensee, Owner, Director, Staff, or individual who have unsupervised direct contact with children or are regularly presiding at on the Premises, who has supplied false or misleading information, failed or refused to disclose any information required on the application form, or refused to authorize the police investigation required herein. No Applicant, Licensee, Owner, Director, Staff, or individual who have unsupervised direct contact with children or are regularly presiding at on the Premises shall be able to apply to receive a license under this Chapter for a period of less than six (6) months from the date of the denial, suspension, or revocation of the license under this Subsection.
- F. For any Applicant, Licensee, Owner, Director, Staff, or individual who have unsupervised direct contact with children or are regularly presiding at on the Premises, who has violated any of the provisions of this Chapter during licensure other than Subsection A of the “Denial of License” Section of this Chapter. No Applicant, Licensee, Owner, Director, Staff, or individual who have unsupervised direct contact with children or are regularly presiding at on the Premises shall be qualified to receive a license under this Chapter for a period of less than six (6) months from the date of the denial, ~~or suspension, or~~ revocation of the license under this Subsection.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-05, 03/01/2010; 2010-13, 07/06/2010; 2011-06, 06/20/2011)

Sec. 10-9. Issuance of License.

- A. Upon receipt of an application presented in due form to the Clerk-Moscow Police Department which shows that such Applicant possesses all of the qualifications and none of the disqualifications herein and meets all of the requirements of this Code, the City shall issue such license to the Applicant. A Day Care Facility license shall be issued for an initial term to expire March 1 of the following year.
- B. All licenses shall be in such form as the City may prescribe and shall contain the name, address, place of business, and date of expiration of such license and shall be authenticated by the signature of the Clerk, Deputy City Clerk, Building Official or Designee. The Day Care Facility license shall be posted in a conspicuous place at the Day Care Facility. A Day Care Poster shall also be posted in a conspicuous place within all licensed Day Care Facilities.
- C. The names of all Staff and all individuals thirteen (13) years of age or older who have unsupervised direct contact with children or are regularly residing at on the Premises shall be provided to the office of the Clerk-Moscow Police Department within five (5) days of their initial hire date and/or establishment of residence. Fingerprints shall be provided to the Moscow Police Department for each such staff member and ~~or~~ people who have unsupervised direct contact with children or are regularly resident on the premises.

(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009)

Sec. 10-10. Fee.

Fee to be paid upon issuance or renewal of any license issued pursuant to this Chapter shall be set from time to time by resolution duly passed and adopted by the Council.

(Ord. 2005-06, 02/07/2005)

Sec. 10-11. Day Care Facility License Renewal.

Any Day Care Facility license issued by the City may be renewed for an additional one (1) year upon the same terms and subject to the same application and requirements as provided herein.

In order to be eligible for renewal, the applicant for a Day Care Facility license shall present a completed application accompanied by the renewal fee at least thirty (30) days prior to license expiration. Whenever the Licensee desires to effect a change or addition of Premises or to renew the license, the Licensee shall notify the Clerk-Moscow Police Department or designee and make application for a license in the same manner as in the first application, except that investigation provided for in the "Investigation" Section of this Chapter may be waived by the City where the Licensee provides an affidavit not less than thirty (30) days prior to the change or addition of Premises or expiration of the license asserting compliance to all requirements herein with the application for renewal. Inspection of a new Premise shall not be waived. No license issued by the City shall be assignable or transferable. The fee to be paid for license renewal and a fee for tardy applications shall be set from time to time by Resolution of the Council.
(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010)

Sec. 10-12. Day Care Provider License Renewal.

A Day Care Provider License issued under this Chapter shall be valid for one (1) year from the date of issuance. In order to be eligible for renewal, the applicant for a Day Care Provider license shall present a completed application accompanied by the renewal fee at least thirty (30) days prior to license expiration. The provider must have a current infant CPR/First Aid certification and have completed a minimum of twelve (12) hours of training within the last year. The fee to be paid for license renewal and a fee for tardy applications shall be set from time to time by Resolution of the Council.
(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008)

Sec. 10-13. License Revocation and Duty to Notify of Ineligibility.

- A. A Day Care Facility license shall be revoked immediately whenever it is determined that the Licensee would be denied under the "Denial of License" Section of this Chapter.
- B. Every licensed Day Care Provider shall notify the City of any change in circumstance which renders the information on the application for Day Care license incorrect within five (5) business days of such change or such Day Care license shall be revoked immediately and such license shall be automatically null and void.
- C. If a license application is revoked or denied because of a disqualification contained in the "Denial of License" Section of this Chapter, no ~~permanent~~ license shall be issued to an Applicant until the expiration of the time period for such disqualification ~~and such Applicant shall be ineligible for a temporary license.~~

(Ord. 2005-06, 02/07/2005; 2010-05, 03/01/2010)

Sec. 10-14. Notice.

- A. Prior to the revocation, suspension, or denial of renewal of a license as required herein, the Clerk-Moscow Police Department or designee shall provide written notice of such revocation, suspension, or denial of renewal to the Licensee or Applicant, as the case may be. Such written notice shall be sent by certified mail or hand delivery to the address provided in the application or to the address of the Day Care Facility filed by such Licensee or Applicant. Such written notice shall state the reason(s) for such revocation, suspension, or denial and shall state that such Licensee or Applicant may request an appeal hearing as provided herein. Notice of revocation or denial of renewal is effective on the date such notice is ~~placed in a mailbox controlled by the United States Postal Service or is hand~~ delivered to

Licensee or Applicant.

- B. When the City certifies that there is an immediate danger to life or health of a Child, the Day Care Facility license or application may be immediately and summarily revoked, suspended, or denied. Under such conditions, notice of such revocation or denial will be given as soon as practicable thereafter.
- C. Failure by the City to give notice as provided herein shall not establish a right to a license under this Chapter.

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-13, 07/06/2010)

Sec. 10-15. Appeals.

- A. If a license is revoked, or a license renewal or an application is denied for a reason other than disqualification under Subsection (A) or (B) of the “Denial of License” Section of this Chapter, the Licensee or Applicant may give notice of appeal of such revocation or denial to the City within ten (10) calendar days from the date the notice of revocation or denial was given. If a license application is revoked or denied because of disqualification of the Applicant or Licensee under Subsection (A) or (B) of the “Denial of License” Section of this Chapter, such disqualification shall not be waived.
- B. Notice of appeal shall be in writing and delivered to the City Clerk. The City Council shall then set a time and place for such hearing and the City Clerk shall inform the Licensee or Applicant of the hearing date in writing, at least five (5) business days prior to such hearing.
- C. The City Council may direct the City Clerk to issue a license which has been revoked or denied upon a finding of good cause for the issuance of such license.
- D. Failure by an Applicant, person appealing, or their representative, to appear before the City Council at the time scheduled to hear such appeal shall result in the automatic denial of such appeal.

(Ord. 2005-06, 02/07/2005; 2010-05, 03/01/2010; 2010-13, 07/06/2010; 2012-20, 09/17/2012)

Sec. 10-16. Insurance and Liability; Prepayment.

- A. Each Facility required to be licensed shall maintain liability insurance in the amount of ~~three~~ five hundred thousand dollars per occurrence/~~six hundred thousand~~ one million dollars aggregate (\$~~300~~500,000/\$~~600~~1,000,000) with the City listed as an additional insured for each licensed Day Care Facility and Premises. All policies of insurance shall require thirty (30) days’ notice to the City by certified or regular mail of any cancellation or change affecting an interest or coverage. A current certificate of insurance shall be kept on file with the Clerk Moscow Police Department ~~or designee~~ at all times. The Licensee shall be responsible for all activities associated with the Day Care Facility and Premises, including the actions and inactions of every Person, Owner, Licensee, Director, Staff, Volunteer, Child, employee and individual, and shall hold the City harmless for same and shall indemnify and defend any claim filed against the City relating to all activities associated with the Day Care Facility and Premises and the provision of Day Care. Where Day Care is provided in a residence, an Applicant or Licensee may apply to Council for a waiver or modification of the insurance provisions in this Section.
- B. The issuance of a Day Care Facility license shall not constitute a representation or affirmation to any Person that the Day Care Facility to which a license is issued is free from risk with regard to the standards herein. The City shall not be liable for nor shall a cause of action exist

for any loss or damage based upon the failure of any Person to meet the standards contained in this Ordinance.

- C. If the City receives notice of cancellation of a Licensee's liability insurance more than two (2) times during any one (1) year of licensure, such Licensee shall prepay the insurance policy for a minimum of twelve (12) months and shall provide proof of such prepayment to the Clerk Moscow Police Department or designee by the end of the next business day following the City's receipt of such notification. Failure to provide such proof of prepayment shall cause the license to be immediately revoked and the license shall be automatically null and void.
- (Ord. 2005-06, 02/07/2005; 2010-13, 07/06/2010; 2011-03, 05/16/2011)

Sec. 10-17. Health Requirements.

- A. All Staff on the Premises of a Day Care Facility shall certify that each is in good health and that each has received required immunization against communicable disease. Any Director, Staff member of a Day Care Facility, Volunteer, or employee diagnosed with a communicable disease must not be present at a Day Care Facility until such disease is no longer communicable as declared by a licensed physician.
- B. 1. Within fourteen (14) days of a child's initial attendance at any licensed Day Care Facility, the parent or guardian shall provide a statement an immunization record to the Director of the Day Care Facility regarding the child's immunity to certain childhood diseases. This statement record, shall provide a certificate signed by a physician or a the physician's representative or another licensed health care professional, shall verify of a health district, that the child has received, or is in the process of receiving immunizations as specified by the state board of health and welfare, or can effectively demonstrate immunity through verification in a form approved by the City gained through prior contraction of the disease. Immunizations required and the manner and frequency of their administration shall conform to recognized standard medical practices in the State.
2. Any minor child whose parent or guardian has submitted to the Director of a licensed Day Care Facility a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this Section. Any minor child whose parent or guardian has submitted a signed statement to the licensed Day Care Facility stating their objections on religious or other grounds shall be exempt from the provisions of this section.
- C. Every dog, cat, and ferret over four (4) months of age present in a licensed or registered Day Care Facility shall be vaccinated against rabies and every owner of every such dog, cat and/or ferret shall retain proof of current vaccination.
- (Ord. 2005-06, 02/07/2005; 2012-20, 09/17/2012)

Sec. 10-18. Inspection.

Every Licensee shall keep and maintain such records as are required by the City, including employee and Staff records. Every Licensee shall, at all times during business hours, open the Day Care Facility records and each and every portion of the licensed Premises for inspection by the Moscow Police Department and other City departments for the purpose of inspection and enforcement of any provision herein. The Clerk Moscow Police Department and/or City staff shall have the absolute right to enter the Premises of any Licensed or Registered Day Care Facility during business hours as often as is necessary to secure compliance with or to prevent a violation

of this Chapter. The Clerk-Moscow Police Department and/or City staff may initiate administrative and/or criminal action to enforce this Chapter.
(Ord. 2005-06, 02/07/2005; 2010-13, 07/06/2010; 2012-20, 09/17/2012)

Sec. 10-19. Standards.

- A. 1. Every licensed Day Care Facility, Licensee, Director and Staff shall comply with all safety standards in the area of the day care facility in which day care is being provided as set forth in Idaho Code Title 39, Chapter 11, Section 39-1109, and such other requirements as the Council may enact by Resolution.
2. Every licensed Day Care Facility shall also provide:
- a. Adequate fire and smoke alarms;
 - ~~b. A functional telephone located on the Day Care Facility Premises during the hours of operation;~~
 - ~~c. Adequate fire extinguishers;~~
 - ~~d. Adequate exits;~~
 - ~~e. Firearms or weapons which are stored on the Premises of a Day Care Facility must be kept in a locked container that is inaccessible to children while Day Care attendees are present;~~
 - ~~f. Pools, hot tubs, ponds and other bodies of water that are on the Day Care Facility Premises must provide the following safeguards:~~
 - ~~(1) The area surrounding the body of water shall be fenced and locked in a manner that prevents access by children and meets the following requirements:~~
 - ~~(a) The fence must be at least four feet (4') high with no vertical opening more than four inches (4") wide, be designed so that a young child cannot climb or squeeze under or through the fence, surround all sides of the pool and have a gate that is self-closing and that has a self-latching mechanism in proper working order out of the reach of young children;~~
 - ~~(b) If the building forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened;~~
 - ~~(c) Furniture or other large objects shall not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool; and~~
 - ~~(2) If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there shall be a secured protective covering that will not allow access by a child;~~
 - ~~(3) Wading pools must be empty when not in use;~~
 - ~~(4) Children must be under the direct supervision of at least one (1) adult at all times while using a pool, hot tub, pond or other body of water; and~~
 - ~~(5) A minimum of a four foot (4') high fence shall be present that prevents access from the Day Care Facility Premises if the Day Care Premises are adjacent to a body of water; and~~
 - ~~g. The Day Care Facility shall provide e~~Open space for outdoor play. A minimum of one hundred (100) square feet per child is required. This area shall be adjacent to the Day Care Facility and shall provide a safe play area that can be easily maintained and is accessible for use by children.
 - b. Visitation. Any parent or guardian shall have the absolute right to enter the premises of any facility during the period of care for the parent's or guardian's child or children. Any failure or refusal to allow entry to a parent or guardian may be grounds for suspension or revocation of the license. If a parent or guardian has been granted limited or has been

denied visitation rights by a court of competent jurisdiction, this section shall not confer a right to visitation.

- B. Every licensed Day Care Facility shall comply with all health standards as set forth in Idaho Code Title 39, Chapter 11, Section 39-1110, and such other requirements as the Council may create-enact by Resolution.
- C. Every licensed Day Care Facility, Licensee, Director and Staff shall conform to the requirements herein and all other applicable Titles and Chapters of this Code, except that no fire standards adopted by City Council that are applicable to this Day Care Facility Ordinance shall be more stringent than the standards contained in the International Fire Code, as adopted by the State of Idaho.
- D. Every licensed Day Care Facility, Licensee, Director and Staff shall conform to all life safety standards found in all applicable uniform standard codes which are adopted by the City as of the date of application for license, except for the Child-Staff ratios as modified in the Section of this Chapter entitled "Child-Staff Ratios".
- E. Every licensed Day Care Facility having a flame source utility on its Premises shall have a carbon monoxide detector properly operating at all times within any enclosed area on every level or floor where children are present.
- F. Every Day Care Facility Owner, Licensee, Director and Staff shall be required to obtain and keep current Red Cross, American Heart Association, or equivalent first aid treatment certification and child/infant cardiopulmonary resuscitation (CPR) and pediatric rescue breathing certification prior to licensure and shall keep such certifications current. Additionally, at least one (1) such certified adult shall be present at every Day Care Facility at all times a child is present at the Day Care Facility.
- G. The minimum age of any Director shall be twenty-one (21) years of age, ~~except in a Family Day Care Facility where the Director is the only adult individual present on a regular basis. In this latter case, the Director shall be at least eighteen (18) years of age.~~ At least one (1) employee eighteen (18) years of age or older shall be present at all times when a child or children are in attendance at a Day Care Facility. Day Care Facility Applicants and Licensees shall be precluded from hiring employees under fourteen (14) years of age.
- H. Every Day Care Facility Licensee, Director and Staff member shall be required to acquire four (4) hours or more of training in early childhood development and/or children's health and safety within thirty (30) days of employment in such Facility and shall thereafter obtain ~~four (4)~~twelve (12) hours or more of such training on an annual basis. Such training within twelve (12) months prior to employment shall satisfy this requirement for the first year of employment. Proof of training shall be submitted to and approved by the City. The annual training required under this Subsection shall be in addition to the first aid and CPR requirement listed elsewhere in this Section.
- I. No Owner, Licensee, Director, or Staff member shall directly or indirectly:
 - 1. Use or permit the consumption or use of any alcoholic beverage or smoking on the Premises while the children are present or are being cared for; or
 - 2. Possess, use or permit the possession or use of any unlawful drug or narcotic, including marijuana, on the Premises; or-
 - 3. Use or permit a Volunteer or employee with a temporary license to provide Day Care to a Child without the physical presence and direct supervision of a Licensee, Owner, Director or licensed Staff member.

J. Every sleeping or resting child shall be heard-monitored at all times by at least one (1) Owner, Licensee, Director, or Staff, either in person or via live feed audio-electronic equipment.
(Ord. 2005-06, 02/07/2005; 2008-06, 05/05/2008; 2009-25, 12/21/2009; 2010-13, 07/06/2010; 2011-06, 06/20/2011; 2012-20, 09/17/2012)

Sec. 10-20. Child-Staff Ratios.

A. 1. A minimum Child-Staff ratio of one (1) Director and/or Staff for every ~~ten (10)~~ Twelve (12) points ~~or any fraction in excess thereof or fewer~~ shall be maintained by a Day Care Facility at all times on the Premises, indoors, outdoors, on field trips and during rest periods. Any point(s) or fraction of points greater than ~~ten-twelve~~ point zero (~~12~~0.0) requires the presence of one (1) additional Director and/or Staff ~~for every ten (10) points or any fraction in excess thereof~~ as determined from the following chart:

Age of Child	Points Per Child*
0 to less than <u>12</u> years	3
<u>21</u> to less than 3 years	2
3 to less than 5 years	1
5 to less than <u>137</u> years	<u>.5</u> <u>0.83</u>
7 to less than 13 years	0.66
13 years and over	0 (zero)

*Example: A Day Care Facility with ~~three-four ((34))~~ one-year~~ten-month-olds (912)~~ points) ~~and one (1) four-year-old (1 point)~~ must maintain a Director and/or Staff of one (1). The enrollment of ~~an eight~~ a five-year-old Child (~~.665~~.5) to the Day Care Facility requires the addition of another Staff member.

2. Each Director and each Staff member on the Premises who is providing direct care or is actively involved with children shall be considered for purposes of computing a Child-Staff ratio.

3. No unlicensed Volunteer shall be counted for purposes of computing a Child-Staff ratio.

4. It shall be a violation of this Chapter to operate a licensed Day Care Facility with a Child-Staff ratio not in compliance with this Section.

B. 1. On days where the school district in which a child resides holds classes, the number of children may be increased with the addition of school aged children (first grade and up) from 3:00 p.m. until 6:00 p.m. without affecting the classification of Day Care Facility, as set out herein. On days where the school district in which a child resides declares teacher work days, snow days, vacation days or otherwise cancels classes, the number of children may be increased with the addition of school-aged children (first grade and up) without affecting the classification of Day Care Facility as set out herein.

a. Family Day Care ~~Facility-Home~~ - up to four (4) additional children.

b. Group Day Care Facility - up to five (5) additional children.

c. Small Day Care Facility - up to six (6) additional children.

d. Large Day Care Facility – up to seven (7) additional children.

2. Children, for purposes of this Subsection, shall include (a) every school-aged child of the Owners, Licensee, Director, and Staff present at a Day Care Facility; (b) children receiving direct care and supervision in such child's or legal guardian's own home; and (c) children who are Related.

(Ord. 2005-06, 02/07/2005; 2009-25, 12/21/2009; 2010-05, 03/01/2010; 2010-13, 07/06/2010; 2011-06, 06/20/2011; 2012-20, 09/17/2012)

Sec. 10-21. No City Liability Created.

The issuance of a license by the City pursuant to this Chapter shall not constitute a representation of affirmance to any person that the Day Care Facility or person to whom a license is issued is free from risk with regard to the standards in this Chapter. The City shall not be liable for, nor shall a cause of action exist, for any loss or damage based upon the failure of any person to meet the standards contained in this Chapter, unless otherwise provided by Idaho Code or Federal law.

(Ord. 2011-06, 06/20/2011)

Sec. 10-22. Penalties and Additional Fees.

- A. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof in a court of competent jurisdiction, shall be punished pursuant to this Code and the Idaho Code. Each day of the violation shall be considered a separate offense.
- B. Any Applicant, Owner, Director, Staff or Person convicted of a violation of this Chapter shall be denied a license and any current license shall be revoked.
- C. The [Clerk-Moscow Police Department](#) may charge a Day Care Facility Licensee an administrative fee for every contact or inspection required to ensure compliance with this Chapter where such contact or inspection is in excess of those necessary to process the license initially. Such administrative fee shall be established from time to time by resolution duly adopted by the Council, and shall be in addition to any other fee(s) and/or fine(s). Failure to pay such administrative fee shall result in revocation of the license for which such contact or inspection is required.

(Ord. 2005-06, 02/07/2005; 2011-06, 06/20/2011)

SECTION 3: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 9 shall be in full force and effect.

SECTION 4: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 5: ENFORCEMENT. The adoption of this Ordinance shall not, in any manner, affect any prosecution for violation of any other ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any other ordinance, or in any manner affect the validity of any action heretofore taken by the City of Moscow City Council, or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this Ordinance.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Hailey Lewis	_____	_____	_____	_____
Gina Taruscio	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Maureen Laflin	_____	_____	_____	_____
Anne Zabala	_____	_____	_____	_____
Julia Parker	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor of the City of Moscow, this ____ day of _____, 2022.

Arthur D. Bettge, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of an Ordinance passed at a regular meeting of the City Council, City of Moscow, held on _____ and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk

COMMITTEE STAFF REPORT

DATE: Monday, July 11, 2022



RESPONSIBLE STAFF

Anthony Dahlinger

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Proposed Amendments to Taxi Cab Licensing Requirements (ACTION ITEM) - Anthony Dahlinger

DESCRIPTION

During a recent review of the City's Taxicab regulations, it was identified that amendments were warranted to update the regulations to reflect current processes and standards. The proposed changes include revision of the issuing office from the City Clerk to the Police Department which currently issues taxi licenses; amending the City's insurance requirements to be consistent with that which is required in Pullman; and updating the criminal offense disqualifications to reference the specific sections of State law rather than the current list of offenses. The proposed ordinance is now before the Council for consideration.

STAFF RECOMMENDATION

Recommend approval of the proposed Ordinance.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the proposed Ordinance; or provide staff with further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Ordinance 2022- Title 9 Chapter 5 - Taxicabs_DRAFT

ORDINANCE NO. 2022 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 9, CHAPTER 5; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Moscow wishes to continue to allow alternative means for paid transportation to operate within the City; and

WHEREAS, City wishes to ensure public safety in the operation of both motorized and non-motorized vehicles using City streets for alternative paid transportation by ensuring proper insurance is maintained and through proper background checks; and

WHEREAS, the Moscow Police Department has taken over the responsibilities of licensing under Title 9, Chapter 5, thereby requiring an amendment to the City Code to reflect such change; and

WHEREAS, the Moscow City Council believes it to be in the best interest of the community to update the insurance requirements and the disqualifying offenses to address the safety concerns for the community;

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

SECTION 1: All matters stated above are found to be true and correct and are incorporated herein by reference as if copied in their entirety and shall be adopted with the following sections of this Ordinance.

SECTION 2: That Moscow City Code Title 9, Chapter 5, be amended as follows:

Sec. 5-4. Application.

Application for Taxicab, Pedicab, or Carriage Operator, or Taxicab, Pedicab, or Carriage Owner, as required by this Chapter, shall be in writing upon a form to be furnished by the City and made to the City through the ~~City Clerk~~ **Moscow Police Department** or designee. Every applicant shall supply a full set of fingerprints with every application, except that fingerprints will not be required for any renewal that occurs within five (5) years of the latest submittal of fingerprints by the applicant. Applicant shall submit a copy of applicant's valid driver's license or other DMV approved identification.

Every applicant for a Taxicab Owner license shall supply a completed Idaho Annual Driver Education Vehicle Check form (as required by the Idaho Driver Education Public and Commercial School Standards and related Idaho State Board of Education Administrative [IDAPA] Rules) for each vehicle to be used for Taxicab Services. The City, upon receipt of payment of the proper Taxicab, Pedicab, or Carriage Service license fees, and other required information, as specified,

and upon compliance with the requirements of this Chapter, shall be issued a Taxicab, Pedicab, or Carriage Operator's license or a Taxicab, Pedicab, or Carriage Owner's license.
(Ord. 2008-19, 09/02/2008; 2011-09, 07/18/2011; 2014-13, 08/18/2014; 2014-22, 12/01/2014)

Sec. 5-5. Renewal of License.

The ~~City Clerk~~Moscow Police Department or designee may renew a Taxicab, Pedicab, or Carriage Operator License, or Taxicab, Pedicab, or Carriage Owner's license from year to year by appropriate endorsement thereon. An application for renewal of a Taxicab, Pedicab, or Carriage Operator's license or a Taxicab, Pedicab, or Carriage Owner's license shall be made in writing on a form provided by the City. The application shall be filled out with the full name and current address of the applicant along with the statement of the date upon which the original Taxicab, Pedicab, or Carriage Operator's license or Taxicab, Pedicab, or Carriage Owner's license was granted. A copy of applicant's valid driver's license or other DMV approved identification shall be provided. The Taxicab, Pedicab, or Carriage Operator's license or Taxicab, Pedicab, or Carriage Owner's license fee, in an amount as set from time to time by Resolution of the City Council, shall be paid to the City for a Taxicab, Pedicab, or Carriage Operator's license or Taxicab, Pedicab, or Carriage Owner's license.

(Ord. 2014-13, 08/18/2014; 2014-22, 12/01/2014)

...

Sec. 5-7. Insurance Required.

No person shall provide a Taxicab, Pedicab, or Carriage Service without public liability and property damage insurance in some good and reliable insurance company for the vehicle being utilized for such Taxicab, Pedicab, or Carriage Service. Before any license is issued for any Taxicab, Pedicab, or Carriage, the Owners thereof shall be required to file with ~~the City Clerk~~Moscow Police Department or designee a certified copy of a policy of insurance executed by an insurance company authorized to do business within the state ensuring the public against any loss or damage which may result to any person or persons from the operation of said Taxicab, Pedicab, or Carriage, provided for limited amount of liability in such policy of insurance specified shall be as follows:

- A. ~~Property damage: not less than one hundred thousand dollars (\$100,000) except for Carriages and Pedicabs, which shall be not less than twenty thousand dollars (\$20,000).~~
- B. ~~Public liability: minimum five hundred thousand dollars (\$500,000) per incident except for Carriages and Pedicabs, which shall be not less than one hundred thousand dollars (\$100,000). Automobile Liability limits of not less than Combined Single limits each Accident that includes Bodily Injury per Person, Bodily Injury per Accident and Property Damage per Accident of \$300,000 (comparable with Pullman) or \$500,000 (prior Moscow code limits).~~
- BC. Provide for notice to the City of nonrenewal or cancellation of insurance coverage.
- CD. The license to operate such Taxicab, Pedicab, or Carriage business shall expire of itself or terminate upon the cancellation of said insurance for failure to pay premiums or for any other reason and no license shall be granted or be effective unless the Taxicab, Pedicab, or Carriage for which said license is requested has been fully covered with insurance as hereinabove specified.

No person shall provide a Taxicab Service without underinsured and uninsured motorist insurance for the vehicle being utilized in such Taxicab Service.

The City shall not issue a license to any applicant for a Taxicab, Pedicab, or Carriage Operator's or Taxicab, Pedicab, or Carriage Owner's license until the applicant has furnished proof

satisfactory to the Clerk-Moscow Police Department or designee that insurance of the type and in the amount required by this Chapter has been purchased for the vehicle to be utilized in such Taxicab, Pedicab, or Carriage Service and that the City has been made an insurance certificate holder in such insurance.

(Ord. 99-02, 2/16/1999; 2008-19, 09/02/2008; 2014-22, 12/01/2014)

...

Sec. 5-13. Background Check Required.

Before any license shall be issued under this Chapter, the City shall complete a background check of every applicant.

Such background check may utilize the fingerprints submitted. Any background check requests made to the Federal Bureau of Investigation shall be conducted pursuant to applicable law, including, but not limited to, Idaho Code Section 67-3008, as amended. The background check may include the statewide criminal identification bureau; the Federal Bureau of Investigation (FBI) criminal history; the statewide child abuse registry; and/or other inquiries as deemed necessary to carry out the intent of this Chapter. New fingerprints are required every five (5) years.

A. Requirements. To determine suitability of prospective applicants for a Taxicab, Pedicab, or Carriage Service License, the City-Moscow Police Department ~~and/or City Clerk for the City of Moscow~~ shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police (ISP) and the Federal Bureau of Investigation (FBI). Pursuant to Idaho Code Section 67-3008, and congressional enactment Public Law 92-544, the City-Moscow Police Department ~~and/or City Clerk for the City of Moscow~~ shall submit the required fees and a set of fingerprints obtained from the applicant, to the ISP, Bureau of Criminal Identification, for a criminal records check of State and National databases per Public Law 92-544. The submission of fingerprints and information required by this section shall be on forms prescribed by the ISP. The City-Moscow Police Department ~~and/or City Clerk for the City of Moscow~~ is authorized to receive criminal history information from the ISP and from the FBI for the purpose of evaluating the fitness of applicants for a Taxicab, Pedicab, or Carriage Service License. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. The applicant authorizes the use of FBI records for the screening process.

B. Background Check Guidelines. All background checks require a complete set of fingerprints; a signed statement that contains the applicant's name, address, and date of birth appearing on a valid identification document issued by a governmental entity, as well as furnishing if such applicant has or has not been convicted of a crime, and the particulars and description of the same.

(Ord. 2011-09, 07/18/2011; 2014-13, 08/18/2014, 2014-22, 12/01/2014; 2019-06, 07/01/2019)

Sec. 5-14. Denial of License.

No Taxicab, Pedicab, or Carriage license shall be issued:

A. Where the applicant or licensee has:

1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of ~~any of the~~ any offense involving neglect or any physical injury to or other abuse of a child, any of the following enumerated crimes enumerated in Idaho Code 39-1113(2), I.C. 18-4116 Indecent Exposure, or admitted that sufficient evidence exists which could be likely to convince a judge or jury to find the applicant or licensee to be guilty beyond a reasonable

~~doubt, or any substantially similar provision in another jurisdiction of foreign criminal violation, notwithstanding the form of judgment(s).~~

~~2.~~

- ~~a. Felony injury of a child, Section 18-1501, Idaho Code.~~
- ~~b. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code.~~
- ~~c. The ritualized abuse of a child under eighteen years of age, Section 18-1506A, Idaho Code.~~
- ~~d. The sexual exploitation of a child, Section 18-1507 or 18-1507A, Idaho Code.~~
- ~~e. Sexual abuse of a child under the age of sixteen years, Section 18-1506, Idaho Code.~~
- ~~f. Lewd conduct with a child under the age of sixteen years, Section 18-1508, Idaho Code.~~
- ~~g. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code.~~
- ~~h. Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.~~
- ~~i. Assault with intent to murder, Section 18-4015, Idaho Code.~~
- ~~j. Voluntary manslaughter, Section 18-4006, Idaho Code.~~
- ~~k. Rape, Section 18-6101 or 18-6108, Idaho Code.~~
- ~~l. Incest, Section 18-6602, Idaho Code.~~
- ~~m. Forceful sexual penetration by use of foreign object, Section 18-6608, Idaho Code.~~
- ~~n. Abuse, neglect or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.~~
- ~~o. Aggravated, first degree, second degree and third degree arson, Sections 18-801 through 18-805, Idaho Code.~~
- ~~p. Crimes against nature, Section 18-6605, Idaho Code.~~
- ~~q. Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.~~
- ~~r. Mayhem, Section 18-5001, Idaho Code.~~
- ~~s. Poisoning, Section 18-4014 or 18-5501, Idaho Code.~~
- ~~t. Possession of sexually exploitative material, Section 18-1507A, Idaho Code.~~
- ~~u. Robbery, Section 18-6501, Idaho Code.~~
- ~~v. Stalking in the first degree, Section 18-7905, Idaho Code.~~
- ~~w. Video voyeurism, Section 18-6609, Idaho Code.~~
- ~~x. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.~~
- ~~y. Inducing individuals under eighteen years of age into prostitution, Section 18-5609, Idaho Code.~~
- ~~z. Inducing a person under eighteen years of age to patronize a prostitute, Section 18-5611, Idaho Code.~~
- ~~aa. Any felony punishable by death or life imprisonment.~~
- ~~bb. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.~~

~~2.~~ Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:

- a. Such person has been released from, and is no longer under, any form of treatment in relation to such classification, and
- b. Such person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the person is no longer mentally ill and presents no threat or danger to any child. Such examination shall not be at City expense.

B. Where the applicant or licensee has b:

~~— Been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the crimes enumerated in I.C. 39-1113(3), the following enumerated crimes, or any substantially similar provision of in foreign criminal violation another jurisdiction, notwithstanding the form of judgment(s) for any offense involving neglect or any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction, for a period of five (5) years immediately preceding the date of application for license or renewal:~~

- ~~1. Aggravated assault, Section 18-905, Idaho Code.~~
- ~~2. Aggravated battery, Section 18-907(1), Idaho Code.~~
- ~~3. Burglary, Section 18-1401, Idaho Code.~~
- ~~4. Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.~~
- ~~5. Forgery of a financial transaction card, Section 18-3123, Idaho Code.~~
- ~~6. Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.~~
- ~~7. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.~~
- ~~8. Misappropriation of personal identifying information, Section 18-3126, Idaho Code.~~
- ~~9. Insurance fraud, Section 41-293, Idaho Code.~~
- ~~10. Damage to or destruction of insured property, Section 41-294, Idaho Code.~~
- ~~— 11. Public assistance fraud, Section 56-227, Idaho Code.~~
- ~~— 12. Provider fraud, Section 56-227A, Idaho Code.~~
- ~~— 13. Attempted strangulation, Section 18-923, Idaho Code.~~
- ~~— 14. Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.~~
- ~~— 15. Felony domestic violence, Section 18-918, Idaho Code.~~
- ~~16. Any felony violation (felony or misdemeanor) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code. An individual must have pled guilty, been found guilty or received a withheld judgment to be denied under any misdemeanor violation of the Uniform Controlled Substance Act Chapter 27, Title 37, Idaho Code~~
- ~~217. Grand theft, Section 18-2407(1), Idaho Code.~~
- ~~183. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.~~
- ~~3419. Arson, as defined in Sections 18-801 through 18-804, Idaho Code.~~
- ~~20. Transporting a minor in a motor vehicle while under the influence, Section 18-1503(3), Idaho Code.~~
- ~~421. Driving without privileges, Section 18-8001, Idaho Code.~~
- ~~522. Driving under the influence of alcohol, drugs, or other intoxicating substances, Section 18-8004, Idaho Code.~~
- ~~623. Persons under twenty one (21) years of age with less than point zero eight (0.08) alcohol concentration, Section 18-8004A, Idaho Code.~~
- ~~24. Driving under the influence with excessive alcohol concentration, Section 18-8004C, Idaho Code.~~
- ~~25. Any person who pleads guilty to or is found guilty of a violation of the provisions of Section 18-8004(1)(a), Section 18-8005, Idaho Code.~~
- ~~26. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, Section 18-8006, Idaho Code.~~
- ~~27. Leaving scene of accident resulting in injury or death, Section 18-8007, Idaho Code.~~
- ~~287. Reckless driving, Section 49-1401(1), Idaho Code.~~

~~829. Any person who is eighteen (18) years of age or older who sells, gives or furnishes, or causes to be sold, given, or furnished, alcoholic beverages, including any distilled spirits, beer or wine, to a person under the age of twenty one (21) years, Section 23-603, Idaho Code.~~

~~30. Misdemeanor theft as defined in Title 18, Chapter 24 of the Idaho Code.~~

~~31. Any felony as defined by Idaho Code, Sections 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.~~

~~932. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.~~

~~3103.~~ Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

C. To any applicant or licensee who has supplied false or misleading information, failed or refused to provide or to disclose information required on the application form or by this Chapter, failed to disclose a suspension or revocation of a driver's license, or refused to authorize the investigation required herein. No such applicant or licensee shall be able to apply to receive a license under this Chapter for a period of less than six (6) months following the date of the denial or revocation of the Taxicab, Pedicab, or Carriage license under this Subsection or for a period of six (6) months following the date that the [Clerk-Moscow Police Department](#) became aware of disqualifying information, whichever is later in time.

D. 1. To any Taxicab, Pedicab, or Carriage licensee who has violated any of the provisions of this Chapter during Taxicab, Pedicab, or Carriage licensure.

— Violation of any provision of this Chapter during Taxicab, Pedicab, or Carriage licensure shall result in immediate and automatic revocation of the Taxicab, Pedicab, or Carriage license. Such revocation of the Taxicab, Pedicab, or Carriage license shall be effective as of the date of such violation. No such person shall be qualified to apply to receive a Taxicab, Pedicab, or Carriage license under this Chapter for a period of less than six (6) months following the date of the revocation of the Taxicab, Pedicab, or Carriage license under this Subsection or for a period of six (6) months following the date the [Clerk-Moscow Police Department](#) became aware of such information, whichever is later in time, unless otherwise provided in this Chapter.

2. Effect of Driver's License Suspension or Revocation. Suspension or revocation of the driver's license held by any licensed Taxicab Operator shall result in the immediate and automatic revocation of such Taxicab Operator license, effective as of the date of such driver's license suspension or revocation. No such person shall be qualified to apply to receive a Taxicab license under this Chapter for a period of less than six (6) months following the date of full reinstatement of the driver's license or for a period of not less than six (6) months following the date the [Clerk-Moscow Police Department](#) became aware of such driver's license suspension or revocation, whichever is later in time.

E. Where an applicant or licensee does not meet the conditions of licensure in this Chapter.

(Ord. 2008-26, 12/15/2008; 2011-09, 07/18/2011; 2012-14, 07/16/2012; 2012-12, 10/15/2012; 2014-22, 12/01/2014)

SECTION 3: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 9, Chapter 5, shall be in full force and effect.

SECTION 4: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code,

the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 5: ENFORCEMENT. The adoption of this Ordinance shall not, in any manner, affect any prosecution for violation of any other ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any other ordinance, or in any manner affect the validity of any action heretofore taken by the City of Moscow City Council, or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this Ordinance.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED on Motion by the Following Vote:

	Aye	Nay	Abstain	Absent
Hailey Lewis	_____	_____	_____	_____
Gina Taruscio	_____	_____	_____	_____
Sandra Kelly	_____	_____	_____	_____
Maureen Laflin	_____	_____	_____	_____
Anne Zabala	_____	_____	_____	_____
Julia Parker	_____	_____	_____	_____

ADOPTED by the City Council of the City of Moscow, Idaho and **APPROVED** by the Mayor this _____ day of _____, 2022.

Arthur D. Bettge, Mayor

CERTIFICATION and ATTESTATION. I hereby certify that the above is a true copy of an Ordinance passed at a regular meeting of the City Council, City of Moscow, held on _____, 2022 and attest to the Mayor's signature.

Laurie M. Hopkins, City Clerk