

## CHAPTER 25

### TRANSIENT MERCHANTS AND RELIGIOUS OR CHARITABLE PERMITS

#### Article I. Transient Merchants. 1

1. For state law authorizing the town to license, tax and regulate businesses, see W.S. 1977, § 15-1-103 (xii). For authority of the town specifically in connection with this chapter, see W.S. 1977, § 33-20-210.

- § 25-1. Definitions.
- § 25-2. Bonds.
- § 25-3. Service of process.
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(Ord 1382 4/2016)

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  - § 25-61. Repealer.
  - § 25-62. Severability.
- (Ord. 1382, 4/2016)

**SEC. 25-1. DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

a) ‘Solicit’ and ‘Solicitation’ shall mean and include any one or more of the following activities, occurring away from the seller’s principal place of business:

1) Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind, character or description, primarily for personal, family or household purposes.

b) ‘Temporary or transient merchant, peddler, canvasser or solicitor’ shall include all persons not having a permanent place of business in the City engaged in selling or offering for sale any foods, goods or merchandise of whatever nature, in any open space, from a temporary stand, under tents, from a vehicle on property not owned by such person, by door-to-door solicitation, or inside any permanent building or structure. (Ord. 1008, 9/83)

**SEC. 25-2. BONDS.**

Before any license is granted to engage in any business regulated by this chapter, the applicant for such license shall file with the Municipal Clerk, a bond running to the municipality in the sum of five thousand dollars (\$5,000), executed by the applicant, as principal, and a surety upon which service of process may be made in the state, such bond conditioned on the applicant complying fully with all of the provisions of this chapter and all of the provisions of this Code and State law, regulating and concerning the business for which the applicant seeks a license and the payment of license fees, and will pay all judgments rendered against the applicant for any violation of such laws together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the municipality to the use of the municipality or aggrieved person, as the case may be. (Ord. 1048, § 1, 12/86)

**SEC. 25-3. SERVICE OF PROCESS.**

Before any license shall be issued for engaging in any business regulated by this chapter, such applicant shall file with the Municipal Clerk an instrument nominating and appointing the Municipal Clerk his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under such license and the bond given as required by this chapter, or for the performance of the conditions of such bond or for any breach thereof, which instrument shall also contain recitals to the effect that such applicant for license consents and agrees that service of any notice or process may be made upon the agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license under this chapter, according to the law of this State, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the Municipal Clerk, as herein provided, the Municipal Clerk shall send to the licensee at his last known address, by registered mail, a copy of such process. (Ord. 1008, 9/83)

**SEC. 25-4. PROHIBITED PRACTICES.**

a) It shall be unlawful for any transient merchant, peddler, solicitor or canvasser, to ring the doorbell or knock on the door of any residence, dwelling, apartment or other premises whereon a sign bearing the words ‘No Peddlers’, or other words similar import is painted or affixed or exposed to public view, or to attempt to gain admittance thereto; provided, that the provisions of this section shall not apply to any solicitor or canvasser who knocks at any door, or rings any bell at the invitation or with the consent of the owner, an agent of the owner, or an occupant of the premises at which he so applied for admission.

b) No person shall engage in solicitation upon any premises or in any dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave such premises or residence.

c) No person shall solicit upon any premises, apartment, residence or dwelling, other than upon prior invitation of the occupant of any such premises, prior to 9:00 a.m. or after 7:00 p.m., local time, of any day.

d) No person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to verbally identify himself and the purpose of the solicitation.

e) No person engaged in solicitation shall misrepresent the purpose of his solicitation or use any false, deceptive or misleading misrepresentation to induce a sale, or use any plan, scheme or ruse which misrepresents the true status of the person making the call. (Ord. 1008, 9/83)

#### **SEC. 25-5. WHOLESALERS AND NON-PROFIT ORGANIZATIONS EXEMPTED.**

No license shall be required of drummers, traveling salesmen or other persons engaged in soliciting or taking orders exclusively from the trade of established wholesale or retail dealers, for the delivery of goods, wares or merchandise by wholesale, nor shall a license, under this ordinance, be required of wholly non-profit organizations. (Ord. 1008, 9/83)

#### **SEC. 25-6. ASSOCIATION WITH LOCAL DEALERS, ETC.**

Persons engaged in any business regulated by this chapter shall not be relieved from complying with provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. (Ord. 1008, 9/83)

#### **SEC. 25-7. LICENSES.**

a) It shall be unlawful for a transient merchant, peddler, solicitor or canvasser to solicit within the City of Buffalo without first obtaining a license therefore in compliance with the provisions of this article.

Applicants for a license under this article shall file with the Municipal Clerk a sworn application in writing which shall give the following information:

1) The name and description of the applicant.

2) The permanent home address and full local address of the applicant.

3) A brief description of the nature of the business and the goods to be sold.

4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

5) The length of time for which the right to do business is desired.

6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.

7) The applicant must furnish proof of identity, including a legal photographic identification. If the applicant does not have a driver's license, passport or other legal photographic identification, a photograph of the applicant and one set of fingerprints shall be taken by the Buffalo Police Department prior to the issuance of a license. This shall be done during regular business hours of 8:00 a.m. to 5:00 p.m., at a cost of five dollars (\$5.00).

8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal law, the nature of the offense and the punishment or penalty assessed therefore.

9) If the Clerk finds that all information stated on the application and service of process form is true, and there is no need to further investigate the applicant, the Clerk shall grant the license.

b) Investigation of applicant; issuance; records.

1) The Clerk may, in his / her discretion, refer the application to the Chief of Police, who shall cause investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

2) If the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the application to the Municipal Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

3) If the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, and return the application to the Municipal Clerk, who shall, upon payment of the prescribed license fee, issue a license. Such license shall contain the signature and seal of the Municipal Clerk and shall show the name and address of the licensee, the class of license issued and the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance and the period for which the same shall be operative, as well as the license number and other identifying description of any vehicle used. The Municipal Clerk shall keep a permanent record of all licenses issued.

c) Fees.

License fees shall be:	1 –7 days	\$ 25.00
	8 – 30 days	\$ 50.00
	31 – 365 days	\$100.00

The fee must be paid to the Clerk in cash, money order or cashier's check. If the applicant has more than one person engaged in the business of peddling or uses more than one motor truck, wagon or other vehicle in such business of peddling, the license fees shall be paid for each of such persons, motor truck, wagon or vehicle used in such business; and provided, that if any person has more than one person engaged in the business of soliciting or canvassing, the foregoing license fee shall be paid for each person engaged in such business.

d) Minimum term; expiration.

The Municipal Clerk shall not issue any license hereunder nor accept any license fee for less than one day. A license issued for one day shall expire at 12:00 midnight, of the date of issuance of such license. A license issued for one week shall expire at 12:00 midnight on the seventh day after issuance. A license issued for one month shall expire at 12:00 midnight, on the thirtieth day after issuance, counting both first and last days. An annual license may be issued for the calendar year, commencing on January 1, and expiring on December 31, of any such year.

e) Exhibition.

All persons soliciting under the provisions of this Ordinance shall exhibit their license upon the request of a law enforcement agent or a potential customer.

f) Transfer.

No license issued under the provisions of this chapter shall be transferred.

g) Revocation.

1) Licenses issued under the provisions of this Ordinance shall be revoked by the governing body after notice and hearing, for any of the following causes:

i) Fraud, misrepresentation or false statement contained in the application for license.

ii) Fraud, misrepresentation or false statement made in the course of carrying on the business.

iii) Any violation of this chapter.

iv) Conviction of any crime or misdemeanor involving moral turpitude.

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

h) Appeals.

Any person aggrieved by the action of the Chief of Police or the Municipal Clerk in the denial or revocation of a license as provided in this chapter shall have the right of appeal to the Mayor and City Council. Such appeal shall be taken by filing with the Mayor and City Council, within fourteen days after notice of the action complained, a written statement setting forth fully the grounds for the appeal. The Mayor and City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in this chapter for notice of hearing on revocation. The decision and order of the Mayor and City Council on such appeal shall be final and conclusive. (Ord. 1008, 9/83)

**SEC. 25-8. VIOLATIONS.**

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$200.00 for each violation. Each day of violation shall constitute a separate offense. (Ord. 1008, 9/83)

**SEC. 25-9. RIGHT OF APPEAL FROM DECISION NOT TO ISSUE OR REVOCATION.**

Section 25-9 is hereby repealed. (Ord. 1008, 9/83)

**SEC. 25-10. EXPIRATION.**

Section 25-10 is hereby repealed. (Ord. 1008, 9/83)

**SEC. 25-11. BOND.**

Section 25-11 is hereby repealed. (Ord. 1008, 9/83)

**SEC. 25-12. SERVICE OF PROCESS.**

Section 25-12 is hereby repealed. (Ord. 1008, 9/83)

**SEC. 25-13. RECORDS TO BE KEPT BY CITY CLERK.**

Section 25-13 is hereby repealed. (Ord. 1008, 9/83)

**SEC. 25-14. LOUD NOISES, ETC.**

Section 25-14 is hereby repealed. (Ord. 1008, 9/83)

**ARTICLE II. RELIGIOUS OR CHARITABLE PERMITS.**

**SEC. 25-15. INTENT AND PURPOSE.**

The Town of the City of Buffalo, Wyoming, finds and declares that the provisions of this Ordinance were enacted for the following reasons:

- a) To prevent fraudulent and deceptive schemes of solicitation by those who reap personal profit from solicitations made in the name of needed and worthy charitable and religious organizations.
- b) To prevent distrust and suspicion of worthy religious and charitable organizations caused by fraudulent and deceptive solicitation practices.
- c) To provide a non-discriminatory, non-prohibitory method of issuing permits to anyone desiring to solicit for religious or charitable contributions on residential property within the City of Buffalo. (Ord. 1007, 9/83)

**SEC. 25-16. DEFINITIONS.**

As used in this Ordinance:

a) 'Solicit' and 'solicitation' shall mean a request, made by one individual to another individual, directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this Ordinance. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a charitable or religious purpose as herein defined:

1) Any oral or written request;

2) The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any charitable or religious purpose, or where the name of any charitable or religious person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go to be donated to any charitable or religious purpose.

A 'solicitation' as defined herein shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any sale referred to this Section.

b) 'Charitable' shall mean and include the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

c) 'Religious' and 'religion' as used herein shall not mean and include the word 'charitable' as herein defined, but shall be given their commonly accepted definitions.

d) 'Contributions' shall mean and include the words alms, food, clothing, money, subscription, property or donations under the guise of a loan of money or property.

e) 'Person' shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, church, religious sect, religious denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

f) 'Promoter' shall mean any person who promotes, manages, supervises, organizes, or attempts to promote, manage, supervise or organize a campaign of solicitation. (Ord. 1007, 9/83)

**SEC. 25-17. CHARITABLE AND RELIGIOUS SOLICITATIONS; PERMIT REQUIRED; EXEMPTIONS.**

a) No individual over 16 years of age shall conduct solicitations for charitable or religious contributions on the premises of an apartment, dwelling or residence within the City limits of Buffalo, Wyoming, without a permit, issued by the Clerk.

b) A permit will not be required for charitable religious solicitations conducted on premises other than a residence, dwelling or apartment. (Ord. 1007, 9/83)

**SEC. 25-18. APPLICATION FOR PERMIT; REQUIREMENTS.**

a) An application for a permit to solicit as provided by Section 25-17 of this Ordinance shall be made to the City Clerk upon forms provided by the City of Buffalo. Such application shall be sworn to and filed with the City Clerk at least five (5) days prior to the time at which the permit applied for shall become effective; PROVIDED, HOWEVER, that the City Clerk may, for good cause shown, allow the filing of an application less than five (5) days prior to the effective date of the permit applied for. The application herein required shall contain the following information, or in lieu thereof, a detailed statement of the reason or reasons why such information cannot be furnished:

1) The name, address or headquarters of the person applying for the permit;

2) The purpose of which such solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

3) The name and address of the person or persons who will be in direct charge of conducting the solicitation and the names of all promoters connected or to be connected with the proposed solicitation;

4) An outline of the method or methods to be used in conducting the solicitations;

5) The time when such solicitations shall be made, giving the preferred dates for the beginning and ending of such solicitation;

6) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons;

7) The names of all individuals who will be conducting the solicitation.

b) If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the Clerk in writing thereof within twenty-four hours after such change. (Ord. 1007, 9/83)

#### **SEC. 25-19. INVESTIGATION BY CLERK OF APPLICATIONS.**

The Clerk shall examine all applications filed under Section 25-18 of this Ordinance, and shall investigate further any application and the applicant as the Clerk deems necessary to meet the requirements of Sec. 25-18. (Ord. 1007, 9/83)

#### **SEC. 25-20. ISSUANCE OF PERMIT; CONDITIONS.**

a) The Clerk shall issue a permit to solicit for religious or charitable purposes when he / she finds the following facts to exist:

1) That all of the statements made in the application are true;

2) That the solicitation will not be a fraud on the public;

3) That the solicitation is prompted by a desire to finance the charitable or religious cause set forth in the application, and will not be primarily conducted for private profit; and

4) The fee required by Section 25-21 has been paid.

b) The Clerk shall file in his / her office for public inspections a statement of his / her finding of facts and his / her decision upon each application. (Ord. 1007, 9/83)

#### **SEC. 25-21. FEE FOR RELIGIOUS AND CHARITABLE SOLICITATIONS PERMIT.**

Before a permit is issued there shall be paid to the Clerk of the City of Buffalo the sum of One Dollar (\$1.00) as a permit fee and the sum of twenty cents (20¢) for each copy of the permit that is desired. (Ord. 1007, 9/83)

#### **SEC. 25-22. EXPIRATION OF PERMIT.**

No permit may grant the right to solicit longer than one (1) year.

#### **SEC. 25-23. PERMIT FORM.**

a) Permits issued under this Ordinance shall bear:

1) The name and address of the person to whom the solicitation is to be made;

- 2) The number of the permit;
- 3) The date the permit is issued;
- 4) The date of expiration; and

5) A statement that the permit does not constitute an endorsement by the City of Buffalo, the Clerk, or any other officers, employees or agents of the City of Buffalo. (Ord. 1007, 9/83)

**SEC. 25-24. PERMIT NONTRANSFERABLE.**

Any permit issued under this Ordinance shall be nontransferable. (Ord. 1007, 9/83)

**SEC. 25-25. AGENTS AND SOLICITORS.**

All persons soliciting for charitable or religious contributions at a residence, apartment or other dwelling shall possess a copy of the permit, and the copy must be shown, upon request, to all persons solicited; or, upon request, to any Police Officer of the City of Buffalo. (Ord. 1007, 9/83)

**SEC. 25-26. APPEAL.**

Within five (5) days after receiving written notification that an application has been denied, the applicant may file a written request for a public hearing before the City Council of the Town of the City of Buffalo. The written request shall state exceptions to the findings of fact upon which the Clerk based the denial. Upon proper filing of a request, the Clerk shall fix a time and place for hearing, and shall notify the applicant. The hearing shall be held within ten (10) days after the request is filed. At the hearing the applicant may present evidence in support of his application and exceptions. Any interested person may, in the discretion of the City Council, be allowed to participate in the hearing and present evidence in opposition to the application and exceptions. Within ten (10) days after the conclusion of the hearing the City Council shall render a written report either granting or denying the application for a permit. In this report the City Council shall state the facts upon which its decision is based, and its ruling upon the exceptions filed to its original findings of fact upon the application. This report shall be filed in the Clerk's office for public inspection and a copy shall be served by registered mail upon the applicant and all parties to the hearing. (Ord. 1007, 9/83)

**SEC. 25-27. REVOCATION OF PERMITS; HEARING; DECISION.**

Whenever it shall be shown, or whenever the Clerk has knowledge, that any person to whom a permit has been issued under this Ordinance has violated any of the provisions of this Ordinance, or that any promoter, agent or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Clerk shall immediately suspend the permit and give the permit holder written notice by registered, special delivery, mail of a hearing to be held within ten (10) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of facts upon which the Clerk has acted in suspending the permit. At the hearing before the City Council, the permit holder, or any other interested person, shall have the right to present evidence as to the facts upon which the Clerk suspended the permit, and any other facts which may aid the City Council to decide whether the Ordinance has been violated. If the City Council finds the permit was properly revoked, a written statement of facts supporting the revocation shall be made available to the applicant or any interested parties. If the City Council finds that the permit was improperly revoked, within five (5) days a written statement canceling the suspension of the permit shall be delivered to the permit holder. (Ord. 1007, 9/83)

**SEC. 25-28. NOTIFICATION OF SUSPENSION OR REVOCATION TO THE CHIEF OF POLICE.**

The Chief of Police shall be notified forthwith by the Clerk of the suspension or revocation of any permit issued under this Ordinance. (Ord. 1007, 9/83)



**SEC. 25-29. PROHIBITED PRACTICES.**

a) No person shall directly or indirectly solicit contributions for religious or charitable purposes by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose in the City of Buffalo, or in any application or report filed under this Ordinance.

b) No person shall solicit upon any dwelling, residence, apartment or other premises, other than upon prior invitation of the occupant of any such premises, prior to 9:00 a.m. or after 7:00 p.m., local time, of any day.

c) No person shall engage in solicitation upon any dwelling, apartment, residence or other premises without a prior invitation from the occupant thereof, if such premises is posted against such solicitation by means of a notice prominently displayed, upon which is printed the legend: "No Solicitors" (or words of similar import). For the purposes of this paragraph, a dwelling house, apartment, residence or other premises shall be deemed to be posted against solicitation if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches (3" x 4") in size which bears the above legend in letters at least one-third inch (1/3") in length.

d) No person shall engage in solicitation upon any premises or in any dwelling house, apartment or other residence after having been asked by the owner or occupant thereof to leave such premises or residence. (Ord. 1007, 9/83)

**SEC. 25-30. PENALTIES.**

Any person violating any of the provisions of this Ordinance, or filing, or causing to be filed, an application for a permit or certificate under this Ordinance containing false or fraudulent misstatements, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than Two Hundred Dollars (\$200.00). Each day of violation shall constitute a separate offense. (Ord. 1007, 9/83)

**ARTICLE III. VENDOR EVENT PERMITS.**

**SEC. 25.50. PURPOSE.**

The purpose of this chapter is to provide a process for the issuance of a vendor event permit from the City in order to regulate events with vendors occurring in or upon a City street, alley, public park, public building, sidewalk or parking lot open to unrestricted use by the public within the City in the interest of public health, safety and welfare and to create provisions for revocation.

**SEC. 25.51. FINDINGS AND INTENT.**

- A. This chapter is enacted to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.
- B. It is expressly the purpose of this chapter and any procedures adopted hereunder to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter or any procedures adopted hereunder.
- C. It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the permittee, and no provision is intended to impose any duty upon the City, or any of its officers, employees or agents. Nothing contained in this chapter or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from the failure of permittee to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or any procedures adopted hereunder by the City, its officers, employees or agents.

**SEC. 25.52. DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

- A. "Applicant" means any person or organization seeking a permit from the City to conduct or sponsor an event with vendors within the City. An applicant must be eighteen (18) years of age or older.

- B. "Parking lot open to unrestricted use by the public" means a parking lot for a business on private property where the owner of the private property or business invites or allows the public access to the vendor event.
- C. "Permittee" means any person or organization to whom or which has been issued by the City a vendor event permit.
- D. "Person" means any individual, organization, firm, trust, partnership, public or private association or corporation.
- E. "Public building" is property owned by the City for public purpose.
- F. "Public parks" are those areas designated and owned by the City for public purpose.
- G. "Residents of property," for this chapter only means all occupants collectively at any street address facing a closure area for a vendor event occurring in or upon a City street, alley, sidewalk, public building, public park closure or a parking lot open to unrestricted use by the public. Each street address facing a closure area for a vendor event occurring in or upon a City street, alley, sidewalk, public building, public park, or a parking lot open to unrestricted used by the public is entitled to one (1) objection.
- H. "Service building" means a structure housing toilet, lavatory and such other facilities as may be required by this chapter.
- I. "Vendor event" means a preplanned and temporary single unrestricted gathering, event or series of related daily unrestricted gatherings recurring or other event within the City of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature which include vendors as defined by this Code.
- J. "Vendor event permit" means a permit as required by this chapter for a vendor event occurring in or upon a City street, alley, sidewalk, public building, public park, or a parking lot open to unrestricted use by the public.
- K. "Unrestricted" means open to the general public.

**SEC. 25.53. VENDOR EVENT PERMIT – WHEN REQUIRED.**

- A. No person shall engage in, participate in, aid, form or start any vendor event in or upon a City street, alley, sidewalk, public building, public park, or parking lot open to unrestricted use by the public or overnight camping at a vendor event, unless a vendor event permit has been obtained from the City.
- B. This chapter shall not apply to:
  - 1. Events which do not include vendors;
  - 2. Regularly scheduled school events and parades, which use existing parking, traffic controls and public safety support; and
  - 3. A governmental agency.

**SEC. 25.87. VENDOR EVENT PERMIT – APPLICATION PROCEDURE – FILING PERIOD.**

- A. A person seeking to hold a vendor event in or upon a City street, alley, sidewalk, public building, public park or a parking lot open to unrestricted use by the public, shall file an application for vendor event permit with the City Clerk or designee on a form provided by the City.
- B. An application for a vendor event permit shall be filed with City Clerk not less than thirty (30) days before the date on which vendor event is to be held.
- C. The application for a vendor event permit occurring in or upon a City street, alley, sidewalk, public building, public park, or a parking lot open to unrestricted used by the public, shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct such vendor event and an alternate contact person;
2. If the vendor event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and/or of the authorized and responsible heads of such organization;
3. If the vendor event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with City a communication in writing from the person proposing to hold the vendor event authorizing the applicant to apply for the permit on his or her behalf;
4. The name, address and telephone number of the person who will be present and in charge of the vendor event on the day(s) of the event;
5. The date and time (starting and ending) when the vendor event is to be conducted;
6. The nature/purpose of the vendor event;
7. Location of the event, including its boundaries;
8. Estimated number of participants in the event;
9. Estimated number of spectators and vehicles expected;
10. The type and estimated number of vehicles, animals and/or structures which will be used at the vendor event;
11. Description of any equipment which will be used at the vendor event including, but not limited to, sound-amplifying systems, use of tents or canopies, or power washers for cleaning of surfaces before, after or during the event;
12. A list of all vendors, the type of items to be sold including, but not limited to, open burning or open flame cooking shall be provided to the City no later than 48 hours prior to the vendor event. Vendors listed by the vendor event permit applicant shall not be subject to vendor permitting described in Section 25-1-a through 25-30 of this Chapter. The City reserves the right to suspend the vendor request for recurring events.
13. Whether monitors and/or security guards will be employed at the vendor event;
14. Parking requirements for the vendor event;
15. Provisions for clean-up during and after the vendor event, including, but not limited to, removal of trash and private trash receptacles;
16. Any medical aid stations;
17. Potential for pollutants that could affect the City's storm water system;
18. Additional information required for parades, races and other events occurring along a route:
  - i. The route to be traveled or closed, the starting point and the termination point;
  - ii. The assembly point for the event, the time at which units of the parade or other event will begin to assemble;
  - iii. Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed; and

- iv. Any other special circumstances that should be disclosed to the City that could affect the health, safety, and welfare of residents of the City.
- D. The City, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such vendor event permit occurring in or upon a City street, alley, sidewalk, public building, public park, or parking lot open to unrestricted use by the public, is proposed to be conducted.
- E. There shall be a twenty-five dollar (\$25.00) non-refundable processing fee for a vendor event permit application. Recurring events shall submit one (1) non-refundable processing fee for the vendor event permit annually.
- F. In the event the application does not require either a street closure or financial expenditure, including additional police or fire resources, the City Clerk may approve the application without requiring presentation to the Council.

**SEC. 25-55. PERMITS – NOTICE TO CITY AND OTHER OFFICIALS.**

Prior to the issuance of a vendor event permit, the City shall send a copy thereof to the following and receive approval by:

- A. Police Chief;
- B. Public Works Director;
- C. Fire Chief, and;
- D. City Clerk.

If the City Council has not received approval from the above-described individuals prior to the Council addressing the vendor event permit; the City will assure that the individual has no objections and proceed with consideration of applications.

**SEC. 25.56. PERMITS – CONDITIONS OF ISSUANCE – GROUNDS FOR DENIAL OF APPLICATION.**

- A. The City shall issue a vendor event permit for a vendor event occurring in or upon City street, alley, sidewalk, public building, public park or on any parking lot open to unrestricted use by the public for a vendor event as provided for in this chapter unless it finds, from a consideration of the application and/or from such other information and recommendations and/or conditions obtained from the City police department, City fire department and/or City public works, that:
  - 1. The conduct of the vendor event permit will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
  - 2. The conduct of the vendor event will require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City;
  - 3. The concentration of persons, animals and vehicles at assembly points of the vendor event in or upon a street, alley, sidewalk, public building, public park or on any parking lot open to unrestricted use by the public will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
  - 4. The conduct of such vendor event will interfere with the movement of firefighting equipment and emergency vehicles en route to a fire;
  - 5. The size, nature or location of the vendor event is reasonably likely to cause a clear and present danger of injury to persons and property and/or would disrupt public peace;
  - 6. Information contained in the application for a vendor event permit or supplemental information requested from the applicant is found to be false in a material detail;

7. The applicant fails to complete the application form after having been notified of the additional information or documents required;
8. Another vendor event permit has been received prior in time or has already been approved for the same time and place requested by the applicant or so close in time and place to that requested by the applicant that the issuance of both permits would cause undue traffic congestion or cause the City police or fire departments to be unable to meet the needs for police or fire services for both events;
9. The location of the vendor event will substantially interfere with any construction or maintenance work scheduled to take place upon City streets; or
10. The vendor event will violate a City Code or State statute.

B. When the grounds for denial of an application for a vendor event permit within the City per subsection (A) of this section, may be corrected by altering the date, time, duration, and/or the route or location of the event from that named by the applicant, the City may, instead of denying the application, conditionally approve upon the applicant's acceptance of conditions for the vendor event permit. The conditions imposed shall provide the only such modification of the applicant's proposed vendor event as are necessary to achieve compliance with subsection (A) of this section. The applicant desiring to accept an alternate vendor event permit shall, within three (3) days after receiving notice of the action of the City, file a written notice of acceptance with the City. Said alternate vendor event permit shall conform to the requirements of, and shall have the effect of, that particular type of permit under this chapter.

C. The City may condition the issuance of a vendor event permit by imposing time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include, but are not limited to, the following:

1. Alteration of the date, time, route or location of the event;
2. Requirements concerning the area of assembly and disbanding of parades or other events occurring along a route;
3. Requirements concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
4. Requirements for the use of traffic cones, barricades or other traffic-control device;.
5. Requirements for provision of first aid and/or sanitary facilities;
6. Requirements for use of vendor event monitors and providing notice of vendor event conditions to event participants;
7. Restrictions on the number and type of vehicles, recreational trailers, animals or structures at the vendor event and inspection and approval of floats, structures and decorated vehicles for the fire safety by the City fire department;
8. Provision for solid waste collection and disposal, cleanup, restoration, water, and sewage;
9. Restrictions on use of amplified sound;
10. A requirement that notice to be given to the residents of property along the affected street(s), alley(s), sidewalk(s), park(s), public building(s), and/or parking lot open to unrestricted use by the public. Notification shall be by U.S. Mail or publication in a newspaper of general circulation. The City shall specify all requirements for Notice at the time of considering the permit application;
11. A requirement that any applicant or authorized officer of the sponsoring organization possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. If insurance coverage is required as a condition of issuance of a vendor event permit, the City shall determine the amount of insurance required, based upon the considerations routinely taken into account by the City in evaluating loss exposures, including, but not limited to, whether the vendor event poses a substantial risk of damage or

injury due to the anticipated number of participants, the nature of the vendor event and activities involved and the physical characteristics of the proposed site. Such insurance shall name on the policy or by endorsement as additionally insured, the City, its officers, employees and agents. A certificate of insurance coverage must be filed with the City no less than five (5) days before the date of the vendor event unless the City changes the filing deadline, in which event such documents shall be provided prior to the event.

12. A requirement that the applicant or authorized officer of the sponsoring organization, if any, sign an agreement for the permittee to reimburse the City for any costs incurred by it in repairing damage to City property which are determined by the City to have been proximately caused by the actions of the permittee, his or her officers, employees or agent, or any person who was under the permittee's control. Any such agreement may also provide that the permittee shall defend the City against, and indemnify and hold harmless, the City, its officers, employees, and agents from all causes of action, claims or liabilities occurring in connection with the permitted event, except those which occur due to the City's sole negligence; and

13. Compliance with any relevant law.

#### **SEC. 25.57. PERMIT CONSIDERATION AND APPEAL PROCEDURE.**

The City shall act upon the application for a vendor event permit within five (5) days after the filing thereof or the next regularly scheduled council meeting following the application date. If the City disapproves the application for failure to meet the conditions as outlined in this chapter, the City shall state the reason for the denial or stipulate additional conditions. The applicant shall have the right to appeal to City council the denial of the vendor event permit or a condition of the vendor event permit. A notice of appeal shall be filed with the City setting forth the grounds for the appeal within three (3) business days after receipt or personal delivery of a notice of denial or permit condition. The City Council shall review the appeal prior to the requested date for the vendor event either at the next scheduled meeting of City Council or at a special meeting to review the appeal. The City Council's decision shall be final and not subject to further appeal.

#### **SEC. 25.58. DUTIES OF PERMITTEE.**

- A. A permittee under this chapter shall comply with all terms, directions and conditions of the vendor event permit and with all applicable laws and ordinances.
  
- B. The permittee shall ensure that the person in charge of the vendor event is familiar with all the provisions of the permit and carries the vendor event permit for a vendor event upon his or her person during the duration of vendor event.

#### **SEC. 25.59. PERMIT – REVOCATION CONDITIONS.**

The City shall have the authority at any time to revoke or terminate a vendor event permit for a vendor event issued under this chapter upon violation of the standards for issuance as set forth in this chapter and/or conditions placed on the issuance of the vendor event permit, or if the continuation of vendor event presents a clear and present danger to the participants or the public.

#### **SEC. 25.60. PARKING RESTRICTIONS ON VENDOR EVENTS – SIGNS.**

The City shall have the authority, when reasonable necessary, to prohibit or restrict the parking of vehicles along a highway or an alley, or any part thereof constituting a part of the vendor event. The City shall have signs posted to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

#### **SEC. 25.61. REPEALER.**

All ordinances or part of ordinances in conflict herewith are hereby repealed.

#### **SEC. 25.62. SERVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

