

Article 10-3

TRANSIENT MERCHANTS, PEDDLERS AND SOLICITORS

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10-301 Soliciting and Peddling Prohibited; License Required.

(a) The Governing Body of the City of Rock Springs, Wyoming, finds the practice of going in and upon private residences and property in the City of Rock Springs, Wyoming, by solicitors, peddlers, or transient merchants of merchandise, as defined in Section 10-302 of this Ordinance, to be a nuisance and a substantial safety risk to the citizens of Rock Springs. To protect against illegal or criminal activity, minimize the unwelcome disturbance of citizens and the disruption of privacy and to otherwise preserve the health, safety and welfare of the citizens of Rock Springs, it is hereby forbidden for any solicitor, peddler, or transient merchant of merchandise, as defined in Section 10-302 of this Ordinance, to enter upon private property for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the

purpose of disposing of the same, unless the action falls under an exception included under this chapter. Nothing in this section shall preclude lawful solicitors, peddlers, and/or transient merchants from doing business in other areas of the City of Rock Springs nor by more traditional means.

(b) It shall be unlawful for any transient merchant, peddler or solicitor as defined in Section 10-302 of this Ordinance to engage in such business within the City without first obtaining a license therefore. In the event that the transient merchant, peddler, or solicitor is under eighteen (18) years of age, the license shall be obtained by a sponsor, and at all times the sponsor shall be responsible for the juvenile transient merchant, peddler, or solicitor.
(96-03, Amended, 03/05/1996)

10-302 Definitions.

For purposes of this chapter, the following words and phrases, and derivations shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) Solicitor. Any individual, whether a resident of the City of Rock Springs or not, traveling either by foot, or by any type of conveyance, from place to place, for the purpose of selling goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for offering services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, and regardless of whether he is collecting advance payments on such sales and/or services; provided, that such definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any room, building, structure, hotel room, lodging house, apartment, shop or any other place within the City of Rock Springs for the sole purpose of exhibiting samples and taking orders for future delivery. The word "solicitor" shall include "canvasser" and "drummer".

(2) Peddler. Any person, whether a resident of the City of Rock Springs or not, traveling either by foot, or by any other type of conveyance, from place to place, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the terms "hawker" and "huckster."

(3) Transient Merchant. Any person whether as owner, agent, or consignee or employee, whether a resident of the City of Rock Springs or not, who engages in a temporary business of selling and delivering goods, wares and merchandise, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, or boat, public rooms in hotels, lodging houses, apartments, shops or any streets, alleys, public places or other places for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The term "Transient Merchant" shall include the terms "itinerant merchant" and "itinerant vendor."

(4) Person. Any natural person or any firm, corporation, association, club, society or other organization.

(5) Sponsor. Any natural person, over the age of eighteen (18), or any company or organization, that obtains a license, required under this chapter, for any juvenile solicitor, peddler, or transient merchant.

(6) Juvenile. Any natural person under eighteen (18) years of age.

(7) Clerk. City Clerk for the City of Rock Springs.
(96-03, Amended, 03/05/1996)

10-303 Permit Applications.

Applicants for a license under this Ordinance shall file, with the City Clerk, a written sworn application, provided by the City Clerk's Office, containing the following information:

(a) The name and description of the applicant.

(b) The permanent home address of the applicant.

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

(d) If operating as an employee, the name and address of the employer, together with the credentials establishing the exact relationship.

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

(f) 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.

(g) A photograph of the applicant. The photograph shall show the head and shoulders of the applicant in a clear and distinguishing manner.

(h) A statement as to whether or not the applicant, or any of its participating employees have been convicted of any crime, misdemeanor, or violation of any municipal law, the nature of the offense or violation, the punishment or penalty assessed therefor, the date when and place where such offense occurred, and other pertinent details thereof.

(i) The names, addresses and dates of birth for all employees and associates who will be actively participating in the business within the City.

(j) A brief statement of the nature and character of the advertising, if any, to be

done in order to attract customers.
(96-03, Amended, 03/05/1996; Amended
Ord. 2014-06, 5/6/14)

10-304 Fees.

(a) At the time of filing the application, a nonrefundable fee of ten (\$10.00) Dollars shall be paid to the City Clerk to help defray the costs of processing the application.

(b) Before any license shall be issued under this article, the applicant therefor shall pay a license fee based upon the length of time the applicant intends to engage in business in the City as follows:

The minimum license fee shall be twenty-five dollars (\$25.00) which said fee shall entitle the licensee to conduct business in the City of Rock Springs for a period not to exceed thirty (30) calendar days from the date of issuance of the license. Licensees may obtain a permit for a period not to exceed ninety (90) days for a filing fee of ten dollars (\$10.00) plus an additional twenty-five dollars (\$25.00) for each salesman. For a fee of one hundred dollars (\$100.00), the licensee may obtain a permit for the calendar year commencing January 1 and expiring on December 31, of the year in which the licensee desires to conduct business with the City of Rock Springs. Business entities with more than five participating employees shall pay a monthly fee of seventy-five dollars (\$75.00) and an annual renewal fee of five hundred dollars (\$500.00).

(c) If any licensee has more than one person engaged in the business of peddling or uses more than one truck, wagon or other vehicle in such business, or if more than one person is engaged in the business of soliciting or if a transient merchant intends to establish more than one temporary business location within the City of Rock Springs during the term of his license, then the foregoing license fee shall be paid for each of such separate persons, trucks, wagons, vehicles or locations and a separate license shall be issued for each such separate person, truck, wagon, vehicle or location.

(d) All solicitors requiring cash deposits or taking orders for cash on

delivery purchases (C.O.D.), or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall post a bond to the City Clerk, on terms and conditions acceptable to the City Attorney.

(96-03, Amended, 03/05/1996; Amended
Ord. 2014-06, 5/6/14)

10-305 Application Review and Issuance of License.

(a) Upon receipt of an application, the City Clerk, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare. If the City Clerk finds the application to be satisfactory, the Clerk shall endorse his/her approval on the application and shall, upon payment of the prescribed fee, deliver the required license to the applicant within five (5) business days of receipt of the application and required license fee.

(b) Upon review of the application, the City Clerk may refuse to issue a license. The reasons for refusal shall be noted on the application, and the applicant shall be notified that his application has been disapproved and that no license will be issued. A license may be refused for any of the following reasons:

(1) An investigation reveals that the applicant falsified information on the application.

(2) The applicant has been convicted of any felony, or misdemeanor involving moral turpitude.

(3) There is no proof as to the authority of the applicant to serve as an agent to the principal.

(4) The applicant has been denied a license under this Ordinance within the immediate past year, unless the applicant shows to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

(96-03, Amended, 03/05/1996; Amended
Ord. 2014-06, 5/6/14)

10-306 Exhibiting License.

The license or licenses issued under this Ordinance shall be posted conspicuously at all times during business hours at the location of operations of any transient merchant. Solicitors and peddlers shall have the license in their possession at all times for exhibition upon demand by any customer or representative of the City of Rock Springs. (96-03, Amended, 03/05/1996)

10-307 Transfer.

No license issued under this ordinance shall be transferable. (96-03, Amended, 03/05/1996)

10-308 Duty of Police to Enforce.

It shall be the duty of the police officers of the City of Rock Springs to investigate all complaints against a solicitor, peddler, or transient merchant, and to otherwise examine all places of business and persons in their respective territories subject to the provisions of this Ordinance, to insure compliance within this Ordinance, and to enforce the provisions of this Ordinance against any person found to be violating the same. examine all places of business and persons in their respective territories subject to the provisions of this Ordinance, to determine if this Ordinance has been complied with and to enforce the provisions of this Ordinance against any person found to be violating the same. (96-03, Amended, 03/05/1996)

10-309 Records and Complaints.

(a) The City Clerk shall keep a full record in her office of all licenses issued under this Ordinance. Such record shall indicate the number of the license, the date of issuance, the nature of the business, the amount of the license fee, the expiration date of the license, the authorized place of business, and the name or names of the person or persons authorized to carry on the business.

(b) The Chief of Police shall report to the City Clerk any complaints against any person licensed under this Ordinance and any convictions for violations of this Ordinance; and, the City Clerk shall keep a

record of all such complaints and violations. (96-03, Amended, 03/05/1996)

10-310 Prohibited Practices.

(a) A Transient Merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9 p.m. and 9 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owners, occupant, or other person having authority over such premises.

(b) A Transient Merchant shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his or her visit, his or her identity, or the identity of the organization he or she represents.

(c) No Transient Merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(d) No Transient Merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.

(e) No Transient Merchant shall allow rubbish or litter to accumulate in or around the area in which he or she is conducting business.

Ord. 2014-06, 5/6/14

10-311 Prohibited Locations and Zoning Restrictions.

(a) No licensee under this Ordinance shall establish a business location within thirty-five (35) feet of the curb or shoulder of any street, alley or highway nor within two hundred (200) feet of any intersection regulated by a traffic control device, nor upon any unpaved lot, nor in violation of

any applicable zoning regulations, building codes, fire codes or other ordinances of the City of Rock Springs. No licensee or his employees or agent shall be permitted to live in any tent, trailer, camper or other living quarters on the site.

(b) Prior to issuing the license, the City Clerk shall refer the application to the Zoning Enforcement Officer, who shall determine whether or not the proposed business location and operation meets the requirements of this section. If such proposed business location or operation proves unsatisfactory and the situation cannot be corrected or remedied, the application shall be denied.

(96-03, Amended, 03/05/1996)

10-312 Exemptions.

(a) The provisions of this Ordinance shall not apply to the following:

(1) Any person who operates an established business at a permanent location within the City of Rock Springs, and who has paid an occupation tax or other licensing fee to the City of Rock Springs, shall be exempt from the provisions of this ordinance when offering goods for sale at places other than his permanent place of business, provided that such goods are the same type as those offered for sale at the permanent place of business.

(2) A person or group of persons selling his or their own property at a garage sale, estate sale, moving sale or similar activity, which said property was not acquired for resale barter, or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year.

(3) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.

(4) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.

(5) Any solicitation from members

or agents of a charitable organization which is recognized as such under Section 501(c)3 of the regulations of the Internal Revenue Service.

(b) Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a permit fee, shall cite to the City Clerk the legal authority under which exemption is claimed and shall present to the Clerk proof of qualification for such exemption.

(96-03, Amended, 03/05/1996)

10-313 Revocation of License.

(a) Any license issued pursuant to this Ordinance may be revoked by the Mayor of the City of Rock Springs, after notice and hearing held before the Rock Springs City Council, for any of the following reasons:

(1) Any fraud, misrepresentation or false statements contained in the application for license;

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;

(3) Any violation of this Ordinance;

or
(4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

(96-03, Amended, 03/05/1996)

10-314 Notice and Hearing

A license revocation hearing shall be held within a reasonable time of a license revocation. Notice of hearing for revocation of a license shall be timely provided in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least five (5) days prior to the date set for the hearing or personally served upon the licensee at least two (2) days prior thereto.

(96-03, Added, 03/05/1996)

10-315 Appeal.

Any person aggrieved by a decision in regard to the denial of his application or in

connection with the revocation of a license shall have the right to appeal to the Rock Springs Governing Body. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for appeal. The Governing Body shall set the time and place for a hearing on such appeal. Said hearing shall be held no more than twenty (20) days from the receipt of appellants written statement. Notice of such hearing shall be given to such person in the same manner provided in Section 10-313 of this Ordinance. The decision and order of the Governing Body on such appeal shall be final and binding on all parties concerned. (96-03, Amended, 03/05/1996)

10-316 Severance Clause.

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, or the Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of such section, sentence, clause or phrase. (Ord. No. 1031, 2-6-50; Rev. Ord. 1963; Ord. No. 83-7, 4-19-83).