

### **5.16.610 Transient businesses and itinerant merchants and vendors.**

**A. Itinerant and Transient Merchants.** It is unlawful for a transient merchant, itinerant merchant or itinerant vendor, as defined in subsection B of this section, to engage in such business within the town without first obtaining a license therefor.

**B. Definitions.** A "transient merchant," "Itinerant merchant," or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, and whether a resident of the town or not, who engages in a temporary business of contracting for the provision of services or the selling and delivering of goods, wares and merchandise within the town, and who, in furtherance of such purpose, hires, leases, uses or occupies any temporary or mobile structure or vehicle, or rents or leases a building or a premises for a period of three days or less, for the conduct of such business; provided, that such definition shall not be construed to include any person, firm or corporation who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only.

**C. Sale of Products by Farmers, Wholesalers and Nonprofit Organizations Exempted.** Nothing in this section shall apply to any farmer or producer who sells or disposes of agricultural products, or to persons engaged in soliciting or taking orders exclusively from the trade or established wholesale or retail dealers, for the delivery of goods, wares or merchandise by wholesale. Nothing in this section shall apply to the sale of goods or services by wholly nonprofit organizations, local and county fairs, gun shows, craft shows, or other similar shows sponsored by recognized local organizations for the benefit of their members and the general public where it is shown by affidavit that not less than seventy-five percent of the gross sales proceeds are retained by the nonprofit organization for its own uses, or to the sale of goods or services at an event sponsored or sanctioned by any governmental entity.

**D. Investigation and Issuance of License.** The town clerk shall cause the police department to conduct such investigation of an applicant's business responsibility or moral character as the clerk deems necessary for the protection of the public good. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the town clerk shall issue the license. No license shall issue until the applicant has exhibited to the town clerk a current Wyoming sales tax license issued to the applicant.

**E. Service of Process.** Before issuance of the license, the applicant shall file with the town clerk an instrument appointing the town clerk as his true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant with respect to any matters connected with or arising out of the business transacted under the license. The town clerk shall immediately send to the licensee at his last known address, by certified mail, a copy of the process.

**F. Bond.** Before any license shall be issued, such applicant shall file with the town clerk either a cash bond or a bond executed by the applicant, as principal, and two individual sureties or one corporate surety upon whom service of process may be made in the state, running to the town of Jackson in the sum of one thousand dollars, the bond to be conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the town and the statutes of the state regulating and concerning the sale of services, goods, wares and merchandise. Action on the bond may be brought in the name of the town to the use of the aggrieved person. Any person desiring to file an action on the bond shall, simultaneously with the filing of the complaint, notify the town clerk in writing of the pending action. The bond shall be refunded to the applicant six months after expiration of applicant's license unless cause for action thereon has been presented to the town clerk. The form of such bond shall be approved by the town attorney.

**G. Exhibition of License and Posting of Warranties--Maintaining Distance from Street.** The license issued shall be posted conspicuously in the place of business of the licensee. A separate license must be obtained for each business location. The person to whom a license is issued under this section shall include as part of his application a statement in writing concerning any express or implied warranties which will be made to purchasers of the goods or services to be sold, or a statement that no such warranties will be given. Any person to whom a license is issued under this section shall also conspicuously post a statement concerning warranties as stated in the preceding sentence at the place of business stated in the license, in print consisting of characters not less than one-quarter inch in height. Any business for which a license is required under this section shall not be conducted or located within fifty feet of the nearest boundary of any street or highway right-of-way for U.S. Highways 26, 89, 187 or those streets designated for limited parking set forth in Schedule 9 of Section 10.04.390 of this code, except during the specified period of closure, for those portions of the effected public streets and the adjacent sidewalks and rights-of-way which may be officially closed to vehicular traffic from time to time by order of the town council.

**H. Fees.** Licensees shall pay a fee of two hundred dollars per year. (Ord. 334 § 1, 1985; Ord. 329 § 1, 1984; Ord. 310 § 1, 1983; Ord. 148 § 21(iii), 1972.)