

## **CHAPTER 5.12. PEDDLERS<sup>1</sup>**

### **5.12.010. Permit and license required.**

It is unlawful for any person to engage in the business of peddler, as defined in section 5.12.020, within the limits of the town without first obtaining a permit pursuant to the provisions of this Chapter 5.12 or a business license pursuant to Chapter 5.04.

(Code 1973, § 5.12.010; Ord. No. 8-1954, § 1, 1954)

### **5.12.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Peddler* means and includes any person, whether a resident of the town or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, services for hire, or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale or hire from a wagon, vehicle or other conveyance, and further 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 provision of this chapter.

(Code 1973, § 5.12.020; Ord. No. 8-1954, § 2, 1954)

### **5.12.030. Permit and license—Application; contents.**

Applicants for permits and licenses under this chapter must file with the town clerk a completed application in writing, which shall give the following information:

- (1) Name and address of the applicant;
- (2) Permanent home address and full local address, if any, of the applicant;
- (3) A brief description of the nature of the business and the goods or services to be sold and in the case of farm products, whether the products are grown by the applicant;
- (4) If employed, the name and address of the employer;
- (5) The specific times for which the right to do business is desired;

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<sup>1</sup>State law reference(s)—Municipal authority to license, tax, regulate, suppress and prohibit peddlers, C.R.S. § 31-15-501(1)(g).

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- (6) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
  - (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore;
  - (8) Such other matters as may be from time to time deemed necessary or desirable by the town clerk.

(Code 1973, § 5.12.030; Ord. No. 8-1954, § 3, 1954)

#### **5.12.040. Permit and license—Investigation and issuance.**

- (a) Upon receipt of such application, the town clerk, or designee, shall cause investigation of the applicant's business and moral character to be made for the protection of the public good.
- (b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the town clerk shall deny the request and notify the applicant in writing of such disapproval and that no permit and license will be issued.
- (c) If, as a result of such investigation, the applicant's character or business responsibility are found to be satisfactory, the town clerk shall endorse approval and execute a permit in favor of the applicant for the carrying on of the business applied for upon payment of the prescribed license fee and issue a license for the calendar year. Such license shall contain the signature and seal of the town clerk or designee and shall show the name of said licensee, the kind of goods or services to be sold thereunder, the date of issuance, and the length of time the same shall be operative, as well as the identifying description of any vehicle used in such peddling. The town clerk or designee shall keep a permanent record of all licenses issued within a calendar year.

(Code 1973, § 5.12.040; Ord. No. 8-1954, § 4, 1954)

#### **5.12.050. Permit and license—Fees.**

There shall be due and payable for each license or permit issued hereunder, the sum defined in the master fee schedule.

(Code 1973, § 5.12.050; Ord. No. 8-1954, § 5, 1954)

#### **5.12.060. License nontransferable.**

No license issued under the provisions of this chapter shall be transferred to or used by any person other than the one to whom it was issued.

(Code 1973, § 5.12.060; Ord. No. 8-1954, § 6, 1954)

#### **5.12.070. Use of streets.**

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted in a stationary location, nor shall any be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this chapter, a licensed peddler may participate in special events and farmers markets as determined by a special event coordinator or farmer's market manager. The

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judgment of the town clerk shall be deemed conclusive as to whether the area is appropriate for peddlers. A party holding a business license with the town is not required to apply for a peddlers permit.

(Code 1973, § 5.12.070; Ord. No. 8-1954, § 7, 1954)

#### **5.12.080. Exhibition of license.**

Peddlers are required to exhibit their license at the time of service.

(Code 1973, § 5.12.080; Ord. No. 8-1954, § 8, 1954)

#### **5.12.090. Chapter enforcement.**

It shall be the duty of any police officer of the town to require any party peddling, and who is not known by such officer, to be duly licensed to produce a peddler's license or business license, and to enforce the provisions of this chapter against any person found to be violating the same.

(Code 1973, § 5.12.090; Ord. No. 8-1954, § 9, 1954)

#### **5.12.100. Violations record.**

The police department shall report to the town clerk all convictions for violations of this chapter and the town clerk shall record the reports of violations therein.

(Code 1973, § 5.12.100; Ord. No. 8-1954, § 10, 1954)

#### **5.12.110. Revocation.**

- (a) Permits and licenses issued under the provisions of this chapter may be revoked by the town clerk for any of the following causes:
  - (1) Fraud, misrepresentation, or false statement contained in the application for license;
  - (2) Fraud, misrepresentation, or false statement made in the course of carrying on his or her business as peddler;
  - (3) Any violation of this chapter;
  - (4) Conviction of any crime or misdemeanor involving moral turpitude;
  - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, safety, or general welfare of the public.
- (b) Notice of the revocation hearing or for an appeal of a revocation of license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed postage prepaid to the licensee at their last known address at least 15 days prior to the date set for hearing.
- (c) An appeal hearing to a revocation will be scheduled before the Board of Trustees. The decision of the Board of Trustees shall be final.

(Code 1973, § 5.12.110; Ord. No. 8-1954, § 11, 1954)

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**5.12.120. Expiration.**

The peddler's permit issued under the provisions of this chapter shall expire at the end of a calendar year.

(Code 1973, § 5.12.120; Ord. No. 8-1954, § 12, 1954)