

## PUBLIC NOTICE

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#### ORDINANCE NO. 846

AN ORDINANCE OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, PERTAINING TO PEDDLERS, TRANSIENT MERCHANTS AND ITINERANT VENDORS OPERATING WITHIN THE CITY OF WORLAND BY REPEALING CHAPTER 17 OF THE WORLAND CITY CODE AND REPLACING IT WITH THE FOLLOWING PROVISIONS. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING.

**SECTION 1:** Article I, Article II and Article III of Chapter 17 of the Worland City Code are hereby repealed in their entirety and replaced with the following, to-wit:

#### ARTICLE I. CANVASSER, SOLICITOR OR PEDDLER

**17-1: DEFINITIONS:** For purposes of this Article, the words **Canvasser, Solicitor or Peddler shall be considered as any individual or entity engaged in the business of travelling from place to place with the intentions of taking orders for the sale of real or personal property, of any nature, for present or future delivery.**

**17-2: PROHIBITED:** **Canvassers, Solicitors and Peddlers are prohibited from conducting business within the City of Worland, unless otherwise allowed herein.**

**All such individuals or entities conducting business within the City shall be considered as violating this Article and shall be prosecuted with a misdemeanor and shall be sentenced according to Section 1-7 of the Worland City Code.**

#### **17-3: EXCEPTIONS:** The following activities shall not be considered in violation hereof:

- A. Newspaper Subscriptions;
- B. Fundraising activities by local school students and local service clubs or groups;
- C. Any valid and existing political group seeking funds or membership;
- D. Any organization exempt from taxation as a wholly non-profit 26 U.S.C. 501 and meeting all the requirements for the exemptions provided by U.S.C. 503;
- F. Established local religious organizations;
- G. Events sponsored by a governmental agency; and
- H. Individuals and businesses considered as guests and invitees.

**SECTION 2:** Article IV of Chapter 17 of the Worland City Code is hereby repealed in its entirety and replaced with the following, to-wit:

#### ARTICLE II. TEMPORARY VENDOR

**17-4: DEFINITION:** For purposes of this Article, the phrase **Temporary Vendor shall be considered as any individual or entity engaged in the temporary business of selling and delivering food, beverages, goods, wares and merchandise within the City, and who in furtherance of such purpose, uses, leases or occupies any temporary structure, vehicle or public place for the conduct of such business. A structure which is not connected to sewer and water utilities is considered temporary. This includes the use of privately owned property for such purposes.**

## PUBLIC NOTICE

**17-5: PERMIT REQUIRED:** It shall be unlawful for any temporary vendor to engage in such business or to employ another in such business within the corporate limits of the City without first obtaining a permit from the City Clerk in compliance with the provisions of this Article. All temporary vendors must meet all applicable city, state, and federal law and licensing requirements. Temporary vendors will be issued and must maintain a City issued permit when doing business within the City. The purpose of this provision is to preserve the health, safety and welfare of the citizens of Worland.

**17-6: EXCEPTIONS TO PERMIT REQUIREMENT:** The provisions of this Article shall not apply to any of the following activities:

- A. The sale of farm and garden products locally grown by Washakie County residents;
- B. Any organization exempt from taxation as a wholly non-profit 26 U.S.C. 501 and meeting all the requirements for the exemptions provided by U.S.C. 503;
- C. Events sponsored by a governmental agency including, but not limited to, the Farmers Market, Culture Fest, Girl and Boy Scouts, the Wyoming State BBQ Championship and Bluegrass Festival, sporting events, and Washakie County Fairgrounds events;
- D. Established local religious organizations; and,
- E. Fundraising by local school students and local service clubs or groups such as Elks, Kiwanis and Lions.

**17-7: PERMIT REGULATIONS:** Temporary Vendor Permit Holders shall conduct the vending business pursuant to the following regulations:

- A. The vending business must be conducted on or within;
  1. Commercial or business zones unless granted a permit for a special event;
  2. Established commercial or business property with the written permission of the business or property owner. This may include vacant property;
  3. Municipal property for a limited period of time for specific events upon approval by the governing body;
- B. Mobile carts, vending machines and vending trailers, or any type of conveyance, along with the customers, must remain off of the public sidewalks;
- C. The temporary vending stand, booth, cart or vehicle must be located so as to provide adequate parking for customers off the traveled portion of the street and to prevent congestion on public ways. The established business must be able to maintain its off street parking requirements with the vendor present;
- D. The site is subject to inspection at any time and a violation could cause immediate revocation of the permit;
- E. State of Wyoming Sales and Use Tax License shall be on file with the City for each permit;
- F. For food vendors, a Wyoming Department of Agriculture Food License is also required to be on file with the City;
- G. All required Certificates must be displayed at the temporary business location as well as the Temporary Vendor Permit issued by the City; and

## PUBLIC NOTICE

- H. The Temporary Vendor Permit issued by the City is non-transferable.

**17-8: APPLICATION, FEE AND ISSUANCE:** Individuals or entities desiring to obtain a Vendor's Permit shall adhere to the following:

- A. Applicant shall fill out and file an application with the City Clerk along with the required fee;
- B. The application and permit fee shall be a yearly fee due on the first business day in January of each year;
- C. The permit fee shall be as follows and is non-refundable: \$50.00 for a permit which is valid for one (1) year;
- D. Upon receipt of a completed application and annual fee by the City Clerk, the same will be reviewed and acted upon within ten (10) business days, unless unusual circumstances require additional time; and
- E. Any application for a permit on municipal property, or outside of a commercial or business zone, or for a special event, shall be brought before the governing body for approval. The application will be reviewed and acted upon as soon as possible but not necessarily within ten (10) business days.

**17-9: OPERATING WITHOUT A VALID PERMIT:** Individuals or entities operating a vending business in violation of this Article shall be subject to prosecution with a misdemeanor and shall be sentenced according to Section 1-7 of the Worland City Code.

**SECTION 3:** If any portion of this ordinance is held or found to be invalid, the remainder of the ordinance shall continue to be in full force and effect.

**SECTION 4:** All ordinances or parts of ordinances of the City of Worland in conflict herewith are hereby repealed.

**SECTION 5:** This ordinance shall take effect and be in full force and effect on **JANUARY 1, 2019**, after having been published in the Northern Wyoming Daily News.

PASSED ON FIRST READING **NOVEMBER 20, 2018.**

PASSED ON SECOND READING **DECEMBER 4, 2018.**

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING **DECEMBER 18, 2018.**

CITY OF WORLAND, WYOMING  
A Municipal Corporation

By: \_\_\_\_\_  
JAMES R. GILL - Mayor

ATTEST:

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TRACY A. GLANZ - City Clerk

December 25, 2018