

## Chapter 5.04

### TEMPORARY OR TRANSIENT MERCHANTS

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**Section 5.04.010 Intent-Authority-  
General provisions.**

A. The purpose of this chapter is to establish regulations and procedures for the regulating and licensing of temporary or transient merchants conducting sales and related activities within the city.

B. Authority is granted cities and towns by Wyo. Stat. Section 15-1-103(a)(xiii) and Wyo. Stat. Sections 33-20-201 through 210 to regulate and license the conduct of sales by temporary or transient merchants for the public health, safety and welfare of its citizens.

C. The town clerk is authorized to request any supporting documentation in conjunction with applications filed for a temporary or transient merchant business license, or to ascertain requests for

exemption from a license as set forth in this chapter. Prior to issuance of a license, review and inspection of proposed premises or sales sites for applicants proposing to sell from fixed stands or booths may be conducted by various city department representatives as requested by the Town Clerk.

**Section 5.04.020 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Charitable" means and includes the words "patriotic," "philanthropic," "social service," "welfare," "benevolent," "educational," "civic" or "fraternal," either actual or purported.

"Contributions" means and includes the words "alms," "food," "clothing," "money," "property," "financial assistance" or "other things of value." A contribution, as defined herein, will also include a sale or offer to sell any book, card, magazine, membership, merchandise, subscription, ticket or other thing in connection with which an appeal is made for any charitable or religious purpose.

"Premises" means a building or portion of a building used for residential purposes including the real estate upon which any such building is located, provided that the predominant use of the real estate is for residential purposes.

"Religious" means and includes the word "charitable," as herein defined, but will be given its commonly accepted definition.

"Solicit" and "solicitation" means and includes any one or more of the following activities:

1. Selling or offering for sale, or taking or attempting to take orders for the sale of goods or merchandise of any kind, character

or description, primarily for personal, family or household purposes;

2. Selling or offering for sale, or taking or attempting to take orders for books, magazines, periodicals, newspapers and every other type or kind of publication; or

3. Requesting directly or indirectly contributions on the plea or representation that such contributions will be used for a charitable or religious purpose; where any such sale, offer, taking, attempt or request is personally solicited or consummated in or upon the premises of an actual or prospective customer or donor. A "home solicitation," as defined herein, will be deemed completed when made, whether or not the person making the same makes any sale or receives any contribution.

"Temporary or transient merchant" means all persons not having a permanent place of business within the city, who are engaged in selling or offering for sale any goods or merchandise of whatever nature.

**Section 5.04.030 License required-  
Application  
Exemptions.**

A. No person may carry on the trade or occupation of a temporary or transient merchant within the city unless:

1. The person has obtained a temporary or transient merchant business license from the office of Town Clerk;

B. Persons desiring a temporary or transient merchant business license, including a comprehensive license, must submit written application on forms provided by the Town Clerk, together with payment of the licensing fee, to the office of Town Clerk. The licensing fee for a temporary or transient merchant license for a thirty (30) day period will be fifty dollars (\$50.00); the licensing fee for a

comprehensive temporary or transient merchant license will be one hundred fifty dollars (\$150.00) per year. Such application will include all information requested by the Town Clerk.

C. Upon receipt of an application and payment of the required license fee, the city clerk will forward the application to the police department for applicant background review and recommendation. The police department will return the application to the town clerk with a recommendation of approval or disapproval. The town clerk may require additional inspections and/or approvals by other city agencies.

D. The following may be exempt from the provisions of this chapter:

1. Charitable, nonprofit and religious organizations and all persons representing them; provided, that the proceeds from sales are used only for charitable, nonprofit or religious events and purposes;

2. Any fund-raising sales by a recognized school or civic organization, where profits solely benefit student members or a school/organization sponsored event.

**Section 5.04.040 Possession and  
display of license.**

Every person licensed pursuant to this chapter must at all times possess and display such license in a conspicuous place while carrying on the licensed trade or occupation. All persons and employees required to be in possession of a license card must produce and exhibit the same whenever requested to do so by any police officer or by any other person.

*(Amended 10-13-2005)*

solicitation or use any false, deceptive or misleading misrepresentation to induce a  
5.04.050

**Section 5.04.050      Restrictions on  
door-to-door  
solicitations--  
Prohibited practices.**

A. No person will engage in solicitation upon any premises without a prior invitation from the occupant thereof if such premises is posted with a notice prominently displayed upon which is printed the legend "No Solicitors" (or words of similar import). For the purposes of this subsection, a dwelling house or apartment or other residence will be deemed to be posted against solicitation if the above notice is exhibited on or near the main entrance to the premises or on or near the main door to any residence located thereon.

B. No person will 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. There will be no solicitation upon any premises, other than upon prior invitation of the occupant of any such premises, prior to nine a.m. or after seven p.m., local time, of any day.

D. Not more than two individuals will engage in solicitation upon any premises at the same time for the same goods or merchandise, services, or for religious or charitable purposes. Each individual member of a group engaged in solicitation in violation of this provision will be deemed to have violated such provision.

E. No person engaged in solicitation will, at the time of initial contact with a prospective customer or donor, fail to verbally identify themselves and the purpose of the solicitation.

F. No person engaged in solicitation will misrepresent the purpose of the

sale or contribution or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call.

**Section 5.04.060 License term— Renewal.**

Each license issued will be effective for thirty (30) days with the exception of an annual transient merchant license, which will be effective for one year from date of issuance. Annual transient merchant licensees must submit their renewal application forms to the office of the town clerk prior to the expiration of their current license to maintain eligibility as a renewal applicant.

**Section 5.04.070 Violation— Penalty.**

A. Any person who violates any provision of this chapter will be deemed guilty of a misdemeanor, punishable pursuant to the general penalty provision of Town Code. (Chapter 1.12)The town clerk will have the authority to sign and file complaints with municipal court for the city against those persons violating the provisions of this chapter. Each day each violation continues will be deemed a separate offense.

B. Any person holding a valid license who violates any provision of this chapter will be subject to suspension or revocation of their transient merchant license.