

Ridgway Municipal Code

CHAPTER 8

SECTION 3

Transient Merchants

Subsections:

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8-3-1 DEFINITIONS.

For the purpose of this Section the following definitions shall apply unless in conflict with the context or plain meaning.

TRANSIENT MERCHANT: Any person, whether a resident of the Town or not, who engages in the business of selling or soliciting orders for goods or services at any place other than a regularly established permanent business premises within the Town, and includes transient drummers, peddlers, hawkers and salesmen, vendors selling from temporary structures, vehicles, carts or wagons. Provided, however; wholesales; real estate and insurance agents licensed by the State; persons engaged in non-commercial religious activities; persons selling only religious literature; Town residents engaged in lawful yard or garage sales at their residences; and persons soliciting donations not involving any sales, shall not be subject to the provisions of this Section.

(Ord 2- 1998)

8-3-2 LICENSE REQUIRED.

(A) It shall be unlawful for any transient merchant to engage in the business of a transient merchant without obtaining a license from the Town in accordance with this Section or being sponsored as provided in Section 8-2-4 of this Section.

(Ord 13-1997)

(B) A license application shall be filed with the Town on forms furnished by the Town, and shall provide the following information:

(1) The name and address of the applicant and each employee or agent thereof, who will engage in business with the Town.

(2) A description of the nature of the business and goods or services offered, and the locations within Ridgway in which the business will be conducted.

(3) Proof of authorization by the owner of the property for such use, or approval to participate at a special event location from the event sponsor.

(4) Proposed signage.

(Ord 13-1997)

(C) Accompanying the application shall be a license fee in the following amount:

(1) \$25.00 for a 4-day event license

(2) \$50 for a 6-month license

(3) Non-profit civic organizations may be exempt from the fee upon proof of legal non-profit status.

(Ord 13-1997)

(D) Also submitted with the application shall be an instrument appointing the Ridgway Town Clerk as the true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant, and each of his agents or employees, upon a form to be provided by the Town. If any process is served upon the Town Clerk, the Town shall send a copy of such process to the applicant at the address listed on the application by registered or certified mail.

(Ord 13-1997)

(E) The applicant must have current state and town sales tax licenses.

(Ord 13-1997)

8-3-3 ISSUANCE OF LICENSE.

(A) Following receipt of a properly completed application accompanied by the appointment of agent for service of process and the application fee, the Town shall issue the transient merchant's license if it determines all applicable provisions of this Section and other Town ordinances and regulations are met.

(Ord 13-1997)

(B) The license shall state the expiration date and describe the goods or services to be offered and the authorized locations. The license shall contain a notice to customers that the Ridgway Town Clerk is the licensee's agent for service of process.

(Ord 13-1997)

(C) The applicant shall post a copy of the license at his place of doing business. The applicant and each employee or agent shall carry his copy of the license with him at all times, and produce it upon request to any customer, any police officer, or other agent or employee of the Town.

(Ord 13-1997)

(D) The sales activity on temporary facilities must be within the "GC" or "HB" districts, or as an accessory to an authorized special event, or otherwise allowed by Town Zoning Regulations. No vehicles, carts, or temporary structures may be located within building setbacks.

(Ord 13-1997)

(E) The license may contain restrictions on signage or other conditions to insure compliance with Town ordinances and regulations.

(Ord 13-1997)

8-3-4 LOCAL SPONSOR.

(A) (1) In lieu of the provisions of Section 8-3-2 and 8-3-3, a transient merchant may be sponsored by a merchant with an established place of business within the Town who has paid Town sales taxes without delinquency for the previous year in accordance with this Subsection (A).
(Ord 2-1998)

(2) The sponsoring merchant shall file a sponsor letter with the Town, on forms provided by the Town, in which the sponsoring merchant shall take responsibility for the business related acts of the transient merchant and each agent or employee thereof, and shall guarantee payment of all Town, county and state taxes due or judgment rendered against the transient merchant as a result of the business, and shall act as the transient merchant’s agent for service of process, and handling of warranty and customer complaints.
(Ord 2-1998)

(3) After approval of the sponsor letter by the Town, the transient merchant may conduct the business described thereon. The applicant and each agent or employee shall carry a copy of the approved letter and produce it upon request of any employee or agent of the Town, or any customer. A copy shall be posted at the transient merchant’s place of business.
(Ord 2-1998)

(B)(1) In lieu of the provision of 8-3-2 and 8-3-3, transient merchants participating in a civic event sponsored by a Ouray County civic organization may be sponsored by the civic organization in accordance with this Subsection (B).
(Ord 2-1998)

(2) The civic organization must obtain a Civic Sponsor License and shall submit an application fee in the amount of \$25.00 and an application on forms provided by the Town which shall require information convenient for the administration of this Section. Information required in Subsection 8-3-2(B) and a list of the participating merchants by name, business name and address with a copy of their State and Town Sales Tax License numbers, if any, shall be submitted no later than five business days before the date of the event.
(Ord 2-1998)

(3) The Town will issue a license pursuant to the provisions of Subsection 8-3-3(A),(C),(D) and (E) along with a temporary sales tax license for the individual merchants.
(Ord 2-1998)

8-3-5 REVOCATION OF LICENSE.

(A) The license issued hereunder may be revoked by the Town Council following notice and hearing on account of any material misstatement contained in the application, any violation of this Chapter, any violation of other Town ordinances and regulations applicable to the business activity of the applicant or upon conviction of any felony.
(Ord 13-1997)

(B) Notice of hearing shall be either served upon the applicant in accordance with the Colorado Municipal Court Rules of Procedure or mailed, postage prepaid, to the applicant at the address set forth in the application for license.
(Ord 13-1997)

(C) No license shall be issued to any applicant, or agent or employee thereof, for whom a license has been revoked, until at least one year has elapsed since revocation.

(Ord 13-1997)

8-3-6 INTERSTATE COMMERCE PROVISIONS.

In the event any applicant believes that the license fee required by this Section constitutes an undue burden upon interstate commerce, he may apply to the Town Council for an adjustment in the amount of the fee, in which event a hearing shall be heard before the Council to consider the matter. The applicant may appear and present such evidence as he may desire at the hearing. Following the hearing, the Council shall determine a license fee which is fair and reasonable and does not constitute a burden on interstate commerce.

(Ord 13-1997)