

PEOPLE'S ORDINANCE NO. 14

SERIES 1982

AN ORDINANCE TO REGULATE AND LICENSE
TRANSIENT DEALERS WITHIN THE TOWN OF
BRECKENRIDGE, COLORADO

WHEREAS, the Town of Breckenridge has determined that it has a substantial interest in regulating transient dealers within the Town of Breckenridge as a means of crime prevention and control, maintaining a private property owner's privacy and generally preserving the health, welfare and safety of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF BRECKENRIDGE, COLORADO AS FOLLOWS:

Section 1 TITLE

This Ordinance shall be known as the "Transient Dealers License Ordinance.

Section 2 RESTRICTIONS

It is unlawful within the Town of Breckenridge for any solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise or services going in or upon the private property of any residence or business within the Town between the hours of 9:00 p.m. and 9:00 a.m. without first having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise and peddling or attempting to sell same.

Section 3 DEFINITIONS

For the purposes of this ordinance, the following definitions shall apply and form a party of this ordinance:

A. "Itinerant Merchants" and "Transient Vendors" mean any person, either as principal or agent, who engages in the business of traveling about carrying with him for sale and selling manufactured goods, wares, or merchandise.

B. "Peddler", "Huckster" or "Hawker" means one who travels from place to place carrying his wares with him. A peddler offers for sale, consummates the sale and delivers the goods or services at one and the same time to the ultimate consumer.

C. "Solicitor", "Canvasser", or "Drummer" means one who also travels from place to place but is distinguished from a peddler in that he does not carry his wares with him. A solicitor generally will carry samples and take orders for future delivery of the merchandise.

D. "Transient or Itinerant Merchant," "Seller", or "Vendor" means a person who sells and delivers from a stock in much the same way as a permanent business. However, this type of vendor generally sets up temporary shop in a building, tent or trailer.

Section 4. LICENSE - REQUIRED

It is also, in addition to the prohibitions set forth in Section 2, unlawful for any person to be engaged in the business of a transient dealer, peddler, solicitor, hawker, itinerant merchant, huckster, canvasser or transient vendor within the Town without first obtaining a license for conducting any such business or activity within the Town as provided in this ordinance.

Section 5 LICENSE - APPLICATION

A. Every person, before transacting any business as a transient dealer or any other activity described in Section 3, shall first procure from the Town Clerk a license permitting him to engage in any of the selling or soliciting activities referred to in this ordinance. This license shall be referred to as a "Transient Dealer's License".

B. This Transient Dealer's License shall be issued for a period of fourteen (14) days. Said license may be renewed for successive periods of fourteen (14) days upon the payment of the license fee for each such period.

C. Applicants for a Transient Dealer's License shall file with the Town Clerk at least three (3) days prior to the date upon which the applicant desires to begin his business, a sworn application in writing on a form to be furnished by the Clerk, which shall give the following information:

1. Name, date of birth and physical description of the applicant.
2. The permanent home address and full local address of the applicant.
3. A brief description of the nature of the business and goods shown for sale or for future delivery, including the manufacturer, producer and supplier of said goods.
4. If employed, the name, address and phone number of the employer, together with credentials establishing the exact relationship between the employer and employee.
5. Colorado State Sales Tax Number.
6. The length of time for which the right to do business is desired.

7. Two identical photographs of the applicant which reasonably identify the applicant, such photographs to measure $1\frac{1}{2}$ inches by $1\frac{1}{2}$ inches.
8. The fingerprints of the applicant.
9. A statement as to whether or not the applicant has ever been convicted of any crime or misdemeanor and if the applicant has been so convicted, a statement as to the nature of the offense and conviction.
10. The particular manner and means by which he intends to sell his goods or take his orders.

D. At the time of the filing of the application, a license fee of fifty dollars (\$50) shall be paid to the Town Clerk to cover the cost of investigating the facts stated in the application and administrative costs.

Section 6. LICENSE - ISSUANCE

Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and moral character.

A. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the Town Clerk shall so endorse upon the application and set forth the reasons therefore, and thereupon shall notify the applicant of the disapproval of such application and that no license will be issued thereunder.

B. If, as a result of such investigation, the applicant's character and business responsibility are found satisfactory, the Town Clerk shall endorse the same on the application and, upon receipt of the necessary fees as set forth in this ordinance, shall execute and deliver to the applicant a license to carry on such business within the corporate limits of the Town for a period of time, not to exceed fourteen (14) days.

C. The license so issued to a successful applicant shall contain the signature of the Town Clerk, the type of license issued, the kind of goods to be sold thereunder, the date of issuance, the expiration date thereof, and a two inch by two inch photograph of the applicant.

D. Any person issued such a license by the Town Clerk shall be required to have it in his possession while conducting business within the Town. Any person shall, when his license is demanded of him by any law enforcement officer shall forthwith exhibit his license for examination by such officer,

and if he neglects or refuses to do so, he shall be subject to the same penalty as if he had no license.

E. If the Town Clerk refuses a Transient Dealer's License, the applicant may appeal said refusal to the Town Manager.

Section 7 LICENSE - RECORDS REQUIRED

The Town Clerk shall maintain for a period of two (2) years a record of all licenses issued pursuant to the provisions of the ordinance and all license fees collected, which fees shall be paid into the General Fund of the Town.

Section 8. LICENSE - TERM - CANCELLATION

A Transient Dealer's License issued under this ordinance may be revoked by the Town Clerk after notice to the licensee and an immediate hearing at which the licensee may be heard, for any of the following causes:

1. Fraud, misrepresentation, or false statements contained in the application of the license.
2. Fraud, misrepresentation, or false statements made in the course of carrying on his business as a transient dealer.
3. Any violation of this ordinance.
4. Conviction of any crime or misdemeanor involving moral turpitude.
5. Conducting the business of a transient dealer in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his address as set forth on the application, at least five (5) days prior to the date set for the hearing.

C. If the Town Clerk revokes a Transient Dealer's License, the applicant may appeal said revocation to the Town Manager.

Section 9. LICENSE - ONE USER ALLOWED

No more than one (1) individual person shall engage in business or operate under the same Transient Dealer's License, whether as principal or agent or as an assistant to any principal or agent.

Section 10. SELLING ON STREETS PROHIBITED

Under no circumstances shall any person conduct any selling or

soliciting activity on or within any public street or right-of-way within the Town.

Section 11. EXEMPTIONS

All religious, charitable, non-profit and philanthropic organizations having the majority of their membership located within Summit County shall be exempt from the license and fee required by this ordinance; however, such organizations must register with the Town Clerk prior to any solicitation activities.

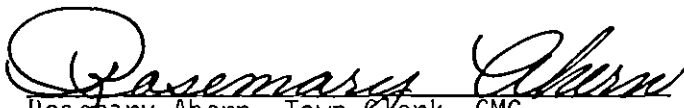
Section 12. VIOLATION - PENALTY

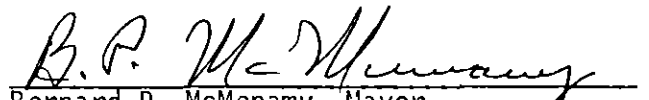
Every person who unlawfully engages in the various activities referred to in this ordinance, or who willfully violates any provision contained in this ordinance shall, upon conviction, be punished by a fine not to exceed Three Hundred Dollars (\$300) or by imprisonment in the Summit County Jail for a period not to exceed ninety (90) days or by both such fine and imprisonment.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of April, 1982. A Public Hearing shall be held on the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of May, 1982 at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Rosemary Ahern, Town Clerk, CMC


Bernard P. McMenemy, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 11th day of May, 1982.

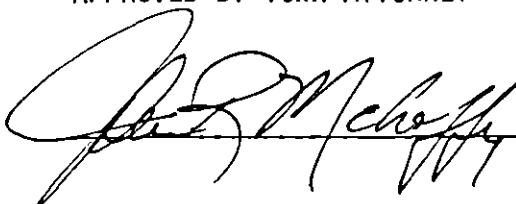
ATTEST:

TOWN OF BRECKENRIDGE


Rosemary Ahern, Town Clerk, CMC


Thomas P. Dalton, Mayor Pro tem

APPROVED BY TOWN ATTORNEY

 5/11/82
Date