

ORDINANCE RECORD NO. 4

ORDINANCE NO. 5-90

AN ORDINANCE PROVIDING FOR LICENSING OF BUSINESSES AND SETTING FORTH THE FEES THEREFORE, AND THE REPEAL OF CHAPTERS 5.04, 5.12, 5.16, 5.20, 5.24, 5.28, 5.32, 5.36, AND SECTIONS 5.40. and 8.08.250

WHEREAS, the City has developed a partial system of business licensing; and,

WHEREAS, it is desirable to have an all-encompassing system which would provide data on the local businesses to aid in promotion and development of business;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Rawlins, Carbon County, Wyoming that Chapter 15.01 be, and the same hereby is, created and shall read from and following passage and publication as follows:

Section 5.01.010 Definitions:

Amusement Show: An "amusement show" is a live show of unusual or unique talents, events or skills performed for the monetary gain of the operators and for the amusement or entertainment of others, but does not include educational activities.

Amusement Exhibition: An "amusement exhibition" is any amusement activity not defined elsewhere which are open to the public for a fee and which do not include gambling.

Auctioneer: An "auctioneer" is an individual who sells personal or real property of another at public auction for a fee or commission, provided, however, that such definition shall not include a public employee who performs such as a portion of his duties.

Business: A "business" is an activity, under single ownership, which includes the sale, purchase, pawn, proposed sale or rental of goods services, facilities or entertainment including, but not limited to, retail sales, wholesale, amusements, exhibitions or solicitation by telephone.

Carnival: A "carnival" is an event or an activity which includes rides, side shows, games and refreshments for monetary gain to the operator, whether all of the listed parts are present, or not.

Circus: A "Circus" is a live show of acrobats, wild animals, clowns and other performers, whether all of the listed parts are present, or not.

Construction Contractor: A "construction contractor" is any person or entity engaged in the construction, erection, location, alteration, repair or restoration of any building, structure, sidewalk, or street, including the installation, repair, alteration or restoration of any electrical or plumbing services, concrete or masonry, painting, roofing or carpentry.

Contractor: A "Contractor" is any person or firm engaged in the building trades industry who charges a fee or receives an incentive to perform such work for another.

General Contractor: A "general contractor" is a person who is engaged in the building trades industry, other than electrical, plumbing or mobile home installation, who charges a fee to perform such work for another.

Electrical Contractor: An "electrical contractor" is a

CITY OF RAWLINS, WYOMING

person who is engaged in the business of installing, altering, repairing or servicing electrical wiring, fixtures, conductors, devices, equipment, materials, apparatus, and similar items in buildings or structures who contracts with another to perform such work for another.

Plumbing Contractor: A "plumbing contractor" is a person who is engaged in the business of the erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing system, or portion thereof, who charges a fee to perform such work for another.

Mobile Home Installer: A "mobile home installer" is a person who engages in the business of locating, setting, levelling, connecting or attaching mobile home.

Mobile Home Park Operator: A "mobile home park operator" is a person who engages in the business of renting mobile home spaces in an approved mobile home park.

Non-resident business: A "non-resident business" is a business which is located within the Municipal boundaries, but does not have a local address or street location or has its principal office other than in this city.

Pawnbroker: A "pawnbroker" is a person who engages in the business of lending money on security of personal property deposited or placed in pawn, on the condition of selling them to the holder of a receipt at a stipulated price.

Peddler: A "peddler" is any person who travels from one location to another within the city and conducts, or attempts to conduct, a business activity in the course of travelling, thus going to prospective customers, and shall include such persons as "hawker", "huckster", "canvasser", "solicitor", and "street vendors".

Person: A "person" is any real individual or group of individuals, or any artificial entity or association, such as partnerships, limited partnerships, corporations or companies.

Resident Business: A "resident business" is a business located within the municipal boundaries with a local address and street location of an office which employs or supports at least one person, and has no intention to abandon a local address.

Secondhand Dealer: A "secondhand dealer" is any person who engages in the business of buying, selling, exchanging or dealing in person property which has been previously owned or used, but not from an original source. It shall not include those persons engaged in the pawn business.

Security Alarm Operator: A "security alarm operator" is any person who engages in the business of installing, repairing, maintaining, operating security alarms, or who operates a security alarm for him/herself, and has the alarm or alarm system connected so as to notify the City Police Department.

Security Officer: A "security officer" is a person who for consideration from private individuals performs a watchman or guard duty of more than one private property, whether employed by the property owners or by a security patrol operator, but shall not include persons who routinely make deliveries of money to financial institutions, or employees of a single establishment.

Security Patrol Operator: A "security patrol operator" is a person who engages in the business of furnishing one or more security officers for private persons to act as guards or watchman, or to provide a patrol for private persons or private property.

ORDINANCE RECORD NO. 4

Solid Waste Hauler: A "solid waste hauler" is a person who engages in the business of collecting or transporting any solid waste, garbage, refuse or other waste materials intended to be discarded.

Special Business: A "special business" is one of the enumerated businesses in this ordinance which receives individual definition, and which may receive individual treatment hereunder.

Taxicab Driver: A "taxicab driver" is an individual who drives a taxicab for consideration, whether as the taxicab operator or as an employee.

Taxicab Operator: A "taxicab operator" is a person who is engaged in the business of operating any vehicle to carry passengers for hire not on an established route within the city.

Temporary Resident Business: A "temporary resident business" is a business located within the Municipal boundaries with a local address and street location which has no intent to remain indefinitely.

Transient Merchant: A "transient merchant" is a person who is engaged in any business temporarily located at a fixed location in the City.

Section 5.01.020 Purpose:

The purpose of this chapter shall be to regulate and license the businesses located or operating within the City for the protection and promotion of the health and welfare of the citizens of the City.

Section 5.01.030 Compliance Required:

No person, partnership, corporation or other business association shall operate any business without first having complied with the provisions of this chapter which apply thereto. Any violation thereof shall be subject to the penalties contained in Section 1.08.010, and, in addition thereto, may have any business license revoked, suspended or denied. Each day shall be considered a separate violation.

Section 5.01.040 Licenses Required:

A. No person shall operate any business described in this chapter to operate such business without first obtaining a license if such is required. Every business which operates under a license issued under this title shall exhibit the current, valid license in a conspicuous place in an area open to the public.

B. Any person who operates a business described in this chapter at the time of the passage of this ordinance, or amendment to which includes one or more additional businesses, and who was not required to have a license prior to the passage of the ordinance, or amendment, shall have a period of sixty (60) days to obtain a license, or otherwise comply.

C. Any person who operates a business under a license issued by the City prior to the passage of the ordinance may continue to operate such business under said license until the expiration of such, but not after the 10th day of July, 1991 in any event.

Section 5.01.050 Business License Fee: The following fees shall be collected by the City Clerk for the respective businesses prior to the issuance of the appropriate business license:

A. Each temporary resident business excluding special business shall pay a weekly fee of \$50.00 or a monthly fee of

\$125.00 for each respective week or month, or part thereof.

B. Each non-resident business, excluding special businesses, shall pay a weekly fee of \$50.00 or a monthly fee of \$125.00 or an annual fee of \$250.00, for each week, month or year, or respective part thereof.

C. The following special businesses shall pay the respective fees for each listed time period and comply with the respective conditions:

1. Auctioneer: Each auctioneer shall pay an annual fee of \$50.00. In addition, each auctioneer shall provide to the City a bond for not less than ten thousand dollars to protect the customers of the auctioneer from fraud or neglect. Each auctioneer shall keep a ledger of the property he auctions for not less than five years.

2. Carnival, Circus, Amusement Show or Exhibition: Each carnival, circus, amusement show or exhibition shall pay a fee of \$50.00 for each performance of each calendar year and \$25.00 or each performance thereafter. In addition prior to any performance, each operator shall provide to the City satisfaction evidence of a current, valid liability insurance policy, from a reputable insurance carrier, which will cover accidents, injury or occurrences to patrons during the entire performance or series of performances in an amount not less than one million dollars for each occurrence.

3. Contractors:

(a) General Contractors: Each general contractor shall pay the annual fee of \$75.00; in addition, each general contractor shall provide to the City a performance bond pursuant to Section 5.01.100 in an amount not less than two thousand dollars for the benefit of the contractor's customers.

(b) Electrical Contractor: Each electrical contractor shall pay our annual fee of \$75.00. In addition, each electrical contractor shall provide to the City a performance bond pursuant to Section 5.01.100 in an amount not less than two thousand dollars for the benefit of the contractor's customers.

(c) Plumbing Contractor: Each plumbing contractor shall pay an annual fee of \$75.00; in addition each plumbing contractor shall provide to the City a performance bond pursuant to Section 5.01.100 in an amount not less than two thousand dollars for the benefit of the contractor's customers.

(d) Mobile Home Installer: Each mobile home installer shall pay the annual fee of \$75.00; in addition, each mobile home installer shall provide to the City a performance bond pursuant to Section 5.01.100 in an amount not less than two thousand dollars for the benefit of the contractor's customers.

4. Solid Waste Hauler: Each hauler shall pay an annual fee of \$500 for each vehicle plus a fee of \$ -0- per cubic yard of garbage or refuse deposited in the landfill and \$ -0- per cubic yard of recyclable materials properly separated and deposited at the landfill.

5. Mobile Home Park Operator: Each mobile home park operator shall pay an annual fee of \$25.00.

6. Pawnbroker:

(a) Each pawnbroker shall pay an annual fee of \$25.00.

(b) Each pawnbroker shall maintain a current ledger in the book provided and owned by the City Police Department which lists

ORDINANCE RECORD NO. 4

all of the property pawned or purchased in his establishment, including the information contained therein. Such ledger shall be maintained and available for inspection during regular business hours by any City police officer. Such book shall be returned to the City Police Department when filled to capacity.

(c) No pawnbroker shall accept any property for pawn or purchase from any person under the age of majority.

(d) Each pawnbroker shall keep each pawned piece of property in pawn for a period of not less than thirty (30) days before offering such for sale, and shall charge a rate not greater than twenty percent (20%) per month on each piece or set of property pawned.

(e) Any pawnbroker who has come into possession of any stolen property shall deliver the property to the lawful owner without charge when the owner has made a reasonably accurate and certain identification of the individual item. Any pawnbroker may request a police officer be present at the time of the identification.

7. Peddler:

(a) Each peddler shall pay a weekly fee of \$50.00, a monthly fee of \$125.00 or an annual fee of \$250.00. In addition, each peddler shall pay a non-refundable application fee of \$30.00 not more than once each calendar year, provided, however, than an additional fee may be charged for any renewal of the license if any information on the application has changed.

(b) An investigation of background shall be conducted on each applicant at the request of the City Clerk. Any significant criminal history of a nature involving deception or moral turpitude or a current outstanding warrant shall constitute valid grounds for denial of a license. In addition, in any case where an applicant may take an order for future delivery of goods or services and receives money prior to delivery, a bond shall be required in accordance with the requirements of 5.01.400.060.

(c) In the event a corporation, or other artificial entity, applies for a license, prior to issuance, all individuals who will be involved for the entity in the community shall complete an application and submit to a background investigation, and shall pay the application fee for each individual. An individual may be rejected for cause, but shall not affect the entity's license.

(d) No peddler shall approach a residence or business location which has a sign in plain view indicating "no peddlers", or words to that effect. If asked to leave the premises by the occupant thereof, any peddler shall immediately cease any business activity and comply.

8. Secondhand Dealer: Each secondhand dealer shall pay an annual fee of \$25.00 and shall maintain a current ledger of the items purchased for resale for a period of not less than five (5) years which shall include the date, name and address of the person from whom purchased for each item.

9. Security Alarm Operator: Each security alarm operator shall pay an annual fee of \$25.00. In addition, each operator shall pay the charge of the telephone company for connections, disconnections or alterations to the City phone lines. A charge of \$50.00 shall be assessed against the operator for each false alarm generated.

10. Security Officer:

(a) Each security officer shall pay an annual fee of \$50.00.

(b) Each security officer shall be bonded for the honest performance of his duties in an amount not less than one hundred thousand dollars (\$100,000) by a reputable bonding company licensed to do business in the State of Wyoming. The bond shall name the City of Rawlins and all of the customers served by the security officer and shall cover the entire period of the license.

(c) Each security officer shall make written application for the license on the form provided by the Clerk and shall fully cooperate in a background investigation conducted by the Chief of Police. Any false statement on the application, or any conviction of a misdemeanor involve larceny, deception or moral turpitude or any felony involving moral turpitude within the previous ten (10) years shall be grounds for denial of the license. The applicant shall provide fingerprints and photographs to be kept on file.

(d) No security officer shall possess on his person or in his vehicle any firearm, or replica thereof while engaged in business.

(e) No security officer shall have any lights on his vehicle which are visible from the front or side of the vehicle which show any color other than white, except for the turn signals, emergency flashers and marker light which are normally associated with a consumers automobile direct from the factory. No markings on the vehicle shall be of a nature as to suggest such is a marked police patrol vehicle, provided, however, that the plain words "security patrol" shall not be so construed.

(f) The annual license issued to each security officer shall contain a picture of the officer, and shall remain the property of the City. Such shall be returned to the City upon expiration or termination of the officer's profession as a security officer in the City, whichever is sooner.

11. Security Patrol Operator:

(a) Each Security Patrol Operator shall pay an annual fee of \$50.00 which shall be in addition to the fee charged to each security officer employed or utilized.

(b) Each security patrol operator shall make written application for the license on the form provided by the Clerk and shall fully cooperate in a background investigation conducted by the Chief of Police. Any false statement on the application, or any conviction of a misdemeanor involve larceny, deception or moral turpitude or any felony involving moral turpitude within the previous ten (10) years shall be grounds for denial of the license. The applicant shall provide fingerprints and photographs to be kept on file.

(c) Each security patrol operator shall be bonded for the honest performance of his duties in an amount of not less than one hundred thousand dollars (\$100,000) from a reputable bonding company licensed to do business in the State of Wyoming. Such bond shall cover the City of Rawlins and every customer of the operator in the City, and shall cover the entire term of the license. Such bond shall provide for notice of cancellation to the City not less than ten (10) days prior to the effective date of cancellation.

(d) Each security patrol operator shall insure that each security officer employed or utilized in the business is bonded as described above.

(e) Each security patrol operator shall provide to the City Clerk on a monthly basis a current list of all customers of the business.

12. Taxicab Operators:

(a) Each taxicab operator shall pay on annual fee of \$25.00, plus an additional annual fee of \$10.00 for each vehicle being operated as a taxicab.

(b) Each taxicab operator shall have each vehicle operated as a taxicab insured with liability insurance in an amount not less than three hundred thousand dollars (\$300,000), and shall provide satisfactory evidence of such insurance to the Clerk which provides coverage for the entire term of the license and provides for notice of cancellation to the City not less than 10 days prior to the effective date of the cancellation. Cancellation of insurance shall suspend the license ~~with~~ ^{until} satisfactory evidence of adequate insurance is received by the Clerk.

(c) Each taxicab operator shall make written application for the license on the form supplied by the clerk and cooperate fully with a background investigation to be conducted by the Chief of Police, or his designee. Any false statements by the applicant on the application, conviction of a misdemeanor involving larceny, deception or moral turpitude within the previous ten (10) years, or any felony involving moral turpitude within the previous ten (10) years, shall be grounds for denial or revocation of the license, unless a waiver of this provision is granted in writing by the City Council.

(d) Each taxicab operator shall clearly mark each vehicle operated as a taxicab so that it may be readily identified as such.

13. Taxicab driver:

(a) Each taxicab driver, other than any taxicab operator, shall pay an annual fee of \$25.00.

(b) Each taxicab driver shall make written application for the license on the form supplied by the clerk and cooperate fully with a background investigation to be conducted by the Chief of Police, or his designee. Any false statements by the applicant on the application, conviction of a misdemeanor involving larceny, deception or moral turpitude within the previous ten (10) years, or any felony involving moral turpitude within the previous ten (10) years shall be grounds for denial or revocation of the license, unless a waiver of this provision is granted in writing by the City Council, provided however that a licensed taxi operator, or applicant therefor, need only complete one application for both operator and driver licenses if both are requested.

(c) Each taxicab driver shall be issued a license with the licensee's picture thereon and such shall be displayed by the taxicab driver in a prominent, unobstructed location on the right-hand side of the vehicle dashboard at all times the driver is operating the taxicab.

Section 5.01.050 Application and Issuance:

(a) Any person initially requesting a business license must apply for such on the form designated by the City Clerk. Such completed initial application shall be returned to the City Clerk for review and issuance of the license.

(b) A license shall be issued by the City Clerk upon the submittal of a completed application and compliance with all other terms and conditions contained herein.

(c) No license shall be issued for a period in excess of one year and any proscribed renewal period.

(d) All licenses, save and except liquor licenses, issued under this title shall expire on the tenth (10th) day of January of each year. Applications for renewal must be received by the

City Clerk prior to expiration of the license or an initial application, with all supporting documentation, must be filed.

Section 5.01.060 Bonds:

(a) In the event that a bond is required by the provisions of this title, a copy of such bond from an approved bonding company authorized to do business in the State of Wyoming, or a certified check, in the appropriate amount, shall be deposited with the City Clerk attached to the application. Such bond shall be valid for the entire period of the license and any additional period necessary to correspond with any promise to deliver goods or services.

(b) Whenever a bond is required under this chapter, the bond shall be in an amount of not less than five thousand dollars, or the amount of the aggregate cost of the work to be performed or elsewhere specified in the ordinances, whichever is greater. The bond shall be a performance bond which covers the performance of promises given to customers, including, but not limited to the delivery of goods or services. Such bond need not cover warranties, expressed or implied.

Section 5.01.070 Procedures for Collection on Bond:

(a) In the event the City receives a written complaint from a citizen that a business which has posted a bond with the City for non-performance or malperformance of the bonded actions, the City shall send notice to the business of the complaint. In the event the complaint is not corrected and notice of such given to the City within 5 days of the notice given to the business, the City shall give the address of the bonding company to the complainant upon request.

(b) No bond which has a claim made against it may be released until resolution of the claim has been received by the City.

Section 5.01.080 Nontransferability:

No license granted under this title shall be assignable or transferable from the person to whom such was issued. Any attempt to assign or transfer a license shall void such license.

Section 5.01.090 Appeals:

In the event that a license is refused or denied by the City Clerk, the applicant may appeal within 5 days of receiving notice of the decision by giving written notice of such intent to appeal to the office of the City Manager. The City Manager shall hold a hearing wherein the applicant shall be allowed to present evidence and argue his case, opposed by the City Clerk, who may be assisted by the City Attorney. Further appeal may be had to Municipal Court and District Court utilizing the same time periods. Appellant may approach the Council at any time in the appeal process to amend the ordinance.

Section 5.01.100 Exemptions and Exceptions:

(a) Minors, unemancipated. Unemancipated minors shall be exempted from the requirements of this ordinance if: they own and operate their own business, either individually or in partnership; they have no employees; and they do not engage in a special business as defined in this chapter.

(b) Salesmen who sell only to businesses. Non-resident salesmen who sell only to local businesses shall be exempt from the requirements of this chapter.

(c) Couriers for financial institutions with office elsewhere. Non-resident couriers which service local financial

institutions shall be exempt from the requirements of this chapter.

(d) Liquor License holders. Those businesses which hold a current liquor license from the City of Rawlins, and who do not engage in any business other than the sale of alcoholic beverages and associated activities shall not be required to obtain another business license. Those who engage in other business activities shall be required to obtain a separate license for such activities.

BE IT FURTHER ORDAINED by the governing body of the City of Rawlins, Carbon County, Wyoming, that Chapters 5.04, 5.12, 5.16, 5.20, 5.24, 5.28, 5.32, 5.36, and Sections 5.40 and 8.08.250 be, and the same hereby are, repealed.

PASSED, APPROVED AND ADOPTED this 1st day of May, 1990.

CITY OF RAWLINS

By: [Signature]
Mayor

ATTEST:

[Signature]
Alice L. Newell
City Clerk

First Reading: April 3, 1990
Second Reading: April 17, 1990
Third Reading: May 1, 1990

Publication Date: May 5, 1990