

ENROLLED ORDINANCE NO. 17-003

AN ORDINANCE AMENDING TITLE 5 “BUSINESS LICENSES & REGULATIONS”; ADDING CHAPTER 5.30 “TEMPORARY MERCHANT PERMITTING”, OF THE RIVERTON MUNICIPAL CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIVERTON, FREMONT COUNTY, WYOMING:

Section 1.

Chapter 5.30 of the Municipal Code for the City of Riverton is hereby created to read as follows:

Chapter 5.30 TEMPORARY MERCHANT PERMITTING

5.30.10 Permit Required

It shall be unlawful for any temporary merchant 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 Community Development Department in compliance with the provisions of this Chapter. All temporary merchants must meet all applicable city, state, and federal law & licensing requirements, including Wyoming Department of Agriculture Food License (if applicable). Temporary Merchants will be issued and must continually maintain a City issued permit when doing business within the City or Riverton so as to preserve the health, safety, and welfare of the citizens of Riverton.

5.30.20 Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Commercial Business” is an established business operating from a permanent building and located in a commercially zoned area.

“Temporary” is defined as 6 months or less.

“Temporary Merchant” is defined as any person, firm, or corporation, whether as owner, agent, consignee, or employee; whether a resident of the City or not; who engages in a temporary business, or contracting for services, or the selling of food, beverages, goods, wares and merchandise in commercially zoned areas within the City or upon municipal property; and who leases, uses, or occupies any structure, vehicle, or any public place for the conduct of business.

5.30.30 Exceptions

The provisions of this Chapter shall not apply to:

- A. The sale of farm or garden products by the Fremont County resident producing the same and local agriculture related product sales;*
- B. The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;*
- C. The occasional sale by local school students for admission to a function of their school; or fund raising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy or Girl Scouts;*
- D. Any political group seeking funds or membership;*
- E. Any organization exempt from taxation as provided by 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;*
- H. Nothing in this code shall be construed as to prevent a minor from temporarily selling consumables.*

5.30.40 Permit Regulations

- A. Temporary Merchant permitted business must be conducted on;*

- 1) *Established commercial property with the permission of the established business owner. Not more than one merchant at one time per commercial lot will be permitted unless a minimum of 50 feet can remain between merchants;*
 - 2) *Municipal property for a limited period of time and a specific event or occasion upon approval by the governing body.*
- B. *Hours of daily operation will be between 6 AM and 10 PM unless otherwise approved by Riverton City Council.*
 - C. *Mobile carts, mobile vending vehicles, mobile vending trailers, or any other type of conveyance must remain a minimum of 25' from the right-of-way line. Customers must also be behind right-of-way lines.*
 - D. *The temporary merchant's 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 their off street parking requirements with merchant present.*
 - E. *No overnight lodging will be allowed on the established business lot.*
 - F. *No open fires. Fire extinguisher must be on site.*
 - G. *Site is subject to inspection at any time and a violation could cause immediate revocation of permit.*
 - H. *Proof of liability insurance and a Wyoming sales tax license to be on file with the City for each permit. For food vendors a Wyoming Department of Agriculture Food License is also required to be on file with the City. These certificates must be displayed at the temporary business location, as well as the Temporary Merchant Permit issued by the City.*
 - I. *The Temporary Merchant Permit issued by the City is non-transferable.*

5.30.50 Application Review and Issuance

- A *The fee schedule will be established by resolution of the Riverton City Council. The permit fee is non-refundable.*
- B. *Upon receipt of a completed application and payment of fee, the application will be reviewed and considered by the Community Development Department or his/her designee with a permit being issued or denied within 10 business days.*
- C. *Prior to issuance of a permit on municipal property, the governing body must approve the specific event or occasion and the period of time and establish whether or not a permit will be required.*

Section 2. *All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.*

Section 3. *This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the City of Riverton.*

PASSED ON FIRST READING	<u>April 18, 2017</u>
PASSED ON SECOND READING	<u>May 2, 2017</u>
PASSED ON THIRD READING	<u>May 9, 2017</u>

PASSED, APPROVED AND ADOPTED this 9th day of May, 2017.

CITY OF RIVERTON

By: _____
John L. Baker, Mayor

ATTEST:

Kristin S. Watson
City Clerk/Human Resources

ATTESTATION

I, Kristin S. Watson, Clerk of the City of Riverton, attest that Ordinance #17-003 was passed, adopted, and approved by the Governing Body of the City of Riverton on the 9th day of May, 2017. I further certify that the above ordinance ran at least once in the Riverton Ranger, a newspaper of general circulation within Riverton, Wyoming, the effective date of publication, and therefore the effective date of enactment being May 19, 2017.

Kristin S. Watson
City Clerk/Human Resources