

CHAPTER 21

TRANSIENT MERCHANTS, SOLICITORS, PEDDLERS AND CANVASSERS

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CHAPTER 21

TRANSIENT MERCHANTS, SOLICITORS, PEDDLERS AND CANVASSERS

ARTICLE 1. IN GENERAL

SECTION 21-1. DEFINITIONS.

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

Canvasser or Solicitor. Any individual, whether a resident of the city or not, traveling either by foot, or any type of conveyance, from place to place or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property or any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposed for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided, that such definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

Peddler. Any person, whether a resident of the city or not, traveling by foot, wagon, automobile or vehicle from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the words "hawker" or "huckster".

Transient Merchant. Any person whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling, or delivering goods, wares and merchandise, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public rooms in hotels, lodging houses, apartments, shops or any streets, alleys or other places for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided, that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The term "transient merchant" shall include the terms "itinerant merchant" and "itinerant vendor".

Exceptions. The above definitions shall not include any person performing such actions for any religious, civic or other non-profit organization, as the same are defined and described in Title 17 of the Wyoming Statutes, 1977 Repub. Ed..

SECTION 21.2. BONDS.

(Deleted 4/8/96 by Ordinance #96-725)

SECTION 21.3. SERVICE OF PROCESS.

(Deleted 4/8/96 by Ordinance #96-725)

SECTION 21.4. SIGNS PROHIBITING PEDDLERS AND SOLICITORS.

It shall be unlawful for any peddler or solicitor or canvasser, to ring the door bell or knock on the door of any residence, dwelling, flat or apartment whereon a sign bearing the words "No Peddlers", or other words of similar import is painted or affixed or exposed to public view, or to attempt to gain admittance thereto; provided, that the provisions of this sections shall not apply to any solicitor or canvasser who knocks at any door, or rings any bell at the invitation or with the consent of some member of the household at which he so applied for admission.

SECTION 21.5. SALE OF PRODUCTS BY FARMERS EXEMPTED.

Nothing in this chapter shall apply to any farmer or producer who sells or disposes of his own agricultural products, including fruits or vegetables, or of beef, mutton or pork; provided, that such meats are produced in accordance with all health regulations and laws, if such merchandise is produced by him in the state.

SECTION 21.6. WHOLESALERS EXEMPTED.

No license shall be required of drummers, traveling salesmen or other persons engaged in soliciting or taking orders exclusively from the trade or established wholesale or retail dealers, for the delivery of goods, wares or merchandise by wholesale.

SECTION 21.7. ASSOCIATION WITH LOCAL DEALERS, ETC.

Persons engaged in any business regulated by this chapter shall not be relieved from complying with provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connections with, as part of, or in the name of any local dealer, trader, merchant or auctioneer.

SECTION 21.8. VISITING PRIVATE RESIDENCES WITHOUT PERMISSION.

It shall be unlawful for any person to engage in the practice of going in and upon private residences in the city not having been requested or invited to do so by the owners or occupants of such private residences, for the purpose of soliciting orders for the sale of goods, subscriptions, magazines, wares or any merchandise or for the purpose of disposing of or peddling or hawking the same or soliciting orders for goods or services or for taking orders for any type of contract for present or future completion or continuation.

ARTICLE II. LICENSES.

SECTION 21.9. REQUIRED.

It shall be unlawful for a transient merchant, peddler, solicitor or canvasser to engage in any such business without first (1st) obtaining a license therefor in compliance with the provisions of this article.

SECTION 21.10. FILING AND CONTENTS OF APPLICATIONS.

Applicants for a license under this article shall file with the city clerk a sworn application in writing which shall give proof of the following information:

- (a) The name and description of the applicant.
- (b) The permanent home address and full local address of the applicant.
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.
- (g) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation or any municipal law, the nature of the offense and the punishment or penalty assessed therefor.

SECTION 21.11. INVESTIGATION OF APPLICANT; ISSUANCE; RECORDS.

(Deleted 4/8/96 by Ordinance #96-725)

SECTION 21.12. FEES.

The license fee which shall be paid to the city clerk upon the issuance of a license hereunder shall be as established by the city council from time to time, by resolution; provided, that if any person has more than one (1) person engaged in the business of peddling or uses more than one (1) motor truck, wagon or other vehicle in such business of peddling, the license fees shall be paid for each of such persons, motor truck, wagon or vehicle used in such business; and provided, that if any person has more than one (1) person engaged in the business of soliciting or canvassing, the foregoing license fee shall be paid for each person engaged in such business. Upon proof by a canvasser, solicitor or transient merchant that the goods, wares and merchandise for which he is soliciting orders are to be transported through interstate commerce and have not come to rest in the state prior to solicitation of orders within the state, no license fee shall be imposed.

SECTION 21.13. MINIMUM TERM; EXPIRATION.

(Deleted 4/8/96 by Ordinance #96-725)

SECTION 21.14. EXHIBITION.

Any person licensed under the provisions of this chapter shall exhibit his license at the request of any citizen.

SECTION 21.15. TRANSFER.

No license issued under the provisions of this chapter shall be transferred.

SECTION 21.16. REVOCATION.

- (a) Licenses issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on the business.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business 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 complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at this last known address at least five (5) days prior to the date set for hearing.

SECTION 21.17. APPEALS.

Any person aggrieved by the action of the chief of police or the city clerk in the denial of a permit or license as provided in this chapter shall have the right of appeal to the city council in accordance with Sections 2-54 through 2-78 as the same may from time to time be amended.