

## CHAPTER 11

### ITINERANT MERCHANTS AND TRANSIENT VENDORS

ART. I	In General, 11-1-1 – 11-1-2
ART II	License, 11-2-1 – 11-2-5

#### ARTICLE I. IN GENERAL

11-1-1. Definition. An “itinerant merchant or transient vendor” is any person whether as an owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City; and who in the furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, box car, trailer or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the City, for the exhibition and sale of such goods, wares and merchandise either privately or at public auction. The provisions of this chapter do not apply to any itinerant merchant or transient vendor whose activities in the city constitute interstate commerce, nor to person selling or offering for sale fruit, vegetables or farm products, nor to religious or charitable organizations not conducted for pecuniary profit, nor to any ordinary commercial traveler in pursuance of his business as such, nor to any residents who are voters in the city.

11-1-2. Hours of activities restricted. No persons shall carry on any of the activities licensed by this chapter between the hours of sunset and 9:00 a.m. or at any time on Sundays or legal holidays.

#### ARTICLE II. LICENSE

11-2-1. Required. It shall be unlawful for any person or for any agent, servant or employee of any person to engage in, carry on or conduct the business of a transient merchant without first obtaining a license to do so.

11-2-2. Application; contents. An applicant for a license required by this article shall make a written application therefor to the City Clerk, stating his name and residence, the street, number, city and state from where he came, the firm, if any, which the applicant represents, the kinds of goods, wares or merchandise which he desires to sell, and the place where the applicant proposes to sell such goods, wares, or merchandise. The license shall specify the number of days for which it is issued, and shall license the carrying on of the business specified in the application at the place designated in the application.

11-2-3. Fee. The license fee for engaging in, carrying on, or conducting business as a transient merchant shall be the sum of \$50.00 for the first day and \$5.00 for each subsequent day payable in advance for each day such business shall continue.

## Itinerant Merchants and Transient Vendors 11-2-3

Notwithstanding the foregoing, any transient merchant who is engaging in, carrying on, or conducting business with a food truck, food trailer, or any manner of self-contained food service operation, located in a readily movable, motorized, wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service, shall pay the sum of \$75.00 per calendar year and be required to provide the City Clerk with proof of insurance and a copy of a Douglas County Health Department permit for the applicant's business.

(Ordinance 18-C-7, amended September 17, 2018)

11-2-4. Revocation. The Mayor shall have the right to revoke the license granted under this article if he is satisfied that the licensee is not the proper and authorized representative of a reliable and responsible business house, or is not responsible or reliable.

11-2-5. Penalty. Any person, firm or corporation violating any provision of this article shall be fined in an amount not to exceed \$500; and a separate offense shall be deemed committed on each day during or on which violation occurs or continues.

(Ordinance No. 05-C-4, amended August 15, 2005)