

ORDINANCE NO. 440

AN ORDINANCE OF THE TOWN OF PINEDALE, WYOMING CREATING CHAPTER 5.02 OF THE PINEDALE MUNICIPAL CODE RELATING TO THE REQUIREMENT OF BUSINESS LICENSES.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINEDALE, WYOMING, THAT CHAPTER 5.02 OF THE PINEDALE MUNICIPAL CODE IS HEREBY CREATED TO READ AS FOLLOWS.

BUSINESS LICENSES

Sections:

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5.02.010 Definitions. Wherever in this article or its related resolutions or ordinances the following words are used, they shall, unless the context requires otherwise, be deemed to have the following meanings:

A. **Business:** Any activity by which a person, firm, partnership, corporation or any other entity whatsoever offers or furnishes, publicly or privately, goods, chattels or services to another in return for compensation or any valuable consideration, including, but not necessarily limited to, any trade, occupation, profession, avocation or calling of any kind. For the purposes of this code, business will not include the casual sale of used property which was acquired with the primary intention of personal use and not for resale. Such sales shall not involve the receipt of a commission or fee by the person transacting the sale and shall be primarily for the disposal of unwanted and unneeded items and not for the primary purpose of generating income. Business will include all activity which requires a state issued license.

B. **Charitable Organization:** Any service organization whose primary purpose is to relieve the poor, the sick, the neglected, the dependent and the destitute without compensation; such as American Red Cross, Cancer Society, Heart Association.

C. Civic Organization: Any community oriented service organization formed to promote and benefit community projects and purposes; such as Lions Club, Rotary Club, Business and Professional Women's Club, Chamber of Commerce.

D. Engaged in Business: Engaged in the business as owner or operator.

E. Governmental Organization: Any division of local, county, state or federal government or public school district or special governmental districts.

F. Non-Profit Organization: Any organization that has filed for and received tax exempt status as a non-profit organization by the Internal Revenue Service.

G. Religious Organization: Any organized religion and those entities owned by, affiliated with or adjunct to an organized religion.

H. Out-of-Home Business: A business operated out of the business owner's or operator's residence which is solely for a supplemental income and is not the sole source of financial support for the owner or operator.

I. Transient Merchant, Itinerant Merchant or Itinerant Vendor: Any person, whether as owner, agent, consignee or employee, whether a resident of the Town or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, boat, public room in a hotel, lodging house, apartment, shop, street, alley or other place within the Town for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Also, such definition shall not apply to individuals (other than the organizers, their agents, or employees, or others who receive a salary or commission payment) who participate in swap meets.

5.02.020 Applicability. The provisions of this article shall govern every business operated in the Town, as defined herein, and shall be effective January 1, 2009.

5.02.030 License Required. It shall be unlawful for any person or his agent or any entity to engage in or carry on a business in the Town without obtaining a business license. For the purpose of this section, the opening of a place of business or offering to sell followed by a single sale shall be construed to be engaging in or carrying on such business. Nothing contained herein shall apply to charitable, religious, non-profit, civic or governmental organizations or to out-of-home businesses.

5.02.040 Required for each Business. The payment of the license fee imposed by this Chapter shall not relieve the person paying the same from the payment of any other license fee by this Chapter for any other business he may carry on.

5.02.050 Required for Each Place of Business. A license issued for the privilege of conducting a business shall be valid only for the business conducted at the place and by the licensee named therein. Every person doing business in more than one (1) place of business shall secure a separate license for each such place of business, unless such places of business are contiguous, communicate directly with and open into each other and are operated as a unit.

5.02.060 Applications; Form. Applications for all licenses required hereby shall be made in writing to the Town Clerk on a form provided by the Town Clerk. Such application shall be made signed by the person making such application.

5.02.070 Issuance, Fees, Term. Each person making application for a business license shall, at the time of making such application, pay a license fee of \$15. Every license shall be signed by the Town Clerk under the Town seal. No person shall be deemed to be licensed until the license is issued in due form as required by this section, and no license shall authorize any person other than the licensee to conduct business there under. Licenses shall run from January 1 until December 31 of each calendar year. There shall not be any proration of the license fee for any partial year of licensing.

5.02.080 Refund of License Fee. No refund shall be made to any licensee by reason of discontinuance of any business licensed under this Chapter for any reason whatsoever.

5.02.090 Form of License. Every license issued under this chapter shall show:

- A. The name of the licensee.
- B. Nature of business.
- C. Place of business.
- D. That such license is not transferable

5.02.100 Display. Every business licensed under this Chapter shall at all times have such license prominently displayed in the place of business or available upon request.

5.02.110 Renewal, Delinquency. Every person licensed to conduct, engage in, or operate any business in the Town shall, if such business or work is to be continued, promptly renew such license within thirty (30) days of the first day of each calendar year. All licenses which have expired shall be delinquent if not renewed within said thirty (30) days. The Town Clerk shall send written notice of such delinquent license at the end of said thirty (30) days to the licensee of record. No delinquent license which is not renewed within sixty (60) days of said written notice of delinquency shall be renewed unless the licensee shall pay to the Town Clerk, in addition to the renewal license tax, a penalty for delinquency. The delinquency penalty shall be \$75.00. The Town Clerk shall refuse the issuance of a license to any person whose license shall have become delinquent within the year immediately preceding and shall not have been reissued after the issuance of a written notice of delinquency, unless such licensee shall pay the penalty provided by this section.

5.02.120 Change of Location. Each business license issued shall entitle the licensee to operate such business only in the location described in such license. Should any such licensee desire to move to a different location, he shall make application as herein required for a new license at such location. Upon issuance of such new license under the provisions of this ordinance, credit shall be given for the unexpired or unused portion, if any, of the license fee paid for the previous license.

5.02.130 Register. The Town Clerk shall maintain a license register, in which shall be entered the full name of each licensee, the address at which such business is conducted, the date of issuance and the purpose for which the license is issued

I further certify that the foregoing Ordinance was duly recorded on Page \_\_\_\_\_ of Book \_\_\_\_\_ of Ordinances of the Town of Pinedale, Wyoming.

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Town Clerk