



CHAPTER 6: BUSINESS REGULATIONS

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See Ord. #11-1985 Adopted May 13, 1985 See Ord. #06-1985 Adopted April 8, 1985
See Ord. #10-2001 Adopted June 25, 2001 See Ord. #10-2009 Adopted Feb. 9, 2009
See Ord. #29-2009 Adopted August 10, 2009 See Ord. #40-2009 Adopted Oct. 26, 2009
See Ord. #12-2011 Adopted June 13, 2011 See Ord. #17-2011 Adopted Sept. 26, 2011

CHAPTER 6: BUSINESS REGULATIONS

ARTICLE 1: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

6-1-1 Transient Merchants Licensed

- (A) It is unlawful for any peddler or solicitor to engage in any such business within the Town.
- (B) It is unlawful for any transient merchant to engage in any such business within the Town without first obtaining a license therefore in compliance with the provisions of this Article.
 - 1. The Town of Grand Lake shall not issue this license unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

6-1-2 Definitions

When used in this Article, the following terms shall have the following meanings:

(A) Peddler

Means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

(B) Solicitor

Means any person, whether a resident of the Town or not, who goes from house to house, from place to place, or from street to street, soliciting or taking or attempting to take orders for the sale of goods, wares or merchandise, including magazines, books, periodicals or personal property of any nature whatsoever for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such order, or whether or not he is collecting advance payments on such orders. This definition includes any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, motor vehicle, trailer, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

(C) Transient Merchant



Includes any person, firm or corporation, 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 shall be limited to individuals or entities at a craft fair or similar event which is being held by a charitable organization or for charitable purposes, as listed as listed in Municipal Code 6-1-3 Exemptions, and in conjunction with the issuance of a Special Event Permit.

6-1-3 Exemptions

- (A) The terms of this Article do not include the acts of persons selling personal property at wholesale to dealers of such articles, nor newsboys, nor the acts of merchants or their employees in delivering goods in the regular course of business, nor any persons engaged in a retail business which maintains in the Town a regularly established route, such as a milk route, bread route or similar type of business. Nothing contained in this Article prohibits any sale required by State Statute or by Order of any Court, or prevents any person from conducting a bona fide auction pursuant to law.
- (B) Any person or organization desiring to solicit donations of money or property or desiring to sell literature or merchandise from door to door or in any public place solely for charitable purposes shall be exempt from the provisions of Section 6-1-4 Application for License, 6-1-5 License Fee and 6-1-6 Use of Public Property provided:
1. A Special Event Permit has been obtained per the requirements of Municipal Code 12-2-31 for the use of the public right of ways for the specified solicitation or sales, and
 2. Upon determination by the Town Manager or his designee that such solicitation is in furtherance of charitable purposes.
 - (a) The term “Charitable Purposes” shall mean any organization, campaign or project which:
 1. Has as its primary purpose, the furtherance of science, education, philanthropy, religion, the arts, or any political campaign; and
 2. Which is not conducted for personal gain; and
 3. No portion of the net proceeds of solicitation for which, inures to the benefit of any individual or share holder, or
 4. Any organization to which contributions are deductible for Federal Income Tax purposes.

6-1-4 Application for License

- (A) Applicants for a transient merchant license shall file, at least five (5) days prior to the date of the Special Event, with the charitable organization that was issued the Special Event Permit a sworn Application which shall give the following information:
1. Name and physical description of Applicant;
 2. The Special Event for which the license is being requested;



3. Complete permanent home and local address of the Applicant, and the local address from which proposed sales will be made;
4. A brief description of the nature of the business and the goods to be sold;
5. The length of time for which the right to do business is desired;
6. The source of supply of the goods or property proposed to be sold or for the sale of which orders are proposed to be taken, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
7. A copy of the Applicant's retail sales tax licenses as required by Grand Lake Municipal Code and applicable State Statutes.

(B) The charitable organization of the Special Event permit shall submit a copy of all transient merchant license applications to the Town Clerk, or her designee, at least five (5) days prior to the Special Event for processing and issuance of the transient merchant licenses, if approved.

6-1-5 License Fee

(A) The transient merchant license fee, which shall be non-refundable and charged in advance by the Town Clerk, shall be set and amended by Resolution by the Board of Trustees.

(B) The transient merchant license fees collected pursuant to the provisions of this Article shall be administered and expended in compliance with Municipal Code 6-4-11.

6-1-6 Use of Public Property

The use of public property shall be limited to the requirements and locations as set forth in the Special Event Permit.

6-1-7 Exhibition of License

Transient merchants are required to exhibit their licenses at the request of any citizen of the Town.

6-1-8 Revocation of License

Licenses issued hereunder may be revoked by the Town Manager or his designee for any of the following causes:

- (A) Fraud, misrepresentation or false statement contained in the application for the license;
- (B) Fraud, misrepresentation or false statement made in the course of carrying on his business;
- (C) A violation of any Municipal Code of the Town of Grand Lake;
- (D) Conducting 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.



6-1-9 Appeal

Any person aggrieved by the action of the Town in the denial or revocation of a license shall have the right of appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after such denial or revocation by means of a written statement setting forth fully the grounds for the appeal. The appeal hearing will be held at the next regularly scheduled Board of Trustee meeting after receipt of the written appeal statement. The decision of the Board shall be final and conclusive, except as provided by the laws of the State of Colorado.

6-1-10 Expiration of License

The duration of the transient merchant license shall be the same as the duration of the Special Event Permit.

6-1-11 License Reapplication

No licensee whose license has been revoked or denied shall be issued another Transient Merchant License until at least Six (6) Months have elapsed since the last previous revocation or denial unless the Board of Trustees permits the license being issued after the appeal process as set forth in Municipal Code 6-1-9 Appeal.

6-1-12 Repealed