

ORDINANCE NO. 91-A

**AN ORDINANCE DEFINING, REGULATING AND LICENSING SOLICITORS AND
PEDDLERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF
AND THE REPEALING OF ANY AND ALL ORDINANCES IN CONFLICT
THEREWITH.**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE INCORPORATED TOWN OF
STRATTON, COLORADO:**

Section 1. Permit and License Required. It shall be unlawful for any solicitor or peddler as defined in this Ordinance to engage in such businesses within the corporate limits of the Town of Stratton, Colorado, without first obtaining a permit and license therefor in compliance with the provisions of this Ordinance.

Section 2. Solicitor Defined. A solicitor is defined as any individual whether a resident of the Town of Stratton, Colorado, or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street within the incorporated limits of the Town of Stratton, taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of 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 exposes for sale a sample of the subject to such sale or whether he is collecting advance payments of such sales or not. It is hereby expressly declared that all public schools and non-profit organizations are, by definition, not to be deemed a "solicitor" as that term is defined herein.

Section 3. Peddler Defined. A peddler is defined as any individual whether a resident of the Incorporated Town of Stratton or not, who shall sell and deliver or offer for sale to consumers, any goods, wares, merchandise, fruits, vegetables, or country produce, traveling from place to place, or from house to house, or from street to street within the corporate limits of the Town of Stratton, Colorado, or who shall sell or offer for sale and delivery any goods, wares, merchandise, fruits, vegetables or country produce from any wagon, motor truck, automobile or other vehicle, going from place to place, home to home, or street to street within the corporate limits of the Town of Stratton, Colorado. It is hereby expressly declared that all public schools and non-profit organizations are, by definition, not to be deemed a "peddler" as that term is defined herein.

Section 4. Solicitor and Peddler Application. Applicants for a solicitor's or peddler's permit and license under this Ordinance must file with the Town Clerk at least five days prior to the date upon which the applicant desires to begin his business within the corporate limits of the Town of Stratton, a sworn application in writing on a form to be furnished by the said Town Clerk which shall give 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 goods shown for sale or for future delivery;
- (d) If employed, the name and address and phone number of the employer together with credentials;
- (e) The length of time for which the right to do business is desired;
- (f) Two identical photographs of the applicant, which reasonably identify the applicant; such photographs shall measure two inches by two inches;
- (g) The fingerprints of the applicant;
- (h) A statement as to, whether or not taken by City Clerk or Town Marshall, whether the applicant has ever been convicted of any crime or misdemeanor and if the applicant has been so convicted, a statement as to the nature of the offense and conviction.

At the time of filing of the application, a fee of Twenty-five Dollars shall be paid to the Town Clerk to cover the cost of investigating the facts stated therein.

Section 5. Investigation and Issuance. (a) Upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and moral character and health.

(b) If as a result of such investigation, the applicant's character and business responsibility or health is found to be unsatisfactory, the Town Clerk shall so endorse upon the application and set forth the reasons therefor and thereupon shall notify the applicant of the disapproval of such application that no permit or license will be issued thereunder.

(c) If as a result of such investigation the applicant's character and business responsibility and health is found satisfactory, the Town Clerk shall endorse the same on the application and upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license and permit to carry on such business within the corporate limits of the Town of Stratton for a period of time, not exceeding thirty days, except as hereinafter set forth.

(d) The license and permit so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license or permit issued, the kind of goods to be sold thereunder, the date of issuance and expiration date thereof and a two inch photo of the applicant.

Section 6. Fees

(a) The license and permit fee which shall be charged in advance by the Town Clerk for any such license and permit shall be \$10.00 per day, or \$25.00 per seven day week, or \$50.00 per thirty day month.

(b) An annual license and permit may be obtained by paying to the Town Clerk the sum of \$150.00 per year in advance.

Section 7. Exhibit of License. Solicitors and Peddlers are required to exhibit their licenses and permits at the request of any citizen of the Incorporated Town of Stratton, Colorado.

457

Section 8. Duty of Police to Enforce. It shall be the duty of any Police Officer or Marshall of the Town of Stratton, Colorado to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed to produce his solicitor's or peddler's license and permit and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 9. Revocation of License. Permits and licenses issued under the provisions of this ordinance may be revoked by the Board of Trustees of the Town of Stratton, Colorado, after notice and hearings, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as peddler;
- (3) Any violation of this ordinance;
- (4) Convictions of any crime or misdemeanor involving moral turpitude;
- (5) Conduction of business of soliciting, or of peddling, in any unlawful manner or in such a manner as to constitute a breach of the peace, to constitute a menace to the health, safety or general welfare of the public.

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 his local address as set forth on the application at least five (5) days prior to the date set for the hearing.

Section 10. Appeal. Any person aggrieved by the action of the Police or Marshall of the Town of Stratton or the Town Clerk in the denial of a permit or license or the suspension of a permit or license as provided for in this Ordinance, or the action of the Mayor in assessing of fees as provided for in this Ordinance, shall have the right of appeal to the Board of Trustees of the Town of Stratton, Colorado. Such appeal shall be taken by filing with the Board of Trustees, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided for in Section 9 of this Ordinance for notice of hearing on revocation. The decision and order of the Board of Trustees shall be final and conclusive, except as provided for by the laws of the State of Colorado.

Section 11. Expiration of Lease. All licenses issued under the provisions of this Ordinance shall expire on the date as set forth thereon.

Section 12. Penalties. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof by punished by a fine not to exceed Three Hundred Dollars (\$300.00) for each such violation or by imprisonment not to exceed ninety (90) days or both such fine and imprisonment.

Section 13. Severance Clause. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held invalid of the remaining sections, sentences, clause's and phrases of this Ordinance but they shall remain in full force and effect, it being the legislative intent that this Ordinance shall stand notwithstanding in invalidity or unconstitutionality of any part.

Section 14. Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, be and the same are hereby repealed.

Section 15. Effective Date. The Board of Trustees finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety and, therefore, an emergency exists, and this ordinance, shall be recorded in the Book of Ordinances of the Town of Stratton, Colorado, authenticated by the signature of the Mayor and attested by the Clerk under the corporate seal of the Town and shall be published in "The Stratton Spotlight," a public weekly newspaper published within the corporate limits of the Town of Stratton and the County of Kit Carson and State of Colorado and shall be in full force and effect five days after such publication.

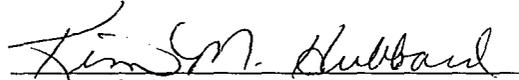
PASSED BY THE BOARD OF TRUSTEES AND SIGNED this 8th day of April, 1999.



Mayor

(SEAL)

ATTEST:



Town Clerk

STATE OF COLORADO)
County of Kit Carson) ss.
Town of Stratton)

CLERK'S CERTIFICATE

That I, Kim M. Hubbard, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 91-A was passed and adopted by a three-quarters majority of the Board of Trustees of the Town of Stratton on the 8th day of April, 1999, and that the above entitled Ordinance is a true, correct and full copy of the Ordinance as shown in Ordinance Book _____ at Page _____ of the records of the Town of Stratton, Stratton, Colorado.

Dated this 8th day of April, 1999.



Town Clerk

(SEAL)

STATE OF COLORADO)
)
County of Kit Carson) ss. CLERK'S CERTIFICATE OF PUBLICATION
)
Town of Stratton)

I, Kim M. Hubbard, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 91-A and Clerk's Certificate attached thereto was published in the Stratton Spotlight, a weekly newspaper of general circulation in Stratton, Kit Carson County, Colorado, on April 13, 1999, and "Proof of Publication" is filed therewith.



Town Clerk

LF