

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

BUSINESS LICENSES GENERALLY

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5.04.010 License tax levied--Purpose. For the purpose of raising revenue, the town does levy a license tax on any business whatsoever conducted, carried on or trafficked in, within the limits of the town, pursuant to the provisions of Section 15-1-103 (xiii), Wyoming Statutes, 1977, as amended. (Ord. 82-6 §1(part), 1982)

5.04.020 Definitions. For the purposes of this chapter; 5.04.030--5.04.040

"Business" includes all and every kind of lawful business trade, calling, profession, or occupation.

"Fixed place of business" is the premises within the town where a business is continuously conducted from day to day and regularly kept open for the purpose of said business. For the purpose of this chapter, "regular place of business" has the same meaning as "fixed place of business," as said terms are herein defined, and is not termed a "transient business" whether the person conducting such transient business is or is not a resident of the town.¹

"Person" means and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business trusts, societies and individuals transacting and carrying on any business in the town other than as an employee.

"Retail business" for the purpose of this chapter is every business conducted for the purpose of selling, or offering for sale, any goods, wares or merchandise, other than as a part of a "wholesale business" as defined in this section.

"Town" means the town of Marbleton.

"Wholesale business" is every business conducted solely for the purpose of selling goods, wares or merchandise in wholesale lots to retail merchants for resale or retail. (Ord. 82-6 §1(part), 1982)

5.04.030 Evidence of doing business. Whenever any person by the use of signs, circulars, cards, telephone books, or newspapers, advertises, holds out, or represents that he is in business in the town, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the town, and such person fails to deny by a sworn statement given to the town clerk that he is not conducting a business in the town, after being requested to do so by the town clerk, then these facts shall be considered prima facie evidence that he is conducting a business in the town. (Ord. 82-6 §1(part), 1982)

5.04.040 Change of location. The location of any licensed business or occupation, or of any permitted act, may be changed, provided, ten days' notice thereof is given to the town clerk, in the absence of "any provision to the contrary; provided that the building requirements of all town ordinances are complied with. (Ord. 82-6 §1(part), 1982)

5.04.050 Nuisances. No business, licensed or not, shall be conducted or operated as to amount to a nuisance in fact. (Ord. 82-6 §1(part), 1982)

5.04.060 Charitable and nonprofit organizations" exempt. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupations, event or activity, from any institution or organization which is conducted, managed or carried on for the benefit of religious, charitable, philanthropic or educational purposes; provided that convincing evidence is furnished to the town clerk which establishes that the organization has been granted or qualifies for such status under regulations promulgated by the United States Department of Treasury, Internal Revenue Service. (Ord. 82-6

¹ Editor's Note: The definition for "regular place of business" was amended during the codification process at the instruction of the town attorney"

§1(part), 1982)

5.04.070 License required. It is unlawful for any person or agent, clerk or employee, either for himself or for any other person, or for anybody, corporation, or otherwise, to commence or carry on any kind of lawful business, trade, calling, profession or occupation in the town, without first having procured a license from the town to do so or without complying with any and all regulations of such business, trade, calling, profession or occupation contained in this chapter. (Ord. 82-6 §1(part), 1982)

5.04.080 Separate licenses. A separate license must be obtained for each branch, establishment or separate place of business in which the business is carried on. Except as otherwise provided, a separate license must be obtained for each kind or class of business carried on at one location or within one building. In the event that more than one business is being carried on at one location or in one building and the businesses are owned by the same person, the license fees for such businesses shall be determined as follows:

A. The applicant shall pay a basic fee which is equal to the highest license fee required for anyone of the businesses;

B. The applicant shall pay an additional ten dollars for every other business owned by him and located in the same building or in the same location. (Ord. 82-6 §1(part), 1982)

5.04.090 Applications. Applications for all licenses and permits required by this chapter shall be made in writing to the town clerk in the absence of provision of the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be required for the proper guidance of the town officials in the issuing of the permit or license applied for. (Ord. 82-6 §1(part), 1982)

5.04.100 Person subject to license. Whenever a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business or occupation in the town. (Ord. 82-6 §1(part), 1982)

5.04.110 Forms. Forms for all licenses and permits, and applications therefor, shall be prepared and kept in file by the town clerk. (Ord. 82-6 §1(part), 1982)

5.04.120 Signatures. Each license or permit issued shall bear the signatures of the mayor and the town clerk in the absence of any provision to the contrary. (Ord. 826 §1(part), 1982)

5.04.130 Investigations. Upon the receipt of an application for a license or permit where ordinances of the town necessitate an inspection or investigation before the issuance of such permit or license, the town clerk shall refer such application to the proper officer for making such investigation within seventy-two hours of the time of such receipt. The officer charged with the duty of making th_ investigation or inspection shall make a report there-on, favorable or otherwise, within ten days after receiving the application or a copy thereof. The building

inspector or other appropriate official shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the chief of police or by some other officer designated by the mayor. (Ord. 82-6 §1(part), 1982)

5.04.140 Fees--Pavment. In the absence of a provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the town clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the corporate fund.

A. The amount of the license fee levied on each trade, profession, agency, business or other subject shall be as are determined by the town council from time to time. Such schedules shall be as established by resolution and shall be deemed to be a part of this chapter as if set out herein in their entirety.

B. Any such schedule of license taxes shall be maintained on file in the office of the town clerk where they shall be available for public inspection during the regular office hours of the town clerk. (Ord. 82-6 §1(part), 1982)

5.04.150 Refund of fees. No refund shall be made to any licensee by reason of discontinuance of any business licensed under this chapter or other ordinances of the town or for any other reason whatsoever. (Ord. 82-6 §1(part), 1982)

5.04.160 Termination of licenses. All annual licenses shall terminate on January 31st of each year where no provision to the contrary is made. The town clerk shall mail to all licensees of the town a statement of the time of expiration of the license held by the licensee two weeks prior to the date of such expiration; provided, that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license. No delinquent license shall be renewed after January 31st, until the licensee shall pay to the town clerk, in addition to the renewal license fee, a penalty for delinquency in an amount as may be set by the town council. (Ord. 82-6 §1(part), 1982)

5.04.170 Building and premises. No license shall be issued for the conduct of any business, and no permit shall be issued for any thing, or act, if the premises and building to be used for the purpose do not fully comply with all requirements of the town. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning title of the town. (Ord. 82-6 §1(part), 1982)

5.04.180 Revocation. Any license or permit may be revoked by the mayor at any time during the life of such license or permit for any violation by the licensee permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed. (Ord. 82-6 §1(part), 1982)

5.04.190 Posting License. It shall be the duty of any person conducting a licensed

business in the town to keep his license posted in a prominent place on the premises used for such business at all times. (Ord. 82-6 §1(part), 1982)

5.04.200 Expositions and outdoor sales. Notwith-standing the other provisions of this chapter any person engaged in the business of conducting an exposition, exhibit, or sale, of any merchandise or product, including artifacts and art objects, on or along any sidewalk or on any public property, shall pay a business license fee of one hundred dollars for each day that said exposition, exhibit, or sale is conducted. (Ord. 82-6 §1(part), 1982)

5.04.210 Suit on collection. The town attorney may sue for the recovery of business license fees imposed by this chapter whenever any of the fees remain due and unpaid. If for any reason the tax is not paid when due, in each year, interest shall be charged at the highest rate allowed by law on the amount of the tax, and an additional penalty of twenty-five percent of the amount of the unpaid business license fee for each month or fraction thereof during which the business license fee remains unpaid shall be added and collected. Where suit is brought for the recovery of any such business license fee, the person liable therefore shall, in addition, be liable for attorney's fees and costs of collection, plus interest and penalties herein imposed. (Ord. 82-6 §1(part), 1982)

5.04.220 Effect on civil obligation. The conviction and punishment of any person for transacting any business without a license shall not excuse or exempt such person from the payment of such business license fee due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution for any violation of the provisions of this chapter. (Ord. 82-6 §1(part), 1982)

5.04.230 Violation--Penalty. In addition to the other penalties provided for in this chapter, whoever makes any false or untrue statements on his application, or who refuses to permit inspection of his business premises when required by this chapter, and whoever fails or refuses to procure a business license tax when so required by this chapter, or fails to keep his business license conspicuously posted at his place of business as herein required, or any person who in any manner violates any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not exceeding seven hundred fifty dollars to which fine may be added costs. (Ord. 82-6 §1(part), 1982)

Chapter 5.08
ALCOHOLIC BEVERAGES

Sections:

- 5.08.010 Declaration of policy.
- 5.08.020 Definitions.
- 5.08.030 Town to regulate liquor traffic.

5.08.040	Liquor licenses.
5.08.050	Application for license.
5.08.060	Publication of notice.
5.08.070	Issuance of license.
5.08.080	License a personal privilege.
5.08.090	Transfer, renewal, or modification License.
5.08.100	Sale to habitual drunkard.
5.08.110	Limitation on sale to one person.
5.08.120	Liquor license fee.
5.08.130	Special malt beverage permit.
5.08.140	No sale on credit.
5.08.150	Notice of complaint
5.08.160	Possession of federal tax stamp.
5.08.170	Closing hours.
5.08.180	Evacuation.
5.08.190	Duty of prosecuting attorney.
5.08.200	Revocation of license--Grounds.
5.08.210	Special alcoholic beverage permit.
5.08.220	Pharmacists--Sale by.
5.08.230	Applicability of state statutes.

5.08.010 Declaration of policy. For the protection of the welfare, health, peace, morals and safety of the residents of the town, it is declared to be a public policy of the town that the traffic in spirituous, fermented and malt liquor should be regulated to the extent of prohibiting all traffic therein except as hereinafter provided. No sale at retail of such liquors may be consummated in this town except in compliance with the provisions of this chapter. (Prior code §3-201)

5.08.020 Definitions. Unless the context indicates otherwise, words and phrases in this chapter shall have the meanings indicated in this section:

"Alcoholic beverage permit" means the authority under which the sale of alcoholic beverages is authorized to hospitals, religious organizations, physicians and dentists.

"Club" means a fraternal organization not including college fraternities, labor unions or associations organized for commercial purposes or profit, which is a of and holds a charter from a national organization and .which owns or leases a building or space for the use and accommodation of its members.

"Drug store" means a suitable space in a building kept, used, maintained advertised and held out to the public to be a place where drugs and medicines are sold and prescriptions compounded and where a registered pharmacist is regularly employed.

"Intoxicating liquor," "alcoholic liquor" and "spirituous liquor" are construed as synonymous in meaning and definition and mean any spirituous or fermented fluid, substance or compound other than malt beverage intended for beverage purposes which contains more than one percent alcohol by volume.

"Limited retail liquor license" means the authority under which private clubs shall be permitted to sell alcoholic and/or malt beverages.

"Malt beverage" means any fluid of any kind or de-scription manufactured from malt,

wholly or in part, or from any substitute therefor containing more than one percent of alcohol by volume.

"Malt beverage permit" means the authority under which the sale of malt beverages is authorized for specifically limited periods.

"Original package" means any bottle, flask, jug, cask, barrel, keg, hogshead or other receptacle or container used, corked or capped, sealed or labelled by the manufacturer of alcoholic beverages containing any alcoholic beverage.

"Person" means and includes any individual person, partnership, corporation or association.

"Restaurant" means a suitable space in a building kept, used, maintained, advertised and held out to the public to be a place where meals are prepared and served, such space being provided with such adequate kitchen and dining room equipment and capacity and having employed therein such number and kinds of employees for preparing, cooking and serving meals for guests as shall satisfy the town council that such space is intended for use primarily as a place for preparing, cooking and serving meals and that the chief source of revenue to be derived from the operation of such place shall be from preparation, cooking and serving of meals and not from the sale of alcoholic or malt beverages.

"Retailer" means a person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.

"Sell or sale" means and includes offering for sale, trafficking in, bartering, delivering for value, exchanging for goods or in any way other than purely gratuitously, and delivery of any alcoholic and/or malt beverage made otherwise than by gift shall constitute a sale.

"Wholesaler" means any person except the Wyoming Liquor Commission, who sells or offers for sale any alcoholic or malt beverage to a retailer. (Ord. 91-17 §1, 1991; Ord. 88-3 §1, 1988; prior code §3-202)

5.08.030 Town to regulate liquor traffic. The town shall regulate, prohibit or license the sale of alcoholic and/or malt beverages within the town limits under the provisions of this chapter. (Prior code §3-203)

5.08.040 Liquor licenses. The town council may issue two retail liquor licenses and such restaurant liquor licenses as authorized by law; provided, however, that the town council may make application to the Wyoming Liquor Commission for additional licenses to be granted, and after receiving approval and consent from that forum, the town council may grant such additional licenses as proper investigation and public hearing may disclose to be expedient or necessary. The town council shall not issue more than one liquor license to anyone person. (Ord. 88-3 §3, 1988)

5.08.050 Application for license. Any person desiring a retail liquor license under this chapter shall apply to the town council for the same. Such application shall be made on a form prepared by the Attorney General of the state. Among other things, the application shall contain a description in detail of the place within which alcoholic beverages will be sold, and a description of the location of said premises. (Prior code §3-205)

5.08.060 Publication of notice. Upon receipt of an application for a retail liquor license,

the town clerk shall promptly publish once a week for four consecutive weeks in a newspaper of general circulation in the town, and also display conspicuously on the premises in which the applicant desires to use the license, a notice that such applicant has made application for a license and that protests against the issuance of such a license to the applicant will be heard at a time certain which is stated in the notice. (Prior code §3-206)

5.08.070 Issuance of license. After the notice time has expired and the public hearing has been held, a license may be issued by the town council, signed by the mayor and attested by the town clerk. The name of the licensee, a description of the place in which the alcoholic or malt beverages may be sold, the date of issuance, the amount of the license fee, and indication that the same has been paid shall appear on the face of the license. Each licensee shall display his license in a conspicuous place in the licensed premises. (Prior code §3-207) 5.08.080--5.08.130

5.08.080 License a personal privilege. A retail liquor license shall be a personal privilege, good for one year unless sooner revoked. (Prior code §3-208)

5.08.090 Transfer, renewal or modification of license. In the event of a major loss or damage to the licensed premises by an unforeseen natural cause, the license may be renewed on different premises on the same basis as an original application except for the payment of license fee, which renewed license shall expire as of even date with the original license. No license shall be transferred, sold, assigned, or used for any place not described in the license at the time of issuance, without the filing of a new application, the publication of notice, and the official approving action of the town council. Such a renewed license shall not be assessed a new license fee. Upon the expiration of any license, the owner thereof shall have a preference right to a new license, if such license may then be granted under the provisions of this chapter. (Prior code §3-209)

5.08.100 Sale to habitual drunkard. No holder of a license issued under the provisions of this chapter, or the servant, employee or agent of such holder, shall sell, give or deliver alcoholic and/or malt beverages to any habitual drunkard or incompetent person, nor shall the holder of any retail liquor license or his servant, agent or employee, permit any such person to enter or remain in a place in which he sells intoxicating malt beverages or liquors. (Prior code §3-210)

5.08.110 Limitation on sale to one person. Not more than eight gallons of malt beverages nor more than three gallons of intoxicating liquor may be sold to anyone person in anyone day. (Prior code §3-211)

5.08.120 Liquor license fee. A. Every person holding a liquor license pursuant to the provisions of this chapter shall pay annually in advance for such liense the following fee.

1. Retail liquor license, one thousand fivr hundred dollars;
2. Restaurant liquor license, one thousand dollars.

B. All license fees paid under this chapter shall be deposited in the town treasury. (Ord. 88-3 §5, 1988)

5.08.130 Special malt beverage permit. A special malt beverage permit may be issued to any

responsible person or organization for the sale of malt beverages only at a public bazaar, fair, rodeo or similar public gathering. No person or organization holding such permit shall sell any alcoholic liquor on the premises described in the permit. The permit shall be issued only for the day or days named therein, and it shall not authorize the sale of malt beverages on the premises described for more than six days by anyone person or organization in any single twelvemonth period. The permit may be issued by the town council without notice of the application for such permit. The town council may set the fee for such permit in an amount not less than ten dollars nor more than one hundred dollars per twenty-four hour period, payable to the treasury of the town. (Ord. 91-7 §1, 1991: prior code §3-213)

5.08.140 No sale on credit. No liquor retailer shall sell any alcoholic and/or malt beverage under this chapter to any person, firm, or corporation on credit. Upon proper proof of the violation of this provision, the town council shall have the power and authority to revoke the retail liquor license for such person. (Prior code §3-214)

5.08.150 Notice of complaint. Whenever the parent or guardian of any minor child, or any town, county, or state officer; shall notify any licensee or permittee in writing that a person liable for said minor's support is neglecting to provide support for said minor, the licensee or permittee so notified shall not thereafter sell, give or deliver any intoxicating liquor or malt beverage to such person so liable. (Ord. 91-18" §1, 1991)

5.08.160 Possession of federal tax stamp. The possession of a special tax stamp from the government of the United States, authorizing the sale of any alcoholic beverage as defined in this chapter, by a person not licensed by this chapter, shall be prima facie evidence that the person so holding is selling in violation hereof. The original or certified copy of such special tax stamp, verified by the proper authorities shall be admitted in evidence into the proper court of this town. (Prior code §3-216)

5.08.170 Closing hours. All businesses holding a liquor license may only conduct sales of alcoholic beverages during the hours of and between six o'clock (6:00) A.M. and two o'clock (2:00) A.M. These hours of operation may be modified on no more than four (4) days each calendar year by a Resolution or agreement made each year by the Town Council designating those dates during the Town or County fairs , rodeos, pageants, jubilee's, special holidays or similar public gatherings when all licenses may operate their dispensing rooms for up to a period of 24 hours beginning at six (6:00) o'clock A.M. (Ord. 2017-01; 8/14/2017).

5.08.180 Evacuation. All persons not employed by the retail liquor licensee shall be evacuated from the premises on or before the time set in the Wyoming State Statutes for the closing of such businesses. No intoxicating liquor and/or malt beverage shall be dispensed in any manner after said closing hours. (Prior code §3 -218)

5.08.190 Duty of prosecuting attorney. It is the duty of the town attorney of this town to prosecute by complaint in the municipal court all violations of the ordinance codified in this chapter in the manner now provided by law for the prosecution of criminal offenses under the general statutes of this state and the ordinances of the town. (Prior code §3-219)

5.08.200 Revocation of license--Grounds. The violation of any provision of this chapter or of any statute of the state applicable by any wholesaler, retailer or other licensee shall be sufficient cause for the suspension and

in the case of gross violation the revocation of the retail liquor license granted under the provisions of this chapter. (Prior code §3-220)

5.08.210 Special alcoholic beverage permit. An alcoholic beverage permit shall be required for the purchase or use of alcohol or malt liquors by hospitals, religious organizations and licensed physicians and dentists, but such permit shall not authorize resale, and shall be gratis by the town. (Prior code §3-221)

5.08.220 Pharmacists--Sale by. Licensed pharmacists not holding retail liquor licenses may, with the approval of the Wyoming Liquor Commission, purchase alcohol and/or malt liquor for the purpose of filling bona fide prescriptions written by duly licensed physicians, surgeons and dentists and shall be permitted to fill the same, but no such prescription shall be for more than one quart of such liquor for anyone person in anyone day. (Prior code §3222)

5.08.230 Applicability of state statutes. Nothing herein contained shall be construed to limit or restrict the lawful exercise of any authority or privilege or the imposition of any penalties or controls permitted by the Wyoming State Statutes pertaining to alcoholic beverages and otherwise applicable to the town. (Prior code §3-225)

Chapter 5.12

PEDDLERS AND SOLICITORS

Sections:

- 5.12.010 Soliciting and peddling nuisance.
- 5.12.020 Invitation shall be deemed nuisance.
- 5.12.030 Exclusion.
- 5.12.040 Town marshal to abate.

5.12.010 Soliciting and peddling a nuisance. The practice of going in or upon private residences, business establishments, public buildings and/or offices in the town "by solicitors, peddlers, hawkers, professional men, practitioner healers, health purveyors, photographers, itinerant merchants, 5transient vendors of goods, wares, merchandise, books, pictures, insurance, periodicals, magazines, health aids or anything whatsoever, not having been requested to do so by the owner, manager or occupant of said private residence, business establishment, public building or office, for the purpose of selling or soliciting orders for any such items hereinbefore enumerated, or any other article of whatsoever kind, and for the purpose of disposing of or peddling, selling or hawking the same, is declared to be public nuisance, and punishable as such, as a misdemeanor. (Prior code §3-101)

5.12.020 Attempted invitation deemed nuisance. Any attempt to obtain an invitation to visit any residence, business establishment, public building or office by personal solicitation or promise of any demonstration, pecuniary profit or benefit, or any gift or advantage, shall be deemed a violation of the terms of this chapter and the provisions thereof. (Prior code §3-102)

5.12.030 Exclusion. Any person who sells at wholesale, direct to a dealer for the ultimate purpose of resale of gift by such dealer is exempt from the provisions hereof, as is also any person locally established selling produce or products raised by himself. (Prior code §3-103)

5.12.040 Town marshal to abate. The town marshal or his deputies are required and directed to abate any nuisance or violation of this chapter as described in this chapter. (Prior code §3-104)

Chapter 5.15

PAWNBROKERS

Sections:

- 5.15.010. Definitions.
- 5.15.015 License.
- 5.15.020 Record Keeping.
- 5.15.030 Hold Orders and Surrender of Property.
- 5.15.040 Unlawful Pawnbroker/Secondhand Dealer Practices Designated.
- 5.15.050 Unlawful Pawn/Secondhand Customer Practices.
- 5.15.060 Penalty.
- 5.15.070 Applicability of State Law.

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

- A. "Pawn transaction" means the act of lending money on the security of pledged goods, or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller at a stipulated price, within a fixed period of time.
- B. "Pawnbroker" means a person engaged in the business of making pawn transactions.
- C. "Person" means an individual person, partnership, corporation or association.

D. "Pledged goods" means tangible personal property other than securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

E. "Secondhand dealer" means anyone or more natural persons, partnership or corporation, either as principal or agent or employee thereof licensed under this ordinance whose regular business includes selling or receiving secondhand property, excluding flea markets, antique dealers, used furniture dealers, used car dealers, nonprofit organizations, auction houses, used clothing dealers, property being sold by consignment by the owner thereof or otherwise being traded by any such owner for other property through any such secondhand dealer.

(Ord. 2012-2; 12/10/2012)

5.15.015 License.

A. It is unlawful for any person at any time to engage in the business of pawnbroker/secondhand dealer within the Town of Marbleton without first having obtained a business license from the Town.

B. Any person who shall violate or fail to comply with any of the provisions of this chapter may have his/her license revoked at the sole discretion of the Town Council. The decision of the city council may be appealed to the District Court in the same manner as the decision of an agency may be appealed under the Wyoming Administrative Procedures Act

(Ord. 2012-2; 12/10/2012)

5.15.020 Record Keeping

A. Every person licensed as a pawnbroker/secondhand dealer shall keep at each location specified in the license a record as required by Wyoming Statute § 33-6-106, including:

i. The name of each person pawning/selling property, along with a record of a photo identification consisting of a valid Wyoming driver's license with picture of the licensee, Wyoming identification card with picture of the licensee, or valid driver's license issued by another state with a picture of the licensee, or current military identification card with picture of the identified individual, or a valid passport with picture of the individual named therein, or in lieu thereof, at least two of the following forms of identification: Social Security card, valid temporary driver's license, immigration papers, or major credit card. The pawnbroker/secondhand dealer is required to record any identifying numbers of such identification, a current residence, and an accurate description with an approximate height, weight, hair and eye color, race and gender of said person;

ii. The date and time of the transaction, and the number of the property identification ticket for each transaction.

iii. For each item reasonably valued at more than five (5) dollars, the person shall also include an accurate, detailed description of all pledged, purchased or traded goods at the location, particularly describing any identifying marks, including, but not limited to, any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks or characteristics that may be on such property, bonds, notes or other securities. The description of multiple similar or identical items that are part of a simultaneous transaction shall have the total number of items listed.

iv. The pawnbroker/secondhand dealer shall require the customer to sign his or her name, in the presence of the pawnbroker/secondhand dealer, on a Declaration of Ownership stating that the pledged item(s) are owned by said customer or, if jointly owned or owned by another, a statement that said customer is authorized to engage in such a transaction. Each such Declaration shall be signed as witness by the pawnbroker/secondhand dealer at the time of the transaction.

B. Such information shall be kept in a substantial, well-organized notebook. All entries shall be made within twenty-four hours of the transaction. All entries shall be made either in ink or indelible pen, and no entry shall be erased, obliterated, deleted, altered or defaced. The book herein shall be kept in a clean and legible condition.

C. Every person licensed as a pawnbroker/secondhand dealer shall make available for inspection the book mentioned in this Ordinance when requested to do so by law enforcement or other officer of the city, and permit such officer to make a copy thereof, and shall also exhibit any personal property, bonds, notes or other securities that may be left with such licensed person for the inspection of any of the above-named officers when requested to do so.

(Ord. 2012-2; 12/10/2012)

5.15.030 Hold orders and surrender of property.

A. Any peace officer may order a pawnbroker/secondhand dealer to hold any tangible personal property deposited with or in the custody of any pawnbroker/secondhand dealer, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or disposition may be made of such property held by any pawnbroker/secondhand dealer while the hold order remains outstanding. Any such hold order shall be effective for ninety days only, unless a criminal prosecution is undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the

prosecuting agency has notified the pawnbroker/secondhand dealer that the prosecution has been completed or dismissed.

B. If any peace officer determines, after investigation, that any article of personal property held by a pawnbroker/secondhand dealer is stolen or illegally obtained property, such officer may take such property into evidence.

(Ord. 2012-2; 12/10/2012)

5.15.040 Unlawful pawnbroker/secondhand dealer practices designated. No pawnbroker/secondhand dealer, or the employee thereof, shall:

A. Enter into a pawn transaction, accept pledged goods, or make a purchase from any person under the age of eighteen years, unless a parent or legal guardian is on scene when the transaction takes place;

B. Accept in pawn or acquire, by purchase or trade any property normally manufactured with a permanently embossed or attached serial number, on which the serial number is missing, obliterated, defaced or otherwise altered; provided, however, this provision shall not apply to sticker-type serial numbers which were affixed to the property by the manufacturer with glue only, and which are missing at the time of the pawn or purchase transaction;

C. Knowingly or willfully make any false representation upon, or in any way falsify any property identification ticket, receipt, pawn/secondhand document or business record;

D. Knowingly enter into any transaction, accept pledged goods or make a purchase from any person under the influence of alcohol, narcotics or stimulants;

(Ord. 2012-2; 12/10/2012)

5.15.050 Unlawful pawn/secondhand customer practices. It is unlawful for any person to:

A. Give false information to any pawnbroker/secondhand dealer regarding either themselves or the property being pledged or disposed of by sale or trade.

B. Alter the appearance of or conceal the true identity of any item being pledged or disposed of by sale or trade.

C. To knowingly pledge, or dispose of by sale or trade any item where a serial number has been altered, defaced or removed.

D. To pledge or dispose for sale or trade any item which is or a reasonable person would believe is stolen.

(Ord. 2012-2; 12/10/2012)

5.15.060 Penalty. Any person who violates the provisions of this chapter is guilty of a misdemeanor, and shall be punished by a fine not more than \$750.00. Additionally, the license to operate such a Pawn or Secondhand dealer's license may be revoked.

(Ord. 2012-2; 12/10/2012)

5.15.070 Applicability of State Law.

A. Nothing in this Chapter shall be construed to limit or restrict the lawful exercise of any authority or privilege or the imposition of any penalties or controls permitted by the Wyoming State Statutes pertaining to pawnbrokers or the operation of Pawn Shops and otherwise applicable to the town.

B. All Wyoming State regulations and Statutes regarding pawnbrokers and pawn shops are expressly adopted by the Town as if set out in full herein, including any amendment thereto, and any violation of such shall be deemed a violation of Town Ordinance whether or not prosecution or complaint is initiated by the State.

(Ord. 2012-2; 12/10/2012)