

**CHAPTER VIII**  
**PEDDLERS AND SOLICITERS**

Article- 8-1      Licensing

## **ARTICLE 1**

### **LICENSING**

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#### **8-1-1 Peddlers and Solicitors Licensed**

It shall be unlawful for any solicitor or peddler, as defined herein, to engage in such business within the corporate limits of the Town without first obtaining a permit and license therefore in compliance with the provisions of this Code.

#### **8-1-2 Definitions**

##### **(a) Solicitor**

A solicitor is any person whether resident of the Town or not, traveling either by foot or vehicle or any other type of conveyance, from place to place, or from house to house, or from street to street, 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 performed or furnished in the future, whether or not such person has, carries or exposes for sale a sample of the subject to such sale or whether he is collecting advance payments on such sales or not.

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### **(b) Peddler**

A peddler is any person, whether resident of the Town 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, who shall sell or offer for sale and delivery any goods or other such articles while traveling on foot or by vehicle or any other type of conveyance.

### **8-1-3      Application for License (Except Fireworks-See pg.232;Ch.19,Art.1)**

- (a) Applicants for a solicitor's or peddler's permit and license shall file with the Town Clerk at least five (5) days prior to the date upon which the applicant desires to begin his business, a sworn application in writing on a form to be furnished by the Clerk, which shall give the following information:
- (1) Name and description of the applicant;
  - (2) The permanent home address and full local address of the applicant;
  - (3) A brief description of the nature of the business and goods shown for sale or for future delivery;
  - (4) If employed, the name, address and phone number of the employer together with credentials establishing the exact relationship between the employer and employee;
  - (5) The length of time for which the right to do business is desired;
  - (6) A recent photograph that identifies the applicant;

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- (7) A statement taken by the Town Clerk or Town Marshall as to whether or not 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;
- (8) At the time of the filing of the application, a fee of Fifteen Dollars(\$15.00) shall be paid to the Town Clerk to cover the cost of investigating the facts stated herein.

### **8-1-4 Investigation and Issuance of License**

- (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.
- (b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Town Clerk shall so endorse upon the application and set forth the reasons therefore, and thereupon shall notify the applicant of the disapproval of such application and that no permit or license will be issued there-under.
- (c) If, as a result of such investigation, the applicant's character and business responsibility are 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 for a period of time, not exceeding thirty (30) days, except as hereinafter set forth.

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- (c) 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 there-under, the date of issuance, the expiration date thereof, and a two inch by two inch photograph of the applicant.

### **8-1-5 License Fee**

- (a) The license and permit fee which shall be charged in advance by the Town Clerk for any such license and permit shall be two dollars and fifty cents (\$2.50) per day, ten dollars (\$10.00) per seven (7) days or twenty-five dollars (\$25.00) per thirty (30) day month.
- (b) An annual license and permit may be obtained by paying to the Town Clerk the sum of fifty dollars (\$50.00) per year in advance. This license shall be kept in full force and effect by submitting to the Town Clerk after each thirty (30) day period during which the annual license is in force, a sworn statement setting forth that the facts as contained in the original application still remain the same as set forth therein. If such written statement is not filed at the end of every thirty (30) day period during which the annual license and permit is to be in full force and effect, the Town Clerk can suspend the said permit and license and any such business carried on after the suspension of the license shall be deemed a violation of this section.
- (c) None of the license fees provided for herein shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for a license or permit to place an undue burden upon such commerce, he may apply to the Board of Trustees for an adjustment of the fees so they will not be discriminatory, unreasonable or

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unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume of business and such other information as the Board may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Board shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which they shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable and not discriminatory, or, if the fee has already been paid, a refund shall be ordered for the amount over and above the fee so fixed.

### **8-1-6 Exhibition of License**

Solicitors and peddlers are required to exhibit their licenses and permits at the request of any citizen of the Town.

### **8-1-7 Revocation of License**

- (a) Permits and licenses issued hereunder may be revoked by the Board, after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation, or false statement contained in the application of the license;
  - (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as peddler;

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- (3) Any violation of this Code;
  - (4) Conviction of any crime or misdemeanor involving moral turpitude; or
  - (5) Conducting the business of soliciting or of peddling 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.
- (b) 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.

### **8-1-8 Appeal**

Any person aggrieved by the action of the police or the Town Clerk in the denial of a permit or license or the suspension of the same, shall have the right of appeal to the Board of Trustees. Such appeal shall be filed within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, by means of a written statement setting forth fully the grounds for an appeal. The Board shall set a time and a place for the hearing and shall give notice to the appellant in the same manner as provided in Section 8-1-7 (b)

### **8-1-9 Decision Final**

The decision of the Board shall be final and conclusive, except as provided by the laws of the state of Colorado.

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### **8-1-10 Expiration of License**

All licenses issued under the provisions of this section shall expire on the date as set forth thereon.

### **8-1-11 Unlicensed Solicitors or Peddlers**

- (a) The practice of going in and upon private residences in the City of Hotchkiss, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not duly licensed pursuant to this section and not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of the same, is hereby forbidden and declared to be a misdemeanor.
- (b) Any persons convicted under this section shall be fined in the sum not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00) together with costs of proceedings.