

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.04

BUSINESS LICENSES GENERALLY

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5.04.010 Effect of special provisions. Any special provisions concerning the issuance of a license under any title of this code or other ordinance of the City shall govern, if in conflict with the provisions of this title.

5.04.020 Applications. Applications for all licenses and permits required by ordinance shall be made in writing to the City Administrator or other designated officer unless otherwise provided. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered, the fee to be paid and such other information as may be required by

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the City Administrator or other officer, and shall be accompanied by payment in full of all fees, charges and deposits required by law. (Charter Ord. 1-1989 § 3 (part), 1989)

5.04.30 License – Contents. Every license shall show upon its face the kind of business for which it is granted, the term for which it is issued, the date of expiration, the place where such business is to be conducted, and a notice that such license is not transferable, unless otherwise provided.

5.04.040 License – Term. Unless otherwise provided, the term of every license shall be the calendar year, and the expiration date shall be the next December 31st, following issuance of the license, and no license fee shall be reduced or discounted by reason of the fact that such license is secured subsequent to the first of the calendar year.

5.04.050 License – Transfer and fee. No license granted pursuant to the provisions of this title shall be transferable by sale, gift or otherwise, unless expressly provided by law. A liquor license holder seeking to transfer an annual license shall submit a new application form and shall pay to the City Clerk at the time of such application, a nonrefundable additional license fee of one hundred dollars. The transfer application shall be set for public hearing and otherwise considered by the governing body in a manner consistent with Wyoming Statutes Section 12-4-601. (Ord. 4-1996 § 1, 1996)

5.04.060 License – Revocation. A. Conviction of the licensee of violation of any ordinance pertaining to the operation or conduct of the business so licensed or the construction or maintenance of the property, premises or building in, on or from which such business is operated or conducted shall be grounds for permanent revocation or temporary suspension of such license by the Council.

B. No refund of all or any part of the license fee shall be made for the unexpired term of any license so revoked or suspended.

5.04.070 Register. The City Administrator or other designated officer shall keep a license register, in which shall be entered with respect to each license granted, the name of the licensee, the date granted, the amount paid therefore, and the date of expiration. (Charter Ord. 1-1989 § 3 (part), 1989)

5.04.080 Violations. Any violation of any provision of this title shall be deemed to be unlawful and further to constitute a nuisance.

Chapter 5.08

ALCOHOLIC BEVERAGE LICENSES

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5.08.190	Accounting required.
5.08.200	Ticket procedures.
5.08.210	Happy hours prohibited.
5.08.220	Catering prohibited.
5.08.240	Malt beverage and catering permits – Limit per person.
5.08.250	Malt beverages and catering permits – Hours and duration.
5.08.260	Malt beverage and catering permits – Special restrictions.
5.08.270	Age restrictions on dispensing rooms – Exceptions.
5.08.300	Demerit point values for alcoholic beverage violations – Hearings – Suspensions – Revocation petition considerations – Procedure.

5.08.010 Definitions. For the purposes of this chapter:

“Alcoholic beverages” means alcoholic liquors and malt beverages as defined by Wyoming Statutes Section 12.1-101.

“Open container” means any glass, cup, bottle, can or other receptacle containing an alcoholic beverage which is not sealed or capped.

“Open space” means any street, alley, public parking

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lot, or private parking lot set aside for business use, sidewalk or other way or place available for use by the general public.

5.08.20 Purpose. The purpose of the provisions of this chapter generally is to regulate and control the sale, possession, and use of alcoholic beverages within the City for the public health, safety and welfare, and to minimize abuse by minimizing litter and disturbances, preventing purchase by minors, preventing speculation in licenses, and preventing the accumulation of licenses in families or business organizations, with a view to permitting the regulated sale and use of alcoholic beverages in the City with the minimum possible harmful impact on the health, safety and welfare of the people.

5.08.030 State laws applicable. All licenses issued pursuant to this chapter, and all use, possession, sales, and purchases of alcoholic beverages shall be subject to all requirements, regulations and limitations prescribed by the laws of the state relating to alcoholic beverages except as is otherwise expressly set forth herein. (Ord. 7-1996 § 1, 1996)

5.08.031 Hours of operation. The hours of operation for all licensees and permittees shall be as follows:

A. Seven days per week, a licensee may open the dispensing room no earlier than six a.m. (6:00 o'clock a.m.) and shall close the dispensing room and cease the sale of alcohol and malt beverages no later than two a.m. (2:00 o'clock a.m.) the following day, and the licensee shall clear the dispensing room of all persons other than employees no later than two-thirty a.m. (2:30 o'clock a.m.). These hours of operation shall also apply to all permittees. (Ord. 2 – 2008)

B. The hours of operation designated in sub-section A of this section may be modified on no more than four (4) days each calendar year by resolution or agreement made each year by the governing body of the City of Powell designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at 6:00 o'clock a.m. (Ord. 2-2008)

5.08.040 License – Required. It is unlawful for any person to possess for sale, sell or dispense for any pecuniary advantage or to give away to the public as an inducement to the public to patronize any place, business, or person, any alcoholic beverage without first obtaining a license so to do and paying the license fees therefor.

5.08.050 License – Costs. Each applicant for a license authorized by this chapter shall, at the time of filing such application, pay the City Clerk an amount sufficient to cover all costs of publishing notice of such application and other administrative and clerical expenses incurred by the City in the processing and consideration of such application.

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5.08.060 License – Contents. In addition to the information required by state law, each application for a new license or for transfer of an existing license shall be accompanied by an affidavit containing the following:

A. A map of the area showing the proposed location, a site plan of the proposed construction, a proposed floor plan and a rendering of the front elevation, or if the building is already in existence, a photograph of the building, a proposed site plan, and proposed floor plan;

B. The names and addresses of all stockholders, and their respective stock holdings, if the applicant is a corporation;

C. The names and addresses of all partners and the interest of each if the applicant is a partnership;

D. A statement of whether or not an interest in any other license issued by the City is owned by a relative, by blood or by marriage, of an individual applicant, or of any

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partner or limited partner of a partnership applicant, or of any officer, director or shareholder of a corporate applicant;

E. A statement of whether any partner or limited partner of an applicant owns an interest in any other license issued by the City;

F. A statement of whether any officer, director, or shareholder of a corporate applicant owns an interest in any other license issued by the city;

G. A complete balance sheet of the applicant as of a date within ninety days preceding the date of application;

H. The name and address of any person, firm, or corporation, other than the applicant having or expected to have an interest in the license, and the nature of each such interest;

I. The number of employees, or proposed employees, by category, that will be employed;

J. A certified list of all purchases of all alcoholic beverages from the Wyoming State Liquor Commission;

K. Such other information or documentation as may be required by the governing body.

5.08.070 License – Requirements for a new application. Whenever an interest of more than ten percent of the whole interest in any corporation, association, or organization holding a retail liquor license is to be sold, assigned, or otherwise transferred, a new application shall first be filed with the City and no such sale, assignment, or transfer shall be made without the prior approval of the governing body. The provisions of this section are specifically intended to apply to a transfer or more than ten percent of the stock of any corporation.

5.08.080 License – Categories. The governing body of the City is authorized to issue all licenses which are authorized by the laws of the state.

5.08.090 License – Fees. Fees for the issuance of licenses shall be charged as follows:

A. Retail Licenses. The annual fee for a retail license shall be one thousand dollars.

B. Restaurant Licenses. The annual fee for a restaurant liquor license shall be one thousand dollars.

C. Special Club Licenses. The annual fee for a special club license shall be one hundred dollars per year.

D. Malt Beverage Permits. The annual fee for a malt beverage permit shall be Fifteen and No/100 Dollars (\$15) for each permit issued, and if proposed to be utilized in or upon a facility owned, operated or maintained by the City of Powell, a cleanup bond of One Hundred and No/100 Dollars (\$100) shall be posted with the City Clerk's office prior to issuance of the permit. All malt beverage permits for City-owned parks shall be limited to Washington Park

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Homesteader Park only. Requests for malt beverage permits for all other City-owned property must have prior approval of the governing body of the City of Powell. Additionally, any malt beverage permits for those public rights-of-way within the City of Powell must have a waiver of open container which has been approved by resolution of the governing body pursuant to Powell City Code Section 9.08.080(B). The bond shall be returned if the facility or area is left in a clean and orderly condition. The City reserves the right to keep all or a portion of the bond for actual cleanup costs incurred because of the permittee's activities. The permittee shall strictly adhere to any requirements imposed by the governing body, in addition to the laws of the State. (Ord. 23-2008)

E. Catering Permits. The fee for a catering permit shall be Fifty and No/100 Dollars (\$50) for each permit. Catering in or upon City-owned, operated or maintained facilities shall be prohibited, other than excepting the facilities known as The Commons located at 135 North Bent Street; and the outside plaza area of Plaza Diane located at 217 East Second Street. If the catering permit is proposed to be utilized at the City-owned facilities as The Commons or the outside plaza area of Plaza Diane, a cleanup and damage deposit of \$100 shall be posted with the City Clerk's office. The bond shall be returned if the facility or area is left in a clean and orderly condition and without damage. The City reserves the right to keep all or any portion of the bond for actual cleanup costs incurred or damage because of the Permittee's activities. Only those persons who hold a retail liquor license shall be granted a catering permit. The permit applicant shall strictly adhere to any requirements imposed by the governing body and the laws of the State. (Ord. 6-2003)

F. Resort Liquor Licenses. The annual license fee for a resort liquor license shall be one thousand five hundred dollars for the principal dispensing room and one thousand dollars for one or more additional dispensing rooms. (Ord. 9-2000 §1, 2000); Ord. 10-1991 §1991)

5.08.100 License – Terms. The term of a license is for one year unless sooner revoked, except for catering and malt beverage permits. The term of a license may be less than one year if specified by the governing body, to coincide with the annual date set for consideration of license renewals, in which event the annual fee shall be pro-rated.

5.08.110 License – Restriction upon number. No person may own or acquire an interest of any kind in more than one license issued by the City; interest, as used herein shall be deemed to include any interest whatsoever, whether as an individual partner, shareholder in a corporation, spouse of a person owning an interest, or otherwise, and a person, firm or corporation already owning an interest in an existing liquor license of any category issued by the City shall not own or acquire an interest in any other license issued by the City except catering permits and special malt beverage permits.

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5.08.120 Beer garden limitations. Alcoholic beverages secured in the licensed room by a server may be served in a fenced or enclosed area immediately adjacent to the building in which the licensed room is located, which area is referred to herein as a beer garden, subject to the

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following restrictions:

A. Alcoholic beverages shall not be served in a beer garden by a licensee after ten p.m., and a licensee shall not permit any customer to carry alcoholic beverages to a beer garden after ten p.m.

B. The licensee shall require all customers to leave the beer garden and it shall be closed and locked at ten-thirty p.m.

C. Noise from beer gardens shall not interfere with residential or other property uses in the area.

D. The door from the building in which the licensed room is located to the beer garden shall be kept closed during the hours that the beer garden is open so as to contain noise within the establishment.

E. The establishment of a beer garden shall be proposed and submitted to the governing body by the individual licensee proposing same, and the governing body may require such measures as it deems necessary in each instance to insure compliance with the provisions of this section.

F. The establishment of a beer garden pursuant to provisions of this section shall not create a vested right in the licensee; the operation and maintenance of a beer garden shall be considered to be a privilege and not a right, and the governing body reserves the authority to order the closing of any beer garden forthwith upon the conviction of a licensee in municipal court of a violation of this section.

G. The party responsible for the enforcement of the provisions of this section and compliance therewith in each instance is the licensee, and any prosecution for a violation of this section shall be against the licensee.

5.08.130 Noise restrictions. Noise within any licensed premises shall be contained within the licensed premises. All exterior doors and windows, including drive-up window, shall be closed during business hours except for the opening and closing of doors and the drive-up window while they are actually being used for ingress, egress and service.

5.08.140 Licensee responsible for violations. The party responsible for the enforcement of the provisions of Sections 5.08.120 and 5.08.130 and compliance therewith in each instance is the licensee of beer gardens and other licensed premises and the limitations and restrictions imposed by this chapter and all other restrictions and limitations imposed by law, and any prosecution for a violation of these sections shall be against the licensee.

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5.08.150 Restaurant licenses – Requirements. Restaurant licenses are to be issued only to licensees meeting the definition contained in Wyoming Statutes Section 12.1-101, and such a license may not be used if the licensees fail to meet the definition therein contained. A licensed restaurant shall further maintain an atmosphere conducive to family dining, with the sale of alcoholic liquor and malt beverages in a clearly subsidiary role to the service of food.

5.08.160 Hours of sale. Sales of alcoholic beverages shall be limited to those hours wherein a full food menu service is available to all customers and sale of alcoholic and malt beverages shall cease at the time food sales and service cease. Service of alcoholic beverages will not be permitted in any area other than that where full food service is provided. (Ord. 24-1991 § 1, 1991)

5.08.170 Dispensing room. The mixing-dispensing room shall be separate from the food service area and shall be a minimum of fifty-three square feet in total area.

5.08.180 Restaurant license – Application – Renewal – Transfer. Upon application for a new restaurant license, or for a renewal or a transfer of a restaurant license, or at any other time requested by the City, a restaurant licensee, shall provide a copy of the menu or proposed menu, of all food items for sale or proposed for sale during full food service hours, and shall further provide a list of the hours or proposed hours during which full food service will be provided for weekdays and weekends.

5.08.190 Accounting required. All restaurant licensees will provide upon applying for renewal and at other times, upon demand by the City, an accounting statement of gross sales figures for both food service sales and alcoholic beverage sales, said statement to be made under oath, and current as of the time such demand is made. Additionally all restaurant licensees shall keep and maintain a set of books setting forth an accurate, up-to-date accounting of gross sales figures of both food service sales and alcoholic beverages sales which shall be available for inspection at any time by the City or its designated representative. The licensee shall always have the burden of satisfying the governing body that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not from the sale of alcoholic liquor or malt beverages.

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5.08.200 Ticket procedures. Separate ticketing or receipting of purchases made by any person of food and alcoholic beverages is prohibited. No sale of food or alcoholic beverages shall be made unless a ticket or receipt is made out concurrently with the sale accurately reflecting the items sold and the actual amount paid for sale items. Licensees shall keep all food and alcoholic beverage sales tickets for the period required by state law, and shall keep said tickets available for inspection at any time by the City or its designated representative. All such tickets shall be consecutively numbered and accounted for.

5.08.210 Happy hours prohibited. No restaurant licensee shall conduct what is colloquially known as a “happy hour,” wherein individually priced drinks are sold at a lower-than-usual price for a specified time period.

5.08.220 Catering prohibited. The catering of alcoholic beverages in conjunction with catering of food by any restaurant licensee is strictly forbidden.

5.08.230 Repealed (Ord. 3-2008).

5.08.240 Malt beverage and catering permits – Limit per person. No licensee shall be issued a catering permit or a malt beverage permit at any one location for more than six times in any one calendar year.

5.08.250 Malt beverage and catering permits – Hours and duration. Each malt beverage permit and catering permit is valid for one twenty-four hour period only, and is subject to the restrictions on hours of service for all license holders. If an event for which a permit is issued is to extend beyond the permitted twenty-four hour time limit, the sale of alcoholic beverages shall cease at the times set forth in the permit unless multiple permits have been issued to a permittee for the event which allow sales to continue for two or more consecutive twenty-four hour time periods.

5.08.260 Malt beverage and catering permits – Special restrictions. Special restrictions may be imposed upon permittees who are issued catering permits and special malt beverage permits by the governing body, and all such special restrictions shall be strictly observed.

5.08.270 Age restrictions on dispensing rooms – Exception. A. No licensee or agent, employee or servant thereof shall permit any person under the age of twenty-one years to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed. Each licensee is required to display a sign in a conspicuous place at the entrance to each licensed room or rooms where alcoholic or malt beverages are dispensed. Each licensee is required to display a sign in a conspicuous place at the entrance of each licensed room or rooms where alcoholic or malt beverages are dispensed, stating in plain, large letters, “No One Under 21 Years of Age Allowed.”

B. No person under the age of twenty-one years shall enter or remain in a licensed room or rooms where alcoholic beverages are dispensed. No person under the age of twenty-one years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:

1. Accompanied by his parent or guardian who is at least twenty-one years of age; and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption.

C. Neither failure by a licensee to post a sign as required in subsection A of this section nor failure by a person under twenty-one years of age to observe a sign shall be a defense to a violation of this subsection.

D. When the licensed room is not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of twenty-one may be permitted in the course of their employment to work in the room. (Ord. 2-1998 § 1, 1998)

5.08.300 Demerit point values for alcoholic beverage violations – Hearings – Suspensions – Revocation petition considerations – Procedure. A. The City Council shall use an alcoholic liquor and malt beverage demerit point system to assist it in identifying licensees which repeatedly violate certain provisions of the Powell city code and Title 12 of the state statutes relating to alcoholic liquor and malt beverages, and in determining when liquor licenses should be suspended or revoked as a result of such violations. Violations of city code Chapter 5.08 and Section 9.08.010 and/or Title 12 of the Wyoming State Statutes by an employee or agent of a licensee, while action in the service of the licensee, shall be attributed to the licensee for the purposes of this section. Accordingly, a licensee will acquire demerit points upon the conviction of its employees and/or agents for violations of city code Chapter 5.08 and Section 9.08.010 and/or Title 12 of the Wyoming State Statutes committed while acting in the service of the licensee. References to “violations by a licensee,” “convictions of a licensee,” “demerit points acquired

by a licensee,” and similar references shall be construed in a manner consistent with this intent. Upon conviction for any offense specified in subsection B of this section, the number of demerit points specified in subsection B shall be acquired by the licensee. Points shall be considered “acquired” by a licensee retroactive to the date of violation, following a conviction of any applicable city code chapter or state statute, by the licensee, and not as of the date of conviction. In attributing points to a licensee, the section number of the city code or state statute which the licensee is convicted of violating and the points ascribed to the violation by subsection B are controlling.

B. The number of demerit points specified below will be acquired by a licensee as a result of a conviction of it, its employees or agents, for violations of the corresponding sections of city code and/or state statute.

Alcoholic Liquor and Malt Beverage Demerit Points

<u>City Code Section or State Statute</u>	<u>Type of Violation</u>	<u>Point Value</u>
City code section 5.08.031 and/or Wyoming Statute §12-5-101	Hours of Operation	15
City code section 5.08.130	Noise restrictions	15
City code section 5.08.270 and/or Wyoming Statute §12-5-203	Dispensing room age restrictions	25
City code section 9.08.010	Disorderly house	20
Wyoming Statute §12-6-101	Underage sales	30

C. Not later than thirty days following disposition of a charge alleging any violation of city ordinances or state statutes set forth herein which results in a conviction, the court shall report the following information to the City Council:

1. The fact that a licensee, its employee or agent has been convicted of the city code section or Wyoming State Statute set forth herein;
2. The date of the alleged violation; and
3. Whether the court disposition has been appealed.

D. Suspension Periods.

1. Except as otherwise provided, the following suspension periods shall be imposed:

a. Any licensee acquiring seventy-five points in a twelve-month period shall have its license suspended for three consecutive days.

b. Any licensee acquiring one hundred twenty-five points or more in a twelve-month period shall have its license suspended for seven consecutive days.

2. It is declared to be a gross violation, both of Chapter 5.08 of the Powell city code and for the purposes of license revocation as provided in Title 12, Chapter 7, of the Wyoming Statutes, for a licensee to have its license suspended three times in any twenty-four month period or for any licensee to have acquired one hundred seventy-five demerit points in any twenty-four month period. In the event of a gross violation, the City Council may authorize a petition to the district court pursuant to W.S. Section 12-7-201 to revoke a licensee's license in addition to imposing the applicable suspension of liquor license pursuant to this section.

3. The sanctions provided in this section for demerit points are cumulative, and therefor, points may result in multiple sanctions. Accumulated points shall not be excused at the end of the license year, but shall instead continue to be counted against a licensee for the periods described in this section of the Powell Municipal Code.

4. In the event of a license suspension pursuant to this section, the Powell City Council shall select the dates when the licensee shall have its license suspended, such suspension to take place within thirty days of the City Council's decision to suspend a licensee's liquor license. Any holder of a restaurant liquor license who has its license suspended pursuant to this section, shall be required to remove any and all alcoholic beverages from the dispensing room during the period of suspension.

E. If it appears to the City Council that a licensee has acquired sufficient points to result in a suspension or revocation of its license, the licensee shall be afforded an opportunity for hearing before the City Council. The purpose of such hearing is to allow the licensee to provide information demonstrating that such points have not been acquired. Notice of such hearing shall precede consideration of the matter by at least ten days, shall be served personally or by mail to the address of the licensee listed on the licensee's most recent liquor license application to the City, and shall include a statement:

1. That it appears to the City Council that the licensee has acquired points such that a suspension and/or revocation of the licensee's license is appropriate;

2. Summarizing the nature and date(s) of the

incidents resulting in points and the number of demerit points alleged to have been acquired by the licensee as a result of such incidents;

3. That a hearing on the subject has been scheduled before the City Council, and further informing the licensee of the time and place of the hearing; and

4. That the purpose of the hearing is to allow the licensee to offer corrections to the information demonstrating such points have not been acquired.

F. Due Process. At a hearing a licensee may appear in person or through counsel. A licensee will be given an opportunity to present evidence and argument on the relevant issue. Evidence relied on shall consist of information commonly relied upon by reasonably prudent people in the conduct of their serious affairs. All evidence to be presented by either the licensee or the City shall be submitted in written form only. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A record shall be made of the proceeding and shall include the following:

1. All notices and intermediate rulings;
2. Evidence received or considered by the City Council including information officially noticed and received from the convicting court whether municipal, county, district or other;
3. Questions and offers of proof, objections and rulings thereon;
4. Any proposed findings and exceptions thereto; and
5. Any opinion, findings, decision or order of the City Council and any report by any hearing officer.

G. Nothing shall preclude the City Council from appointing a hearing examiner to conduct any hearing called for by this section for the purpose of assembling a record for subsequent consideration by the City Council. If a hearing examiner is appointed, the Council shall direct the examiner to forward the record of the hearing to the Council either with or without proposed findings of fact and conclusions of law, and with or without the opinion/recommendation of the examiner.

H. Following the hearing described in this section, and based upon the information considered and received at such hearing, and the sanctions described, the City Council shall:

1. Order the suspension of the license in question;
2. Authorize the Wyoming Attorney General, County Attorney or City Attorney to prepare and file with the district court a petition to revoke the licensee's license; or,
3. Find that suspension or revocation is not required by the terms of this section.

City Council decisions shall be in writing, shall be supported by findings of fact and conclusions of law, and shall be delivered to the licensee in interest either personally or by mail at the address listed on the licensee's most recent liquor license application to the City.

I. The City Council's action suspending a licensee shall be subject to review in the district court in accordance with the procedural rules theretofore or hereinafter adopted by the Wyoming Supreme Court concerning the review of administrative actions. Filing an appeal as provided in such rules, stays enforcement of the suspension decision pending final order on the appeal. The City Council's action may be set aside by the district court if it finds the action to be:

1. Arbitrary, capricious, or otherwise not in accordance with law;
2. Without observance of the procedure required by law; or,
3. Unsupported by substantial evidence.

J. If a license is revoked, except as provided in W.S. §12-7-201 (d) concerning the expiration of a licensee while a revocation order is under appeal, the holder of such revoked license shall not be eligible to apply for a new license for a period of twelve months from the date of revocation.

K. Any licensee who self-reports alleged violations of this section by any employee or who fully cooperates with law enforcement in the investigation of any alleged violations of this section by such licensee's employees, which cooperation and/or self-reporting results in a conviction of such employee of the applicable city ordinance or Wyoming State Statute described herein, shall not be assessed demerits as a result of the conviction of any such employee. (Ord. 1-2000 §1, 2000)

5.08.400 (Repealed – Ord. 9-2007)

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Chapter 5.12

CIRCUS, CARNIVAL OR EXHIBITION

Sections:

- 5.12.010 License – Required.
- 5.12.020 Fee for circus – Term.
- 5.12.030 Permit – Required.
- 5.12.040 Fee for parade – Term.
- 5.12.050 Deposits.
- 5.12.060 Parade routes.
- 5.12.070 Exceptions.

5.12.010 License – Required. No person shall conduct or operate for profit or hire any circus, carnival or exhibition without having first secured a license therefore.

5.12.020 Fee for circus – Term. The fee for each such license shall be fifty dollars per day, and the term shall be the number of days for which application is made and fee paid, in no case more than one calendar year.

5.12.030 Permit – Required. No person shall conduct any parade on any public thoroughfare of the City without first having secured a permit therefor from the Chief of Police.

5.12.040 Fee for parade – Term. The fee for each such permit shall be fifteen dollars for each parade to be conducted, and the term shall be for the number of days stated in the application and permit, in no case to exceed one calendar year.

5.12.050 Deposits. A. Before any parade or exhibition may be conducted on any public thoroughfare of the City the person desiring to conduct the same shall make a cash deposit with the City Treasurer in such amount as may be directed by the City Administrator or Mayor to guarantee repair of any damage that may result to public or private property.

B. The applicant for any license or permit required by this chapter shall also pay to the City Treasurer in advance for each day or portion thereof that such circus, carnival or other exhibition or parade is to be carried on an amount as directed by the Mayor or City Administrator sufficient to pay for the handling and disposing of refuse and for the consumption of water and electricity on any premises to be occupied. (Charter Ord. 1-1989 §3 (part), 1989)

5.12.060 Parade routes. Before any parade may be conducted on any public thoroughfare of the City the person desiring to conduct the same shall notify the police department and obtain the endorsement of the Chief of Police on the permit, approving the proposed route.

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5.12.070 Exceptions. This chapter shall not apply to exhibitions of painting or art, dramatic productions or movie theaters, or to any circus, carnival

or other exhibition under contract with or supervised by the Park County fair board.

Chapter 5.16

COMMERCIAL TREE TRIMMING

Sections:

- 5.16.010 Commercial tree trimming.
- 5.16.020 License – Required.

5.16.010 Commercial tree trimming. It is unlawful for any person to perform commercial tree trimming for hire within any City park, City right-of-way, other public places, or within the City limits of Powell without first having obtained a license therefore from the City, except where such person is a part of a crew or group working under the direct and immediate supervision of the holder of such license. The City reserves the right to trim and prune trees in the City's parks, streets, alleys, rights-of-way and all other City property without the necessity of obtaining a commercial license.

5.16.020 License required. A license to do commercial tree trimming shall be issued in accordance with the procedures set forth in the Sections 5.04.010 and 5.04.020 and the City shall review the application to insure that the applicant is qualified and knowledgeable in the standards required for a commercial tree trimmer. The fees for such a license shall be \$25 per year. Term of such license shall be the calendar year, and the expiration date shall be the next December 31 following issuance of the license and can be renewed annually subject to the requirements listed.

Before a commercial tree trimmer license will be granted, the applicant:

- A. Must hold a current Arborist Certification from the International Society of Arboriculture providing to the City proof of such certification or,
- B. Shall successfully complete, with a satisfactory score, a competency test administered by the City Parks Division, and within two (2) years, obtain a Certified Arborist Certification from the International Society of Arboriculture.

The applicant shall, at the time of making application, provide evidence of liability insurance in a minimum amount of One Hundred Thousand Dollars (\$100,000) property damage; One Hundred Thousand Dollars (\$100,000) personal injury; and an aggregate of Three Hundred Thousand Dollars (\$300,000) per occurrence and shall keep insurance in full force and effect and file copies of such insurance in the office of the City Clerk.

Failure of a commercial arborist to comply with the conditions set forth in this section shall be sufficient grounds for the City to not issue a license or for the City Administrator to revoke/suspend such license. In the event of any suspension or revocation, except and unless such license has been caused to be revoked by termination or insurance, the City Council shall have the authority to overrule or otherwise modify any order of the City Administrator with regard to license suspension/revocation. If an appeal of the City Administrator's decision

5.16.020 – 5.24.020

is desired, the appeal shall be filed within ten (10) calendar days from the date of the City Administrator's decision to suspend or revoke the license. A hearing by the City Council on an appeal shall be held within thirty (30) days from the date the appeal is filed with the City Clerk. (Ord. 4-2002) (Ord. 7-2009)

Chapter 5.24

ENTERTAINERS

Sections:

- 5.24.010 Permit – required.
- 5.24.020 Application – Issuance.

5.24.010 Permit – Required. No person shall play a musical instrument, dance, sing, perform feats of bodily skills, display animals or otherwise do things designed to entertain or amuse people for hire in rooms or halls where beer or intoxicants are served or on any City owned property when open to the public without first having secured a permit therefor. (Ord. 10-2004)

5.24.020 Application, issuance and fees. An application for such permit shall be submitted at least fourteen days in advance of the requested permit to the Chief of Police or officer designated by him. In the event said application is not submitted at least fourteen days prior to the event, a fee of \$120 shall accompany the application. Upon approval of the application, such permit shall be granted with an appropriate identification card. Fees are waived for:

- A. Charitable, religious and/or educational organizations which are recognized as exempt from taxation under Section 501 of the Internal Revenue Code;
- B. Nonprofit corporations;
- C. Unincorporated nonprofit associations filed with the Wyoming Secretary of State's office.

(Ord. 28-2008)
(Ord. 30-2008)

Chapter 5.28

HAWKERS, PEDDLERS AND TRANSIENT MERCHANTS

Sections:

- 5.28.010 License – Required.
- 5.28.020 Definitions.
- 5.28.030 Invitation necessary.
- 5.28.040 Exceptions.
- 5.28.050 Application for license.
- 5.28.060 Investigation of applicants and fee.
- 5.28.070 Fee.
- 5.28.080 Exhibition of license and transfer.
- 5.28.090 Bond – Required.
- 5.28.100 Revocation.
- 5.28.110 Revocation – Notice.
- 5.28.120 Appeals.
- 5.28.130 Locating in streets or operating in congested areas.

5.28.010 License – Required. It is unlawful for any transient merchants, itinerant merchants or itinerant vendors as defined in Section 5.28.020 to engage in such business within the corporate limits of the City of Powell without first making application for and obtaining the requisite and necessary license pursuant to this chapter. (Ord. 2-1993 §1 (part), 1993)

5.28.020 Definitions. A “transient merchant,” “itinerant merchant,” or “itinerant vendor” is defined as any

5.28.030 – 5.28.050

person, firm or corporation, whether as owner, agent, consignee or employee, who engages in a temporary and transient business of contracting for the provision of services or the selling and delivering of goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any temporary or mobile structure or vehicle, or rents or leases a building or a premises for the conduct of such temporary business; provided, that such definition shall not be construed to include any person, firm or corporation who does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. (Ord. 2-1993 §1 (part), 1993)

5.28.030 Invitation necessary. No person shall go in or upon or knock on the door of or otherwise approach in any manner whatever any private residence for the purpose of selling or soliciting orders for the sale of or demonstrating any goods, wares, merchandise, insurance, or any other thing without having been requested or invited to do so by the owner or occupant of such residence; nor shall any person go in or upon or knock on the door of or otherwise approach in any manner whatever any private residence for the purpose of soliciting such an invitation. (Ord. 2-1993 §1 (part), 1993)

5.28.040 Exceptions. The provisions of this chapter shall not apply to commercial travelers making sales or deliveries to persons in the usual course of business or to persons or charitable, religious and/or educational organizations selling items for the sole purpose of raising funds for said organizations who are recognized as exempt from taxation under Section 501 of the Internal Revenue Code. Nothing in this section shall apply to the sale of goods or services at or by persons who are part of any local and/or county fairs, gun shows, art and craft shows, or other similar shows sponsored by recognized local organizations for the benefit of their members. Nothing in this section shall apply to any person who raises agricultural products who sells or disposes of said agricultural products. (Ord. 2-1993 §1 (part), 1993)

5.28.050 Application for license. Any applicant for a license under this chapter shall fully complete and file with the City Clerk a sworn written application on a form to be furnished by the City Clerk containing the following information:

A. The name, date of birth, permanent home address and full local address of the applicant and if employed, the name and address of the employer together with the

credentials evidencing and/or establishing the exact relationship. Also, the applicants current driver license number or state identification card number.

B. A brief description of the nature of the business and the goods to be sold including a statement as to the nature, character and quality of the goods, wares and merchandise to be sold; whether said goods, wares or merchandise are proposed to be sold from stock in possession or by samples or whether the goods, wares or merchandise are to be sold by direct sale or by taking orders for future delivery only; the place where the goods, wares and merchandise to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods, wares or merchandise are located at the time such application is filed and the proposed method of delivery.

C. If a vehicle is to be used, a description of said vehicle together with license number or other means of identification including evidence of vehicle liability insurance in effect.

D. The length of time for which the license is desired and the hours during which the applicant proposes doing business.

E. A Wyoming sales tax license, showing the authority to make sales within the state. (Ord. 2-1993 §1 (part), 1993)

5.28.060 Investigation of applicants and fee. Upon receipt of an application for a license under this chapter, the original shall be referred to the Chief of Police, who shall cause such investigation to be made of the applicant's business and character as he deems necessary for the protection of the public good. If, as a result of such investigation, the character or business responsibility of the applicant is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for disapproval and return such application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit or license will be issued. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return said application to the City Clerk, who shall, upon payment of the prescribed license fee, issue a license. The City Clerk shall keep a permanent record of all applications made and licenses issued. (Ord. 2-1993 §1 (part), 1993)

5.28.070 Fee. The license fee which shall be paid to the City Clerk upon the issuance of a license hereunder shall be thirty-five dollars for a period of ninety days. (Ord. 2-1993 § 1 (part), 1993)

5.28.080 – 5.28.100

5.28.080 Exhibition of license and transfer. Any person issued a license under the provisions of this chapter shall exhibit the license issued in plain view at all times while the license is in effect and/or shall display or exhibit his license upon demand by any persons being solicited or at the request of any law enforcement officer. No license issued under the provisions of this chapter shall be assigned, sold, transferred or otherwise conveyed to any other individual or organization. (Ord. 2-1993 §1 (part), 1993)

5.28.090 Bond – Required. Before any license to engage in the business regulated by this chapter shall be issued, the applicant for such license shall file with the City Clerk a bond running to the municipality in the sum of one thousand dollars executed by the applicant as principal, and two sureties upon which service may be made in the State of Wyoming. Such bond must be approved by the City Attorney both as to form and as to the responsibility of the sureties thereon, said bond conditioned that the applicant shall comply fully with all of the provisions of this chapter and all of the provisions of this code and state law regulating and concerning the business for which the applicant seeks a license and the payment of license fees, and will pay all judgments rendered against the applicant for any violation of such laws together with all judgments and costs that may be recovered against him by any person or damage or injury resulting from any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentation or deceptions were made or practiced by the owners or by their servants agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the City to the use of the City or aggrieved person as the case may be. The requirement to post bond shall be waived by the City Clerk if the applicant is and has been a bona fide resident of the county one year prior to application being made for a license or if the applicant owns real property within the county. (Ord. 2-1993 §1 (part), 1993)

5.28.100 Revocation. Licenses issued under the provisions of this chapter may be immediately revoked by the Chief of Police or any other law enforcement officer for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license;
- B. Fraud, misrepresentation or false statement made in the course of carrying on the business;

- C. Any violation of this chapter;
- D. Conviction of any crime or misdemeanor involving moral turpitude;
- E. Conducting the business in an unlawful manner or in such a manner as to constitute a nuisance or a menace to the health, safety or general welfare of the public. (Ord. 2-1993 §1 (part), 1993)

5.28.110 Revocation – Notice. Notice of the revocation of a license shall be given in writing, setting forth specifically the grounds for revocation. Such notice shall either be mailed, postage prepaid, to the licensee at his last known address or shall be served upon the licensee by any local law enforcement officer. (Ord. 2-1993 §1 (part), 1993)

5.28.120 Appeals. Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of a permit or license or by revocation of a license as provided in this chapter shall have the right of appeal to the governing body. Such appeal shall be taken by filing with the governing body, within ten days after notice of the action complained, a written statement setting forth fully the grounds for the appeal. The governing body 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 in this chapter for notice of hearing revocation. The decision and order of the governing body on such appeal shall be final and conclusive. (Ord. 2-1993 §1 (part), 1993)

5.28.130 Locating in streets or operating in congested areas. No transient merchant shall have any right to make a stationary location on any public street, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of the Chief of Police, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. (Ord. 2-1993 §1 (part), 1993)

Chapter 5.32BEER/CHAMPAGNE PERMITSSections:

5.32.010	Permit – Required.
5.32.020	Permit – Application.
5.32.030	Fees.
5.32.040	Permit – Expiration and cancellation.
5.32.050	Permit – Denial.
5.32.060	Violation – Penalty.

5.32.010 Permit – Required. At least seventy-two hours prior to any gathering of any group of twelve or more persons in any designated park at which beer (malt beverages) or champagne will be available to the persons attending, a permit shall be obtained from the City Clerk-Treasurer, or other authorized representative of the City. For individuals or groups of less than twelve persons in designated parks at which beer (malt beverages) or champagne will be served or available to the person or persons attending, a permit shall be obtained any time prior to the event or occasion from the City Clerk-Treasurer or other authorized representative of the City. The permit required by this section shall be referred to as a beer/champagne permit. A beer/champagne permit shall not be required for gatherings for which a malt beverage permit has been obtained. Designated parks include all of Washington Park and Homesteader Park. Any beer/champagne permit shall be restricted to use of nonglass containers only, with the exception that glass dispensing/serving containers may be used in a limited dispensing area to be approved and described on the permit. No glass may be used outside of the dispensing area. (Ord. 11-2000 §1 (part), 2000)

5.32.020 Permit – Application. An application for a beer/champagne permit shall contain the name of the applicant, the location, date and time of the proposed gathering, the name of the organization involved if any, the approximate number of persons expected to attend, and the name and address of the applicant. The application shall further state that the applicant has not been convicted of an alcohol-related offense within the preceding three years, that the applicant has not previously been granted a permit pursuant to this chapter which was revoked as provided herein, and that the applicant has not been granted a permit pursuant to this section during the preceding ninety-day period. The application shall be signed by the applicant and acknowledged before a notary public. The applicant

shall also attach to the application a description of the proposed dispensing area if glass is to be used within the dispensing area and a map showing the location of the proposed dispensing area. (Ord. 11-2000 §1 (part), 2000)

5.32.030 Fees. The applicant for a beer/champagne permit shall pay a fee and a cleanup deposit in the same amount approved by ordinance for the issuance of malt beverage permits by the City, provided, however, that there shall be no fees or cleanup deposits for individuals or groups of less than twelve and fees for permits that are to last for a period of three or more days shall be set by the governing body. (Ord. 11-2000 §1 (part), 2000)

5.32.040 Permit – Expiration and cancellation. Permits for the use of beer (malt beverages) or champagne in City parks issued pursuant to this chapter will expire at the date and hour noted thereon at the time of issuance, and are subject to being cancelled by the City without notice in the event that persons attending the gathering for which the permit is issued cause any disturbance, create a nuisance for other persons using the park or to neighboring residential areas, and otherwise abuse the privilege in any manner whatsoever. (Ord. 11-2000 §1 (part), 2000)

5.32.050 Permit – Denial. An application for a permit under this chapter shall be denied if the applicant has been convicted of an alcohol-related offense within the preceding three years, or if the applicant has previously been granted a permit pursuant to this chapter which was revoked under the preceding section, or if the applicant has been granted a permit pursuant to this section during the preceding ninety-day period. (Ord. 11-2000 §1 (part), 2000)

5.32.060 Violation – Penalty. It is unlawful for any person to participate, associate or commingle in any group of twelve or more persons in a City park using or having available or having possession of beer (malt beverages) or champagne or to serve the same unless a permit is obtained for such a gathering as provided in this chapter. It is further unlawful for any person to misrepresent or falsify any information required to be contained in the application. Any persons found guilty of a violation of this section shall be fined in any sum not exceeding seven hundred fifty dollars and court costs. (Ord. 11-2000 §1 (part), 2000)

Chapter 5.36PAWNSHOPSSections:

5.36.010	Definitions.
5.36.020	License – Required.
5.36.030	License – Application.
5.36.040	Fee.
5.36.050	License – Qualifications.
5.36.060	Record of property received – Content – Preservation of records – Notification.
5.36.070	Rates regulated.
5.36.080	Disclosure and advertising.
5.36.090	Limitation on agreements and practices.
5.36.100	Prohibited practices.
5.36.110	Regulations concerning minors.
5.36.120	Fraud.
5.36.130	Violation – Penalty.

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

“Month” means that period of time from one date in a calendar month to the corresponding date in the following calendar month. If computations are made for a fraction of a month, a day shall be one-thirtieth of one month.

“Pawnbroker” means a person engaged in the business of making pawn transactions.

“Pawn finance charge” means the sum of all charges, payable directly or indirectly by the customer and imposed directly or indirectly by the pawnbroker as an incident to the pawn transaction.

“Pawnshop” means the location at which or premises in which a pawnbroker regularly conducts business.

“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 for a fixed period of time.

“Pledged goods” means tangible personal property other than choses in action, 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.

“Redemption period” means that period of time from transaction date to maturity date of a pawn transaction.

5.36.020 – 5.36.060

5.36.020 License – Required. No person shall carry on the business of a pawnbroker without first having obtained a license therefor.

5.36.030 License – Application. Applications for such licenses shall contain, in addition to the information required in Section 5.40.020, the permanent address of the licensee; and, if such license is applied for by a firm partnership, or corporation in its name, the names and addresses of all persons to be covered by such license shall be stated.

5.36.040 Fee. The fee for each such license shall be the sum of three hundred dollars.

5.36.050 License – Qualifications. A. Each applicant shall be of good moral character and over nineteen years of age.

B. Each person required by this chapter to be licensed shall, as a condition to the issuance of such license deliver to the City a cash or surety bond in the amount of one thousand dollars assuring during the term of such license and for a period of ninety days thereafter the faithful performance of the licensee of all of its obligations imposed by this chapter or pursuant to any pawn transaction.

C. No license shall be issued unless the applicant has first obtained a license from the administrator of the Wyoming Uniform Consumer Credit Code authorizing him to engage in the business of making supervised loans pursuant to Wyoming Statutes Section 40.14-341 (a).

5.36.060 Record of property received – Content – Preservation of records – Notification. A. Every pawnbroker shall keep at his place of business an accurate detailed description of all personal property, bonds, notes and other securities received or purchased and mentioning particularly any descriptive or identifying marks that may be on such property, bonds, notes or other securities, together with the name, residence and accurate description of the person by whom they were left. Such entries must be made on the date such property is taken in using ink or indelible pencil, and no entry shall be erased or obliterated. All such records shall be clean and legible and shall be in a format approved by the City.

B. Persons subject to this ordinance shall file notification with the administrator of the Wyoming Uniform Consumer Credit Code and pay fees, pursuant to the provisions of Article 6, Part 2, of the code.

C. All books and records shall be kept in accordance with accepted accounting practices and such records shall

be preserved or made available in this state for a period of four years from date of the transaction, or two years from final entry made thereon. (Ord. 9-1991 §1, 1991)

5.35.070 Rates regulated. A. No pawnbroker may contract for, charge or receive an amount as a charge in connection with a pawn transaction other than a pawn finance charge, and except as otherwise provided in subsections B and C of this section, no pawn finance charge shall exceed an amount equal to:

1. Twenty percent per month on that part of the unpaid balance of principal which is two hundred dollars or less;
2. Ten percent per month on that part of the unpaid balance of principal which is more than two hundred dollars but does not exceed four hundred dollars;
3. Five percent per month on that part of the unpaid balance of principal which is more than four hundred dollars but does not exceed one thousand dollars; and
4. One and one-half percent per month on that part of the unpaid balance of principal which exceeds one thousand dollars.

B. A pawnbroker may contract for and receive a minimum pawn finance charge of not more than five dollars where the amount financed does not exceed seventy-five dollars or not more than seven dollars and fifty cents on amounts financed which exceed seventy-five dollars. Minimum charges authorized by this subsection are in lieu of earned pawn finance charges.

C. Except in the case where a minimum charge is contracted for, pursuant to subsection B of this section, not more than one-half of the pawn finance charge for the two month maturity period may be considered to be earned at the time the transaction is entered into and is not subject to refund in the event of prepayment. Following expiration of the first month from transaction date, and upon entering of the second month of the transaction, the second month's charge accrues and may be considered to be earned at that time.

5.36.080 Disclosure and advertising. A. Information to be disclosed shall be made pursuant to applicable provisions of Federal Reserve Regulation Z of the Truth in Lending Act and the Wyoming Uniform Consumer Credit Code.

B. A pawnbroker shall not engage in false or misleading advertising concerning the terms or conditions of credit with respect to a pawn transaction. Advertising which complies with the Federal Consumer Credit Protection Act does not violate this subsection.

5.36.090 – 5.36.130

5.36.090 Limitation on agreements and practices. A. Even though a pawn transaction subject to this ordinance creates a debtor-creditor relationship, no pawnbroker shall make any agreement requiring personal liability to a customer in connection with a pawn transaction and no customer has an obligation to redeem pledged goods or make any payment on a pawn transaction. The only recourse of a pawnbroker where the customer has pledged goods is to the pledged goods themselves.

B. A pawnbroker shall not permit a customer to enter into a pawn transaction in which the redemption period is more or less than two months from transaction date.

5.36.100 Prohibited practices. No pawnbroker shall:

A. Divide or separate a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this chapter;

B. Accept any waiver, in writing or otherwise, of any right or protection accorded a customer under this chapter;

C. Fail to exercise reasonable care to protect pledged goods from loss or damage;

D. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction; or

E. Make any charge for insurance in connection with a pawn transaction.

5.36.110 Regulations concerning minors. A. It is unlawful for any person under the age of nineteen years to enter into a pawn transaction, and it shall further be unlawful for any other person to enter into any pawn transaction with a person under the age of nineteen years.

B. Lack of intent or lack of knowledge of minority shall not be a defense to any person charged with entering into a pawn transaction with a person under the age of nineteen.

5.36.120 Fraud. It is unlawful for any licensee to engage in any fraudulent conduct in connection with a pawn transaction or otherwise to be guilty of any cheating or misrepresentation in connection with a pawn transaction.

5.36.130 Violation – Penalties. A. Any person found guilty of violating any provision of this chapter either by doing a prohibited act or by failing to do or perform a required act shall be fined in any sum not exceeding seven hundred fifty dollars for each such offense, in addition to which the license of any such person shall be revoked.

B. Any pawn transaction entered into in violation of

this chapter shall be void and the customer shall not be obligated to pay either the amount financed or the pawn finance charge in connection with the transaction. Upon demand of the customer, the pawnbroker shall return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. In the event that a pawnbroker shall refuse to make a refund as provided in this section within a reasonable time after demand, the customer shall have an action against the pawnbroker and in case of a successful action to enforce such liability, the costs of the action together with a reasonable sum for attorney's fees as determined by the court shall be awarded the customer.

Chapter 5.40

POOL AND BILIARD TABLES, BOWLING LANES, CARD TABLES AND GAME VENDING MACHINES

Sections:

5.40.010	License – Required.
5.40.020	Fee.
5.40.030	Exceptions.
5.40.040	Qualifications.
5.40.050	Conditions.

5.40.010 License required. No person shall conduct, operate, or maintain, for hire or profit whether in his own place of business or not, and whether operated by coin or otherwise, any billiard or pool table, bowling lane, game vending machine or card table without having first secured a license therefor.

5.40.020 Fee. The license fee shall be three dollars for each such billiard or pool table, bowling lane, game vending machine or card table so operated or maintained or conducted for hire or profit at any time during the calendar year.

5.40.030 Exceptions. Nonprofit, charitable, religious, benevolent and community institutions and organizations shall be exempt from the provisions of this chapter.

5.40.040 Qualifications. A. Each applicant shall be of good moral character and over nineteen years of age.

5.40.050 – 5.44.020

B. No license shall be granted to an applicant who has been convicted of any gambling violation or felony involving moral turpitude.

5.40.050 Conditions. Every licensee under the provisions of this chapter shall comply with the following conditions:

A. Licensee shall at all times conduct a quiet and orderly place of business.

B. Licensee shall permit any city officer to visit the licensed premises freely during business hours and to view and observe any card game or game in which cards are used, being played or conducted therein.

C. Licensee shall upon request permit any city officer to inspect any cards, score sheets, or other matter, equipment or thing in his possession or in the control of the person conducting or permitting the conducting of such games which is in any way connected with such games or in the opinion of the officer would be evidence of a gambling game or any improper conduct of the game.

D. Licensee shall not set aside, partition, or enclose any portion of the licensed premises for the conduct of any card game, or game in which cards are used, not also open to the general public during business hours.

Chapter 5.44

PUBLIC DANCES

Sections:

- 5.44.010 Permit – Required.
- 5.44.020 Fee – Term.
- 5.44.030 Conduct.
- 5.44.040 Closing hour.
- 5.44.050 Owner, occupant guilty.

5.44.010 Permit – Required. No person shall conduct or hold any public dance, or any dance within or upon a public place or hall, without first having procured a permit therefor from the police department.

5.44.020 Fee – Term. The fee for a public dance permit that is applied for at least fourteen days prior to the event shall be \$10 per dance permit. The fee for any public dance permit that is applied for less than fourteen days prior to the event shall be \$130 per dance permit. Permits may be issued for single dances only, which will be limited to the time and place specified in such permit. Fees are waived for:

- A. Charitable, religious and/or educational organizations which are recognized as exempt from taxation under Section 501 of the Internal Revenue Code;
- B. Nonprofit corporations;
- C. Unincorporated nonprofit associations filed with the Wyoming Secretary of State’s office. (Ord. 9-2004; Ord. 27–2008; Ord. 31-2008)

5.44.030 – 5.48.020

5.44.030 Conduct. The permittee shall conduct or hold the dance or dances allowed by such permit in an orderly and decent manner.

5.44.040 Closing hour. All such dances shall close promptly at the hour of 2 o'clock a.m., provided, however, that such closing hours may be modified on no more than four (4) days each year by a resolution or agreement made each year by the governing body of the City of Powell for the same dates designated by the City of Powell for 24 hour unrestricted operation of liquor dispensing rooms pursuant to W.S. 12-5-101. (Ord. 1-2002)

5.44.050 Owner, occupant guilty. The owner, lessee, manager or occupant of any public building who shall rent or lease such building for the holding of any unauthorized dance or allow or authorize any dance for which no permit has been granted shall be guilty in the same degree as the person, firm, association or corporation actually holding or giving such dance.

Chapter 5.48

Softball Tournaments

Sections:

- 5.48.010 Permit – Required.
- 5.48.020 Permit – Application.
- 5.48.030 Deposit – User fee.
- 5.48.040 Permit – Cancellation.
- 5.48.050 Permit – Denied.
- 5.48.060 Supervisory control – Parks Superintendent.
- 5.48.070 Supervisory control – Authority to call game or tournament.
- 5.48.080 Supervisory control – Malt beverage permit.

5.48.010 Permit – Required. Prior to the use of any city owned ballpark for the purpose of conducting any tournament sponsored by a party other than the City or the Powell Recreation District, a permit shall be obtained from the City Clerk and Treasurer or other authorized representative of the City. The permit required by this chapter shall be referred to as a softball tournament permit. Each such permit will also grant sole proprietary rights for concessions within the softball complex for a permitted tournament to the permittee, except to the extent that such rights are reserved by the City or granted by the City to other parties; such concession rights are not assignable or transferable to any other party by the permittee.

5.48.020 Permit – Application. The application for a softball tournament permit shall contain the name of the applicant, the proposed dates for the tournament, the number of fields to be used, the name of the organization

5.48.030 – 5.48.050

involved, if any, the approximate number of teams expected to attend, and the name and address of the applicant. Each application will contain a declaration that the applicant agrees to hold the City harmless and to indemnify the City from any claim or damage whatsoever to person or property resulting directly or indirectly from such tournament, and agreeing to defend the City against any litigation in which the City may subsequently be involved as a result of any such damage or injury to personal property resulting directly or indirectly from the use of its facilities for such tournaments. Each application shall further state and describe all other activities or entertainment planned in the softball complex in connection with such tournament, including but not limited to promotions, concessions, or vending activities outside of the service building, entertainment, attractions, and any additional equipment or facilities not provided by the City such as tents, portable buildings, cookers, vehicles, and the like.

5.48.030 Deposit – User fee. A. **Deposit Required.** The applicant for a tournament permit shall pay a deposit in the amount of two hundred fifty dollars which shall be used by the City to defray its actual costs and expenses for material and electric power provided by the City and the cost of cleanup, repairs and restoration of the fields and surrounding areas, including parking areas, service buildings and restrooms, to their condition at the time the tournament is started. The deposit shall be applied as provided in this section as may be necessary in the sole judgment of the Parks Superintendent; any excess shall be refunded by the City, and any deficiency shall be paid by the applicant for the permit to the City promptly upon demand.

B. **User Fee.** The City may, by resolution, establish charges for the use of City park facilities.

5.48.040 Permit – Cancellation. Permits issued pursuant to this chapter are subject to being cancelled by the City without notice in the event that the use of the City's facilities for such tournament does not comply with the requirements, rules and regulations of the City, the Park Superintendent or other authorized representative of the City.

5.48.050 Permit – Denial. Any application for a permit under this chapter shall be denied if the applicant has previously been granted a permit pursuant to this chapter which was revoked under the Section 5.48.040 during the preceding fifteen months.

5.48.60 Supervisory control – Parks Superintendent. All use of the City ball parks for tournaments sponsored by parties other than the City shall be subject to supervision and control by the Parks Superintendent or other designated representative of the City. All motorized equipment will be furnished and operated by the City. Any irrigation or wetting down of the fields will be done only under the direct supervision of personnel of the parks department. No additional dirt or other matter will be taken or spread upon the fields and no alterations or other work will be done to the fields or facilities without approval of the Parks Superintendent's supervision or parks department personnel. Parking of vehicles in service areas will be controlled exclusively by the City.

5.48.070 Supervisory control – Authority to call game or tournament. The Parks Superintendent or his duly authorized representative is specifically authorized to call any specific game, or any entire tournament, if, in his sole judgment and discretion such action appears necessary to prevent damage to field or other facilities as a result of weather conditions or abuse of playing fields and/or facilities. In the event that a tournament is called pursuant to this section because of weather conditions, the two hundred fifty dollars deposit shall be applied in the manner herein provided, and the user fee shall be prorated according to the extent to which the permit was actually used, with any excess being refunded to the applicant.

5.48.080 Supervisory control – Malt Beverage permit. If the applicant or sponsor obtains a malt beverage permit for a tournament, the applicant or sponsor shall further have the responsibility of assuring complete compliance with all rules and regulations pertaining to the issuance and use of such permit.

Chapter 5.52

TAXICABS

Sections:

5.52.010	License – Required.
5.52.020	Fee.
5.52.030	Public convenience and necessity.
5.52.040	Application.
5.52.050	Identification of vehicles.
5.52.060	Drivers.

5.52.010 – 5.52.060

5.52.010 License – Required. No person shall operate or cause to be operated any taxicab, automobile or other motor vehicle for the purpose of carrying passengers and/or property for hire within the City and/or between the City and the City Airport without having secured a license therefor.

5.52.020 Fee. The fee for each such license shall be twenty-five dollars.

5.52.030 Public convenience and necessity. No license shall be granted under the provisions of this chapter unless the Council shall first have determined in a public hearing that public convenience and necessity warrants the same, that applicant is qualified and capable to render adequate and satisfactory service, that applicant is of good moral character, and that applicant is financially responsible.

5.52.040 Application. In addition to the other information required in Section 5.04.020 the application shall state the number of vehicles to be operated by the licensee and a description of each such vehicle.

5.52.050 Identification of vehicles. Each taxicab, while operated, shall have on each side, in letters readable from a distance of twenty feet, the name of the licensee operating it. If more than one cab is operated by a licensee each cab shall be designated by a different number, and such number also shall so appear on each side of such cab.

5.52.060 Drivers. It is unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, or to use any language which is profane and obscene. (Ord. 14-1991 §1, 1991)

Chapter 5.56

BANNER RESERVATION PERMITS

Sections:

5.56.010	Permit – Required.
5.56.020	Permit – Application.
5.56.030	Fee – Term.
5.56.040	Conditions.
5.56.050	Permit – Denial.

5.56.010 Permit – Required. Prior to the displaying of any banner which shall be attached to the banner poles owned by the City and which are located at the intersection of Bent and Coulter, a permit shall be obtained from the City Clerk or other authorized representative of the City. The permit required by this chapter shall be referred to as a banner display permit. (Ord. 1-1996 (part), 1996)

5.56.020 Permit – Application. The application for a banner reservation permit shall contain the name of the applicant, the proposed dates for the display of the banner, the information to be contained on the banner, the dimensions of the banner including height and length, and all necessary and required hardware for the displaying of the banner. Banner content shall be limited to informing the public of community events or announcements only. Political solicitations and commentary shall be prohibited. ((Ord. 4-2001 §1 2001: Ord. 1-1996 (part), 1996)

5.56.030 Fee – Term. All permits for the display of banners shall be for a one-week period unless approved for a two-week period by the City Administrator or other authorized representative of the City. The license fee for the display of a banner shall be fifteen dollars (\$15.00) per week. (Ord. 4-2001 §2 2001: Ord. 1-1996 (part), 1996) (Ord. 8-2004).

5.56.040 Conditions. Every licensee under the provisions of this chapter shall comply with the following conditions:

A. Licensee must obtain a permit for the displaying of a banner at least seventy-two hours (three days) but not more than two months in advance of the desired display dates.

B. All fees for the permit must be paid in advance and permits will be issued on a first come, first serve basis.

C. Licensee is solely responsible for bringing the banner to the electric shop office located at Fifth and Jones Street, Powell, Wyoming, at least three days prior to the requested beginning date and must pick up the banner no later than seven days after the last display date of said banner. Any banners that are left later than seven days after their last display date, may be disposed of by the City. The City is not responsible for any damage caused to the banner whatsoever. (Ord. 1-1996 (part), 1996)

5.56.050 Permit – Denial. The City reserves the right to deny any application for a banner display permit applied for under this chapter and additionally reserves the right to reserve any amount of time being necessary for City's own use for the displaying the banners. (Ord. 1-1996 (part), 1996)