

TITLE 5

Business Taxes, Licenses and Regulations

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CHAPTER 5.04

Licenses

5.04.010 Revocation authorized.

Any license may be revoked by the Director of Finance if granted by him or her, or by the City Council by a majority vote of the entire City Council, upon three days' written notice to the licensee. Revocation by the Director of Finance may be referred to the City Council in the same manner as applications for a license may be referred. (Ord. 948 §4, 1987; Prior code §16-1)

5.04.020 Fees and bonds.

All money received for licenses, as soon as collected, shall be paid to the City Treasury. All bonds for licenses shall be recorded. (Prior code §16-2)

CHAPTER 5.08

Auctions

5.08.010 License; required.

No person shall sell or attempt to sell, within the City, any goods, wares, merchandise or any other property at auction without having first obtained a license therefor. (Prior code §6-1)

5.08.020 License; issuance.

The Director of Finance may, in his or her discretion, issue licenses required by this Chapter to any person for the sale of goods, wares, merchandise or other property at public auction, within any building or on the streets of the City. (Ord. 948 §5, 1987; Prior code §6-2)

5.08.030 License; fee; revocation.

The fee for licenses required by this Chapter shall be three dollars (\$3.00) for each day or part thereof that such public auction is to be carried on or twenty-five dollars (\$25.00) per year. Any license granted under this Chapter may be revoked by the Director of Finance for improper conduct, misrepresentation, fraud or imposition on the public on account of the person so licensed. (Ord. 948 §6, 1987; Prior code §6-3)

5.08.040 Exemptions.

All sales made at public auction under and by virtue of legal process or by any trustee or mortgagee shall be exempt from the provisions of this Chapter. (Prior code §6-4)

CHAPTER 5.16

Cable Distribution System

5.16.010 Permit; required.

A nonexclusive permit to install, operate and maintain a cable distribution system within all or any portion of the City, shall first be obtained from the City Council before any person commences to operate a cable distribution system within the City, and the permit shall be obtained under and pursuant to the terms and provisions of this Chapter. A cable distribution system, sometimes called *cable company* or *permittee*, means any facility which, in whole or part, receives, amplifies or otherwise converts the signals broadcast by one (1) or more television stations or transmits programs originating locally and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such terms shall not include any facility which serves only the residents of one (1) or more apartment dwellings under common ownership, control or management and commercial establishments located on the premises of such an apartment house, nor does the term include any closed-circuit television systems that are used for the exclusive use of private or public organizations and institutions. (Ord. 820 §1, 1981)

5.16.020 Permit; application.

Any person desiring a permit for a cable distribution system in the City shall file a written application with the Director of Finance setting forth among other things a statement showing the financial condition, responsibility and resources of the applicant, the ownership of the applicant's stock, outstanding stock subscriptions and contingent commitments involving stock ownership in the applicant, the experience of the applicant in the cable distribution system field and similar businesses, the ability of the applicant to furnish efficient and dependable service to the public and potential users of cable television in the City, the channels or program coverage of service of the applicant, with any particular features thereof and other pertinent information bearing upon the quality, scope and type of service. The applicant shall also state the percentage of its gross revenue which it will pay the City annually. Before advertising for or soliciting applications for a permit for a cable distribution system, the Council may prescribe additional commitments or information which shall be included within the application as submitted. (Ord. 948 §7, 1987; Ord. 820 §16, 1981)

5.16.030 Permit; bond.

The permittee shall, concurrently with the acceptance of the permit provided for under this Chapter, obtain at his or her expense and file with the Director of Finance a corporate surety bond, in a company approved by and in form approved by the City, in the amount of ten thousand dollars (\$10,000.00) renewable annually or deposit with the City, cash or United States bonds in the amount of ten thousand dollars (\$10,000.00), the permittee to receive all interest therefrom, and conditioned upon and for the faithful performance by the permittee of all the conditions in and requirements and obligations imposed upon the permittee by this Chapter and for compliance with all the provisions of this Chapter. The bonds shall contain a provision that thirty (30) days' written notice of intention not to renew, cancel or for other material change shall be given to the City. (Ord. 948 §8, 1987; Ord. 820 §14, 1981)

5.16.040 Permit; regulations.

The permit or privileges provided for in this Chapter shall be personal to the permittee and it cannot be sold, transferred, leased, assigned and disposed of, in whole or in part, either by voluntary or involuntary proceedings, without the consent of the City expressed by resolution of the Council upon such conditions as it may prescribe, except such consent shall not be unreasonably withheld. In the event that the permittee is other than an individual, the change of ownership by more than fifty percent (50%) shall require the consent of the City by resolution in the manner set forth above. It is understood, and the permittee in accepting a permit under this Chapter agrees, that the permit or license which may be authorized pursuant to this Chapter is a revocable and nonexclusive permission to the nonexclusive use of structures or facilities lawfully in place in streets and ways of the City and the nonexclusive use of poles or structures to be placed upon or under City streets and ways by permittee and which permittee agrees may be used by the City, the telephone company and similar entities upon payment of a reasonable use fee. The permit shall not exceed fifteen (15) years in duration. (Ord. 820 §13, 1981)

5.16.050 Compliance.

The installation, construction, operation and the maintenance of the cable system and the conduct of its business shall comply with all current federal, state and city laws, regulations and ordinances applicable thereto, and all laws, ordinances and regulations hereafter passed or adopted. (Ord. 820 §9, 1981)

5.16.060 Installation and maintenance; standards.

The cable system of the permittee shall be installed and maintained in accordance with the highest and best accepted standards of the industry to the effect that subscribers shall receive the highest possible service. In determining the satisfactory extent of such standards, the following shall apply:

- (1) Electrical characteristics shall meet National Electrical Safety Codes as published by the National Bureau of Standards to provide safety for personnel and customers;
- (2) Head end equipment shall maintain transmitting station quality of signals;
- (3) All technical standards adopted as F.C.C. Rules and Regulations. (Ord. 820 §11, 1981)

5.16.070 Poles, cables and facilities.

(a) It is understood, and the permittee shall agree thereto, in accepting the permit provided for in this Chapter that all utility poles in streets and public ways in the City are presently owned, maintained and controlled by utility companies; that cables and other conduits, appliances and facilities necessary to conduct the cable company business shall be provided or allowed only in any one (1) or a combination of the following manner:

- (1) The permittee shall arrange with the utility company or companies, to use the poles and other facilities necessary to operate its system under such reasonable rules and regulations for the installation, repair and maintenance of such cables and facilities as may be prescribed by the company or companies and evidence of the same shall be furnished to the City;

(2) The permittee may arrange with the telephone company that the telephone company furnish to the permittee cable, facilities and appurtenant service necessary for the operation of the permittee's system, and if such arrangement is made, the permittee shall furnish evidence of the same to the City; or

(3) The permittee shall install and operate any or all cable and appurtenant facilities underground in the streets and public ways of the City.

(b) Subject to the limitations, conditions and exceptions set forth in this Chapter, and in the areas where utility poles are not in existence and it would not be detrimental to allow poles to be erected, the permittee is authorized to construct, install, operate and maintain on, under and above the streets and public ways of the City, such poles, lines, cables, wiring, conductors, vaults and related facilities and appurtenances as are necessary for the purpose of originating, receiving, amplifying and distributing television and radio signals in the conduct of its business. (Ord. 820 §2, 1981)

5.16.080 Nonexclusive rights to streets and public ways.

The right of the permittee to use the streets and public ways of the City and conduct its business in the City shall be nonexclusive and the City reserves the right to grant a similar use or uses in the streets and public ways and authorize additional cable system business in the City. (Ord. 820 §3, 1981)

5.16.090 Installation and construction requirements.

Any poles, wires, cable, lines, vaults, conductors, installations or facilities to be constructed or installed in streets or public ways shall be so constructed or installed only at such locations and in such manner as approved by the City Manager or his or her duly authorized representative. As hereinabove provided, additional poles and like facilities, unless under special conditions and without specific approval, will not be allowed in those streets or ways where there are existing utility poles. In those areas of the City where public utility lines are underground or thereafter may be placed underground, the permittee shall likewise construct, install and operate all its lines, cables and other facilities underground. Any streets or sidewalks damaged or disturbed in the construction or operation of the permittee's poles, cables and other installations shall be promptly repaired and restored by the permittee at its expense and to the satisfaction of the City. If the City elects to change the grade of any street or public way, to vacate or otherwise alter the same, and so long as other utilities situated thereon must relocate their respective poles, the permittee shall relocate its poles and other installations at its expense. (Ord. 820 §4, 1981)

5.16.100 Service requirements.

The permittee's system and its services shall be made available to every part of the City. The permittee shall maintain an office in the City and provide a maintenance and repair service readily available through telephone and other means in the City to its subscribers. The permittee shall not discriminate between persons or areas and its services shall be equally available. (Ord. 820 §5, 1981)

5.16.110 Service charges.

The charges made by the permittee for its services including installation, repair, removal and monthly service charges shall be uniform for the same or similar services and shall be according to maximum rates as established by the permittee and approved by the City Council. No rate shall be increased above the maximum approved without reapproval by resolution of the Council. No rate increase shall be approved by the City Council unless the City Council is furnished with the most recent audited financial statements of the permittee including but not limited to balance sheet, profit and loss statement and changes in financial position. (Ord. 820 §8, 1981)

5.16.120 Restrictions on operation.

The permittee shall operate its system as not to interfere with the direct broadcast or reception of other signals, whether television, radio, telephone or telegraph signals. In delivery of programs, the permittee shall not delete the commercials of the program sponsor nor shall it interrupt any programs or parts thereof and substitute commercials or advertisements for those of such program sponsor. (Ord. 820 §10, 1981)

5.16.130 Required outlets and channels.

The permittee will, upon request therefor, provide and furnish without charge to each elementary and secondary public school, private school, each college or university (excluding dormitories), municipal buildings, sheriff's office, nonprofit hospitals and nursing homes within the corporate limits of the City, the following:

- (1) One (1) service outlet for main regular channel television reception for educational and other programming or reception furnished by the permittee;
- (2) The permittee shall maintain a channel for local organizations, primarily for educational instruction and like uses. (Ord. 1081 §20, 1992; Ord. 820 §12, 1981)

5.16.140 Liability.

The permittee shall, at its own expense, defend all suits that may be brought against the City on account of the operations and business of the permittee or the construction or operation of its system and infringement of copyrights, patents or like violations; and shall keep harmless the City from any and all damages, judgments, costs and expense of every kind growing out of or connected with the business and installations or operation of the system; and the permittee, as further assurance to the City, shall, during the existence of the permit granted the permittee under this Chapter furnish the City with proper evidence of liability insurance coverage with an approved company insuring both the permittee and City against the claims, demands or losses for injury to persons or damages to property resulting from or connected with the construction, operation or maintenance of said system and business within the City. The insurance shall have limitations of not less than five hundred thousand dollars (\$500,000.00) for injury or damages occurring to one (1) person in one (1) occurrence, and not less than one million dollars (\$1,000,000.00) for injury or damages occurring to more than one (1) person in the same occurrence, and not less than one hundred thousand dollars (\$100,000.00) for damage to property owned by a single person nor more than three hundred thousand dollars (\$300,000.00) for one (1) occurrence. (Ord. 820 §15, 1981)

5.16.150 Payments and fees to City.

The permittee shall quarterly pay to the City a percentage of its gross billings derived from the conduct of its business in the City and the permittee, in making application for a permit under this Chapter, shall state the percentage of such gross billings that it will pay to the City each quarter. Within sixty (60) days after the end of each calendar year, the permittee shall file with the City a financial statement prepared by a corporate officer, under penalty of perjury, showing in detail the total gross billings for the preceding calendar year. The City shall have the right to inspect the permittee's books and records showing billings. Additionally, the permittee shall pay the City an annual fee for each City pole to which its cable system is attached, as hereinabove provided. (Ord. 820 §6, 1981)

5.16.160 Prohibited acts.

The permittee shall not engage in the business of selling time or advertising (except advertising shall be allowed as is permitted by F.C.C. regulations), renting, repairing, selling or installing television sets, radios, antennae or other electronic devices for the reception of electronic signals except those required by its system. (Ord. 820 §7, 1981)

5.16.170 Operation without permit unlawful.

The installation, operation or maintenance of a cable distribution system within the City limits, without first obtaining a permit therefor as provided in this Chapter, is unlawful and a violation of this Chapter and shall subject the violator to the penalty provided in Section 5.16.180. (Ord. 820 §17, 1981)

5.16.180 Violation; penalty.

Any person who violates any provision of this Chapter shall upon conviction thereof be punished as follows:

(1) No fine or imprisonment shall exceed the following limits:

- a. Fines, three hundred dollars (\$300.00);
- b. Imprisonment, ninety (90) days; or
- c. A combination of both fine and imprisonment within the designated limits.

(2) Each day's failure of compliance with any such provision shall constitute a separate violation. (Ord. 820 §18, 1981)

CHAPTER 5.28

Junk Dealers

5.28.010 Junk defined.

The term *junk* as used in this Chapter means and includes all scrap metals, other than gold, silver and platinum; materials, fabrics, rubber, paper, glass and metals made up from discarded furniture; furnishings, clothing, bottles, rope, cable, books, magazines, newspapers and other articles; discarded automobiles, machinery, apparatus and contrivances, and parts thereof, which are no longer in use or objects of sale or trade, for the purpose of which they were originally made, fabricated, assembled, manufactured or sold. (Prior code §15-1)

5.28.020 License; required.

No person shall engage in the business of either buying, selling or storing junk within the City without first having obtained a license to do so. (Prior code §15-2)

5.28.030 License; application; bond.

(a) Any person desiring a junk dealer's license required in Section 5.28.020 shall make application therefor to the Director of Finance. Such application shall be in writing and shall set forth the full name of the applicant, his or her address of residence and place of business, together with such further information as shall be required by the City. Each application shall contain the agreement that applicant accepts the license if granted upon the condition that it may be suspended by the City Council for cause.

(b) Applicants shall file with the Director of Finance a surety bond in the penal sum of five hundred dollars (\$500.00), conditioned that the principal therein shall observe all provisions of this Chapter and regulations made pursuant thereto. (Ord. 948 §13, 1987; Prior code §15-3)

5.28.040 Junkyard; consent of adjacent property owners.

Any applicant desiring to maintain a junkyard in connection with a junk dealer's license issued pursuant to this Chapter shall file a written consent to maintain a junkyard at the address given signed by all property owners within one hundred fifty (150) feet of the proposed site of the junkyard; provided, however, that any applicant for a license now operating a junkyard need not secure permission from adjoining property owners; and provided further, that when such permission from adjacent property owners has once been secured, no further consent need be secured for subsequent applications for licenses so long as location, area and ownership of the junkyard is not changed. (Prior code §15-4)

Editor's Note: The ordinance from which this Section derives was passed November 3, 1953.

5.28.050 License; fee.

The fee for a junk dealer's license issued pursuant to this Chapter shall be seventy-five dollars (\$75.00) for each year or fraction of the year for which such license is issued. (Prior code §15-5)

5.28.060 License; issuance.

The application and bond required in Section 5.28.030 shall be submitted to the City Council, and in case such application is approved by the Council, the Director of Finance shall issue the license. (Ord. 948 i14, 1987; Prior code §15-6)

5.28.070 License; expiration.

All licenses issued pursuant to this Chapter, unless sooner revoked, shall expire on December 31 of each year. (Prior code §15-7)

5.28.080 Records required.

Each person licensed under this Chapter shall keep a book, the form to be approved by the Police Department of the City, at his or her place of business or, if a nonresident, in his or her truck transporting the junk, in which shall be fairly written in ink, on the day of each purchase or sale, an accurate account or description, in the English language, of the goods, articles or other things, except rags and bottles, purchased or sold, where, and from or to whom purchased or sold, the amount of money paid or received therefor, and the time of the purchase or sale, which book, as well as the article purchased, shall at all reasonable times be open to the inspection of any member of the Police Department. (Prior code §15-8)

5.28.090 Removal of material from City.

No person licensed under this Chapter shall remove from the City any article purchased by him or her unless the article has been in his or her possession at least seventy-two (72) hours, or unless he or she has, after purchase and before removing the article, filed with the Police Department of the City a report of such purchases within the City on forms prescribed by the Police Department. No licensee shall sell, transport or remove any junk from the City until the same has been inspected by the Police Department. (Prior code §15-9)

5.28.100 Purchase from minor, drunkard or drug addict.

No person licensed under this Chapter shall purchase or receive anything from any minor under the age of eighteen (18) years without the written consent of his or her parent or guardian nor from any person who is intoxicated or known to be a habitual drunkard or drug addict. (Prior code §15-10)

CHAPTER 5.32

Peddlers

5.32.010 Definitions.

As used in this Chapter, the following words have the meaning indicated:

(1) *Canvasser* means a person who attempts to make personal contact with a resident at his or her residence, without prior specific invitation or appointment from the resident, for the primary purpose of:

a. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or

b. Distributing a handbill or flyer advertising a noncommercial event or service.

(2) *Hawker or peddler* means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A *peddler* does NOT include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of the visit. Such a person is a *solicitor*.

(3) *Solicitor* means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident, for the primary purpose of:

a. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service; or

b. Distributing a handbill or flyer advertising a commercial event or service. (Ord. 1440, §§1, 9, 2007)

5.32.020 Registration required for hawkers, peddlers and solicitors; available for canvassers.

No person shall act as a hawker, peddler or as a solicitor within the City without first registering with the City in accordance with this Chapter. A canvasser is not required to register but any canvasser may do so for the purpose of reassuring City residents of the canvasser's good faith. (Ord. 1440, §§3, 10, 2007)

5.32.030 Fees.

(a) For each peddler acting on behalf of a merchant otherwise licensed to do business within the City, a fee shall be charged of: ten dollars (\$10.00) for one (1) day; fifty dollars (\$50.00) for one (1) month; or one hundred dollars (\$100.00) for one (1) year.

(b) For each peddler acting on behalf of a merchant not otherwise licensed to do business within the City, a fee shall be charged of: ten dollars (\$10.00) for one (1) day; fifty dollars (\$50.00) for one (1) month; or one hundred dollars (\$100.00) for one (1) year.

(c) For each solicitor, including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence, a fee shall be charged of: ten dollars (\$10.00) for one (1) day; fifty dollars (\$50.00) for one (1) month; or one hundred dollars (\$100.00) for one (1) year.

(d) For each canvasser, no fee shall be charged. (Ord. 1440, §§4, 11, 2007)

5.32.040 Contents of registration.

Any person or organization required to register under this Chapter shall provide the following information:

(1) The name, physical description and photograph of each person required to register as evidenced by a driver's license, state identification card, passport or other government-issued identification card (issued by a government within the United States).

(2) The permanent and, if any, local address of the organization or business to be represented by a hawker, peddler, solicitor or canvasser.

(3) The permanent and, if any, local address of each person acting as a hawker, peddler, solicitor or canvasser.

(4) A brief description of the proposed activity related to this registration. Copies of literature to be distributed may be substituted for this description at the option of the applicant.

(5) The motor vehicle make, model, year, color, vehicle identification number and state license plate number of any vehicle which will be used by each person required to register.

(6) If registering as a hawker or peddler:

a. The name and permanent address of the business offering the event, activity, good or service; i.e., the peddler's principal.

b. A copy of the principal's sales tax license as issued by the State or the City.

(7) The web address, or other address, for the organization, person or group, where residents having subsequent questions can go for more information.

(8) In the event a person is under the age of eighteen (18) years of age with no legal identification, that person's legal guardian must accompany the minor person to acquire the license required under Section 5.32.020 above. The legal guardian must present identification (of the legal guardian) as required by Subsection (1) above. (Ord. 1440, §§5, 12, 2007)

5.32.050 Distribution of handbills and commercial flyers.

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

(1) No handbill or flyer shall be left at, or attached to, any sign, utility pole, transit shelter or other structure within the public right-of-way.

(2) No handbill or flyer shall be left at, or attached to, any privately owned property in a manner that causes damage to such privately owned property.

(3) No handbill or flyer shall be left at, or attached to, any property having a "no solicitors" sign of the type described in Section 5.32.060 below.

(4) Any person observed by City uniformed personnel to be distributing handbills or flyers shall be required, upon request by the City uniformed personnel, to identify himself or herself. This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

(5) Any person distributing handbills or flyers shall be required, upon request by any resident of the City, to identify himself or herself. This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers. (Ord. 1440, §§6, 13, 2007)

5.32.060 General prohibitions.

No peddler, solicitor or canvasser shall:

(1) Enter upon any private property where the property is clearly posted in the front yard with a sign from the right of way (public or private), indicating a prohibition against peddling, soliciting or canvassing. Such a sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.

(2) Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entranceway leading into the residence or dwelling at which the guests would normally enter, which sign contains the words, "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.

(3) Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

(4) Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors. (Ord. 1440, §§7, 14, 2007)

5.32.070 Affirmative defense.

It shall be an affirmative defense to any violation of Section 5.32.020 above that the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him or her to enter upon the property. (Ord. 1440, §15, 2007)

5.32.080 Exceptions.

(a) The provisions of Sections 5.32.010, et seq., shall not apply to a federal, state or local government employee or a public utility employee in the performance of his or her duty for his or her employer.

(b) No license shall be required for any governmental agency or charitable organization which is exempt from the sales and use tax under Title 3 of this Code.

(c) No license shall be required for any retailer selling tangible personal property at Early Settler's Day, Music at the Junction, Fiesta Day or any Downtown Yard Sale promoted by the Retail

Action Committee of La Junta Development or any other special event conducted in the City. The license period for such special event shall end on the day the special event concludes. In addition to those days set forth herein, a *special event* shall only be those events declared as a special event by resolution of the City Council.

(d) No license shall be required if the retailer is conducting a yard sale or garage sale on or in his or her personal residence and if there are not more than three (3) such sales at that location in one (1) calendar year.

(e) No license shall be required for any retailer selling tangible personal property or foodstuff, where such retailer is doing so as a fundraising activity for a nonprofit entity. This exemption includes local 4-H groups, local Future Farmers of America groups, local Boy Scouts groups, local Girl Scouts groups and local charitable organizations such as the La Junta Lions Club, La Junta Rotary Club, La Junta Kiwanis Club and church fundraising activities which are activities generally considered to be altruistic in nature. This exception shall apply only to those activities which do not provide for individual compensation or individual profit. This exception applies solely to activities related to the sole purpose of charitable ends. The City Manager shall be the sole arbiter in determining the acceptability of a particular entity for purposes of this exception.

(f) For purposes of this Section, the term *retailer* shall not apply to any business then holding a sales tax license issued by the City. License holders shall be required to collect sales tax as ordained by other provisions of this Code.

(g) For purposes of this Section, the term *retailer* applies only to those persons or organizations operating temporary booths or sidewalk displays, and only to those persons or organizations who do not qualify under Subsection (e) above. (Ord. 1470 §1-4, 2008; Ord. 1440 §16, 2007)

5.32.090 Violation.

It shall be unlawful for any person to violate any provision of this Chapter. Penalties shall be imposed as provided in this Code. (Ord. 1440, §17, 2007)

CHAPTER 5.36

Fireworks

5.36.010 Limitation of sales.

Any person shall not sell fireworks to individuals at temporary retail stands or other locations or deliver retail fireworks purchased by mail order before the 26th day of June and after the 5th day of July. (Ord. 997 §1, 1989)

5.36.020 Permit required.

Any person (vendor) attempting to sell fireworks to individuals at temporary retail stands or any other location within this municipality shall first purchase a *fireworks permit* for each separate location from the Finance Director, submitting appropriate forms as may be required in support

thereof, and upon payment of a twenty-five-dollar permit fee per location. Said fee shall be collected annually from each vendor. (Ord. 997 §2, 1989)

5.36.030 Other regulatory supervision.

Nothing contained herein shall limit the powers of authorities of any other regulatory division of this municipality as concerns the regulation of fireworks, prohibited sale of illegal fireworks, violations of building codes and/or fire code and other regulatory matters heretofore enacted or enacted by this municipality. (Ord. 997 §3, 1989)