

WHEATLAND TOWN CODE

CHAPTER 9.

LICENSES. *

For state law as to authority of town to license businesses see W.S. , 1977, S 15-1-103.

As to administration generally, see ch. 2 of this Code. As to land use generally, see ch. 7. As to public utilities generally, see ch. 16. As to transient merchants, peddlers, solicitors and canvassers, see ch. 19.

As to sale of fireworks, see Ch. 8, Sec. 8-6 of this Code.

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- § 9-17. Bond required; liability insurance policy may be submitted in lieu of bond.
- § 9-18. License renewal--Fee--Term.

Prior history: Code §§ 5-102, 5-103, 5-104, 5-105, 5-106, 5-301, 5-302, 5-401, 5-501 and Ord. No. 457

- § 9-19. Revocation or denial--Grounds; hearing.

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Article I. Licenses for Gas Pipefitters, Plumbers, Electricians and Water Treatment Contractors.

Sec. 9-1. Water treatment contractor defined.

For purposes of this article, a "water treatment contractor" shall be deemed to be any person engaged in the business of making any connections to any waterlines within the town for the purpose of installing water softeners, underground lawn sprinkler systems, fire extinguishing sprinkler systems or any other connection made to any waterline other than those made by a licensed plumber. (Amended during August, 1984, supplementation.)

Sec. 9-2. Required.

No person shall engage in business as a gas pipe fitter, plumber, electrician or water treatment contractor in the town without first obtaining a license. (Amended during August, 1984, supplementation.)

Sec. 9-3. Application--Required information; examination.

Every person desiring to enter into business as a gas pipefitter, plumber, electrician or water treatment contractor shall make application to the town clerk for a license. Every application shall set forth the name of the applicant and his qualifications, together with such other information as may be required by the town. Each applicant shall submit to an examination as prescribed by the town to determine the fitness to hold any license. (Amended during August, 1984, supplementation.)

Sec. 9-4. Same--Fees; bond.

Each application shall be accompanied by a fee of fifty dollars and a bond in the penal sum of two thousand dollars, executed in favor of the town, conditioned for the faithful performance of the duties for which the license is issued. (Amended during August, 1984, supplementation.)

Sec. 9-5. Issuance--Term.

Upon meeting the requirements set forth in sections 9-3 and 94, every successful applicant shall receive a license. All licenses issued hereunder shall expire on December 31 of the year of issue. (Amended during August, 1984, supplementation.)

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Sec. 9-6. Renewal.

Any license may be renewed yearly by payment of an annual fee of twenty-five dollars. Every licensee who desires to renew a license shall make application for renewal to the town clerk within thirty days prior to the date of expiration of the license to be renewed. (Amended during August, 1984, supplementation.)

Article II. Circuses, Exhibitions, Etc.

For state law as to authority of town to license circuses, exhibitions, etc., see W.S., 1977, S 33-6-104.

Sec. 9-7. Required; exceptions.

No person who shall own, conduct or manage any caravan, circus, street show, merry-go-round or other exhibition, show or amusement; or shall exhibit any natural or artificial curiosities or panoramic or other show or device of any kind; or shall give any concert or musical entertainment except musical concerts and exhibitions of painting or statuary, educational, scientific or literary entertainments, given or made by the citizens of this town or under the auspices of any church or literary society of the town without first obtaining a license there for. (Amended during August, 1984, supplementation.)

Sec. 9-8. Application--Required information; examination.

Any person who shall own, conduct or manage any caravan, circus, street show, merry-go-round or other exhibition, show or amusement; or who shall exhibit any natural or artificial curiosities or panoramic or other show or device of any kind; or who shall give any concert or musical entertainment shall make application to the town clerk for a license. Every application shall set forth the name of the applicant and qualifications, together with such other information as may be required by the town. Each applicant shall submit to an examination as prescribed by the town to determine the fitness to hold any license. (Amended during August, 1984, supplementation.)

See §33-6-101 for Town's right to inspect the applicant's facilities, equipment, rides or other structures which are for public use.

Sec. 9-9. Fees.

Each application shall be accompanied by a fee of two hundred dollars. (Amended during August, 1984, supplementation.)

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Article III. Auctions.

Sec. 9-10. Auction defined.

The word "auction," as used in this article, shall be deemed to include all sales commonly known as "auctions," as well as "dutch auctions" and "auctions" wherein the auctioneer or salesman shall do any of the following:

- (a) Call for public bids;
- (b) Progressively decrease the price at which he will sell the merchandise until his offer is accepted;
- (c) Add additional merchandise to the original items until the auctioneer or salesman is able to receive a bid or offer for the accumulated items. (Ord. No. 418, S 1.)

Sec 9-11. Exceptions to article.

The provisions of this article shall not be applicable to auction sales conducted by executors, administrators, receivers, public officers acting under judicial process or any other lien sale held pursuant to law or any householder selling his own personal private property, distinguished from any property used in a trade or business. (Ord. No. 481, S 2.)

Sec. 9-12. Compliance.

No personal property shall be sold at any auction in the town except in compliance with the provisions of this article. (Ord. No. 481, S 3.)

Sec. 9-13. Auctions on streets. sidewalks. etc.. prohibited.

No person shall conduct an auction sale of personal property on any of the streets, sidewalks or public property of the town. (Ord. No. 481, S 4.)

Sec. 9-14. Licenses required.; sales to be conducted by a holder of an auction business license only.

No person shall sell, or cause or permit to be sold, at an auction, any personal property in the town unless such sale is conducted by a holder of a valid auction business license issued by the town clerk under this article. (Ord. No. 481, § 5.)

Sec. 9-15. Application for license.

The application for each initial or renewal auction business license containing the following information shall be filed with the town clerk:

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(a) If an individual applicant:

(1) Full name and residential address of the applicant;
and

(2) All auction business addresses of the applicant; and

(3) Trade name used by the applicant; and

(4) The length of time for which an auction business license is desired; and

(5) A statement as to whether or not the applicant holds or has held an auctioneer's license or auction business license issued by any licensing authority; a list of such licenses and a statement specifying the time, place and by whom issued; a statement as to whether or not any licensing authority has ever refused to issue, refused to renew, or revoked an auctioneer's license or auction business license to the applicant together with a full and accurate statement as to the reasons for any such refusal or revocation; and

(6) A statement as to whether or not the applicant has ever been convicted of a felony or any crime involving moral turpitude and if so, the nature of each of the offenses and the punishment or penalty assessed therefor; and

(7) A two-inch by two-inch photograph of the applicant, taken within sixty days immediately prior to the date of the filing of the application, showing the head and shoulders of the applicant in a clear and distinguishing manner; the social security number of the applicant; the date of birth of the applicant and the fingerprints of the applicant. The town clerk may waive the requirements of this subparagraph for any license renewal applicant; and

(8) The affidavits of at least two property owners residing in Platte County, Wyoming, stating that the applicant has a good moral character. The town clerk may waive the requirements of this subparagraph for any license renewal applicant.

(b) Any applicant other than an individual:

(1) Legal name of the applicant; and

(2) All auction business addresses of the applicant; and

(3) Trade name used by the applicant; and

(4) The length of time for which an auction business license is desired; and

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(5) Each partner, shareholder, member, owner, officer, director and manager of applicant must fulfill the requirements specified in subparagraphs (1), (5), (6), (7) and (8) of subsection (a) of this section by attaching such items to the application. (Ord. No. 481, § 6.)

Sec. 9-16. Investigation of applicant.

Upon receiving an application for an auction business license, the town clerk shall immediately refer the application to the chief of police, who shall conduct such investigation of the applicant as he deems necessary for the protection of the public. Upon completing his investigation, the chief of police shall submit a written report to the town clerk disclosing the results of his investigation. Upon receiving such investigation report, the mayor shall determine whether the applicant is eligible for a license. (Ord. No. 481, § 7.)

Sec. 9-17. Bond required: liability insurance policy may be submitted in lieu of bond.

Every applicant for an auction business license shall file with the town clerk a surety bond running to the town in the amount of one thousand dollars, with surety acceptable to and approved by the mayor, conditioned that such applicant, if issued an auction business license, will comply fully with all provisions of this Code or other ordinances of the town and the statutes of the state regulating and concerning auctions and auctioneers; will render true and strict accounts of all his sales to any person employing him to make the same; will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit; and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act on the part of the licensee, his agent or employees in the conduct of any auction or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the state which conforms to above requirements may be permitted by the mayor in his discretion in lieu of a bond. (Ord. No. 481, § 8.)

Sec. 9-18. License renewal--Fee--Term.

The mayor may grant or renew an auction business license for all or any part of a calendar year to any person fulfilling the requirements of this chapter, upon the payment of a twenty-five-dollar fee. All auction business licenses shall expire on the last day of December of each year and may be renewed annually for a

period of one year by qualified license holders. (Ord. No. 481, § 9.)

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Sec. 9-19. Revocation or denial--Grounds; hearing.

After notice and hearing, the mayor may revoke any auction business license issued under this chapter or may refuse to issue or renew an auction business license under this chapter for any of the following causes:

(a) The application of the applicant or licensee contains any false, fraudulent or misleading material statement;

(b) The applicant or licensee or any partner, shareholder, member, owner, officer, director or manager of the applicant or licensee:

(1) Is not a person of good moral character,

(2) Has made any false, fraudulent or misleading material statement in the course of conducting an auction or in any offering for sale at an auction,

(3) Has perpetrated a fraud upon any person, whether or not such fraud was perpetrated in the conduct of an auction,

(4) Has violated any of the statutes of the state relating to auctions or auctioneers,

(5) Has been convicted of any felony, or misdemeanor involving moral turpitude,

(6) Has conducted an auction in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(Ord. No. 481, § 10.)

Sec. 9-20. Notice of hearing; right to counsel.

Notice of the hearing provided for in section 9-19, shall be given in writing to the applicant or licensee. Such notice shall be mailed, postage prepaid, to the applicant or licensee at his last-known address at least five days prior to the date set for hearing.

The applicant or licensee shall have the right to be represented at such hearing by counsel. (Ord. No. 481, 11.)

Sec. 9-21. Appeal to council.

Any person aggrieved by the action taken by the mayor under section 9-19 of this chapter shall have the right to appeal to the mayor for a rehearing. Such appeal shall be taken by filing a written statement setting forth the facts and grounds of appeal with the town clerk not later than fourteen days after the date upon which the mayor took the action which aggrieved the appellant.

The mayor shall set a time and place for a rehearing on such appeal and notice of such hearing shall be given to the appellant

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in the same manner as provided in section 19-20. The appellant shall have the right to be represented at such rehearing by legal counsel. The decision and order of the mayor on such appeal shall be final and conclusive. (Ord. No. 481, § 12.)

Article IV. Enforcement.

Sec. 9-22. Violation deemed misdemeanor.

Any person violating any provision of this chapter shall be guilty of a misdemeanor. (Amended during August, 1984, supplementation.)

See S 1-8 of this Code for general penalties.