



CITY OF CODY
WYOMING

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MUNICIPAL JUDGE

Barry A. Cook
CITY ADMINISTRATOR

1338 Rumsey Avenue
P.O. Box 2200
Cody, Wyoming 82414

(307) 527-7511
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December 21,2020

Reference: Changes to Mobile Vendors - Ordinance 2020-14

The City of Cody Council adopted Ordinance 2020-14 pertaining to Mobile Vendors operating within the City Limits of Cody. As you have or may operate your mobile vendor business within the City limits, I am providing a copy of the ordinance for your review and as of January 1, 2021 you will be required to comply with this ordinance in order to operate within the municipal bounds.

To summarize some of the main components of this ordinance are noted below:

1. Application process
2. Annual Fee \$70
3. Permit will expire December 31 of each year (this permit is issued on a calendar year basis and **not** 12 months from issue date this is not prorated based on the date of issued.
4. Hours of Operation – Generally 6 a.m. – 2 a.m. unless within 200 feet of a residentially zoned property - then must cease at 9 p.m.
5. Operate on Private Property - Public Property use requires City of Cody Council approval.
6. Some restrictions may apply to certain zones within the City, as well as, signage/advertising limitations/restrictions.
7. Depending on type of business the following may be required – Food Service Permit, Liability Insurance, Valid Vehicle license/registration and or Wy sale tax ID Certificate.

Please review the enclosed ordinance and feel free to contact me with questions. In the past a Park County resident was exempt from this type of permit by practice, this is no longer the situation. All mobile vendors by definition are required to complete the application and obtain a permit.

Sincerely

Cynthia Baker
Administrative Services Officer/City Clerk



City of Cody
Vendor Application

READ GENERAL INFORMATION PRIOR TO COMPLETING

License Period: _____ to _____ Wyoming State Sales Tax # _____

Name of Business: _____

Mailing Address of Business: _____

Phone No. of Applicant: _____ Cell Phone No. _____

Contact Name for Applicant: _____

Type of Business/Product: _____

Address(es)/location(s) where business will be conducted – List All Applicable locations

Dates Business will be conducted in City limits: _____

Please list the names, contact information of all individuals conducting business under the above business name:
(attach additional sheets if necessary)

<u>Name</u>	<u>EMAIL</u>	<u>Phone #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please list vehicle descriptions and license plate numbers of all vehicles operating under this license:
(attach additional sheets if necessary)

<u>Vehicle Description (year, make, model)</u>	<u>License Plate Number</u>	<u>State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach a location map showing where the business vehicle(s) structures, and any signs will be placed on each property location listed above.

Signature of Applicant

Date

***A copy of this application will be faxed to the State of Wyoming
Department of Revenue for sales tax compliance verification (307) 754-2686.**

For City Use Only

License Fee \$	_____
Date Paid	_____
License No	_____
CDD Approved	_____



City of Cody Vendor Application and/or Licensing Instructions

GENERAL INFORMATION:

1. It is unlawful for any temporary or transient merchant to engage in, do or transact any business within the City without having first completed a vendor application and /or obtained a license where applicable from the City of Cody.
2. A transient merchant is defined as all persons, firms, and corporations, both as principal and agent, who engage in, do or transact any temporary or transient business either in one locality or more by traveling from one or more places in the City, selling goods, wares, or merchandise and who for the purpose of carrying on such business hire, lease or occupy a building, structure or car for the exhibition and sales of such goods, wares or merchandise.
3. Business may be conducted on commercially zoned private property with the permission of the property owner. Business may not be conducted on any City property (e.g. City Parks, Ballfields) or public right of way without the prior authorization of the City Council. Conducting business on WYDOT right-of-way is prohibited.
4. If the business will be operating in an existing parking lot, the situation must be reviewed for compliance with the City parking ordinance. Contact the Community Development office in City hall, or call 307-527-3469.
5. If any structures proposed, such as sheds, kiosks, or portable shade covers larger than 120 square feet, contact Community Development Department, as a zoning review may be required.
6. Signs on the business vehicles(s), temporary signs 32 square feet and smaller within the private property on which the business is operated, typically do not require sign permits. Signs larger than 32 square feet, and any sign that will be in place longer than 120 days requires a sign permit. Off-premise signs are not permitted. Contact the Community Development Department for sign permits.
7. **Copy of Food Service Permit and/or liability insurance will be required where applicable.**
8. The annual license period is January through December (calendar year) Fee is \$70.00. Special Event Fee reoccurring or consecutive days less than one week - \$100.00. Special Event Fee reoccurring or consecutive days equal to or greater than one week - \$200.00. Other permit fees may be applicable dependent upon location of sale (e.g. approved Park, Ballfield)
9. Disclosure of the City laws governing transient merchant licenses appears in City Ordinance Title 3 Chapter 5.

NEW LICENSES:

- Step 1: Complete a Vendor application and turn it in to the Administrative Services office at City Hall with the following required attachments, and payment of the annual fee (where applicable). Allow 48 -72 hours for processing, noting any application requiring Council Approval must be submitted a minimum of 14 days in advance of first anticipated start date.
- Step 2: Upon verification of a complete application with all required attachments and approvals, the City will issue the license certificate where applicable.
- Step 3: A copy of the license application will be faxed to the Wyoming Department of Revenue for sales tax compliance verification.
FAX: 307-754-2686

RENEWAL OF LICENSES:

Vendor and Transient merchant must submit a vendor application annual to continue to do business in the City of Cody. No renewal notification is provided by the City.

ORDINANCE NO. 2020 – 14

**AN ORDINANCE ADOPTING TITLE 3, CHAPTER 5,
ARTICLE III: SECTIONS 7-11**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
CODY, PARK COUNTY, WYOMING:**

Title 3, Chapter 5, Article III, Sections 7-11 of the City of Cody Code, shall be adopted, and shall provide as follows:

3-5-7: DEFINITIONS:

Mobile Vendor: Any person that sells or offers for sale goods, products, services or foods from a mobile vending unit.

Mobile Vending Units:

- A. A motorized vehicle, as defined by W.S. 31-1-101(a)(xv), from which a Mobile Vendor offers for sale or sells goods, products, services or food to the public; or
- B. A trailer that is pulled by a motorized vehicle and has no power to move on its own from which a Mobile Vendor offers for sale or sells goods, products, services or food to the public; or
- C. A temporary stand, such as a cart, tent, table, awning or other device, located outside of a building, from which a Mobile Vendor offers for sale or sells goods, products, services or food to the public,

which stand, cart, tent, table, awning or other device is not an extension of a business which occupies an adjacent retail or commercial building.

Neighborhood Mobile Vendor: A vendor operating on streets, sidewalks, alleys or other areas generally accessible to the public which provides and delivers to residents at their dwellings a retail sale or service of only ready-to-eat or packaged food or other products from a mobile vehicle or pushcart for such use. A Neighborhood Mobile Vendor is distinguished from a Mobile Vendor in that a Neighborhood Mobile Vendor generally operates a vehicle while selling its products, and delivers products to residents in their homes.

Special Event: A Special Event as used in this Chapter is defined as an event, parade, concert, farmers' market, expo, bazaar, show, parade, celebration, protest, rodeo, fair, tournament, extravaganza or similar type of activity, which is authorized by the Governing Body of the city, or by the City Administrator or his or her designee.

3-5-8: MOBILE VENDING PERMIT

- A. No person shall engage in mobile vending within the city without first having obtained a mobile vending permit from the city, as provided in this section, unless the vending is approved as part of a special event.
- B. A person who wishes to obtain a mobile vending permit shall submit a completed application to the city administrator or his or her designee. The city administrator may grant or deny the permit as described in this chapter.
- C. The applicant for a mobile vending permit, or the organizer of a special event, shall provide the following information on the application:

1. Name, address, phone number, email and other contact information of the owner of the unit as required by the application. If the owner's address, phone number, email, or other contact information change at any time after the application has been submitted, the owner shall provide updated and current information to the city.
 2. Proposed days and hours of operation.
 3. Type(s) of items, services or goods to be sold.
 4. Proof of a valid drivers' license issued by a state in the United States.
 5. A Wyoming sales tax ID certificate for the business.
 6. A current Wyoming Department of Agriculture License (food service permit) if applicable for the business.
 7. Certificate of liability insurance in the amount of \$1,000,000.00 or greater for the business.
 8. Valid vehicle registration, and valid liability insurance for the mobile vending unit in compliance with Wyoming law.
- D. The applicant shall pay a non-refundable fee to the city in an amount to be determined by a resolution approved by the Governing Body of the city.
- E. Each mobile vending permit shall expire on December 31 of each year. A mobile vending permit may be renewed by payment of an annual fee, to be determined by a resolution approved by the Governing Body, and by submitting a renewal application to the City.

- F. The mobile vending permit shall be displayed at all times in a conspicuous place on the mobile vending unit where it can be readily viewed by the general public.

3-5-9: GENERAL REQUIREMENTS

- A. No mobile vending unit shall park, operate, sell goods, products, food or services within any part of a city street, sidewalk, alley, park, right-of-way or other city property, unless otherwise approved by the City Code or the Governing Body for a special event. No mobile vending unit shall block, impede or interfere with motor vehicle traffic, pedestrian traffic or other lawful users of any city street, sidewalk, alley, right-of-way, easement or city property.
- B. Mobile vending units shall operate only between the hours of 6:00 a.m. and 2:00 a.m., unless the mobile vending unit is operating within 200 feet of a residentially zoned property, in which case the mobile vending unit shall cease operations by 9:00 p.m. A neighborhood mobile food vendor may operate within residentially zoned areas only between the hours of seven a.m. and eight p.m.
- C. All mobile vending units shall be operated on private property (except for special events approved by the Governing Body), and obtain the permission of the property owner to use the property on which they intend to operate.
- D. Mobile vending units shall comply with all applicable local, State and Federal laws, rules, regulations and codes, including but not limited to vehicle licensing laws, health department permitting requirements, fire and safety regulations, and parking and access regulations.
- E. All mobile vending units which include equipment such as fryers, smokers, grills or other cooking equipment which uses open flames, or propane or other flammable fuels shall have at least one adult person

on-site at all times while operating. That person must be qualified and able to move the mobile vending unit and all accessories associated with the mobile vending unit.

- F. Mobile vending units shall maintain a minimum fifteen- foot separation from all fire hydrants and intersections.
- G. Mobile vending units shall only be permitted in the commercial, industrial, and civic zoning districts, except as otherwise approved for special events.
- H. When a mobile vending unit is unoccupied, it shall be properly secured; all open flames shall be extinguished; valves on all fuel tanks shall be closed and all appliances shall be turned off.
- I. Mobile vending units selling food, or selling any other product or goods which include disposable materials, shall either be located on a property for which the property owner pays for regular city solid waste disposal, or the mobile vendor shall apply for and receive city solid waste disposal services.
- J. Mobile vending units shall comply with all ordinances, codes and regulations of the city of Cody Municipal Code, including but not limited to those pertaining to noise, lighting, signage, zoning, fire prevention, electric, and all building codes.
- K. Mobile vendors who wish to sell, dispense or distribute alcohol shall comply with the applicable requirements of the City code and state law for such sale, dispensing or distribution of alcohol.

3-5-10 REVOCATION, SUSPENSION AND DENIAL OF PERMITS

- A. The City Administrator, or his or her designee, may deny an application for a mobile vending permit, or may suspend or revoke a mobile vending permit for any of the following reasons:
1. The holder of a mobile vendor permit provides, or has provided false, inaccurate, or incorrect information on the application for a mobile vending unit; or
 2. An applicant fails to provide a completed application for a mobile vending permit, or,
 3. The proposed business or location of the business does not comply with the requirements of this title, or any other provision of the City of Cody code;
 4. The holder of a mobile vending permit violates any applicable local, state or federal law, including, but not limited to any requirements of this title; or
 5. The city receives information that the mobile vendor's operation presents a danger or threat to the health, safety, or well-being of the community.
- B. If the City Administrator suspends or revokes a mobile vendor permit, the City Administrator shall communicate that decision to the holder of the mobile food permit in writing, explaining the reasons for the suspension or revocation and the effective date thereof, which may be immediate. A decision by the City Administrator to suspend or revoke a mobile vendor permit may be appealed to the Governing Body by delivering a written request for a hearing to the City Administrator within ten days after receipt of the written suspension or revocation. After receiving the written request for a hearing, the Governing Body shall schedule a hearing, which hearing shall take place within twenty (20) business days of the date the written request for a hearing is delivered to the City Administrator. The format of the hearing shall be informal, and shall give the holder of the mobile

vendor permit the opportunity to present evidence and argument to demonstrate why the mobile vendor permit should be re-instated.

- C. The Chief of Police, or his or her designee, shall have authority to close or temporarily suspend the operations of any mobile vendor if deemed necessary for the health, safety or peace of the community. The Chief of Police or his or her designee may allow the mobile vendor to commence operations again if the Chief of Police or his or her designee has been assured that the health, safety and peace of the community is no longer in danger from the operation of the mobile vendor. Any temporary closure or suspension of a mobile vendor's operations lasting more than two business days shall be reviewed as soon as practicable by the City Administrator to determine whether the mobile vendor's permit should be suspended or revoked.
- D. Any violation of this chapter shall be considered a misdemeanor, subject to a citation into Municipal Court, which may be punished by a fine not to exceed \$750.00.

3-5-11: SPECIAL EVENTS

- A. The Governing Body may allow mobile food vendors to operate on city streets, sidewalks, alleys, parks, rights-of-way or other city properties, for special events, and may waive the requirement of a mobile vendor permit, subject to the following:
 - 1. For a special event where multiple mobile vendors will operate, the organizer / sponsor of the special event shall complete and submit an application describing the number of mobile vendors; a name, address and phone number for each vendor; a description of the event; the dates and times the vendors will operate; liability insurance for the event an amount of not less than \$1,000,000.00; and the location of the event.

2. The applicant shall pay a fee to the city according to a resolution approved by the Governing Body. If the event location will be on a city street, sidewalk, alley, park, right-of-way or city property, the applicant shall also pay for charges for solid waste disposal, damage to city property (i.e. sprinkler heads, pavement); and other charges for city services, materials and equipment provided for the event.
3. For special events on city streets, sidewalks, alleys, parks, rights-of-way, or city properties, the Governing Body must approve such events, and may approve these events subject to additional conditions, limitations and restrictions as it deems in the best interests of the city.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: ___October 6, 2020

PASSED ON SECOND READING: ___October 20, 2020

PASSED ON THIRD READING: ___November 3, 2020

ATTEST:

MATT HALL, Mayor

Cynthia D. Baker
Administrative Services Director

RESOLUTION NO. 2020-18

A RESOLUTION ADOPTING A FEE SCHEDULE FOR THE CHARGES RELATING TO THE ISSUANCE OF MOBILE VENDOR PERMITS WITHIN THE CITY OF CODY MUNICIPALITY.

WITNESSETH

WHEREAS, the Governing Body for the City of Cody, Wyoming charges fees for use of facilities and/or use fees that are not already set by Ordinance; and

WHEREAS, the Governing Body of the City of Cody, Wyoming recognizes the necessity of adopting a fee schedule in conjunction with the issuance of Mobile Vendor Permit issued within the Municipality of the City of Cody;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING hereby adopts the following fee schedule effective as of January 1, 2021.

Annual Mobile Vendor Permit	\$70/calendar year
Special Event – reoccurring or consecutive days less than one week (1-6 days)	\$100/calendar year
Special Event – reoccurring or consecutive days equal to or greater than one week (7 or more days)	\$200/calendar year

PASSED, APPROVED AND ADOPTED THIS 3rd day of November, 2020

Mayor Matt Hall

Attest:

Cindy Baker, Administrative Services Officer