

**TOWN OF SEDGWICK  
ORDINANCE #07-2006**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, SEDGWICK COUNTY, COLORADO, REQUIRING A VENDOR LICENSE FOR THE SALE OF ANY GOODS OR PRODUCTS BY ANY VENDOR WITHIN THE TOWN THAT DOES NOT HAVE A VALID TOWN SALES TAX LICENSE, AND FURTHER PROVIDING FOR ENFORCEMENT OF SAID ORDINANCE AND COLLECTION OF LICENSE FEES.**

**WHEREAS**, the Town adopted a sales tax of 1.0% by Ordinance #85-1, requiring all business of the Town, as required by law, to collect sales tax, for the possession of a valid Sales Tax License for such; and

**WHEREAS**, several events occur in the Town which draw vendors that sell goods and services, but are not businesses within the Town required to obtain a Sales Tax License from the Town; and,

**WHEREAS**, such vendors may use facilities of the Town, including but not limited to public rights of way, and water and waste disposal systems; and,

**WHEREAS**, to ensure that such vendors rather than existing residents and property owners pay for the services provided to such vendors and the impacts on the infrastructure and services provided by the Town, the Board of Trustees has determined to require such vendors to obtain a license from the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEDGWICK, COLORADO** as follows:

**SECTION 1. License Required.**

It shall be unlawful for any outdoor vendor to engage in such business upon any private or public property within the Town without first obtaining a license in compliance with this Ordinance. Licenses are available from the Town Clerk at the Town Hall during normal Town Hall business hours. Application for each license must be made at least 24 hours before the event at which they desire to engage in such business.

**SECTION 2. Definition.**

For the purposes of this Ordinance, "outdoor vendor" includes any person, whether as owner, agent, consignee or employee, who sells or attempts to sell services, goods, wares or merchandise including food or beverage from any outdoor location. An outdoor vendor shall not include (a) any person selling from outdoor locations on private

property, or public property adjacent to such private property, who also sell such services, goods, ware or merchandise indoors at the same location and have a valid Sales Tax License from the Town, or (b) yard sales or garage sales in a residential area lasting no longer than two(2) consecutive days and occurring no more than three(3) times annually at the same location.

### **SECTION 3. LICENSE FEES**

The following fees and surcharges shall be assessed per day for each license:

A. Person selling from small, movable equipment such as coolers, or small folding tables who is not in the business of regularly selling the same goods or services - \$2.50.

B. Non-profit organizations holding a valid certification as being exempt from federal tax under 26 U.S.C. 501(c)(3) – No charge, license still required.

C. Person selling from mobile equipment such as motorized vehicle, trailer, camper or other device containing equipment for such services and goods - \$ 5.00.

D. Person connecting to electrical facilities a “Energy surcharge” in addition to the fee in A or C above - \$10.00.

E. Person connecting to or using any portion of the Town’s water system a “Water surcharge: in addition to the fee in A or C above - \$10.00.

F. Person connecting to or using any portion of the Town’s wastewater system a “Wastewater surcharge” in addition to the fee in A or C above - \$10.00.

### **SECTION 4. Penalty**

Any person found selling or attempting to sell services, goods, wares or merchandise in violation of this Ordinance shall be required to obtain a vendors license and pay twice the fee set forth in Section #3 of this Ordinance. Violations of this Ordinance shall be punishable by a fine of up to \$100.00 or jail for up to Three(3) days, or both.

### **SECTION 5. Severability**

If any word, sentence, paragraph, section, clause or any other portion of this Ordinance is found to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

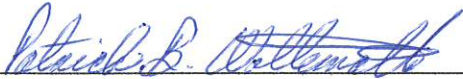
### **SECTION 6. Repeal**

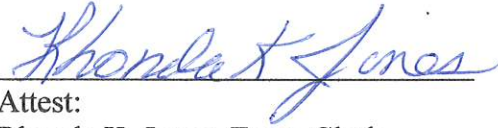
Any ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7. Safety**

This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, VOTED ON, ADOPTED AND ORDERED PUBLISHED** by "Title Only," in compliance with Ordinance #01-2006, at a Regular Meeting of the Board of Trustees of Sedgwick, Colorado this 3<sup>rd</sup> day of July, 2006.

  
\_\_\_\_\_  
Patrick B. Woltemath, Mayor

  
\_\_\_\_\_  
Attest:  
Rhonda K. Jones, Town Clerk

SEAL