

Title 5 Business Licenses and Regulations

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Chapter 5.ED
Note to title 5

Sections:

5.ED.010 Note to title 5.

5.ED.010 Note to title 5. Repealed. (Ord. 860 §1, 2008.)

Chapter 5.04
BUSINESS LICENSE TAX--GENERAL PROVISIONS

Sections:

- 5.04.010 License tax levied--Purpose.**
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5.04.010 License tax levied--Purpose.

For the purpose of raising revenue, the Town of Jackson, a municipal corporation, duly incorporated under the laws of the state of Wyoming, does levy a license tax on any business whatsoever conducted, carried on or trafficked in, within the limits of the Town of Jackson, pursuant to the provisions of Section 15-103(xiii Wyoming Statutes (1957) as amended. (Ord. 860 §3, 2008; Ord. 148 §1, 1972.)

5.04.020 Definitions.

The following words and phrases, when used in this chapter and Chapters 5.04 through 5.24, and 5.52, shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

- A. "Agent" or "Independent Contractor" includes such individuals who work independently without employees either with or without a contract at his or her own discretion but under the general direction of the business except those who have his or her own business license or contractor license. (Ord. 930 §1, 2009; Ord. 860 §3, 2008; Ord. 667 §2, 2000.)
- B. "Business" includes all and every kind of lawful business, trade, calling, profession, or occupation.
- C. "Employee" means an individual in the service of another, where the employer has the power or right to control and direct the employee in the details of how the work is to be performed, subject to the following: An individual who works twenty (20) hours per week or less shall be designated a part time or "half" employee; thus, two (2) half employees shall equal one (1) employee. An individual who works more than twenty (20) hours per week shall be considered one (1) employee. Seasonal employees shall be attributed according to the percent of the year they are employed, rounding to the nearest quarter; thus, a seasonal employee who is employed for three months shall be accounted for as a "quarter" employee. An owner who works for and draws a salary from his or her business shall be designated as an employee or part-time employee, depending on the number of hours and/or months worked per week.
- D. "Fixed place of business" is the premises within the Town where a business is continuously conducted from day to day and regularly kept open for the purpose of

said business. "Regular place of business" for the purpose of this subsection has the same meaning as "fixed place of business."

- E. "Person" means and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business trusts, societies, and individuals transacting and carrying on any business in the Town other than as an employee.
- F. "Restaurant" includes any place where food or drink is prepared to served to the public for consumption on the premises; "food service business" includes any place where food or drink (other than alcoholic liquor) is prepared or served to the public for consumption other than on the premises or within automobiles on the premises of the food service business; and "food" includes beverages other than alcoholic liquor.
- G. "Sales tax collecting business" means a business that generates 50 percent or more of its revenue from activities that are subject to sales tax levies by the Town of Jackson.
- H. "Town" means the town of Jackson.

(Ord. 860 §3, 2008; Ord. 667 §2, 2000)

5.04.030 Separate violations.

The carrying on of any business as aforesaid, without first having procured a license from the Town to do so, or without complying with any and all regulations of such business contained in this chapter and Chapter 5.04 through 5.24, and 5.52, shall be deemed a separate violation of this chapter and Chapters 5.04 through 5.24, and 5.52 for each and everyday that such business, trade, calling, profession or occupation is carried on. (Ord. 860 §3, 2008; Ord. 148 §4, 1972; Ord. 667 §3, 2000.)

5.04.040 Evidence of doing business.

Whenever any person by the use of signs, circulars, cards, telephone books, or newspapers, advertises, holds out, or represents that he is in business in the Town, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the Town , and such person fails to deny by a sworn statement given to the Town Clerk that he is not conducting a business in the Town, after being requested to do so by the Town Clerk, then these facts shall be considered prima facie evidence that he is conducting a business in the Town . (Ord. 860 §3, 2008; Ord. 148 §6, 1972.)

5.04.050 Change of location.

Repealed. (Ord. 860 §3, 2008; Ord. 148 §17, 1972; Ord. 667 §1, 2000.)

5.04.050 Nuisances.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Ord. 860 §3, 2008; Ord. 148 §18, 1972; Ord. 667 §4, 2000.)

5.04.060 Soliciting and peddling in residential areas.

Repealed. (Ord. 860 §3, 2008; Ord. 821, 2006; Ord. 218 §1, 1977; Ord. 667 §5, 2000.)

Chapter 5.06
SOLICITORS AND CANVASSERS – POSTED RESIDENTIAL SIGNS.

Sections:

- 5.06.010 Definitions.**
- 5.06.011 Exemption from Registration.**
- 5.06.015 Business License Required.**
- 5.06.020 Certificate of Registration.**
- 5.06.030 Application for Certificate of Registration.**
- 5.06.030 Revocation of Certificate.**
- 5.06.050 Notice Regulating Soliciting.**
- 5.06.060 Duty of Solicitors.**
- 5.06.070 Uninvited Soliciting Prohibited.**
- 5.06.080 Time Limit on Soliciting.**
- 5.06.090 Penalty.**

5.06.010 Definitions.

The following words and phrases, when used in this chapter shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

- A. "Soliciting" shall mean and include any one or more of the following activities:
 - (a) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or
 - (b) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication; or
 - (c) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or
- B. "Residence" shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- C. "Registered solicitor" shall mean and include any individual who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.
- D. "Applicant" shall mean any individual intending to solicit as defined herein.

(Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.011 Exemption from Registration.

Individuals seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project are exempt from registration. (Ord. 860 §4, 2008.)

5.06.015 Business License Required.

Every registered solicitor must operate under a valid Town of Jackson business license pursuant to 5.12.010. (Ord. 860 §4, 2008.)

5.06.020. Certificate of Registration.

Every individual desiring to engage in soliciting as herein defined from persons in residences within the Town of Jackson, is hereby required to make written application for a certificate of registration as hereinafter provided ten (10) days prior to their anticipated start date of their soliciting. Such certificate shall be carried by the solicitor and shall expire at the same time as their regular business license. (Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.030. Application for Certificate of Registration.

Application for a certificate of registration shall be made upon a form provided by the Town of Jackson and once approved, shall serve as the Certificate of Registration. The applicant shall furnish a valid and current photo identification and truthfully state in full the information requested on the application, to wit:

- (a) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- (b) Address of place of residence during the past three years if other than present address;
- (c) Telephone Number(s)
- (d) Date of birth;
- (e) Physical description of the applicant
- (f) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (g) Name and address of employer during the past three years if other than the present employer;
- (h) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (i) Period of time for which the certificate is applied;
- (j) The date, or approximate date, of the latest previous application for certificate under this ordinance, if any;
- (k) Has a certificate of registration issued to the applicant under this ordinance ever been revoked?
- (l) Has the applicant ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the United States?
- (m) Names of magazines, journals or books;
- (n) Names of the three most recent communities where the applicant has solicited house to house;
- (o) Proposed method of operation;
- (p) Signature of applicant;

(q) Social security number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath. It shall be the duty of the solicitor to notify the Town Clerk of any changes in the above information.

The Town Clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this ordinance, and of the denial of applications. No certificate of registration shall be issued to any individual who is unable or unwilling to provide the above information or who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within ten years of the date of the application; nor to any individual who has been convicted of a violation of any of the provisions of this ordinance; nor to any individual whose certificate of registration issued hereunder has previously been revoked as herein provided.

(Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.040. Revocation of Certificate.

Any certificate of registration issued hereunder shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any of the provisions of this ordinance, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this ordinance. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice the certificate of registration shall become null and void. The certificate of registration shall state the expiration date thereof. (Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.050. Notice Regulating Soliciting.

Every individual desiring to secure the protection provided by the regulations pertaining to soliciting contained in this ordinance shall comply with the following directions, to wit:

Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"Only Solicitors Registered in _____ Invited"
or
"No Solicitors Invited."

The letters shall be at least one-third inch in height. For the purpose of uniformity the cards shall be provided by the chief of police to persons requesting, at the cost thereof.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

(Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.060. Duty of Solicitors.

It shall be the duty of every solicitor upon going onto any premises in the Town upon which a residence as herein defined is located, to first examine the notice provided for in this ordinance, if any is attached, and be governed by the statement contained on any notice. If the notice states "No Solicitors Invited," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant and shall not return.

(Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.070. Uninvited Soliciting Prohibited.

It is hereby declared to be unlawful and shall constitute a nuisance for any individual to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of section 6 of this ordinance or if requested by occupant not to return.

(Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.080. Time Limit on Soliciting.

It is hereby declared to be unlawful and shall constitute a nuisance for any individual whether registered under this ordinance or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to nine a.m. or after nine p.m. of any weekday, or at any time on a weekend or on a state or national holiday. (Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

5.06.090. Penalty.

Any individual violating any of the provisions of this ordinance shall, upon conviction thereof, be punishable as provided in Section 1.12.010.

(Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

Chapter 5.08

EXEMPTIONS AND ADJUSTMENTS

Sections:

5.08.010 Constitutional apportionment.

5.08.020 Charitable and nonprofit organizations exempt.

5.08.030 Youth generated businesses.

5.08.040 Business conducted at Jackson Hole Airport.

5.08.010 Constitutional apportionment.

None of the license taxes provided for by Chapters 5.04 through 5.24, or 5.52 shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the constitutions of the United States and the state of Wyoming. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be in violation of such constitutional clauses, he may apply to the Town Council for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Town Council may deem necessary in order to determine the extent, if any, of such undue burden or violation. The Town Council shall then conduct an investigation and, after having first obtained the written approval of the Town Attorney, shall fix as the license tax for the applicant, an amount that is reasonable and nondiscriminatory, or if the license has already been paid, shall order a refund of the amount over and above the license tax so fixed.

(Ord. 860 §5, 2008; Ord. 669 §1, 2000; Ord. 148 §7, 1972.)

5.08.020 Charitable and nonprofit organizations exempt.

The provisions of this title shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupations, event or activity, from any institution or organization which is conducted, managed or carried on for the benefit of religious, charitable, philanthropic or educational purposes; provided that convincing evidence is furnished to the Town Clerk which establishes that not less than seventy-five percent of the net profits derived from any such business, occupation, event or activity will be devoted to religious, charitable, philanthropic or educational purposes. This section shall not be deemed to exempt any such institutional organization from completing a business license application or complying with any other applicable governmental regulation.

(Ord. 860 §5, 2008; Ord. 669 §2, 2000; Ord. 148 §8, 1972.)

5.08.030 Youth generated businesses.

The provisions of this title shall not be deemed or construed to require the payment of a license tax or the completion of a business license application to conduct, manage or carry on any business, occupation, event or activity, from any youth 18 years of age or younger so long as the operation of the business does not involve employees working for the youth.

(Ord. 931 §1, 2009.)

5.08.040 Business conducted at Jackson Hole Airport.

The provisions of this title shall not be deemed or construed to require the payment of a license tax or the completion of a business license application to conduct, manage or carry on any business, occupation, event or activity, from any business operating at the Jackson Hole Airport so long as that business does not also operate within the Town limits.

(Ord. 931 §1, 2009.)

Chapter 5.12

LICENSE REQUIRED

Sections:

- 5.12.010 License required.**
- 5.12.015 Coordination of contractor licensing.**
- 5.12.020 Separate licenses.**
- 5.12.030 Applications or Renewals.**
- 5.12.040 Person subject to license.**
- 5.12.050 Forms.**
- 5.12.060 Signatures.**
- 5.12.070 Investigations. (Repealed. Ord. 1236 §1, 2019)**
- 5.12.080 Fees--Payment.**
- 5.12.090 Expiration and renewal of licenses.**
- 5.12.100 Building and premises.**
- 5.12.110 Revocation and Suspension.**
- 5.12.115 Appeal.**
- 5.12.120 Posting license.**
- 5.12.130 Change of location.**
- 5.12.140 Notification Required.**
- 5.12.150 Public Property on Which Sales of Merchandise May Be Made. (Repealed. Ord. 1236 §1, 2019)**

5.12.010 License required.

It is unlawful for any person, either for himself or for any other person, or for anybody, corporation or otherwise, to commence or carry on any kind of lawful business, trade, calling, profession, solicitation or occupation in the Town , without having a valid license from the Town to do so, or without complying with any and all regulations of such business, trade, calling, profession, or occupation contained in Chapters 5.04 through 5.24, and 5.52 or other applicable governmental regulations. Violation of this requirement shall be punishable pursuant to Section 1.12.010 of the Municipal Code of the Town of Jackson.

(Ord. 860 §6, 2008; Ord. 670 §1, 2000; Ord. 501 §3, 1995; Ord. 148 §3, 1972.)

5.12.015 Coordination of Contractor Licensing.

Contractors with employees shall be subject to the requirements of Chapter 15.36 of the Jackson Municipal Code for initial licensing purposes and for maintenance of certifications throughout the tenure of their contracting business. Upon issuance of a contractor license, said license shall be renewed each year thereafter through the provisions of Title 5 and pursuant to the fees set forth in Title 5. Should the contractor license lapse in any given year, the contractor will be required to reapply under the provisions of Chapter 15.36. (Ord. 932, §1, 2009.)

5.12.020 Separate licenses.

A separate license must be obtained for each branch, establishment, or separate place of business in which the business is conducted.

(Ord. 860 §6, 2008; Ord. 670 §2, 2000; Ord. 148A §1, 1973; Ord. 148 §5, 1972.)

5.12.030 Applications or renewals.

A. An application for or renewal of a business license must be submitted and approved by the Town before the business can begin operations. Applications for all licenses and permits required by Chapters 5.04 through 5.24, and 5.52 shall be made in writing to the Town Clerk in the absence of provision of the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered, shall state that the applicant has obtained a sales tax license or permit from the state and is in compliance with the requirements of the workmen's compensation and unemployment compensation laws of the state, or shall show reasons why the applicant is exempt from the requirements of the sales tax or workmen's compensation and unemployment compensation laws, the applicant's federal employer's identification number or a copy of the application for such number, and the fee to be paid to the Town, and each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for.

B. If any of the requirements in section 5.12.030.A are not provided to the Town, a business license shall not be issued. If any of the requirements in section 5.12.030.A lapse, are canceled or are not current during the term of an existing business license, such license shall not be renewed and may be suspended for a limited time by the Mayor or the Town Manager. Such suspension may be in addition to any fine imposed. A renewal applicant shall have ten (10) days to rectify or risk losing a business license.

(Ord. 994 §1, 2011; Ord. 860 §6, 2008; Ord. 670 §3, 2000; Ord. 615 §1, 1998; Ord. 311 §1, 1983; Ord. 148 §9, 1972.)

5.12.040 Person subject to license.

Whenever in Chapters 5.04 through 5.24, or 5.52 a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the Town. (Ord. 860 §6, 2008; Ord. 670 §4, 2000; Ord. 148 §10, 1972.)

5.12.050 Forms.

Forms for all licenses and permits, and applications therefor, shall be prepared and kept in file by the Town Clerk. (Ord. 860 §6, 2008; Ord. 148 §11, 1972.)

5.12.060 Signatures.

Each license or permit issued shall bear the signatures of the Mayor and the Town Clerk in the absence of any provision to the contrary. (Ord. 860 §6, 2008; Ord. 148 §12, 1972.)

5.12.070 Investigations.

Repealed. (Ord. 1235 §1, 2019; Ord. 994 §1, 2011; Ord. 860 §6, 2008; Ord. 670§ 5, 2000; Ord. 148 §13, 1972.)

5.12.080 Fees--Payment.

A. In the absence of a provision to the contrary all fees and charges for licenses or permits shall be paid in advance at the time application therefore is made to the Town Clerk and shall be non-refundable, unless an application is denied. If the Town denies a business license application, the entire fee, less a \$37 application fee, will be refunded. (Ord. 860 §6, 2008; Ord. 670§ 6, 2000; Ord. 148 §14, 1972.)

B. Any licenses not renewed by January 30 each year shall be delinquent and a \$25 late fee shall be imposed the last day of each month until renewed. Late fees shall not exceed \$100. (Ord. 860 §6, 2008.)

C. When an applicant has not engaged in the business until after the expiration of part of the current license year the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the corporate fund. Receipt of payment does not constitute approval of a business license application. (Ord. 860 §6, 2008; Ord. 670§ 6, 2000; Ord. 148 §14, 1972.)

5.12.090 Expiration and renewal of licenses.

A. All annual licenses shall expire on the thirty-first day of December each year where no provision to the contrary is made. (Ord. 860 §6, 2008; Ord. 614 §1, 1998; Ord. 148 §15, 1972.)

B. It is the duty of each licensee to renew and maintain a valid license in conformance with the requirements of 5.12.030 and this Chapter. The Town Clerk shall mail to all annual licensees of the Town a statement pursuant to the below schedule. Provided, that a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license. (Ord. 994 §1, 2011; Ord. 860 §6, 2008; Ord. 614 §1, 1998; Ord. 148 §15, 1972.)

C. Billing schedule for annual licenses. Statements for annual licenses shall be sent out during the first full week of November prior to the date of expiration. If necessary, subsequent statements shall be sent out on the first day of January and on the first day of each month thereafter. May statements shall be sent by certified mail. These statements shall indicate in large print:

“THIS LICENSE IS DELINQUENT ON THE 30TH DAY OF JANUARY. A \$25 LATE FEE SHALL BE IMPOSED THE LAST DAY OF EACH MONTH UNTIL RENEWED.

(Ord. 860 §6, 2008.)

D. Licenses delinquent over five (5) months may be referred to the Municipal Court.
(Ord. 860 §6, 2008.)

5.12.100 Building and premises.

No license shall be issued for the conduct of any business, and no permit shall be issued for anything, or act, if the premises and building to be used for the purpose do not fully comply with the requirements of the Town. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the land development regulation of the Town. (Ord. 860 §6, 2008; Ord. 670 §7, 2000; Ord. 148 §16, 1972.)

5.12.110 Revocation and Suspension.

- A. The Town Manager may suspend or revoke a license when the license holder commits one or more of the following acts or omissions:
1. The violation of any provision of this chapter;
 2. The violation of any ordinance relating to health and safety of the premises occupied or relating to zoning;
 3. The securing of any license by fraud or misrepresentation, to specifically include false or incorrect information on the license application;
 4. The conviction of the license holder of a crime involving dishonesty, false statement or a felony.
- B. When any of the acts or omissions as enumerated herein are committed by a license holder and the Town Manager deems that such license shall be suspended or revoked, the procedure shall be:
1. The licensee shall be notified by the Town Clerk, in writing, sent via certified mail; such notice shall be sent at least seven days prior to the action contemplated, setting forth with particularity the reasons therefor;
 2. Upon receipt of the notice, the license holder may request a hearing before the governing body. Such request shall be in writing and shall be received by the Town Clerk within seven days of receipt of the suspension or revocation notice; failure on the part of the licensee to request a hearing in writing and within the specified time period shall be deemed a waiver of its right to a hearing;
 3. If a hearing is requested by the licensee, the governing body shall set the time, date and location. The Town Clerk shall notify the licensee in writing, sent by certified mail, of the hearing;
 4. Hearings shall be conducted in accordance with the Wyoming Administrative Procedures Act.
- C. If the Town Clerk finds that the health, safety and welfare of the public is at risk or that the economic welfare and interest in fair play of participants in games of chance is at risk, the Town Clerk may enter an order for the immediate suspension or revocation of such license. The notice shall set forth with particularity the grounds relied upon for such action. The licensee may, upon notice of such suspension, request an immediate hearing before the governing body and the hearing shall be conducted in the manner prescribed in

this chapter within two Town business days. The license holder may waive the two-day hearing requirement.

D. Such revocation or suspension may be in addition to any fine imposed.

(Ord. 994 §1, 2011; Ord. 860 §6, 2008; Ord. 148 §19, 1972.)

5.12.115 Appeal.

Any person or organization adversely affected by the permanent or temporary suspension or denial of any Business license may appeal the decision of the Chief of Police, Town Manager or his or her designee, to the Mayor and Town Council. Any appeal shall be taken by the affected party requesting an appeal in writing within ten (10) business days from the date the decision of the Chief of Police, Town Manager or his or her designee is mailed to the address of record. The appeal shall be heard by the Mayor and Town Council within thirty (30) days after receipt of the written request unless the parties agree in writing to a different time frame.

(Ord. 994 §1, 2011; Ord. 860 §6, 2008.)

5.12.120 Posting license.

It shall be the duty of any person conducting a licensed business in the Town to keep a valid license posted in a prominent place on the premises used for such business at all times.

(Ord. 860 §6, 2008; Ord. 148 §20, 1972.)

5.12.130 Change of location.

The location of any licensed business or occupation, or of any permitted act, may be changed with Town approval, provided, fourteen (14) days' notice thereof is given to the Town Clerk, in the absence of any provision to the contrary; provided that the building and zoning requirements of all Town ordinances are complied with. Notice must be given in the form of a new business license application and an administrative fee of thirty seven (37) dollars will be charged for each change of address. (Ord. 860 §6, 2008; Ord. 670 §8, 2000.)

5.12.140 Notification required.

Any licensee who ceases operations shall notify the Town Clerk in writing that the business is no longer in operation. (Ord. 860 §6, 2008.)

5.12.150 Public Property on Which Sales of Merchandise May Be Made.

Repealed. (Ord. 1236 §1, 2019; Ord. 860 §6, 2008.)

Chapter 5.16

SPECIFIC LICENSE FEES--REGULATIONS OF PARTICULAR BUSINESSES

Sections:

5.16.010 Sales tax collecting businesses.

5.16.020 Non-sales tax collecting businesses.

5.16.025 Independent contractors and agents.

5.16.027 Commercial and residential rentals.

5.16.030 Repealed. (Ord. 676 §1, 2000.)

5.16.035 Annual review of fees.

5.16.040 through 5.16.680 Repealed. (Ord. 676 §1, 2000.)

5.16.010 Sales Tax Collecting Businesses.

The business license fee for sales tax collecting businesses shall be the following:

- Businesses with less than 10 employees, \$100;
- Businesses with 11-49 employees, \$200;
- Businesses with 50-99 employees, \$300;
- Businesses with 100 employees, or more, \$500.

(Ord. 860 §7, 2008; Ord. 148 §21(a), 1972; Ord. 676 §2, 2000.)

5.16.020 Non-sales Tax Collecting Businesses.

The business license fee for businesses that do not fit the definition of sales tax collecting businesses shall be the following:

- Businesses with less than 10 employees, , \$130;
- Businesses with 11-49 employees, \$290;
- Businesses with 50-99 employees, \$390;
- Businesses with 100 employees, or more, \$650.

(Ord. 860 §7, 2008; Ord. 216 §1, 1977; Ord. 148 §21(b), 1972; Ord. 676 §3, 2000.)

5.16.025 Independent Contractors and Agents.

The business license fee for Independent Contractors and Agents shall be \$100.

(Ord. 860 §7, 2008.)

5.16.027 Commercial and Residential Rentals.

The business license fee for businesses that lease land, buildings or office space for commercial purposes shall be \$100. The business license fee for businesses that lease 3 or more dwellings or apartments for residential purposes shall be \$100. No business license for residential rentals shall be required for businesses or owners of businesses that: a) own

residential rental units in order to meet an employee housing requirement or are used by the business to house its employees; or b) already hold a business license with the Town.
(Ord. 959 §1, 2010; Ord. 929 §1, 2009.)

5.16.030 Repealed. (Ord. 676 §1, 2000.)

5.16.035 Annual Review of Fees.

At the first Town Council meeting in September of each year, the Town Council shall review the business license fees to ascertain whether they shall remain in effect or be escalated.
(Ord. 860 §7, 2008.)

5.16.040 through 5.16.680. Repealed. (Ord. 676 §1, 2000.)

Chapter 5.20
INSTALLATION PERMIT--EXPOSITIONS AND OUTDOOR SALES

Sections:

5.20.010 Installation permit.

5.20.020 Expositions and outdoor sales.

5.20.010 Installation permit.

Any person making a delivery or installation of merchandise within the Town which merchandise was purchased outside the Town may elect to obtain a job permit or installation permit rather than an annual business license. The fee for a job permit or installation permit shall be twenty five dollars. (Ord. 860 §8, 2008; Ord. 671 §1, 2000; Ord. 148 §22, 1972.)

5.20.020 Expositions and outdoor sales.

A. Notwithstanding the other provisions of Chapters 5.04 through 5.24, or 5.52 of this code, any person engaged in the business of conducting an exposition, exhibit or sale of any merchandise or product, including artifacts and art objects, at an outdoor exposition or sale, or at an indoor exposition or bazaar, where two or more persons are gathered together for such purpose shall pay a business license fee as follows:

Applicants for for-profit expositions shall pay:

- \$100 dollars per day for any event with 5 or fewer vendors; or
- \$200 dollars per day for any event with more than 5 vendors;

Applicants for non-profit expositions shall pay:

- \$50 dollars per day for any event with 5 or fewer vendors; and
- \$100 dollars per day for any event with more than 5 vendors.

1. The applicant shall:

- a. Submit an application for an exposition, exhibit or sale of any merchandise or product, including artifacts and art objects, at an outdoor exposition or sale, or at an indoor exposition or bazaar at least 10 days prior to the event
- b. Provide a list of the names, social security numbers and addresses of all participating vendors and merchants, to the Town Clerk, on a form provided by the Town Clerk, as well as to the Wyoming Department of Revenue, on or before the fourteenth day preceding the exposition or sale; (Ord 825 §1, 2006)
- c. Notify each participant in writing, prior to accepting any application or approving participation in the exposition, bazaar, exhibit or sale, that the participant is responsible for submitting the following on or before the twenty-first day of the month following the event:
 - (i) A report of total sales to be delivered to the organization, and

- (ii) A check, payable to the Wyoming Department of Revenue for the sales tax percentage required under the guidelines as specified by the Wyoming Department of Revenue.
- d. The applicant shall be responsible for ensuring that all sales tax receipts are remitted to the Wyoming Department of Revenue and in no event later than the thirtieth day of the month following the exposition.
- e. Acquire and keep on file names, addresses and phone numbers of all participants.
- B. In the event that the outdoor exposition, indoor exposition, bazaar, exhibit or sale, as defined in subsection A of this section, where the applicant is a nonprofit organization, the applicant shall provide proof of its nonprofit status in accordance with the Internal Revenue Code of the United States, as may be required by the Town Attorney, such applicant may purchase an umbrella exposition license pursuant to the fees set forth herein upon the following conditions:
 - 1. Not less than seventy-five (75) percent of the net profits of such exposition or sale shall be retained by the nonprofit organization benefiting from the event.
 - 2. The nonprofit organization complies with all of the conditions set forth in subsection A of this section.
- C. The provisions of this section shall not be deemed to prohibit the sale of merchandise from and upon private property locations properly licensed to do business within the Town as a permanent business when such displays of merchandise are sold from or upon the regularly licensed permanent business premises of the person or organization offering the merchandise, goods or wares for sale, nor shall the provisions of this section be deemed to require additional licenses for merchants or vendors participating in such events when all of the participants are regularly licensed under other provisions of Chapters 5.04 through 5.24, or 5.52, nor to events sponsored by nonprofit organizations where the merchandise is non business-related personal property sold by individuals not regularly engaged on a full-time or part-time basis in the business of selling, manufacturing or distributing such merchandise.
- D. No public property, including any park, street, sidewalk or right of way therefore shall be utilized at any time for the sale of any goods, wares or merchandise of any kind with the exception of newspapers, magazines, religious information or materials, or other such activities as are protected under the First Amendment of the Constitution of the United States; provided, however, that the provisions of this subsection shall not apply to nonprofit or benevolent organizations approved in advance by the Town Council to sell items at an event occurring near or in a city park, nor during the specified period of closure, to those portions of public streets and the adjacent sidewalks and rights of way which may be officially closed to vehicular traffic from time to time by order of the Town Council.

(Ord.895 §1, 2008; Ord. 860 §8, 2008; Ord. 671 §2, 2000; Ord. 626 §1, 1999; Ord. 593 §1, 1998; Ord. 402 §1, 1990; Ord. 344 §1, 1985; Ord. 337 §1, 1985; Ord. 333 §1, 1984; Ord. 330 §1, 1984; Ord. 312 §1, 1983; Ord. 148 §23, 1972.)

Chapter 5.21
TEMPORARY OR TRANSIENT MERCHANT BUSINESS LICENSES

Sections:

5.21.010 Temporary or Transient Merchants.

5.21.020 Definitions.

5.21.030 Limitations on Issuance.

5.21.040 Application/Procedure.

5.21.050 Sales Tax License/Bond Required.

5.21.060 Fees.

5.21.070 Exhibition of license.

5.21.080 Exemptions.

5.21.090 Noise/signage.

5.21.100 Public Property Not Permitted. (Repealed. Ord. 1236 §1, 2019)

5.21.010 Temporary or Transient Merchants.

It is unlawful for a temporary or transient merchant as defined in Section 5.21.020 to engage in or transact business within the Town without first obtaining a license as hereinafter provided. (Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.020 Definitions.

A “temporary merchant” or a “transient merchant” shall include any person, whether as owner, agent, consignee or employee, and whether or not a resident of the Town or not, who engages in a temporary business of contracting for the provision of services or the selling and delivering of goods, wares and merchandise within the Town, and who, in furtherance of such purpose, hires, leases, uses or occupies any structure (temporary or permanent), vehicle, building or premises, for the conduct of such 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. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.030 Limitations on issuance.

- A. No person shall receive a license for more than a total of eight (8) days in any one (1) calendar year, nor for any period that exceeds four (4) consecutive days.
- B. No license shall be valid for more than one person, nor shall a license be transferable.
- C. The proposed licensed premises must be located in the UC, UC-2, or AC district.
- D. The business must be located and conducted entirely on private property, except as otherwise provided in Section 5.21.100, and must not be located and conducted within twenty (20) feet of any road, street, highway, or alley. The business shall be in a location that shall not create

a traffic hazard and shall provide temporary sanitary facilities or obtain written permission to utilize permanent sanitary facilities within four hundred (400) feet of the proposed location.

- E. Parking. No business operations shall encumber or impede the off-street parking rights of any other person without the prior written consent of all affected persons and the Town of Jackson.

(Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.040 Application/Procedure.

Any temporary or transient merchant desiring to engage in or transact business with the Town shall file at least ten (10) days prior to conducting business an application for licensure with the Town Clerk on a form provided by the Town Clerk, which application shall include the name of the merchant, the location where the business shall be conducted, the kind of business, the requested dates of operation, and such other information as the Town may require. Upon receipt of an application, the Town Clerk shall refer the application to the police department and/or any other department to conduct a review, inspection or investigation as the clerk deems necessary for the protection of the public good. If, as a result of such investigation(s), the character and business reputation of the applicant appear satisfactory and all other departmental requirements are met, the Town Clerk shall issue the license.

(Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.050 Sales tax license.

No license shall be issued until the applicant has provided to the Town Clerk a copy of a current Wyoming sales tax license issued in the name of the applicant.

(Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.060 Fees.

The applicant shall pay the fee of \$200 per day; provided, however, that

1. If the applicant is the holder of a current, valid business license issued by the Town, then the fee shall be \$37 per day, provided further that the services, goods, wares or merchandise to be sold are the same as those sold from or upon the regularly licensed permanent premises of the applicant/Town of Jackson business licensee; and
2. If the applicant is a nonprofit organization (a) with proof provided of its nonprofit status in accordance with the Internal Revenue Code of the United States, (b) where not less than seventy-five percent (75%) of the net profits of such sale shall be retained by the applicant and (c) where the services, goods, wares and merchandise is non business-related personal property sold by individuals not regularly engaged on a full-time basis in the business of selling, manufacturing, distributing or providing such services, goods, wares and merchandise, then there shall be no fee.

(Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.070 Exhibition of license.

The license shall be posted conspicuously in the place of business of the licensee. A separate license must be obtained for each business location. The applicant shall include as part

of the application a statement in writing concerning any express or implied warranties that will be made to purchasers of the services, goods, wares and merchandise to be sold, or a statement that no such warranties will be given. Any person to whom a license is issued under this section shall also conspicuously post a statement concerning warranties as stated in the preceding sentence at the licensed premises, in print consisting of characters not less than one-quarter (1/4) inch in height. (Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.080 Exemptions.

Nothing in this section shall apply to

1. Temporary uses otherwise authorized under the Land Development Regulations (such as Christmas tree or farm stand sales) for which a valid business license is issued;
2. Persons soliciting or taking orders exclusively from the trade or established wholesale or retail dealers, for the delivery of goods, wares or merchandise by wholesale;
3. Sales of services, goods, wares or merchandise at an event sponsored or sanctioned by any governmental entity; or
4. Sales under the issuance of a valid exposition license.

(Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.090 Noise/signage.

No licensee, or anyone on the licensee's behalf, shall shout, make an outcry, blow a horn, ring a bell or use any other sound device for the purpose of attracting attention to its business. Signage is prohibited except pursuant to a valid temporary sign permit issued by the Planning Department. (Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

5.21.100 Public property not permitted.

Repealed. (Ord. 1237 §1, 2019; Ord. 860 §9, 2008; Ord. 786 §1, 2004.)

Chapter 5.24
BUSINESS LICENSE TAX--PENALTIES

Sections:

5.24.010 Repealed. (Ord 860 §10, 2008)

5.24.020 Effect on civil obligation.

5.24.030 Fine and penalties.

5.24.010 Suit on collection--Penalty.

Repealed. (Ord. 860 §10, 2008; Ord. 795 §1, 2005; Ord. 672 §1, 2000: Ord. 148 §24, 1972.)

5.24.020 Effect on civil obligation.

The conviction and punishment of any person for transacting any business without a license, shall not excuse or exempt such person from the payment of such business license fee due or unpaid at the time of such conviction, and nothing herein shall prevent a criminal prosecution for any violation of the provisions of Chapters 5.04 through 5.24 and 5.52.

(Ord. 860 §10, 2008; Ord. 672 §2, 2000: Ord. 148 §25, 1972.)

5.24.030 Fine and penalties.

Whoever makes any false or untrue statements on his application, or who refuses to permit inspection of his business premises when required by Chapters 5.04 through 5.24 and 5.52, and whoever fails or refuses to procure a business license tax when so required by Chapters 5.04 through 5.24 and 5.52, or fails to keep his business license conspicuously posted at his place of business as herein required, or any person who, in any manner violates any of the provisions of Chapters 5.04 through 5.24 and 5.52 is guilty of a misdemeanor and upon conviction thereof, shall be punished according to Section 1.12.010 of this code. Each day during which a person shall carry on or maintain any business, trade, profession, or industry for which a license is required by Chapters 5.04 through 5.24 and 5.52 constitutes a separate violation hereof. In addition to the penalties above set forth, the Town may institute injunction or any other appropriate action to prevent or enjoin the continued operation of the business within the Town which is being operated or maintained in violation of Chapters 5.04 through 5.24 and 5.52.

(Ord. 860 §10, 2008; Ord. 148 §26, 1972.)

Chapter 5.28
LIQUOR LICENSES AND PERMITS

Repealed
(Ord. 853, §1, 2007)

- 5.28.010** **Definitions. Repealed.** (Ord. 853, §1, 2007; Ord. 389 §1, 1989; Ord. 90 §1, 1965.)
- 5.28.020** **Hospitals, religious organizations, physicians, and dentists--Alcoholic beverage permit required. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §2, 1965.)
- 5.28.030** **Application for retail or limited liquor license. Repealed.** (Ord. 853, §1, 2007; Ord. 503 §3, 1995; Ord. 90 §3, 1965.)
- 5.28.035** **Application for resort or restaurant liquor license. Repealed.** (Ord. 853, §1, 2007; Ord. 503 §3, 1995; Ord. 90 §3, 1965.)
- 5.28.036** **Application for bar & grill license. Repealed.** (Ord. 853, §1, 2007; Ord. 828 §1, 2006.)
- 5.28.040** **Malt beverage permit. Repealed.** (Ord. 853, §1, 2007; Ord. 697 §1, 2002; Ord. 90 §4, 1965.)
- 5.28.045** **Miro-brewery permits, authorization and application. Repealed.** (Ord. 853, §1, 2007; Ord. 456 §1, 1993.)
- 5.28.046** **Satellite winery permits, application. Repealed.** (Ord. 853, §1, 2007; Ord. 723 §1, 2003.)
- 5.28.050** **License--Application--Notice publication—Protests. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §5, 1965.)
- 5.28.060** **License--Term--Transfer—Renewal. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §6, 1965.)
- 5.28.070** **Sales by fraternal clubs. Repealed.** (Ord. 853, §1, 2007; Ord. 504 §7, 1995; Ord. 90 §7, 1965.)
- 5.28.080** **Hours of sale--Unlawful acts designated. Repealed.** (Ord. 853, §1, 2007; Ord. 544 §1, 1996; Ord. 227 §1--2, 1977; Ord. 90A §1, 1973; Ord. 90 §8, 1965.)
- 5.28.085** **Catering Permits. Repealed.** (Ord. 853, §1, 2007; Ord. 823 §1, 2006; Ord. 714 §1, 2002.)
- 5.28.090** **Place of sale--Location, regulation, and restrictions. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §9, 1965; Ord 516 §1, 1995.)
- 5.28.095** **Places for consumption or possession in open containers restricted. Repealed.** (Ord. 853, §1, 2007; Ord. 172 §1, 1974.)
- 5.28.096** **Events for persons under 21. Repealed.** (Ord. 853, §1, 2007; Ord 569 §1, 1996.)
- 5.28.100** **Drive-in liquor stores. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §10, 1965.)
- 5.28.110** **Sales by drugstores. Repealed.** (Ord. 853, §1, 2007; Ord. 90A §2, 1973; Ord. 90 §11, 1965.)
- 5.28.120** **License--Contents, signing, attestation, and display. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §12, 1965.)
- 5.28.130** **Minor, habitual drunkards and incompetents—Restrictions. Repealed.** (Ord. 853, §1, 2007; Ord. 577 §1, 1997; Ord. 375 §1, 1988; Ord. 90A §3, 1973; Ord. 90 §13, 1965.)
- 5.28.140** **General penalty for violations. Repealed.** (Ord. 853, §1, 2007; Ord. 90 §14, 1965.)

SEE TITLE 6 - Liquor Licenses and Permits

Chapter 5.32 PAWNBROKERS

Sections:

- 5.32.010 Definitions.**
- 5.32.020 License--Required.**
- 5.32.030 License--Application and investigation.**
- 5.32.040 License--Fee.**
- 5.32.050 Retention of pawned goods.**
- 5.32.060 Rate.**
- 5.32.070 Records.**
- 5.32.080 Weapons.**
- 5.32.090 Minors.**
- 5.32.100 Stolen goods.**

5.32.010 Definitions.

Certain words and terms in this chapter are defined for the purpose thereof as follows:

- A. "Pawn" is a species of bailment, made for the mutual benefit of bailor and bailee, arising when goods are delivered to another as a pawn for security to him on money borrowed by bailor.
- B. "Pawnbroker" means a person whose business is to lend money, usually in small sums, on security of personal property deposited with him or left in pawn.
- C. "Pawnshop" means the place where a pawnbroker conducts his business.

(Ord. 860 §11, 2008; Ord. 168 §1, 1974.)

5.32.020 License--Required.

No person, firm or corporation shall conduct or operate the business of pawnbroker without having first obtained a license therefor as is herein provided, or in violation of any of the provisions herein contained. Any pawnbroker's license may be revoked by the Mayor and Town Council for any violation of any provision of this chapter.

(Ord. 860 §11, 2008; Ord. 168 §2, 1974.)

5.32.030 License--Application and investigation.

Application for pawnbroker's license shall be made to the Town Clerk and shall state thereon the name of the applicant, his date of birth, his social security number, his residence for the past ten years preceding the date of application, the place of business and the number of employees intended to be engaged. The chief of police or any other officer of the Town designated by the Town Council shall investigate each applicant for such license and shall report back to the Town Administrator whether or not such applicant is a person of good character. No

license shall be issued to a person who has been convicted of any felony or for the offense of receiving stolen goods. (Ord. 860 §11, 2008; Ord. 168 §3, 1974.)

5.32.040 License--Fee.

The annual fee for a pawnbroker's license shall be twenty-five dollars and this fee shall be payable in advance to the Town Clerk. No license shall be issued until the fee is paid. (Ord. 860 §11, 2008; Ord. 168 §4, 1974.)

5.32.050 Retention of pawned goods.

Every article of any kind or description taken in pawn shall not be sold by the pawnbroker for a period of two months, during which time the same shall not be shown, either for sale or inspection, to any person other than a police officer. Nothing in the foregoing sentence shall preclude the person pawning the goods from redeeming the same during the two-month period. (Ord. 860 §11, 2008; Ord. 229 §1, 1977; Ord. 168 §5, 1974.)

5.32.060 Rate.

The rate of charge assessed for the money loaned or paid out by the pawnbroker shall not exceed twenty percent of the amount loaned for any pawned article for first month the article is held by the pawnbroker; twenty percent thereof for the second month; three percent for the third month; and three percent for each month thereafter until the article is redeemed or sold. Such maximum rates shall be set forth on a pawn ticket or on a disclosure form which shall be provided to the person pawning the article. (Ord. 860 §11, 2008; Ord. 229 §2, 1977; Ord. 168 §6, 1974.)

5.32.070 Records.

- A. Every pawnbroker doing business in the Town shall keep a record for every article particle pledged with him or sold to him. Each such record shall include the full name, address, driver's license or other identification number, of the person pledging or selling any article to the pawnbroker, together with a description of the article, including serial numbers or other identifying marks, (if applicable) and this record shall be open to the inspection of any law enforcement officer at any time during the hours of business.
- B. Not later than the end of each working day, each pawnbroker shall make and deliver to the police department, a copy of the entries made in the pawnbroker's record book on the preceding day, which report shall include all purchases and pawns transacted with individuals from the time of the last report to the day such report is made. Such reporting shall be by hand delivery, via fax, e-mail, or such other means as the police department may prescribe from time to time.

(Ord. 860 §11, 2008; Ord. 662 §I, 2000; Ord. 488 §1, 1994; Ord. 168 §7, 1974.)

5.32.080 Weapons.

No pawnbroker shall receive as a pledge or purchase any blackjack, sawed-off shotgun or other weapon declared illegal by the Alcohol, Tobacco and Tax Division, U.S. Treasury Department, and no pawnbroker shall display weapons in his window.

(Ord. 860 §11, 2008; Ord. 168 §8, 1974.)

5.32.090 Minors.

No pawnbroker shall have any business dealings as a pawnbroker with any person less than nineteen years of age, except with the written consent of the parent or guardian of the minor to each particular transaction. No pawnbroker's license shall be issued to any person who is not nineteen years of age or over; and no pawnbroker shall employ a person of less than nineteen years of age to assist him in his business. (Ord. 860 §11, 2008; Ord. 168 §9, 1974.)

5.32.100 Stolen goods.

It shall be the duty of every pawnbroker to report to the police or to the county sheriff any article pledged with him, or which it is thought to be pledged with him, if he has reason to believe that the article was stolen or lost, and found by the person attempting to pledge it in the case of a lost article. (Ord. 860 §11, 2008; Ord. 168 §10, 1974.)

Chapter 5.40
TIMESHARE ESTATE PROJECTS

Repealed. (Ord. 673 §1, 2000)

Chapter 5.44
R.V. PARKS AND CAMPGROUNDS

Repealed. (Ord. 674 §1, 2000: Ord. 353 §1 (part), 1986)

Chapter 5.48

BINGO AND PULL TAB REGULATIONS

Sections:

- 5.48.010 Purpose of provisions.**
- 5.48.020 Definitions.**
- 5.48.030 License required.**
- 5.48.040 License--Eligibility.**
- 5.48.050 License fee.**
- 5.48.060 Financial responsibility.**
- 5.48.070 Combination of interests prohibited.**
- 5.48.080 License application--Requirements.**
- 5.48.090 License--Issuance or denial--Display required.**
- 5.48.100 Conduct of games.**
- 5.48.120 Restrictions on players.**
- 5.48.130 Posting of odds required.**
- 5.48.140 Pull tabs--Use of.**
- 5.48.150 Examination of books, records and personnel.**
- 5.48.160 Distribution of gross proceeds.**
- 5.48.170 Equipment and supplies.**
- 5.48.180 Gratuities prohibited.**
- 5.48.190 Violation--Penalty.**
- 5.48.200 Suspension and revocation.**
- 5.48.210 License--Duration--Renewal--Transferability.**

5.48.010 Purpose of provisions.

- A. It is declared that the unregulated conduct of games of chance sponsored by charitable or nonprofit organizations is a threat to the health, safety and welfare of the citizens of the Town.
- B. It is further declared that the purpose of this chapter is to:
 - 1. Protect the health, safety and welfare of the public;
 - 2. Protect the economic welfare and interest in fair play of participants in games of chance;
 - 3. Insure that the fundraising potential of games of chance are fairly and fully available to charitable or nonprofit organizations within the Town;
 - 4. Prevent purposes for which games of chance are sponsored by charitable or nonprofit organizations from being subverted by improper elements;
 - 5. Monitor and control the organization, conduct and accounting of games of chance in order for the Town to promote the public welfare.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- A. "Bingo" means a game of chance in which:
 - 1. The winning chances are determined by a random selection of a subset of numbers or designators or objects numbered, lettered or otherwise designated by some medium among a total set of numbers of designators or object numbered, lettered or otherwise designated by some medium.
 - 2. The card or cards held by the player by which a winner or winners are associated is sold, rented or used only at the time and place of the gaming activity.
 - 3. "Bingo" shall not mean or include any activity which is prohibited under Title 6 of the Wyoming Statutes, as amended, dealing with crimes and offenses.
- B. "Charitable or nonprofit organization" means an organization recognized as a charitable or nonprofit organization under the Wyoming Statutes and which possesses a valid exemption from federal income tax issued by the United States Internal Revenue Service under applicable provisions of the Internal Revenue Code and provided that the proceeds of such games are used only for charitable or nonprofit purposes.
- C. "Gross proceeds" means any money collected or received from the conduct of bingo games, raffles, pull tabs or admission thereto.
- D. "License holder" means the organization licensed to conduct games under this chapter or any member, employee or volunteer charged with compliance with this chapter and applicable state statutes.
- E. "Minor" means a person under the age of eighteen years.
- F. "Pull tabs" means single or banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more card or ticket in each set has been designated in advance as a winner. This definition shall also include the devices known as "pickle cards," "break opens," "Nevada tickets," "pickles" or other similar devices.
- G. "Set (of pull tabs)" means a prepacked group of pull tabs in which the value, number and distribution of winning and non-winning pull tabs is known and determined by the manufacturer. Also known as a "deal."

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.030 License required.

A charitable or nonprofit organization shall not conduct a bingo game to which the public is invited or shall not sell pull tabs to the public without a license issued by the Town under the requirements of this chapter. (Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.040 License--Eligibility.

A license may be issued to a charitable or nonprofit organization which conducts bingo, pull tabs or other gaming activities permitted by Wyoming Statutes on premises owned, leased or rented by the organization with volunteer personnel who are bona fide members of the

organization or personnel paid by the organization as paid employees directly controlled and supervised by the licensed organization for the sole benefit of the organization.
(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.050 License fee.

The annual nonrefundable fee for a gaming license under this chapter shall be two hundred fifty dollars per year. (Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.060 Financial responsibility.

- A. The holder of any gaming license under this chapter shall furnish the office of the Town clerk a bond, line of credit or other form of proof of financial responsibility in the amount of the largest possible daily award of prizes to be offered by the license holder.
- B. If, in the judgment of the Town Administrator, or the governing body of the Town, the sureties of a bond or other form of guarantee of financial responsibility are insolvent or for any cause are no longer proper or sufficient guarantors, the Town Clerk may require the license holder to furnish a new or additional bond or guarantee.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.070 Combination of interests prohibited.

- A. A charitable or nonprofit organization which conducts games of chance permitted under Wyoming State Statutes shall not be a manufacturer or distributor of supplies or equipment for such games. B. A charitable or nonprofit organization which conducts permitted games of chance shall not:
 - 1. Have a direct or indirect interest of any kind in any entity which manufactures or distributes supplies or equipment for games of chance; or
 - 2. Have any members of the organization serve as an officer, director, shareholder of more than two percent of the shares or as a proprietor or employee of an entity which manufactures or distributes supplies or equipment for games of chance.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.080 License application--Requirements.

- A. Charitable or nonprofit organizations desiring a gaming license under this chapter shall submit to the Town Clerk's office, with a nonrefundable annual license fee, an application made under oath which contains:
 - 1. The name(s), business address(es), mailing address(es), phone number(s) and trade name(s) of the applicant;
 - 2. The location and zoning where the gaming activities shall be conducted;
 - 3. If the premises are not owned, a copy of the lease or rental agreement; upon approval of the governing body, but prior to issuance of a license, an applicant shall furnish a copy of the executed lease;
 - 4. If the premises are not yet constructed or are to be remodeled, an architect's drawing or suitable floor plan of the premises;

5. A list of the current local officers; the names, addresses, dates of birth, residency and criminal record, if any, of all directors, officers, all supervisory personnel and shareholders having more than two percent of the outstanding and issued stock if the organization is a corporation; a copy of the Wyoming Secretary of State's authorization to do business in the state of Wyoming; the purpose of the organization; the date of the establishment of local organization; if affiliated with national organization, the address of the national organization; a brief statement of the activities of the local organization of the past two years; and a statement of what portion, if any, of the proceeds from gaming activities will be given to the national organization;
 6. A written, signed waiver, in a form to be provided by the Town, of the applicant and any and all persons listed in subparagraph 5 above, authorizing the chief of police or his designate to conduct background investigation pursuant to the information provided in the application;
 7. Proof of any required bonding or financial responsibility required by this chapter;
 8. Whether alcohol will be served on the same premises.
- B. When an application for a license and supporting documentation or a renewal has been filed with the Town Clerk's office with the required license fee and amounts necessary to cover costs of publishing notice, the clerk's office, after approval by the Town Attorney's office, shall prepare a notice of application, place the notice conspicuously upon the premises shown on the application, and publish the notice in a newspaper of local circulation once a week for three consecutive weeks. The notice shall state that the named applicant has applied for a license or renewal, and that protests against the issuance or renewal of the license or permit will be heard at a designated meeting of the licensing authority.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.090 License--Issuance or denial--Display required.

- A. The governing body of the Town may authorize the issuance of a gaming license to any charitable or nonprofit organization it deems a proper recipient.
- B. The governing body may restrict a license application as necessary to protect the health, safety and welfare of the citizens of the Town.
- C. The governing body may refuse to issue a license if it finds any business or other type of relationship between the applicant/ licensee and any individual or entity may endanger the health, safety and welfare of the citizens of Jackson.
- D. No gaming license shall be issued to any charitable or nonprofit organization until the required license fee is paid. No refund shall be made to any licensee following issuance of the license.
- E. Each license shall be signed by the Mayor and Town Clerk under the Town seal, pursuant to the order of the governing body. No charitable or nonprofit organization shall be deemed to be licensed until the license is issued in due form, and no license shall authorize any organization other than the licensee to conduct business thereunder.
- F. Charitable or nonprofit organizations licensed under this chapter shall at all times have such license prominently displayed in the place of the gaming operation. Each gaming license issued entitles the charitable or nonprofit organization to operate such games only in the location described in such license.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.100 Conduct of games.

- A. Only the organization authorized to conduct a game of chance under this chapter shall operate such game(s) or participate in the promotion, supervision or any other phase of such game(s).
- B. All games shall be organized and conducted in a fair and unbiased manner. No activities which would be considered unfair to either players or the benefitted organization are permitted.
- C. Any game conducted from 12:01 a.m. to six a.m. shall be considered to be conducted on the previous day unless no gaming session was conducted that day.
- D. All games which are advertised or otherwise promoted shall be played. Games may have qualifying conditions, such as a minimum number of players, but such conditions must be included in any advertising or other publicity.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.120 Restrictions on players.

- A. Minors may be present at a gaming session only when accompanied by parent or guardian. Minors may participate in the sessions only to the extent of marking the parent's or guardian's bingo cards. At no other time may a minor participate in any other gaming activity addressed in this chapter.
- B. No intoxicated person or person under the influence of drugs or any incompetent person shall be allowed to participate in any gaming activity under this chapter.
- C. No volunteer or employee of a charitable or nonprofit organization shall participate in an authorized game of that organization.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.130 Posting of odds required.

- A. There shall be posted at any location where gaming activities are conducted a conspicuously placed and readable sign stating the odds of winning in each game to be played at the location and at the session.
- B. For bingo, the odds shall be calculated for a single bingo card played with ninety-nine other random bingo cards. Odds need not be posted for games with guaranteed winners or for games where the odds of winning are less than five hundred to one.
- C. For pull tabs, the odds shall be calculated from a single pull tab from a particular unopened set.
- D. Any advertising for gaming activities must include all prizes or combination of prizes. Advertising includes, but is not limited to, all signs, flyers, handbills, radio ads or television ads whether published, posted or distributed. All advertisements shall be in compliance with the ordinances of the Town.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.140 Pull tabs--Use of.

- A. The number and amount of pull tabs from a set which have won or lost, the amount of payout, or any similar information which would reveal other than the posted odds of winning or losing may be tabulated for accounting and managerial purposes but shall not be communicated to any player or potential player.
- B. No set of pull tabs may be removed from play or withdrawn from sale until at least one hundred percent of the major prizes have been paid to the players or no sales from the set have been made for ten days when the set was available for sale. A "major prize" is any prize of eight times the purchase price of the pull tab or greater.
- C. Any set of pull tabs must be purchased by the operator as a sealed premixed set. It is specifically forbidden for an operator to purchase or otherwise acquire winning and non-winning pull tabs separately.
- D. No organization, distributor or manufacturer or any representative, either with knowledge or with constructive knowledge, shall possess, display, put out for play, sell or otherwise furnish to any person any deal of pull tabs:
 - 1. In which the winning pull tabs are not completely and randomly distributed and mixed among all other pull tabs in the set;
 - 2. In which the location or approximate location of any of the winning pull tabs can be determined in advance of opening the pull tabs in any manner or by any device, including, but not limited to, any pattern in the manufacture, assembly or packaging of pull tabs by the manufacturer, by any markings on the pull tabs or container, or by the use of a light.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.150 Examination of books, records and personnel.

The Town Clerk, police department and the governing body of the Town shall have the power to examine or cause to be examined the books and records of any charitable or nonprofit organization to which a gaming license is issued so far as they relate to any transactions connected with holding and conducting games of chance.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.160 Distribution of gross proceeds.

- A. During any gaming activity, no less than sixty percent of the gross proceeds shall be returned to the players in the form of prizes. Merchandise prizes shall be valued at the cost to the charitable or nonprofit organization awarding the prize. The return percent may be calculated either on a session-by-session or a monthly basis.
- B. All prizes valued at five hundred dollars or less shall be distributed to the winning players on the day of the game. Prizes exceeding five hundred dollars in value shall be distributed to the winners no later than the next banking day. Cash prizes of five hundred dollars or less may be distributed in the form of cash; cash prizes exceeding five hundred dollars shall be in the form of a check; cash prizes exceeding one thousand dollars shall be in the form of a certified check, money order or other form of guaranteed negotiable instrument.

C. A charitable or nonprofit organization conducting gaming activities under this chapter shall provide an itemized accounting of all charitable donations made from gaming proceeds. Such information is to be provided to the Town Clerk's office. Such report shall be submitted with the annual application for renewal.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.170 Equipment and supplies.

A. All equipment, supplies and materials used in the conduct of gaming activities shall be purchased, leased or otherwise acquired by the charitable or nonprofit organization at no more than fair market value.

B. Any sale or lease of equipment, supplies and materials used in the conduct of gaming shall be considered a separate transaction from the sale, rent or lease of the premises used for the conduct of gaming. In no case may the sale, rent or lease of premises be contingent upon the sale, lease or rent of equipment, supplies and materials from a particular person or organization.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.180 Gratuities prohibited.

A. Volunteers, employees or supervisory personnel assisting with the conduct of a permitted gaming activity shall not accept any tip, gratuity or any other thing of value from any player of a game.

B. A license holder shall not receive, either directly or indirectly, any gifts, trips, prizes, provisions or other thing of value from any manufacturer or distributor of gaming supplies or equipment except for nominal promotional prizes or benefits, but in no case may the value of such prize exceed one hundred dollars per calendar year.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.190 Violation--Penalty.

A. A license holder violating the provisions of this chapter or causing the provisions of this chapter to be violated shall be guilty of a misdemeanor and shall be punished as provided in Section 1.12.010 of this code.

B. Each day of play of bingo or sale of pull tabs without a license shall be considered a separate misdemeanor offense. (

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.200 Suspension and revocation.

A. The Town Administrator may suspend or revoke a license when the license holder commits one or more of the following acts or omissions:

1. The violation of any provision of this chapter;
2. The violation of any ordinance relating to health and safety of the premises occupied or relating to zoning;

3. The securing of any license by fraud or misrepresentation, to specifically include false or incorrect information on the license application;
 4. The conviction of the license holder of a crime involving dishonesty, false statement or a felony.
- B. When any of the acts or omissions as enumerated herein are committed by a license holder and the Town Administrator deems that such license shall be suspended or revoked, the procedure shall be:
1. The licensee shall be notified by the Town Clerk, in writing, sent via certified mail; such notice shall be sent at least seven days prior to the action contemplated, setting forth with particularity the reasons therefor;
 2. Upon receipt of the notice, the license holder may request a hearing before the governing body. Such request shall be in writing and shall be received by the Town Clerk within seven days of receipt of the suspension or revocation notice; failure on the part of the licensee to request a hearing in writing and within the specified time period shall be deemed a waiver of its right to a hearing;
 3. If a hearing is requested by the licensee, the governing body shall set the time, date and location. The Town Clerk shall notify the licensee in writing, sent by certified mail, of the hearing;
 4. Hearings shall be conducted in accordance with the Wyoming Administrative Procedures Act.
- C. If the Town Clerk finds that the health, safety and welfare of the public is at risk or that the economic welfare and interest in fair play of participants in games of chance is at risk, the Town Clerk may enter an order for the immediate suspension or revocation of such license. The notice shall set forth with particularity the grounds relied upon for such action. The licensee may, upon notice of such suspension, request an immediate hearing before the governing body and the hearing shall be conducted in the manner prescribed in this chapter within two Town business days. The license holder may waive the two-day hearing requirement.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

5.48.210 License--Duration--Renewal--Transferability.

- A. All gaming licenses issued pursuant to this chapter shall expire annually on December 31st of the year in which such license is issued.
- B. If conduct of games is to continue, each licensee may renew such license during the months of November and December of the year of issue but no later than December 31st. Application for renewal shall be made to the office of Town Clerk, where processing of said application shall be as for a new license. If the renewal application has not been received by December 31st, the gaming license shall expire and licensee may submit an application for a new license.
- C. No gaming license issued to a charitable or nonprofit organization under this chapter is transferable in ownership to another charitable or nonprofit organization.
- D. Each license issued entitles the license holder to operate such business only in the location described in the license. Should licensee desire to move to a different location, an application for change in location shall be submitted to the office of the Town Clerk. This application

shall be processed as an application for a new license. No new license fee shall be required except for a ten dollar change of location fee. No license holder shall operate in any location other than the one described in the license.

(Ord. 860 §12, 2008; Ord. 432 §1 (part), 1991.)

Chapter 5.50

GROUND TRANSPORTATION

Sections:

- 5.50.010 Purpose – Authority – General Provisions.**
- 5.50.020 Definitions.**
- 5.50.030 Permits in general – Exemptions from licensing - Information required.**
- 5.50.040 Ground Transportation Business License.**
- 5.50.050 Vehicle permit.**
- 5.50.060 Operator’s permit.**
- 5.50.070 Permit – Contents.**
- 5.50.080 Display of license, permit and insurance upon request.**
- 5.50.100 License and permit - Liability insurance required.**
- 5.50.110 Repealed (Ord. 961 §1, 2010)**
- 5.50.115 Issuance of receipts**
- 5.50.120 License and permit – Term - Automatic expiration of license or permit.**
- 5.50.130 Transfer of permit.**
- 5.50.140 General operating requirements.**
- 5.50.150 Fraud and misrepresentation prohibited.**
- 5.50.160 Criminal convictions or charges; appeal process.**
- 5.50.170 License and permit renewal.**
- 5.50.180 License and permit denial, revocation or suspension conditions.**
- 5.50.190 Penalty.**

5.50.010 Purpose – Authority – General Provisions.

- A. The purpose of this Chapter is to regulate and license businesses within the Town that provide public transportation services to the public to and from the Town, including Taxi’s, Limousines, or Executive Services vehicles as defined in this Chapter, and the operators or drivers for the businesses.
- B. Authority is granted cities and towns by Wyoming Statute §15-1-103(a)(xiii) to license and regulate businesses for the public health, safety and welfare of the community.
- C. Every application for a Ground Transportation Vehicle Permit or Operator’s Permit must be approved by the Chief of Police. Every licensee and permittee providing services to the public under the provisions of this chapter must abide with the motor vehicle and traffic provisions of Title 10 of this code and federal and state law.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- A. “Courtesy Vehicle” means any motor vehicle, regardless of size, used regularly to transport persons and baggage to or from any hotel, motel, lodge, or other similar tourist accommodation and includes vehicles used to support non-transportation businesses such as float trips, for which no charge is paid directly by the passenger.
- B. “Executive Services Vehicle” or “Limousine” means a vehicle meeting each of the following standards: (a) operating with advanced reservations; (b) operating for a single client or client group; (c) utilizing vehicles having qualities, equipment and characteristics clearly superior to those generally possessed by Taxi’s; and (d) providing specialized services in addition to point-to-point transportation.
- C. “Fare” means that portion of the charge for hire of a Ground Transportation Vehicle. The fare includes sales tax. The fare does not include any surcharge added as a consequence of using of a credit card to pay the fare. (Ord. 1100 §1, 2015, Ord. 961 §1, 2010; Ord. 922 §1, 2009)
- D. “Ground Transportation Business” means any business operating a Ground Transportation Vehicle of any make, model or size used or offered on a regular or continuing basis, whether or not for hire, to transport persons within, to and from the Town, not to include Courtesy Vehicles.
- E. “Ground Transportation Business License” means a business license issued by the Town for the purposes of engaging in a Ground Transportation Business.
- F. “Ground Transportation Vehicle” means any motor vehicle used to provide public transportation services to the public within, to and from the Town of Jackson and the Jackson Hole Airport.
- G. “Operator” or “Driver” means any person authorized by the Town to operate a Ground Transportation Vehicle.
- H. “Operator’s Permit” means the permit issued to a person allowing that person to drive or operate a Ground Transportation Vehicle.
- I. “Taxi” means any motor vehicle, other than a bus or courtesy vehicle, used to carry passengers for hire on a call and demand expedited basis over the public streets of the Town, between one point and another point, over irregular routes, on an individual fare basis, not exceeding a seating capacity of seven (7) passengers, whether or not operated on a reservation basis. J. “Vehicle Permit” means a permit issued to a vehicle allowing that vehicle to be used as a Ground Transportation Vehicle.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.030 Permits in general – Exemptions from licensing - Information required.

A. Exemptions.

The following are exempt from the Vehicle and Operator’s permits required in this chapter:

1. Vehicles used in interstate or foreign commerce.
2. Vehicles that fall within the United States Department of Transportation rules and regulations, and are governed by those rules and regulations having a current DOT

number on a sticker issued by the Chief of Police that is clearly displayed on the vehicle rear window.

3. Vehicles owned and operated by a school or school district and used only to transport students or teachers to and from school or to and from approved school activities.
 4. Vehicles used primarily to transport members of the owner's family or agents or employees of the owner.
 5. Vehicles owned by or operated under a contract with the Town or Teton County for public transportation.
 6. Courtesy Vehicles and vehicles used to support non-transportation businesses, such as hotel shuttles.
- B. No permit shall be issued to any individual who is unable or unwilling to provide the required information or who has been convicted of the commission of a felony under the laws of the State of Wyoming or any other state or federal law of the United States, within three (3) years of the date of the application; nor to any individual whose operator's or business license issued hereunder has previously been revoked as herein provided.
- C. All statements made by the applicant upon the application or in connection therewith shall be under oath. It shall be the duty of the applicant/permittee to notify the Town Clerk of any changes in the application information within ten (10) days.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.040 Ground Transportation Business License.

A. License required.

It shall be unlawful for any person, firm or corporation to engage in a Ground Transportation Business without first obtaining a Ground Transportation Business License.

B. Fee required.

The annual fee for engaging in a Ground Transportation Business shall be one hundred dollars (\$100.00) for a business employing less than ten (10) employees and two hundred dollars (\$200.00) for businesses employing ten (10) or more employees. Whenever the number of employees shall be increased during the license year, the licensee shall notify the Town of such change and shall pay the additional fee. If a license is suspended or revoked as set forth herein, such fee is non-refundable.

(Ord. 995 §1, 2011; Ord. 922 §1, 2009).

C. Application – contents.

1. Applications for Ground Transportation Business Licenses required by this Chapter shall be made on a form provided by the Town.
2. The applicant shall furnish a valid and current photo identification and truthfully state in full the information requested on the application, to wit, but not limited to:
 - (a) Full legal name
 - (b) Address of present place of residence and length of residence at such address; also business address if other than present address;
 - (c) Address of place of residence during the past three years if other than present address;

- (d) Mailing address, if different from physical address;
- (e) Telephone Number(s);
- (f) Date of birth;
- (g) Physical description of the applicant, including gender;
- (h) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (i) Name and address of employer during the past three years if other than the present employer;
- (j) Number of employees;
- (k) The State of Wyoming registration number for each vehicle;
- (l) The intended method of operation of each vehicle within their fleet (whether the vehicle is a Bus, Courtesy Vehicle, Limousine, Taxi or other Ground Transportation Vehicle);
- (m) Wyoming Sales Tax Certificate number;
- (n) The date, or approximate date, of the latest previous application under this chapter, if any;
- (o) Whether a Business License, Vehicle Permit, or Operator's Permit issued to the applicant under this chapter has ever been revoked;
- (p) Whether the applicant has ever been convicted of a violation of a felony under the laws of the state or any other state or federal law of the United States;
- (q) Signature of applicant;
- (r) Social security number of applicant or valid work permit; and
- (s) Name of individual in charge of operations.

D. Application - Affidavit and authorization form.

All applications for Business Licenses shall be forwarded to the Chief of Police or his designee who, in turn, shall make or cause to be made a general criminal background investigation that shall include a local law enforcement database check and a driver's license inquiry to the extent allowable under current law. All persons filing applications for new licenses shall submit a signed affidavit and authorization form as provided by the Town Clerk, which includes the applicant's name, signature, address, and date of birth to assist with application processing by the Town Clerk and Chief of Police. All persons filing applications shall agree to a background check, including criminal information, conducted by the Chief of Police or his designee. Procedures for reviewing applications will be established by the Chief of Police and Risk Manager. The Chief of Police will provide a recommendation to the Risk Manager to approve or deny issuance of the license based upon the applicant's ability to meet and maintain the requirements set forth in this Chapter.

E. Requirements before issuance or renewal of Ground Transportation Business License.

After approval of the application and prior to issuance or renewal of a Ground Transportation Business License:

1. Insurance. The applicant shall submit to the Town a current policy of insurance that indicates that the vehicle(s) to be utilized is approved by the insurance company to be operated as a “taxi” or an “executive services vehicle/limousine” in such amounts as the Town Council shall from time to time determine appropriate, executed by an insurance company qualified to do business in the state, and approved by the Town Council, insuring any person against loss or damage to person or property resulting to him or his heirs from the negligent operation of any Ground Transportation Vehicle operated by or on behalf of the owner thereof.

The applicant shall also list the Town as a “certificate holder” on the policy of insurance and provide proof thereof.

2. WYDOT Operating Authority. The applicant shall submit to the Town verification of WYDOT operating authority evidencing current compliance with current insurance rules and regulations and provide proof of the “Form E” filing with WYDOT.
3. Certificate Regarding Worker’s Compensation. If the applicant will have or has employees, the applicant shall submit to the Town verification of proper and current certificate or license from the State of Wyoming, Department of Employment, Workers’ Safety and Compensation Division.
4. Sales Tax Certificate Issued by the State of Wyoming. The certificate shall be displayed within all ground transportation vehicles as per State of Wyoming requirements.
5. Letter of Good Standing. The applicant shall submit to the Town a letter of good standing issued by the State of Wyoming Department of Revenue evidencing compliance with the State of Wyoming Department of Revenue.

If any of the above requirements are not provided to the Town, a Ground Transportation Business License shall not be issued. If any of the above requirements lapse, are canceled or not current during the term of a license or permit, any license or permit shall not be renewed and may be suspended for a limited time the Mayor or the Town Manager. Such suspension may be in addition to any fine imposed. A renewal applicant shall have ten (10) days to rectify or risk losing a license or permit.

(Ord. 995 §1, 2011; Ord. 922 §1, 2009.)

F. Vehicle markings and signage.

1. No Business License shall be issued to any person, firm or corporation until a designated monogram, name or insignia shall be adopted by the applicant and approved by the Chief of Police, which designation shall not conflict with or imitate any monogram, name or insignia used by another Business Licensee in such manner as to be misleading or to tend to deceive or defraud the public. Additionally, no Taxi shall have wording stating that the vehicle is an Executive Services Vehicle or Limousine, and no Executive Services Vehicle or Limousine shall have wording stating that the vehicle is a Taxi so as to mislead the public. Designated monogram and insignia requirement only applies to Taxi’s.
2. Every Taxi permitted shall have painted or displayed a permanently Affixed marking or signage on at least the left side and the right side of the vehicles, which will include the name of the company operating the Ground Transportation Business, business telephone number and the Town Vehicle Permit number. No signs shall be paper or

affixed with glue or tape of any kind, other than that of a self-adhesive design normally found for attachment of professionally created decaling. All lettering shall not be less than two and one-half inches in height and one-half inch stroke. All other Ground Transportation Vehicles are not required by the Town to have decaling of any kind other than what may be required by Wyoming State Statutes. Vehicles that fall within the United States Department of Transportation rules and regulations, and are governed by those rules and regulation, shall have a sticker with the current DOT number that is clearly displayed on the vehicle. (Ord. 1137 §1, 2016; Ord. 922 §1, 2009.).

3. The Town Vehicle Permit number shall be furnished by the Chief of Police and shall be a unique identifier. Each number will be preceded by the notation T.O.J. Permit No. One self-adhesive decal bearing the Town Vehicle Permit number shall be issued for each vehicle. The decal shall measure at least four inches (4”) by four inches (4”), and shall be attached to the left side of the rear of the vehicle. This requirement applies to all Ground Transportation Vehicles. No T.O.J. Permit decal shall be transferred to another vehicle or to different company.
4. In the event a Ground Transportation Business License is denied, all vehicle insignias must be removed immediately.
5. The Chief of Police shall issue different color stickers to the various classes of vehicles (ie, Taxi vs. Executive Services vs. vehicles subject to USDOT requirements).

G. Taxi fares.

1. Fares for the operation of Taxi’s shall be set by the Town Council to ensure consistent fares to the public. Such fares may be amended by the Town Council at such intervals as deemed appropriate and necessary. For trips originating and/or terminating in the Town of Jackson, the fares shall be:
 - (a) In-Town: twelve dollars (\$12.00) maximum fare for one to four (1-4) passengers, plus three dollars (\$3.00) per additional passenger.
 - (b) Teton Village: thirty-five dollars (\$35.00) maximum fare for one to four (1-4) passengers, plus five dollars (\$5.00) per additional passenger.
 - (c) Airport: The fee structure established by the Jackson Hole Airport Board of Directors shall apply for trips originating or terminating at the Jackson Hole Airport.
2. A schedule of fares, charges, and credit card surcharges must be prominently and clearly displayed in a conspicuous place within each Taxi at all times. The rate card shall contain the notation: All fares include applicable Sales Tax and do not include credit card surcharges.
3. Upon request for such information, a passenger shall be informed as to the exact number of minutes of waiting time or an additional drop fee for which a charge is made.
4. The surcharge added to a fare as a consequence of using a credit card to pay the fare shall be equal to, and no more than, the surcharge charged to the ground transportation business by the applicable credit card company.

(Ord. 1100 §1, 2015, Ord. 961 §1, 2010; Ord. 922 §1, 2009)

H. **Taxi roof lights**

Every Taxi operating under a Vehicle Permit shall have a taxi roof light permanently affixed to the exterior roof near the front third of the vehicle roof. Every roof light shall be capable of illuminating. Operators of a taxi shall have the light illuminated when on-duty and available to transport. Operators of a taxi may turn the illumination of the light off when either out of service or when a rider(s) is in transport. Upon completion of a rider transport, the operator of the taxi shall again illuminate the light, if the taxi is back in service and available for transport, so the public can easily identify the availability status of the taxi.

(Ord. 1061 §1, 2014; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.050 Vehicle Permit

- A. **Permit required.** It shall be unlawful for any person to operate or drive a Ground Transportation Vehicle without first obtaining a Vehicle Permit. Such Permit shall be unique to the vehicle and to the Ground Transportation Business to which it is assigned.
- B. **Fee required.** The annual fee for a new Vehicle Permit shall be sixty dollars (\$60.00), unless a vehicle obtains thirty miles per gallon (30 mpg) based upon the manufacturer's advertised average miles per gallon for highway driving in which case the Vehicle Permit annual fee shall be forty dollars (\$40.00). Such fee shall entitle the licensed Ground Transportation Business owner to the decal required in this chapter, provided the applicant meets all qualifications for a Ground Transportation Business License. The Vehicle Permit fee shall accompany the application for a permit. (Ord. 1029 §1, 2013; Ord. 922 §1, 2009)
- C. Only duly licensed Ground Transportation Businesses may apply for a Town of Jackson Vehicle Permit.
- D. Only vehicles owned or leased in the name of the company making application may be issued a Town of Jackson Vehicle Permit.
- E. **Application – Contents.**
 - 1. Applications for Vehicle Permits required by this Chapter shall be made on a form provided by the Town.
 - 2. The applicant shall truthfully state in full the information requested on the application, to wit, but not limited to:
 - (a) Name and address of the registered owner of the vehicle;
 - (b) Mailing address, if different from physical address.
 - (c) Name of the Ground Transportation Business utilizing the vehicle;
 - (d) Telephone Number(s);
 - (e) Vehicle description, including make, model, manufacture year, color, passenger capacity, vehicle identification number, license plate number and state of issuance, and registration expiration date; and
 - (q) Signature of applicant.
 - 3. A copy of a vehicle safety inspection performed by a certified automobile mechanic within thirty (30) days of the application must be attached to the application. At a minimum, the inspection shall verify the safety and working order of the following:
 - (a) Brakes

- (b) Tires
- (c) Steering
- (d) Suspension components
- (e) Exhaust system
- (f) Windshield and wipers
- (g) Lighting, including head lights, tail lights and brake lights

F. Application –Affidavit and authorization form.

All applications for Vehicle Permits shall be forwarded to the Chief of Police or his designee who, in turn, shall make or cause to be made an inspection of the vehicle and subsequently approve or deny issuance of the license based upon the applicant’s ability to meet and maintain the requirements set forth in this Chapter, to include all mechanical items inspected and that such must be in good working order and repair.

G. Vehicle inspection required.

In addition to the safety inspection required in section E.3. above, all applicants for Vehicle Permits must submit said vehicle to the Chief of Police or his designee for an inspection prior to the issuance of a Vehicle Permit. The inspection shall include:

- a) Verification of the vehicle description and VIN number;
- b) Verification of the presence of a taxi roof light that is illuminated and functional and compliance with the vehicle marking and signing requirements of this Chapter; and
- c) Such safety inspection as may be deemed appropriate by the Chief of Police.

H. Vehicle Permit contents.

A Vehicle Permit shall contain the name and address of the business, date of issuance, make, model, year and color of all Ground Transportation Business Vehicle(s) and the Vehicle Permit number. (Ord. 922 §1, 2009.)

5.50.060 Operator’s Permit.

A. Permit required.

It shall be unlawful for any person to operate or drive a Ground Transportation Vehicle in the Town of Jackson without first obtaining an Operator’s Permit.

B. Fee required.

The annual fee for a new Operator’s Permit shall be one hundred dollars (\$100.00). The annual fee for a renewal of an Operator’s Permit shall be fifty dollars (\$50.00). Such fee shall entitle the licensed driver to the badge required in this chapter, provided the applicant meets all qualifications for an Operator’s Permit. The Operator’s Permit fee shall accompany the application for a permit. (Ord. 1029 §1, 2013; Ord. 922 §1, 2009)

C. Application – Contents

1. Applications for Operator’s Permits required by this Chapter shall be made on a form provided by the Town.
2. The applicant shall furnish a valid and current photo identification and truthfully state in full the information requested on the application, to wit, but not limited to:
 - (a) Name and address of present place of residence and length of residence at such address;

- (b) Address of place of residence during the past three years if other than present address;
- (c) Mailing address, if different from physical address.
- (d) Telephone Number(s);
- (e) Date of birth;
- (f) Copy of Wyoming State driver's license number or other state in which the driver is licensed;
- (g) Physical description of the applicant, including gender;
- (h) Name of the Ground Transportation Business for whom the applicant will be driving;
- (i) Description sufficient for identification of the subject matter;
- (j) The date, or approximate date, of the latest previous application under this chapter, if any;
- (k) Whether a Vehicle Permit or Operator's Permit issued to the applicant under this chapter ever been revoked;
- (l) Whether the applicant has ever been convicted of a felony under the laws of the state or any other state or federal law of the United States;
- (m) Specific method of operation e.g. Taxi, Executive Vehicles or Limousine operation;
- (n) Signature of applicant; and
- (o) Social security number of applicant or valid work permit.

D. Application –Affidavit and authorization form.

All applications for Operator's Permits shall be forwarded to the Chief of Police or his designee who, in turn, shall make or cause to be made a general background investigation to the extent allowable under Wyoming law. All persons filing applications for new permits shall submit a signed affidavit and authorization form as provided by the Town Clerk, which includes the applicant's name, signature, address, and date of birth to assist with application processing by the Town Clerk and Chief of Police. All persons filing applications shall agree to a background check, including criminal information, conducted by the Chief of Police or his designee. Procedures for reviewing applications will be established by the Town Clerk, Chief of Police and risk manager. The Chief of Police will approve or deny issuance of the permit based upon the applicant's ability to meet and maintain the requirements set forth in this Chapter.

E. Operator's Permit Restrictions

No Operator's Permit shall be issued under this Chapter to any person under any of the following conditions:

- a. The person is under the age of twenty-one (21) years;
- b. To any person who does not possess a valid driver's or commercial driver's license in compliance with Wyoming state statutes;
- c. Within three (3) years from the date on which the person's driver's or commercial driver's license is revoked, denied or suspended;
- d. To any person adjudicated mentally incompetent by a court of law;

- e. To any person who is currently required to register as a sex offender in the state or in any other state or territory of the United States;
- f. To any person who has been convicted of a felony unless a period of not less than three (3) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
- g. To any person who has been convicted or received a deferred adjudication for drunk driving while under the influence of alcohol or controlled substances within three (3) years preceding the application for a permit;
- h. The person is a habitual drunkard or who is addicted to the use of narcotic drugs or controlled substances as evidenced by a pattern of behavior within the last three (3) years;
- i. To any person who has been convicted of three (3) or more felonies;
- j. To any person who has been convicted of four (4) moving traffic violations within one (1) year of the date of application;
- k. Whenever the applicant has demonstrated disregard for the general public safety or welfare or demonstrated a pattern of behavior that could be construed as manifesting a disregard for public safety or welfare, including but not limited to convictions for stalking, protection orders, etc.;
- l. To any person who does not reside in the United States legally.

(Ord. 995 §1, 2011; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.070 Operator’s Permit - Contents.

A. Upon issuance of an Operator’s Permit, the police department shall issue to the applicant an identification card, which shall be no less than three inches (3”) by five inches (5”) and shall be prominently displayed within the vehicle at all times during which he/she is actively engaged in the business. The identification card shall contain the following information:

- 1. Full name of permittee;
- 2. Physical description of the permittee;
- 3. Picture of the permittee;
- 4. Expiration date of the permit;
- 5. The name of the Ground Transportation Business operating the vehicle;
- 6. The telephone number of the business; and
- 7. Have the seal of the Town of Jackson attached thereto.

(Ord. 922 §1, 2009.)

5.50.080 Display of license, permit and insurance upon request.

A license, permit or insurance card/ certificate required under this Chapter shall be exhibited upon demand by any passenger, law enforcement personnel or peace officer.

(Ord. 922 §1, 2009.)

5.50.100 Licenses and Permit - Liability insurance required.

- A. No person shall operate any Ground Transportation Business within the Town without first having obtained a commercial public liability and property damage insurance policy from an insurance company licensed to do business in the State of Wyoming, with dollar limits required by Wyoming State Statute. The applicant shall list the Town as a “certificate holder” on the policy of insurance. Said insurance shall specify if the vehicle to be operated is insured as a Taxi, an Executive Services Vehicle or Limousine.
- B. Any person engaged in a Ground Transportation Business within the Town shall submit his/her commercial public liability and property damage insurance policies to any official of the Town for examination upon request.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.110 Repealed. (Ord. 961 §1, 2010)

5.50.115 Issuance of receipts.

Every Ground Transportation Business shall have a receipt book available in each Ground Transportation Vehicle. Upon request, the operator of the vehicle shall furnish passengers receipts for fees collected and if required by the Ground Transportation Business, shall furnish copies of such receipts to the business. (Ord. 922 §1, 2009.)

5.50.120 Licenses and permits – Term – Automatic expiration of license or permit.

- A. All licenses and permits issued under this Chapter shall be issued for a period of time of one (1) year and shall expire one (1) year (three hundred sixty-five (365) days) from the date of issue, provided that any permit issued under this Chapter shall expire immediately if:
 - 1. The liability insurance lapses or is otherwise cancelled or is altered in a manner that does not coincide with the method of operation, i.e. changed from Taxi to Executive Services or Limousine service, etc.;
 - 2. The licensee or permittee fails to provide updated information as required by this Chapter;
 - 3. The Town Council suspends or revokes the permit.
 - 4. The vehicle or operator ceases to be employed by the Ground Transportation Business in whose name they are permitted.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.130 Transfer of license or permit.

Licenses or permits issued under this Chapter are declared to be personal privileges and shall not be assignable or transferable to any other person, corporation or firm.

(Ord. 922 §1, 2009.)

5.50.140 General Operating Requirements.

A. Additional passengers – restrictions.

Whenever the operator or driver is transporting a passenger or passengers, such passenger or passengers shall have the exclusive right to full and free use of the passenger compartment, and it is unlawful for the operator to solicit or carry an additional passenger or passengers therein, except with the consent of the passenger or passengers then being transported.

B. Alcoholic Beverages prohibited.

No operator or driver of a Ground Transportation Vehicle shall have any measureable amount of alcohol or illegal controlled substance in his system while operating or in actual physical control of a Ground Transportation Vehicle.

C. Subject to random roadside driver inspections and safety checks.

Vehicles and operators permitted under this Chapter are subject to random roadside inspections by any police officer and may be inspected at such intervals as shall be established by the Chief of Police to ensure compliance with this Chapter.

D. Smoking in vehicles prohibited.

It is unlawful for any operator, driver or passenger to smoke within a Ground Transportation Vehicle.

E. Personal Pets Prohibited.

It is unlawful for the operator or driver to carry a personal pet of any kind within a Ground Transportation Vehicle other than those service animals individually trained to do work or perform tasks for the operator or driver with a disability as defined by the Americans with Disabilities Act (ADA) regulations.

(Ord. 1001 §1, 2012; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.150 Fraud and misrepresentation prohibited.

A. It is unlawful for any owner, operator, driver, or for any person soliciting patronage for any Ground Transportation Vehicle, to induce or attempt to induce any person to employ him or her by knowingly or wantonly misinforming or misleading such person as to the time or place of the arrival or departure, or the location of any hotel, public place or private residence within the Town, or to practice any deceit, fraud or misrepresentation in any manner whatever relative to matters pertaining to his or her business. No person operating a Taxi shall purport to be an Executive Services Vehicle or Limousine, and no Executive Services Vehicle or Limousine shall purport to be a Taxi vehicle.

B. It is unlawful for any owner, operator or driver to charge rates in excess of those prescribed.

C. Any person securing a ride or transportation in a Ground Transportation Vehicle by fraud, deceit or misrepresentation shall be punished as provided in Chapter 1.12.010 of the Jackson Municipal Code.

D. Any person riding in a Ground Transportation Vehicle and refusing to pay the legal charge when his or her journey is completed will be conclusively presumed to have secured a ride by fraud.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.160 Criminal convictions or charges; appeal process.

- A. The Chief of Police shall have the authority to suspend either temporarily or permanently any license or permit issued pursuant to this Chapter if he becomes aware of any criminal conviction or criminal charges that in the opinion of the Chief of Police would create a potential public health or safety issue. Immediately upon such suspension, written notice thereof shall be given by the Chief of Police to the licensee or permittee in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice the license or permit shall become null and void.
- B. If the criminal charges are either dismissed or an acquittal is rendered the license or permit shall be reinstated.
- C. Any person or organization adversely affected by the permanent or temporary suspension or denial of a Vehicle or Operator's Permit may appeal the decision of the Chief of Police to the Mayor and Town Council. Any appeal shall be taken by the affected party requesting an appeal in writing within ten (10) business days from the date the decision of the Chief of Police is mailed to the address of record. The appeal shall be heard by the Mayor and Town Council within thirty (30) days after receipt of the written request unless the parties agree in writing to a different time frame.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.170 License or permit renewal.

- A. A license or permit issued under this Chapter may be renewed annually by the Chief of Police or his/her designee upon the application of the licensee or permittee.
- B. All renewal applications shall be subject to a background check conducted by the Chief of Police and/or his/her designee.
- C. Upon annual renewal, a Ground Transportation Business shall file a list of its current vehicle operators with the Town Clerk and shall from time to time update that list as may be necessary.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.180 License or permit denial, revocation, or suspension conditions.

- A. A license or permit issued under this Chapter shall be a personal privilege, good for the period for which issued, subject to the condition however, that it may, for good cause, be denied, revoked or suspended at any time by action of the Town Council after a public hearing of which the licensee or permittee shall have not less than fifteen (15) days advance written notice in which the charges or complaints against him are specified. Good cause shall be interpreted to include, but shall not be restricted to:
 - 1. Violations of any of the provisions of this Chapter;
 - 2. Discontinuance of operations for more than thirty (30) days; or
 - 3. Violations of any of the provisions of this Code or other ordinances of the Town or the laws of the United States or the State of Wyoming, the violation of which reflects unfavorably on the fitness of the holder to offer public ground transportation.

- B. The Chief of Police, Town Manager, or his or her designee has the authority to suspend any license or permit issued hereunder if the holder of the license or permit is convicted of a violation of any of the provisions of this ordinance, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license or permit under the terms of this ordinance. Immediately upon such suspension, written notice thereof shall be given by the Chief of Police, Town Manager or his or her designee to the licensee or permittee in person or by certified United States mail addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice the license or permit shall become null and void.
- C. In addition to the conditions set forth in this Code, the Chief of Police, Town Manager or his or her designee may refuse to grant, refuse to renew, or may suspend or may revoke any license or permit issued pursuant to this Chapter for violation of or noncompliance with any of its provisions or requirements.
- D. Any person or organization adversely affected by the permanent or temporary suspension or denial of any license or permit may appeal the decision of the Chief of Police, Town Manager or his or her designee, to the Mayor and Town Council. Any appeal shall be taken by the affected party requesting an appeal in writing within ten (10) business days from the date the decision of the Chief of Police, Town Manager or his or her designee is mailed to the address of record. The appeal shall be heard by the Mayor and Town Council within thirty (30) days after receipt of the written request unless the parties agree in writing to a different time frame.

(Ord. 995 §1, 2011; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

5.50.190 Penalty.

In addition to any provisions of this Chapter, any individual or Ground Transportation Business violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished according to Section 1.12.010 of this Code. Each day during which a person or business shall carry on or maintain any Ground Transportation Business for which a license or permit is required, or operate or drive a Ground Transportation Vehicle for which a license or permit is required constitutes a separate violation hereof. In addition to the penalties above set forth, the Town may institute an injunction or any other appropriate action to prevent or enjoin an individual from operating a Ground Transportation Vehicle or prevent or enjoin the continued operation of the business within the Town which is being operated or maintained in violation of this Chapter.

(Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

Chapter 5.52
GENERAL BUSINESS REGULATIONS

Sections:

5.52.010 Barbershops.

5.52.020 Beauty Shops.

5.52.030 Handbill distributors. (Repealed. Ord. 1238 §1, 2019)

5.52.040 Radio broadcasting stations.

5.52.010 Barbershops.

Premises used for a barbershop shall be kept in a clean and sanitary condition, and it is unlawful to permit waste material of any kind to accumulate therein. It is unlawful to employ therein any person afflicted with a contagious disease (Ord. 860 §13, 2008; Ord. 148 §21 (I), 1972; Ord. 675 §1, 2000)

5.52.020 Beauty Shops.

Premises used for a beauty shop shall be kept in a clean and sanitary condition, and it is unlawful to permit waste material of any kind to accumulate therein. It is unlawful to employ therein any person afflicted with a contagious disease (Ord. 860 §13, 2008; Ord. 148 §21 (I), 1972; Ord. 675 §1, 2000)

5.52.030 Handbill distributors.

Repealed. (Ord. 1238 §1, 2019; Ord. 860 §13, 2008; Ord. 675 §1, 2000)

5.52.040 Radio broadcasting stations.

- A. Privilege. The conducting or carrying on of the business of production or generation of electromagnetic waves within the Town for the purpose of broadcasting by radio and the business of soliciting radio advertising within the Town are declared to be privileges.
- B. Effect on Interstate Commerce. It is the intention of the Town Council to tax only the intrastate operations carried on by local radio stations and it is not the intention of the Town Council to impose any tax upon the interstate operations of such radio station. The provisions of this section shall not apply to that portion of or part of such radio station business as may be in interstate or foreign commerce and this section shall not include business turned to or from point without the state of Wyoming, nor any business done for the Government of the United States, its officers or agents.

(Ord. 860 §13, 2008; Ord. 675 §1, 2000).

Chapter 5.60
RESIDENTIAL SHORT-TERM RENTAL PERMITS

Sections:

- 5.60.010 Preamble: Intent and purpose**
- 5.60.020 Definitions**
- 5.60.030 Prohibitions**
- 5.60.040 Residential Short-Term Rental Permit Required**
- 5.60.050 Residential Short-Term Rental Business Operational Requirements**
- 5.60.060 Permit Renewal**
- 5.60.070 Permit Expiration**
- 5.60.080 Permit Denial**
- 5.60.090 Appeal**
- 5.60.100 Fraud and Misrepresentation**
- 5.60.110 Administrative Enforcement**
- 5.60.120 Civil Penalty**
- 5.60.130 Criminal Penalty**

5.60.010 Preamble: Intent and purpose

- A. The natural, wildlife, agricultural, and scenic resources found in the Town of Jackson are essential components of the community's economic base and establish the character of the community. The economic base of the community is tourism and the future success of tourism is directly linked to the community's ability to provide an enjoyable experience to people who have many alternative locations to vacation. The location of tourist facilities and the quality of the facilities are important parts of the tourist experience in Jackson, and thus this ordinance seeks to ensure those facilities are of the highest quality.
- B. The intent and purpose of this ordinance is to establish procedures and standards by which residential short-term rentals can be provided to tourists seeking them in a manner that protects both the quality of their experience and the community of Jackson. It is the Town of Jackson's intent to establish residential short-term rental regulations that promote a mix of lodging options to support Jackson's tourist base and local economy, while simultaneously upholding the health, safety and welfare of the public and preserving the long-term residential neighborhoods within the Town.

5.60.020 Definitions

- A. "Residential Short-Term Rental" means the rental of all or a portion of a residential unit such that occupancy is limited to less than one calendar month. One calendar month is the period of time from a day of one month to the corresponding day of the next month if such exists; or if not, to the last day of the next month. One calendar month shall be computed

by excluding the first and including the last day (as from January 4 to February 3 or from January 31 to February 29).

- B. Words or phrases in this Chapter necessitating a definition shall be defined pursuant to the Town Land Development Regulations, as amended.

(Ord. 1179 §1, 2017; Ord. 1113 §1, 2016; Ord. 1092 §1 (part), 2012).

5.60.030 Prohibitions

- A. No person shall lease or operate a Residential Short-Term Rental without a valid approval pursuant to the Town Land Development Regulations.
- B. No person shall lease or operate a Residential Short-Term Rental without first obtaining a Residential Short-Term Rental Permit in accordance with the provisions of this Chapter.
- C. No person shall sublet a Residential Short-Term Rental unit.
- D. No person shall lease or operate a Residential Short-Term Rental in violation of the provisions set forth in this Chapter.

(Ord. 1179 §1, 2017; Ord. 1113 §1, 2016; Ord. 1092 §1 (part), 2012).

5.60.040 Residential Short-Term Rental Permit Required

- A. An application for a Residential Short-Term Rental Permit must be submitted and approved by the Town before a unit can be rented as a Residential Short-Term Rental.
- B. Applications for Residential Short-Term Rental Permits must be notarized statements made in writing and must include:
 - 1. The legal name, phone contact and mailing address of the residential short-term rental unit owner;
 - 2. The physical and mailing address of the residential short-term rental unit;
 - 3. If the unit is part of a common interest community and there is a homeowner's association for such community, a letter from the homeowner's association stating that Residential Short-Term Rental is permitted and the application is being made with the homeowner's association knowledge;
 - 4. The name, phone number, mailing address, and an emergency contact number of a designated owner representative for the rental unit, who must be located within Teton County, Wyoming and who must be on call 24 hours a day, seven (7) days a week to manage the property; and
 - 5. The signature of the unit owner indicating his or her promise to collect and remit all applicable taxes, specifically to include sales and lodging taxes, and to provide the Town receipts for proof thereof and the sales tax number.
- C. The fee for a Residential Short-Term Rental Permit is one hundred dollars (\$100.00) for each Residential Short-Term Rental unit being permitted.
- D. Where one agent or owner manages or owns multiple Residential Short-Term Rental units within the same complex, a single consolidated permit application may be submitted. Each Residential Short-Term Rental unit will be assigned a unique permit number. If the units are managed by different owner representatives, despite being in the same complex, separate applications are required.

- E. It is the applicant's responsibility to notify the Town of any changes to the items set forth in this subsection if it changes during the year.
- F. Residential Short-Term Rental Permits are nontransferable, except that upon death the property may be transferred to an immediate family member.

5.60.050 Residential Short-Term Rental Business Operational Requirements

- A. **Notice to Neighbors within 300 Feet:** Rental unit owners or their agents must provide notice to the owners of neighboring parcels within three hundred (300) feet of the short-term rental property, informing these neighbors that a Residential Short-Term Rental Permit has been issued and providing the name and contact information for the local owner representative. The Residential Short-Term Rental Permit holder has an affirmative duty to re-notify all applicable neighbors and the Town upon a change in the local owner representative.
- B. **Advertising Requirements:** Any advertising, including but not limited to newspaper, radio, print, digital, or voice advertising of residential short-term rental units must include:
 - 1. The valid permit number issued to the unit; and
 - 2. For digital advertising, an effective internet link to the Town of Jackson short-term rental law.
- C. **Lodging and Sales Taxes:** Residential Short-Term Rental unit owners are subject to and responsible for collecting and remitting all applicable taxes, specifically including the sales and lodging taxes.
- D. **Compliance with Building and Fire Codes:** All Residential Short-Term Rental units are subject to the applicable building and fire codes and prior to occupancy must be reviewed and approved for compliance with such codes by the Town Building Official and the Fire Marshal, respectively.

5.60.060 Permit Renewal

- A. Residential Short-Term Rental Permits must be renewed annually.
- B. Residential Short-Term Rental Permit renewal applications shall be filed annually with the Town of Jackson Administrative Department. The Town may, for good cause, refuse to renew a permit.
- C. Residential Short-Term Rental Permit renewal applications must be notarized statements in writing and must specify:
 - 1. What, if any, information has changed since the previous year's application was filed; and
 - 2. That the owner will remit all applicable taxes to the Town of Jackson.

5.60.070 Permit Expiration

- A. All Residential Short-Term Rental Permits expire on the thirty-first (31) day of December each year.
- B. It is the duty of each permittee to renew and maintain a valid permit in conformance with the requirements of this Chapter. The Administrative Department shall mail to all

permittees of the Town a renewal statement. However, failure to send out such notice or the failure of the permittee to receive it shall not excuse the permittee from a failure to obtain a renewal of their permit, nor shall it be a defense in a case alleging short-term operation without a permit.

5.60.80 Permit Denial

- A. A Residential Short-Term Rental Permit issued under this section shall be a personal privilege, good for the period for which issued, subject to the condition that it may, for good cause, be suspended, revoked, or denied. Good cause shall include, but is not restricted to:
1. Violating any of the provisions of this Chapter;
 2. Making a false material statement in the permit application;
 3. Violating any ordinance relating to health and safety of the premises being rented or relating to zoning;
 4. Operating a rental property that does not fully comply with the Town building and safety codes or the Land Development Regulations;
 5. Otherwise becoming disqualified for the issuance of a permit under the terms of this Chapter; or
 6. Violating any of the provisions of this Code or other ordinances of the Town or the laws of the United States or the State of Wyoming, the violation of which reflects unfavorably on the fitness of the holder to offer Residential Short-Term Rental Unit(s).
- B. Suspension, revocation, or denial may be instituted by any appropriate Town department, including Planning, Building, Fire, Police, Legal or Finance. Immediately upon such suspension, revocation, or denial written notice thereof shall be provided by the appropriate Town department to the permittee by certified United States mail, which will be addressed to the registered agent as identified in the then-current Residential Short-Term Rental Permit. Immediately upon the giving of such notice the permit shall become null and void.
- C. Such suspension, revocation, or denial may be in addition to any fine imposed.

5.60.090 Appeal

- A. If a Residential Short-Term Rental Permit is suspended, revoked, or denied by the Town the permittee may seek review of the decision, in which case the Town of Jackson Contested Case Rules shall govern the hearing and appeal processes.

5.60.100 Fraud and Misrepresentation

- A. It is unlawful for any Residential Short-Term Rental unit owner or their agent to induce or attempt to induce any person to rent a unit by knowingly or wantonly misinforming or misleading such person as to the time period for which the unit is available, the regulations applicable to Residential Short-Term Rental units, the location of the unit within the Town of Jackson, or the rental rate of the unit.
- B. It is unlawful for any Residential Short-Term Rental unit owner or their agent to knowingly or wantonly misinform or mislead any Town agent or department during the initial

permitting process or a renewal, or during any revocation, suspension, or denial process or hearing.

5.60.110 Administrative Enforcement

- A. Advertising that offers a property as a Residential Short-Term Rental shall constitute prima facie evidence of the operation of a Residential Short-Term Rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal Residential Short-Term Rental or is not in operation.
- B. Any communication by a property owner, manager, operator, or lessee to any person where the owner, manager, operator, or lessee offers their home for rent as a Residential Short-Term Rental shall constitute prima facie evidence of the operation of a Residential Short-Term Rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal Residential Short-Term Rental or is not in operation.
- D. Other evidence of the operation of a Residential Short-Term Rental without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements, and receipts or bank statements showing payments to the owner by a guest.
- E. A conviction under §5.60.130 or a finding of guilt under §5.60.120 for the operation of a Residential Short-Term Rental without a permit shall result in the property owner being ineligible to apply for a permit for five (5) years.
- F. A conviction under §5.60.130 or a finding of guilt under §5.60.120 for the operation of a Residential Short-Term Rental without a permit will result in the Town notifying the appropriate county and state authorities of the short-term rental operation and its failure to comply with tax law.

5.60.120 Civil Penalty

- A. Any person in violation of any provision(s) of this Chapter is liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) per day per violation.
- B. The civil penalty may be recommended in an administrative hearing and the proceedings shall be governed by the Town of Jackson Contested Case Rules.
- C. In addition to the penalty above set forth, the Town may institute an injunction or any other appropriate action to prevent or enjoin the operation of a Residential Short-Term Rental within the Town.

(Ord. 1179 §1, 2017; Ord. 1092 §1, 2015)

5.60.130 Criminal Penalty

- A. A person may be prosecuted criminally in Municipal Court for violating any provision(s) of Sections 5.60.050, 5.60.060, 5.60.070, 5.60.080 or 5.60.100 of this Chapter if said person has already been found guilty of violating any provision of this Chapter under Sec. 5.60.120.
- B. Upon conviction the person shall be guilty of a misdemeanor and punished according to penalties provided in Section 1.12 of this Code. Each day during which a person operates a Residential Short-Term Rental Unit for which a permit is required, constitutes a separate violation hereof. (Ord. 1179 §1, 2017)

Chapter 5.70

ADULT ENTERTAINMENT BUSINESS

Sections:

5.70.010 Intent, Rationale and Purpose.

5.70.020 Legislative Findings.

5.70.030 Definitions.

5.70.040 Operation Standards.

5.70.050 Penalty.

5.70.010 Intent, Rationale and Purpose.

- A. Adult entertainment businesses require special supervision from the public safety agencies of the Town in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Town.
- B. The Town Council finds that adult entertainment businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution.
- C. There is convincing documented evidence that adult entertainment businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and the downgrading of property values.
- D. The Town Council desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight.
- E. The Town Council recognizes its constitutional duty to interpret, construe, and amend its ordinances to comply with constitutional requirements as they are announced.
- F. With the passage of this ordinance, the Town Council accepts as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Wyoming Constitutions, the Wyoming State Statutes, and the Wyoming Rules of Civil and Criminal Procedure.
- G. It is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the Wyoming Constitution, but to enact an ordinance to further content-neutral governmental interests of the Town, to wit, the controlling of secondary effects of adult entertainment businesses.
- H. It is the purpose of this section to regulate the standards of Adult Entertainment Businesses to promote the health, safety, and general welfare of the citizens of Jackson, Wyoming, and to establish reasonable and uniform regulations to address the adverse secondary effects of Adult Entertainment Businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction of the content of any communication material, including sexually-explicit materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually-explicit materials

protected by the First Amendment to the United States Constitution, or Articles 1 & 20 of the Wyoming Constitution, or to deny access by the distributors and exhibitors of sexually-explicit entertainment to their intended market. It is not the intent or effect of this ordinance to condone or legitimize the distribution of obscene material as defined by Wyoming Statute 6.4.301(iii).

5.70.020 Legislative Findings.

This Municipal Code Chapter is based on findings concerning the adverse secondary effects of the Adult Entertainment Business on the community presented in studies, case law, and expert papers reviewed by the Town Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *N.Y. State Liquor Auth. v. Bellanca*, 452 U.S. 714, 717–18 (1981); *California v. LaRue*, 409 U.S. 109, 118 (1972); *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 515 (1996); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603, 606 (8th Cir. 2001); *181 S. Inc. v. Fischer*, 454 F.3d 228, 233–34 (3d Cir. 2006), and on studies in and by other communities including, but not limited to, all those in the National Law Center for Children and Families 2005 Summaries of SOB Land Use Studies; Richard McCleary, Rural Hot Spots: The Case for Adult Businesses, *Criminal Justice Policy Review* 19(2), 153-163 (2008); Eric Domain Kelly, et. al., Survey of Florida Appraisers: Effects of Land Uses on Market Values, (2008); Alan C. Weinstein et. al., The Association of Adult Businesses with Secondary effects: Legal Doctrine, Social Theory, and Empirical Evidence, 29 *Cardozo Arts and Entertainment Law Journal* 565 (2011); Richard McCleary, Do “Off-Site: Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence, *Law & Policy* Vol. 31, No.2 218-35 (2009).

5.70.030 Definitions.

A. Adult Entertainment Business means a business that generates a substantial or significant portion of its revenues, or devotes a substantial or significant portion of its interior business, advertising, sale floor, or display space for the exhibition, display, sale, or performance, whether presented as printed materials, live entertainment, recorded entertainment, or devices emphasizing or focusing on whole or partial exposure to view of Intimate Parts or the depiction, simulation or facilitation of Sexual Contact.

1. Includes:

- i. “Intimate Parts” as defined by W.S. §6-2-301, as amended.
- ii. “Sexual Contact” means touching, with the intention of sexual arousal, gratification or abuse, of the patron’s intimate parts by performers, or of the performer’s intimate parts by patrons, or of the clothing covering the immediate area of the patron’s or performer’s intimate parts;

2. Does Not Include:

- i. This definition shall not be construed to apply to or otherwise allow any form of activity prohibited or punished by law such as exhibitions, displays, or performances deemed by law to be obscene.
- ii. This definition shall not be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or other artistic work in any theater, concert hall, museum, school, institution of higher education, or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

5.70.040 Operation Standards.

- A. Duty to Comply. It shall be the legal duty of the owner and his/her agents to ensure that all Operation Standards are enforced.
- B. Manager's Station. The Adult Entertainment Business shall be configured in such a manner that there is an unobstructed view from a designated Manager's Station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this subsection must be by direct line of sight from the Manager's Station.
- C. Employee Presence. During operational hours, every Adult Entertainment Business shall have, at minimum, two (2) employees present on-site within the Business, one of which must be at the Manager's Station. Cameras and other automated devices do not meet this standard.
- D. Hours of Operation. All Adult Entertainment Businesses:
 1. May be open between the hours 8 p.m. and 6 a.m., Monday through Saturday.
 2. Must be closed between the hours 6 a.m. and 8 p.m., Monday through Saturday.
 3. Must be closed on national holidays, regardless of the day of the week on which such a holiday falls.
 4. Must be closed Sunday, beginning at 6:01 a.m. Sunday morning.
- E. Minors. No person under the age of 18 shall be permitted:
 1. In any Adult Entertainment Business;
 2. To purchase goods or services at an Adult Entertainment Business; or
 3. To work at an Adult Entertainment Business.
- F. Public View. Adult Entertainment Business, as defined in this section, shall be obscured from public view such that the Business is not readily apparent to a reasonable observer.
- G. Lighting. Outdoor lighting shall be left on for one (1) hour after closing.
- H. Alcoholic Liquor.
 1. For the purposes of this Chapter, definitions shall be those in Wyo. Stat. Ann. §12-1-101.
 2. No alcoholic liquor shall be sold, consumed, made available in any way, or present at or on a parcel of land where an Adult Entertainment Business is operational.

- I. Public Indecency. No owner or agent of any Adult Entertainment Business shall knowingly, or with reasonable cause to know, allow a patron to commit on the Business premises an act of public indecency as set forth in Wyoming Statute §6-4-201 or Jackson Municipal Code §9.28.030.
- J. Sexual Acts. No sexual acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and masturbation shall take place on the premises of any Adult Entertainment Business by or between performers, owners, agents, and patrons.
- K. Live Performance. Live performance within an Adult Entertainment Business shall only be permitted pursuant to the following standards:
 - 1. Patrons shall be seated no closer than six (6) horizontal feet from the stage.
 - 2. Patrons shall not be permitted on the stage at any time.
 - 3. All performers shall remain on the stage during the performance.
 - 4. Physical contact between a performer and patron shall not be permitted.
- L. Viewing Booths. All Adult Entertainment Businesses which contain one or more viewing booths, whether for live or recorded performance, shall comply with the following standards:
 - 1. All viewing booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials.
 - 2. Physical contact between a performer and patron shall not be permitted.
 - 3. No viewing booth may be occupied by more than one person at any time.
 - 4. No openings of any kind shall exist between viewing booths.

5.70.050 Penalty.

Any person, business, or any type of legal entity in violation of this section or any subsection hereof, upon conviction, shall be punished as provided in Section 1.12.010 of this Code. Each day during which a person, business, or any type of legal entity shall operate an Adult Entertainment Business in violation of any provision of this Chapter constitutes a separate violation hereof.

(Ord 1169 §1, 2017)

Chapter 5.80
RESIDENTIAL RENTAL PROPERTY REGULATIONS

Sections:

5.80.010 Purpose.

5.80.020 Definitions.

5.80.030 Minimum Notice of Non-Renewal.

5.80.040 Penalty.

5.80.010 Purpose.

This chapter is enacted to exercise, to the fullest extent allowed by Wyoming statutes, the Wyoming Constitution and the United States Constitution, the powers of the Town of Jackson to take steps to provide minimum notice requirements for non-renewal of residential rental properties in order to provide for the health, safety and welfare of its residents.

(Ord. 1187 §1, 2018)

5.80.020 Definitions.

- A. “Rental Agreement” means any agreement, written or oral, which establishes or modifies the terms, conditions, rules or any other provisions regarding the use and occupancy of a residential rental unit but excluding a Residential Short Term Rental that is permitted in compliance with Chapter 5.60 of the Jackson Municipal Code.
- B. “Renter” means any renter, lessee, tenant or other person entitled under a rental agreement to occupy a residential rental unit to the exclusion of others.
- C. “Owner” means the owner, lessor or sublessor of a residential rental unit and for purposes of notice and other communication required or allowed under this article, “owner” includes a managing agent, leasing agent or resident manager unless the agent or manager specifies otherwise in writing in the rental agreement.

(Ord. 1187 §1, 2018)

5.80.030 Minimum Notice of Non-Renewal.

- A. If a rental unit will not be available to Renter to re-rent at the end of the term of a Rental Agreement that has not expired and has not been prematurely terminated for cause and the Renter has complied with the terms and conditions thereof, the Owner must provide the Renter, at a minimum, thirty (30) days’ written notice that the unit will not be available to Renter to re-rent. Unless otherwise stated in a Rental Agreement, written notice may be provided via electronic communication upon mutual consent of the parties.
- B. It is not a violation of 5.80.030.A if Owner cures the failure to provide the notice required by that subsection by promptly providing Renter with overdue written notice of non-

renewal extended through the last day of the following month, not to be less than thirty (30) days.

- C. Nothing in this provision may be construed to impair an Owner's rights under Wyo. Stat. Ann. §1-21-1203(d).

(Ord. 1187 §1, 2018)

5.80.040 Penalty.

- A. Any person in violation of any provision(s) of this Chapter is liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00) per day per violation.
- B. The civil penalty may be recommended in an administrative hearing and the proceedings shall be governed by the Town of Jackson Contested Case Rules.

(Ord. 1187 §1, 2018)