CHAPTER TEN

(REVISED PURSUANT TO ORD. NO 4062; 06-03-2025)

LICENSES AND PERMITS

ARTICLE I. GENERAL

ARTICLE II. LICENSES

ARTICLE III. PERMITS

ARTICLE I. GENERAL

§10-1. Licenses and Permits in General

1. **Purpose, Authority, Applicability, Exemptions, Issuing of Licenses and Permits Generally**
    a. The purpose of this Chapter is to protect the health, safety, and general welfare of those receiving certain goods and services by providing regulations for the providers of such goods and services.
    b. The provisions of this Chapter are legislated under the authority granted by W.S. 15-1-103(a)(xiii).
    c. As stated in this Chapter, certain licenses are issued by the City Clerk. No action by the Gillette City Council is necessary for the City Clerk to issue these licenses. Licenses and permits considered by the Gillette City Council require a majority vote to be issued. No person or organization shall be deemed to be licensed or permitted under this Chapter until the license or permit is issued and delivered, with all applicable fees paid.
    d. No person, business, or organization may engage in any business or activity regulated by this Chapter without first having obtained the relevant license or permit.
2. **Register of Licenses and Permits**
    a. The City Clerk shall keep a register of licenses and permits. This register will state the names of each person, business, and/or organization holding a license or permit, contain a copy of each application, state the type of license or permit granted, state the fee paid for each license or permit, and state the day the license becomes active.
3. **Term and Renewal**
    a. Permits are valid and effective for the dates and times specified in an approved application or as modified by the Gillette City Council.
    b. Licenses are valid and effective for the calendar year in which the license is granted. Licenses must be renewed, and the applicable fee paid, each calendar year prior to engaging in the activity granted by the relevant license.
4. **Duty to Update**
    a. Any applicant granted a license shall notify the City Clerk's office, who will notify the Gillette Police Department, of any change in any of the information required to be provided by this Chapter within five (5) business days after such change occurs.
5. **Denial Suspension, or Revocation of License or Permit**
    a. Denials; Procedure. With respect to licenses and permits issued by the City Clerk, the City Clerk may deny any application for a license or permit if:

        i. a license or permit applicant fails to provide the requested application information or accompanying materials (including the required fee);
        ii. a license or permit applicant fails to provide accurate application information;
        iii. any City agency recommends denying the application; or,

iv. the applicant has previously violated provisions of this Chapter for the type of license or permit sought, or has otherwise had the same type of license or permit suspended or revoked.

If the City Clerk denies an application, the applicant may appeal the denial to the City Administrator. Any such appeal must be in writing, state the basis for why the denial is improper, and be submitted to the City Administrator within three (3) days of the denial. Within fifteen (15) days of receipt of a proper appeal, the City Administrator shall issue a written determination either approving the application or affirming the denial of the application. If the application is denied by the City Administrator, the applicant may appeal such denial to the Gillette City Council. Any such appeal must be in writing, state the basis for why the denial is improper, and be submitted to the Gillette City Council within three (3) days of the denial. Upon receipt of a proper appeal, the matter will be placed on the Gillette City Council's next agenda for consideration. Unless otherwise provided in this Chapter, and except for fees associated with background checks or finger printing, any license or permit fee will be returned to the applicant if the application is denied.

b. Suspensions and Revocations; Basis. The permits and licenses issued under this Chapter may be revoked or suspended for the following reasons:

i. Fraud, misrepresentations, or false statements contained in an application;
ii. Violating any provision of this Chapter with respect to the relevant license or permit; or
iii. Conviction of the licensee or permittee of any felony or misdemeanor involving perjury, fraud, or false statements.

c. Suspensions and Revocations; Procedure; Effect of Notice. To suspend or revoke a license under this Chapter, the City Administrator must submit a written notice of suspension or revocation hearing to the licensee or permittee. This written notice must state the basis for the suspension or revocation and state the date and time of a hearing where the Gillette City Council will consider the suspension or revocation matter. This written notice must be provided to the licensee or permittee at least five (5) days prior to the hearing. This notice may be provided to the licensee or permittee at the address or email address provided by the licensee or permittee on the application for the license or permit. Upon receipt of the notice, the licensee or permittee must immediately cease engaging in the activity for which the license or permit is necessary.

d. Suspension and Revocation; Hearing. At the suspension or revocation hearing, the Gillette City Council will determine whether to suspend or revoke the licensee or permittee's license or permit. The Gillette City Council may also place any term or condition upon the licensee or permittee's license or permit that it deems necessary in its sole discretion. If the licensee or permittee fails to attend this hearing, then the license or permit shall be revoked.

6. Exemptions

a. This Chapter does not apply to events held at CAM-PLEX, unless otherwise noted.
b. This Chapter does not apply to licenses issued under Chapter 3 of the G.C.C.
c. This Chapter does not apply to licenses issued under Chapter 5 of the G.C.C.

7. Violations and Penalties Generally

a. Unless otherwise stated in this Chapter, any violation of any provision of this Chapter by any person, business, or organization is a misdemeanor, punishable by a fine of up to seven hundred fifty dollars ($750). Each day a violation occurs or persists is a separate offense. Violations of the provisions of this Chapter may serve as a basis for suspension or revocation proceedings and future denials of applications for the same type of license or permit.

ARTICLE II. LICENSES

§10-2. Itinerant Vendors and Door-to-door Solicitors

1. Purpose; Authority; Scope

a. The purpose of this Section is to establish regulations and procedures for licensing and regulating temporary or transient merchants, known as itinerant vendors, and residential door-to-door solicitors conducting or soliciting sales and related activities within the City.

b. The provisions of this Section are legislated under the authority granted by W.S. 15-1-103(a)(xiii) and W.S. 33-20-210.

c. All applicants must comply with W.S. 33-20-201, et. seq. in addition to this Section.

d. Unless an individual or entity is utilizing a Mobile Food Unit or Mobile Food Truck as defined in G.C.C. 10-5(2), an individual or entity licensed under this Section does not need a separate Mobile Food Vendors license governed by G.C.C. 10-5.

2. Definitions

a. "Applicant" means an individual who is at least eighteen (18) years of age, that is affiliated with a corporation, partnership, limited liability company, organization, association, or other lawfully formed entity, and is a designated representative of the same.

b. "Itinerant Vendor" means all persons, business, or organizations, either as principal and agent, that transact any temporary or transient business selling goods and services of any kind, either in one locality or more or by traveling from one or more places in Wyoming, and, for the purpose of carrying on such business hire, lease or occupy a building or permanent structure, temporary structure (including, but not limited to, tents) or motor vehicle, for the exhibition and sale of such goods, limited food items under the definitions of Food Stands or Pushcarts below, wares or merchandise.

c. "Door-to-door Solicitor" means any person, business, or organization that sells, offers for sale, takes or solicits orders for, gives away, delivers or promises to deliver in the future goods or services of kind at any residential property in the City. This definition does not apply to instances where the owner or occupant of residential property expressly invites a Door-to-door Solicitor to enter the residential property.

d. "Food Stands" or "Pushcarts" means non-permanent and movable stands or carts that may be moved that provide pre-packaged or home-grown food items, or food items requiring only limited preparation.

e. "Prohibition Sign" means all signs or notices in the English language of legible size, designed and apparently intended to serve notice or convey the meaning that any person

coming upon the property where the same is posted as an unsolicited sales or Itinerant Vendor is unwelcome and is not to call upon the occupant or tenant of the property.

f. "Residential property" means any building or structure, or part thereof, located within the City that is predominantly occupied by any person(s) as a dwelling, home, or place of abode.

g. "Sale," "Sales," "Sell" as used in this section means a transaction between two or more adult parties that involves the exchange of tangible or intangible goods, services, or other assets for money.

3. Itinerant Vendor License, Application

a. Itinerant Vendor Licenses are issued by the City Clerk.

b. To be considered for an Itinerant Vendor's license, persons, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.

i. Applications Must Include the Following Information:

1. Applicant's name, home address, telephone number, email, date of birth, and aliases.
2. All affiliated business or organization name(s), physical and mailing addresses, phone numbers, and contact emails.
3. Whether the Applicant, or their affiliated business or organization has ever had a similar type of license revoked, suspended, or denied, and, if so, a summary of the reasons regarding such revocation, suspension, or denial.
4. Proposed date(s) of sales, proposed hours of operation, the address or location and zoning classification of the proposed site for the sales.
5. A description of the items to be sold.
6. If the location of the sales is on a private parking lot, then submission of written permission of the owner of the lot must be provided to the City Clerk, and available upon request at any time the license is in use.

ii. Authorization and Consent

1. Applicants must affirm that their affiliated business or organization is authorized by the Wyoming Secretary of State to do business in Wyoming, as well as if the applicant has acquired a Wyoming state sales tax license.
2. Applicants must swear that the information contained in the application is true and correct.
3. For purposes of verifying the information contained in the application is truthful, Applicants must authorize the City to seek information and conduct investigations of the Applicant.

iii. Applications for "Umbrella" Licenses for Farmer's Markets Permitted

1. A non-profit farmer's market organization may apply for an umbrella Itinerant Vendor license under which multiple vendors may operate.
2. In addition to the information required by G.C.C. 10-2(3)(b)(i) and (ii), an applicant for an umbrella license must provide:

a. The name, address, telephone number, and email address of each proposed vendor to be covered under the umbrella license; and,

b. A description of the items each such vendor will sell.

3. The above information must be provided to the City Clerk either at the time of submitting an application, or within one (1) week after the date in which a proposed vendor participates in an event covered by the umbrella license.

iv. Timeline for Approval and Utilization

1. Upon submission of the application, the license will be denied or approved and available for retrieval from the City Clerk's office within three (3) business days.

v. Fees:

1. The fee for an Itinerant Vendor License or umbrella license is fifty dollars ($50).

c. Upon receipt of an application and payment of the required license fee, the City Clerk will forward the application to the Chief of Police, or his designee, for an applicant background review and recommendation. The Chief of Police or his designee has the authority to recommend approval or denial of any application for the Itinerant Vendor License, or any proposed vendor under an umbrella license, for the general health, safety, and welfare of the community. The City Clerk may require additional inspections and approvals by other City agencies.

d. Every person licensed as an Itinerant Vendor must possess and display the license issued by the City in a conspicuous place within public view while conducting sales.

4. Residential Door-to-door Solicitor's License Required

a. Door-to-Door Solicitor's Licenses are issued by the City Clerk.

b. To be considered for a Door-to-door Solicitor's License, persons, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.

i. Applications Must Include the Following Information:

1. Applicant's name, home address, telephone number, email, date of birth, any known or used aliases, and confirmation of being at least eighteen (18) years of age or older.

2. If applicable, all affiliated business or organization name(s), physical and mailing addresses, phone numbers, contact emails, and the name and contact information of the individual who will be responsible on behalf of the licensee for supervising any individual receiving a license identification badge to conduct activities.

3. Identification of each individual, including a social security number, proposed to receive a license identification badge to conduct activities as a door-to-door solicitor, with the same requirements identified in b.i.1. above.

4. Two (2) current front-face portrait photographs of each individual identified above. The photographs must be approximately two inches (2") by two inches (2") in size. One photo will be retained by the City Clerk, and one will be affied to the license identification badge.

5. Whether the applicant or affiliated business or organization, has ever had a similar type of business license, in Wyoming or elsewhere, revoked, suspended, or denied, and any reason for such action.

6. Proposed date(s) of door-to-door sales, proposed hours of operation, and copies of any advertising materials used.
7. A description of any items, goods, merchandise, or services that will be offered for sale or involved in the taking of sale orders by the door-to-door solicitors.

ii. Authorization and Consent
1. Applicants must affirm that their affiliated business or organization is authorized by the Wyoming Secretary of State to do business in Wyoming, as well as if the applicant has acquired a Wyoming state sales tax license.
2. Applicants must swear that the information contained in the application is true and correct.
3. For purposes of verifying the information contained in the application is truthful, Applicants must authorize the City to seek information and conduct investigations of the Applicant(s).

iii. Timeline for approval and utilization
1. Upon submission of the application, and if approved, the application and any badges that will be issued will be available for retrieval from the City Clerk's office after three (3) business days.

iv. Authorized hours of Solicitation
1. Door-to-door Solicitors License may only be utilized from the hours of 10 a.m. to 7 p.m. Mountain Standard Time (MST).

v. Fees
1. The fee for a Door-to-door Solicitors License is fifty dollars ($50).
2. Each individual person applying for a badge to work or otherwise participate under the license must pay a fee of ten dollars ($10) for the background check and for the creation of an identifying badge.

c. Upon receipt of an application and payment of the required license fee, the City Clerk will forward the application to the Chief of Police, or his designee, for an applicant background review and recommendation. The Chief of Police or his designee has the authority to recommend approval or denial of any application for the Residential Door-to-door Salesmen and Solicitors License for the general health, safety, and welfare of the community. The City Clerk may require additional inspections and approvals by other City agencies.

d. Every person licensed under the Door-to-door Solicitors License must possess and display their City-issued badge in a conspicuous place within public view while conducting Door-to-door sales.

5. Prohibited Practices for Itinerant Vendors and Door-to-Door Solicitors

a. No Door-to-Door Solicitor may contact any individual at a residence with a Prohibition Sign.

b. No Door-to-Door Solicitor may contact, engage with, or conduct activities at locations or residences after having been requested by the owner or occupant of such location to leave the premises or resident.

c. No Door-to-Door Solicitor shall fail to verbally identify themselves and the business or organization they represent, and the purpose of the solicitation, at the time of initial contact with a prospective customer or donor.

d. No person, business, or organization licensed under this section may misrepresent the purpose of the solicitation or sale or use false, deceptive, misleading, or untrue information in any communication with any individual. This may include but is not limited to information such as orders placed by other residents or neighbors to induce a sale, or any plan or scheme which misrepresents the true purpose of the Sale.
e. No person, business, or organization licensed under this section may make statements to any person indicating or implying that the issuance of the license by the City Clerk constitutes an endorsement by the City.
f. No Itinerant Vendor or Door-to-Door Solicitor may conduct business or activity allowed by this Chapter for more than ten (10) total days per calendar year; however, vendors utilizing Food Stands or Push Cart, or vendors of fresh produce, fruit, farmer's markets products, or Christmas trees may apply to the City Administrator or his designee for one ninety (90) day exemption from this provision.

6. Exemptions

a. Individuals participating in the following activities must refrain from engaging in the Prohibited Practices stated above, but are exempt from the licensing requirements stated in this Section:
    i. Any person(s) hosting, participating in, or deriving proceeds from non-profit activities, including religious, educational, and charitable activities.
    ii. Any fund-raising sales by a recognized school or educational organization, where profits solely benefit student members, or a school/organization sponsored event. This exemption includes individuals participating in and deriving proceeds from such activities.
    iii. Distribution of free literature or information which is not affiliated with any form of attempting to offer to sell, or take orders for any goods, merchandise, or service.
    iv. The sale of any of any home-made goods by a child age seventeen (17) or under in one stationary, temporary location.

§10-3. Pawnbrokers

1. Purpose and Authority

a. The purpose of this Section is to establish regulations and procedures for licensing and regulating Pawnbroker related activities within the City.
b. The provisions of this Section are legislated under the authority granted by W.S. 15-1-103(a)(xiii), W.S. 5-1-105(a)(xliii), and W.S. 40-14-359(b).

2. Definitions

a. "Month" means the period of time from one date in a calendar month to the corresponding date in the following calendar month; if computations are made for a fraction of a month, a day will be one-thirtieth of one month.
b. "Pawnbroker" means a person engaged in the business of making Pawn Transactions.
c. "Pawn Shop" means the location or premises in which a Pawnbroker conducts business.
d. "Pawn Transaction" means the act of lending money on the security of pledged goods or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed period of time.

e. "Pledged Goods" means tangible personal property which is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his or her business in connection with a pawn transaction. This does not include securities or printed evidence of indebtedness.
f. "Redemption Period" means the period of time from a transaction date to maturity date of a Pawn Transaction.

3. Application for License

a. Pawnbroker Licenses are issued by the City Clerk.
b. To be considered for a Pawnbroker License, persons, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.
c. Applications must contain the following information and accompanying materials:
    i. Date of application or renewal request.
    ii. Business name, street address, mailing address, business phone number, and email.
    iii. Owners name, address, social security number, and home phone number.
    iv. Evidence that the applicant has obtained a license from the Administrator of the Wyoming Uniform Consumer Credit Code, authorizing them to engage in business making supervised loans. (*see* W.S. 40-14-341(a)). This includes the State license number, issue date, and local license number.
    v. A signature by the applicant under penalty of perjury pertaining to the information within the application.
d. To qualify for a license under this Section, a person or business must first obtain and submit proof of a license from the administrator of the Wyoming Uniform Consumer Credit Code, authorizing him to engage in the business of making supervised loans pursuant to W.S. 40-14-634.

4. Fee

a. The fee for a Pawnbroker License is one hundred dollars ($100).

5. Records and Notification

a. Pawnbrokers must keep an accurate and detailed record of all personal property, bonds, notes, and other securities received or purchased. These materials must be maintained at the Pawnbroker's Pawn Shop. These records must include the following information:
    i. Descriptive or identifying marks that may be found on the Pledged Goods or other items, including but not limited to description of the item, brand name, model, serial numbers, or other general identifying qualities.
    ii. Name, residential address, identification provided, date of birth, sex, height, weight, color of hair and eyes, and signature of the individual pawning or selling property.
    iii. Name of the Pawnbroker and address of the Pawn Shop.
    iv. Loan number, date, and dollar amount of the transaction.
b. Pawnbrokers must ensure that individuals attempting to sell or pawn property sign each record indicating ownership of any property involved with the loan.

c. All books and records shall be preserved or made available to law enforcement for a period of four (4) years from the date of the transaction, or two (2) years from final entry made in a transaction, whichever is later.
d. Any items that are purchased and not engaged in trade by a Pawn Shop or Pawnbroker shall be kept by the Pawnbroker for a period of fourteen (14) days before offering the items for sale, and keep record of these items in the same manner described in section three above.
e. Pawnbrokers must, upon request during ordinary business hours, submit and show records required by this Section for the inspection of the Chief of Police or their designee in conjunction with any investigation of Pawnbroker transactions. Any Pawnbroker must also exhibit for inspection of any such officers any goods, property, bonds, notes, or other securities that may have been received upon request of law enforcement.
f. Before noon of each working day, each Pawnbroker shall make and deliver to the Chief of Police a substantiated copy of the entries made on the previous day as herein provided and shall use forms for that purpose provided through Gillette Police Department (GPD), which shall be kept clean and legible and no entry marks erased, defaced, or removed for any reason.

6. Finance Charges, Loan Terms

a. Information concerning finance charges, terms of agreement, and all other relevant information concerning a Pawn Transaction shall be disclosed to any person desiring to enter into a Pawn Transaction with a Pawnbroker at the time of the transaction. All information disclosed shall conform to the requirements of Federal Reserve Regulation Z of the Truth in Lending Act, and applicable Wyoming Statutes. All property identification tickets shall have the maximum rate of interest to be charged printed on the face of the ticket. The printing shall be obvious, and clearly legible.
b. A Pawnbroker shall not engage in false or misleading advertising concerning the terms or conditions of credit with respect to a Pawn Transaction.
c. Except as otherwise provided in this section, the term of any Pawn Transaction made under this Section shall not exceed forty-five (45) days. At the expiration of the forty-five (45) day term, the Pawnbroker may, at the depositor's request, renew the loan for an additional thirty (30) day term.

7. Prohibited Practices and Requirements

a. Pawnbrokers may not knowingly accept or otherwise obtain any stolen or illegally obtained good is guilty of a misdemeanor.
b. Any Pawnbroker who has accepted, obtained, or bought any property or goods, either new or second hand from any person, not knowing the same to have been stolen or illegally obtained at the time, must deliver the same into the hands of the lawful owner when such owner shall have made a reasonably accurate and certain identification by means of number or description in the presence of an investigating officer.
c. Pawnbrokers may not pledge or dispose for sale or trade any item which is known or found to be stolen.

d. Pawnbrokers must refrain from transactions or conducting any business with any minor person under the age of eighteen (18).

§10-4. Sexually Oriented Businesses

1. Authority; Purpose

a. The provisions of this Section are legislated by virtue of the authority granted under W.S. 15-1-103(a)(xvi), and other relevant laws and regulations.

b. The purpose of this chapter is to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent concentration of sexually oriented businesses within the City.

2. Definitions

a. "Adult Cabaret" means a building or portion of a building featuring dancing or other live entertainment if the dancing or entertainment emphasizes the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons.

b. "Adult Media" means magazines, books, videotapes, movies, slides, CD-ROMs, DVDs, images, or technology or other media used or depicting displaying, or describing hard-core Sexual Material.

c. "Adult Media Store" means an establishment that rents, sells, or otherwise as a significant aspect of its operation distributes adult media, including, but not limited to, establishments that advertise or hold themselves out in any forum as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than an Adult Motion Picture Theater, or Adult Cabaret.

d. "Adult Motion Picture Theater" means an establishment emphasizing as a significant aspect of its operations Hard-core Sexual Materials in its movies or other media.

e. "Display Publicly" means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be easily seen and its content or character distinguished by normal unaided vision viewing it form a street, highway, or public sidewalk, or from the property of others.

f. "Establishment" means any business regulated by this Section.

g. "Explicit Sexual material" means any Hard-core Sexual Material.

h. "Hard-core Sexual Material" means media characterized by sexual activity that includes one or more of the following: erect male sexual organ; contact of the mouth, tongue, or lips of one person with the genitals of another person; penetration of any body part of a person into any body orifice of another person; display of open female labia; penetration of a foreign object into a body orifice of a person, displace of male ejaculation or the aftermath of male ejaculation.

i. "Nude Model Studio" means any place where a person who appears nude, mostly nude, or displays any human sexual organ and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money offer other forms of consideration.

    i. This shall not include:

        1. a proprietary school licensed by the State of Wyoming, or any college, junior college, or university supported entirely or in party by public taxation;

2. a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or mostly nude person is available for viewing.

j. "Media" means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape, DVD, images of any kind, or any reproduction of anything that is or may be used as a means of communication. Media includes but is not limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, DVDs, other magnetic media, and undeveloped pictures.

k. "Semi-Nude or Semi-Nude Condition" means a state of dress where clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

l. "Sexually Oriented Toys or Novelties" includes but is not limited to items such as artificial sexual organs, vibrators, lubrication, etc.

m. "Novelty Shop" means an establishment that offers for sale items from both of the following categories and such items constitute at least thirty (30%) of local revenues for the establishment:
   i. Lingerie; and,
   ii. Sexually oriented toys or novelties.

n. "Sexually Oriented Business" means and describes collectively, but is not limited to Adult Cabaret, Adult Motion Picture Theater, Adult Media Store, Novelty Shop, or any combination thereof.

3. Application for License; Fees; Prohibition on Re-applying

a. Sexually Oriented Business licenses are issued by the Gillette City Council.

b. To be considered for a Sexually Oriented Business license, persons at least eighteen (18) years' old, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.

c. <u>Applications must contain the following information:</u>
   i. Name, address, telephone number, date of birth, and email contact for the individual filling out the application.
   ii. Name, physical address, telephone number, and email contact of the business or proposed business effected by the application, as well as the classification of business, whether a partnership, corporation, L.L.C., etc.
   iii. A sketch or diagram showing the configuration of the business premises, including a statement of total floor space occupied by the business.
   iv. A specific description of the location of the business.
   v. An explanation of the general nature of the business and intended hours of operation.
   vi. A signature of each applicant that the license would include, with any individual that has a financial interest in the business or plans for the business, swearing to the truthfulness of the contents of the application under penalty of perjury.

d. A copy of the application will be provided to the Gillette Police Department for investigation of the application. Application information may also be referred to other

agencies and departments for approval of the proposed business at the proposed premises.

e. Fees
    i. The fee for a Sexually Oriented Business license is two hundred and fifty dollars ($250).
f. If an application is denied, suspended, or revoked, an applicant must wait one (1) year from the date of the denial before re-applying for a Sexually Oriented Business license.

4. Licensing Exemption for Certain Novelty Shops; Permitted Locations

a. As long as they are not combined with any other type of Sexually Oriented Business, Novelty Shops consisting of 2,000 square feet or less are exempt from the application procedures and licensing requirements above ("Exempted Novelty Shops").
b. Notwithstanding G.C.C. 10-4(5)(c), Exempted Novelty Shops may operate in the C-1, C-2, and C-3 zoning districts, as defined in the G.C.C. Chapter 20 Zoning Ordinance.
c. All Exempted Novelty Shops must comply with G.C.C. 10-4(5)(a)(i-v) and (b)
d. All Exempted Novelty Shops must comply with G.C.C. 10-4(6).
e. Failure to comply with this G.C.C. 10-4(4) may result in the Gillette City Council requiring an Exempted Novelty Shop to apply for a Sexually Oriented Business license.

5. Location Requirements and Restrictions of Sexually Oriented Businesses

a. No Sexually Oriented Business may be within five hundred (500) feet of the following:
    i. Religious institutions.
    ii. Preschool and K-12 educational institutions.
    iii. Parks, playgrounds, and recreational facilities.
    iv. Libraries.
    v. Childcare centers, family childcare centers, and family childcare homes, or youth organizations like the Boys and Girls Club.
    vi. Any location being used as a residence.
    vii. Another Sexually Oriented Business.
b. The measurement of the five-hundred-foot set back shall be made in a straight line:
    i. For other Sexually Oriented Businesses to the nearest portion of the structure used for the business.
    ii. For all other restricted businesses without regard to intervening structures or objects, from the nearest portion of the structure used for a sexually oriented business, to the nearest portion of the lot line for such protected use.
c. Zoning
    i. All Sexually Oriented Businesses must operate within the I-2 Heavy Industrial District, as defined in the G.C.C. Chapter 20 Zoning Ordinance.

6. Prohibited Practices

a. No person operating or employed by a Sexually Oriented Business may permit a person under the age of eighteen (18) to enter or remain in the Sexually Oriented Business, unless the minor is accompanied by a parent or guardian.
b. No person operating or employed by a Sexually Oriented Business may allow a person under the age of eighteen (18) to purchase goods or services from the Sexually Oriented Business without the specific consent of such minor's parent or guardian.
c. No person operating or employed by a Sexually Oriented Business may permit a person under the age of eighteen (18) to work at the Sexually Oriented Business.

d. No person operating or employed by a Sexually Oriented Business may permit the Sexually Oriented Business to remain open for business at any time between 2:00 a.m. and 6:00 a.m. on any day.
e. No person operating or employed by a Sexually Oriented Business may permit the viewing or showing of digital Adult Media, including, but not limited to, film or video, on the Sexually Oriented Business premises.
f. With respect to Sexually Oriented Businesses functioning as an Adult Cabaret, no person, other than an employee, may appear, entertain, or perform in a semi-nude condition.
g. With respect to Sexually Oriented Businesses functioning as an Adult Cabaret, employees appearing, entertaining, or performing in a semi-nude condition may not have any direct physical contact with any patron or customer

7. Inspections

a. An applicant or licensee must permit representatives of the Gillette Police Department, fire department, health department, building inspection, or any other agency and department as requested to enter and inspect the premises to ensure compliance with the law before being licensed, and at any time after it is occupied and opened for business.

§10-5. Mobile Food Vendors

1. Authority; Purpose; Incorporation of Food Safety Rule

a. The provisions of this Section are legislated under the authority granted by W.S. 15-1-103(a)(v).
b. The purpose of this Section is to protect the public health, safety, and welfare of the community by licensing and regulating the operations and activities of mobile food vendors within the City.
c. Food Safety Rule
    i. The Wyoming Food Safety Rule, as amended, issued by the Wyoming Department of Agriculture together with the Department of Health and the Governor's Food Safety Council is adopted and incorporated as part of this Section.
d. Any person or entity licensed under this Section for any covered food or food service does not need a separate Itinerant Vendors license under Section 10-2.

2. Definitions

a. "Food" means any water, beverage, edible or consumable substance in raw, cooked, frozen, or pre-packaged forms.
b. "Health Officer" means Health Officer from the City of Gillette, Campbell County, or State of Wyoming.
c. "Mobile Food Truck" means a motorized, wheeled vehicle or towable wheeled trailer designed and equipped to prepare and serve food.
d. "Mobile Food Unit" means a vehicular food unit utilized solely to provide pre-packaged food in individual serving sizes which have been transported from an inspected approved permanent food service establishment or food preparation facility which serves as the base of operation for the mobile food unit.

e. "Mobile Food Vendors" means any person or entity utilizing Mobile Food Trucks or Mobile Food Units to either sell or provide free of charge Food to the general public.

3. Application for License; Fees; Display

a. Mobile Food Vendor Licenses are issued by the City Clerk. Each Mobile Food Truck and Mobile Food Unit requires a separate Mobile Food Vendor License.

b. To be considered for a Mobile Food Vendor license, persons, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.

c. Applications must contain the following information and accompanying materials:

i. Name, address, email, and telephone number of the applicant.

ii. Name of any business and the business' affiliated address and contact information.

iii. Proof of application for food service permit filed with the County Health Officer or the State Department of Agriculture, as required.

iv. Proof of application for a sales tax permit through the State of Wyoming.

v. Written or typed description of the type of food items, whether pre-packaged or requiring some preparation, or for full preparation proposed to be sold from the Mobile Food Vendor.

vi. Affirmation that owners of private property consent in writing to the applicant using such property for Mobile Food Vendor activity.

d. Fee

i. The fee for each Mobile Food Vendor license is seventy-five dollars ($75).

e. Display Requirement

i. Licenses issued must be posted and displayed in a conspicuous place at the licensed or permitted premises, vehicle, cart, stand, or otherwise as applicable after being issued.

4. Inspection; Responsibilities

a. Prior to offering to provide any Food, Mobile Food Vendors proposed to be used for food preparation must be available for inspection and approval by a Health Officer and/or any city representative as required by the City Clerk, including but not limited to a representative from the Fire Department or Police Department. The preparation and sale of food products, including all equipment and items to be utilized in the preparation process, must meet state and local sanitation, health, and safety requirements.

b. At all times during operation, Mobile Food Vendors shall clean the sidewalk, street, or premises adjacent to and within twenty-five (25) feet radius of any point of sale or distribution. Such cleaning shall consist of picking up and disposing of any paper, cardboard, wood, plastic, containers, wrappers, or any litter reasonably assumed to result from the vendor's operations. Any trash, refuse, or liquid waste must be disposed of in a proper manner normally expected by a permanent brick and mortar restaurant.

c. All Mobile Food Vendors shall provide a suitable container for the placement of litter and trash by its customers.

d. All Mobile Food Vendors must comply with Chapter 9 of the G.C.C.

5. Location Restrictions and Requirements

a. General Restrictions and Requirements. No Mobile Food Vendor may:

i. Operate within One hundred (100) feet of the primary entrance of a restaurant, measured from the center of the primary entrance of the restaurant by the most direct pedestrian path, without written consent of the affected restaurant owner(s).
ii. Operate within Fifteen (15) feet of a fire hydrant.
iii. Operate within Ten (10) feet of any crosswalk, whether at an intersection of public rights-of-way or at mid-block crossing.
iv. Operate within Ten (10) feet of any curb loading signed area.
v. Operate within Ten (10) feet of any public transportation stop.
vi. Operate within Five (5) feet of any handicapped parking place or access ramp.
vii. Operate within any public alleyway.
viii. Operate within any area or lot zoned as any residential classification under the City of Gillette Zoning Code, unless such operation is associated with a Parade or Special Event permit.
    1. Additionally, this zoning restriction does not apply to Mobile Food Vendors operating "ice cream trucks." For purposes of this sub-sub section, "ice cream truck" means any motor vehicle for which ice cream, ice milk, frozen dairy products, ice sherbets, frozen deserts flavored ice, or other similar products are sold.
ix. Park and operate diagonally or across multiple parking spaces, unless such operation is associated with a Parade or Special Event permit.
x. Sell or distribute Food directly to any person situated in a motor vehicle.

b. Public Property Restrictions and Requirements. In addition to the General Restrictions and Requirements, Mobile Food Vendors may not:
    i. Operate with a street, road, or public right of way unless such operation in a street, road, or public right way is associated with a Parade or Special Event permit that results in the closure of the street, road, or public right of way.
    ii. Leave any Food Stand, Mobile Food Unit, or Mobile Food Unit unattended in the street, road, or public right-of-way during permitted operations.
    iii. Park or operate in any street, road, or public right-of-way for the purposes of doing business in such a manner as to impede or interfere with the free movement of vehicular, bicycle, or pedestrian traffic, or visually obstruct the safe movement of vehicular, bicycle, or pedestrian traffic.
    iv. Operate anywhere within the Energy Capital Sports Complex, unless the City Administrator so permits in writing.
    v. Operate anywhere within a City park or other City owned property, whether dedicated to the public or not, unless the City Administrator so permits in writing.

c. Private Property Restrictions and Requirements. In addition to the General Restrictions and Requirements, Mobile Food Vendors must:
    i. Not operate on any privately owned property without the prior written consent of the property owner.
    ii. Display or provide proof upon request of the City of the written consent of the property owner.

6. **Exemptions**
    a. Individuals participating in the following activities must refrain from engaging in the Prohibited Practices stated above, but are exempt from the licensing requirements stated in this Section:
        i. Any person(s) hosting, participating in, or deriving proceeds from non-profit activities, including religious, educational, and charitable activities.
        ii. Any fund-raising sales by a recognized school or educational organization, where profits solely benefit student members, or a school/organization sponsored event. This exemption includes individuals participating in and deriving proceeds from such activities.
        iii. Minors aged seventeen (17) years and younger operating a beverage stand selling lemonade, iced tea, or similar beverages on property owned, leased, or rented by their parent or legal guardians are exempt from the provisions of this Section.

ARTICLE III. PERMITS

§10-6. Circuses, Carnivals, and Amusement Rides

1. **Purpose, Authority, General Provisions**
    a. The purpose of this Section is to establish regulations and procedures for permitting and regulating Circuses, Carnivals, and Amusement Rides.
    b. The provisions of this Section are legislated under the authority granted by W.S. 15-1-103, and W.S. 33-6-101 through 104.
2. **Definitions**
    a. "Amusement Ride" means any device that carries or conveys passengers over a fixed or restricted route or course within a defined area, for the purpose of giving its passengers amusement, thrills, or excitement. This definition does NOT include:
        i. Coin operated rides that do not require the supervision of an operator.
        ii. Non-mechanized playground equipment.
        iii. Air inflatable rides or devices, live animal rides, physical fitness/training devices, or obstacle/challenge courses.
    b. "Applicant" means the individual(s) applying for a permit under this Section, whether as an individual or on behalf of a company or organization.
    c. "Carnival" means any traveling enterprise offering a variety of games, rides, exhibits and amusements to the public.
    d. "Circus" means an arena, which may or may not be tent-covered, used for providing public entertainment generally including but not limited to feats of skill and daring, animal acts, and or performances by clowns.
3. **Application for Permit, Inspections**
    a. Permits to conduct a Carnival, Circus, or Amusements Rides are issued by the Gillette City Council.

b. To be considered for a permit to conduct a Carnival, Circus, or provide access to an Amusement Ride, persons, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.
c. Applications must contain the following information and accompanying materials:
    i. The name, address, telephone number, and email of the owner of the Circus, Carnival, Amusement Ride(s), or other similar shows desiring to be exhibited.
    ii. The number and character of the exhibitions or rides for which admission shall be charged.
    iii. The proposed date(s) for the relevant event.
    iv. The location of the proposed Carnival, Circus, or Amusement Ride must be given by reference to the lot and block description of the property in sufficient detail to permit review by City agencies concerned with the enforcement of all relevant City ordinances concerning the flow of traffic, parking, code, and land use.
    v. Detailed prices to be charged, including if different prices will be charged for adults and children.
    vi. A copy of the lease or other agreement between the landowner and the permittee that demonstrates permission for the event.
    vii. The date, name, address, and contact information for the most recent three (3) agencies with approved a permit for a show or other performance of the same Carnival, Circus, or Amusement Rides that occurred before the application with the City.
    viii. Proof of liability insurance in an amount not less than one million dollars ($1,000,000), or other amount as required by the City.
    ix. Applicant or permittee must agree to indemnify, hold harmless, and defend the City, its members of the governing body, directors, officers, agents, representatives, and employees from and against any and all claims, demands, penalties, liens, losses, fines, liabilities, damages, interest, costs, or expenses (including without limitation reasonable attorneys' fees and court costs), whether or not involving a third party claim, arising out of Applicant or Licensee or in connection with: (a) the acts, errors, omissions, conduct, or operations of or any of its officers, sub-contractors, agents, or employees; or (b) any breach of any of the representations, warranties, covenants, obligations or duties contained in the Application or license/permit; or (c) any violation of any federal, state, or local laws, rules, or regulations. The indemnification obligations herein shall not be limited by reason of the enumeration of any insurance coverage and shall survive the termination of any permit or license.

d. Inspections

    i. The Chief of Police, or their designee, along with any other federal, state, or local government agency is authorized to inspect any carnival game or amusement ride to determine acceptability and safety.

e. Fees

i. The fee for a Carnival, Circus, or Amusement Ride permit is one hundred dollars ($100) per day for each day of the relevant activity.

4. Responsibility of Safety and Compliance

a. All Carnivals, Circus', and Amusement Rides shall be operated and maintained in such a manner as to ensure the safety of patrons and visitors.

b. In addition to the provisions of this Section, every permittee shall comply with any regulation applicable to Carnivals, Circus', and Amusement Rides, for example, by the National Association of Amusement Ride Safety Officials.

c. Every owner and permittee of each Carnival, Circus, or Amusement Ride must provide the City with a certificate of inspection or similar affirmation of safety and compliance.

5. Prohibited Practices

a. No Permittee may charge for admission in a sum in excess of the amount specified in the application for license filed with the City Clerk.

§10-7. Special Events, Parades, and Public Rights of Way and City Property Closures

1. **Authority; Purpose**

a. The provisions of this Section are legislated under the authority granted by W.S. 15-1-103(xvii).

b. Permits under this section are issued for events that may impede a street or public right of way or are held on outdoor City property.

2. **Definitions**

a. "Parade" means any march, ceremony, show, exhibition, or procession of any kind, or any similar display, in or upon any street, public right of way, park, or other public property within the City that hosts either:

i. Fifty (50) or more people; or

ii. Ten (10) or more vehicles

b. "Special Event" means any festival, gathering, event, fair, or meeting organized for purposes of a limited duration that include, but are not limited to, sport, exhibition, trade, commerce, competition, entertainment, or music that are to be held on any street, road, public right of way, or City property.

3. **Exceptions**

a. This section does not regulate the following activity:

i. So long as they do not occur on a public street or road, pedestrian marches or gatherings to exercise the Constitutional rights of free speech or religion (such as protest activity and the right to redress government) do not need to obtain a permit under this Section. The organizers of such marches or gatherings must provide notice to the Gillette Police Department of the dates and locations of the marches or gatherings. Such marches or gatherings must not:

1. Impede pedestrian traffic along public sidewalks;
2. Impede ingress and egress from any building, structure, or parking lot; or,
3. Disrupt traffic along any public street or road.

ii. Funeral processions; or,
iii. City, County, State, or Federal governmental agencies acting within the scope of their functions and duties.

4. **Application for Permit; Fees; Insurance and Indemnity; Approval or Disapproval**
   a. Permits for Special Events, Parades, or Public Rights of Way and City Property closures are issued by the Gillette City Council.
   b. To be considered for a Special Event, Parade, Public Rights of Way and City Property Closure permit, persons, businesses, or organizations must submit a written application on forms provided by the City Clerk along with the relevant fee.
   c. Applications must contain the following information:
      i. The name, address, email, and telephone number of the person seeking the permit.
      ii. If the Parade or Special Event is to be conducted for, on behalf of, or by any organization then the name, address, email, and telephone number of the organization.
      iii. The date and approximate time, both beginning and end, proposed for the Special Event or Parade.
      iv. The proposed public property, City property to be used, or street, road, or public right of way to be used, including the starting and termination point, that the applicant is requesting to be closed to traffic.
      v. The approximate number of persons, animals, and/or vehicles in the Special Event or Parade.
      vi. The location and time that participants will gather before and after the Special Event or Parade.
   d. The Chief of Police may follow up to request any additional information reasonably necessary to determine whether a permit should be issued.
   e. All Special Event and Parade permit applications must be submitted at least thirty (30) days prior to the requested date for the event to occur.
   f. Fees; Insurance; Indemnity
      i. A fee of $25 must be submitted at the time of Special Event or Parade permit application. This fee will be returned if the permit application is denied.
      ii. Proof of general liability insurance in an amount to be determined by the City Administrator or his designee, relative to the Special Event or Parade's risk exposure.
         1. Applicants or permittees must agree to indemnify, hold harmless, and defend the City, its members of the governing body, directors, officers, agents, representatives, and employees from and against any and all claims, demands, penalties, liens, losses, fines, liabilities, damages, interest, costs, or expenses (including without limitation reasonable attorneys' fees and court costs), whether or not involving a third party claim, arising out of or in connection with: (a) the acts, errors, omissions, conduct, or operations of applicant or permittee or any of its officers, sub-contractors, agents, or employees; or (b) any breach of any of the representations, warranties, covenants, obligations or duties contained in the application or permit; or (c) any violation of any federal, state, or local laws, rules, or regulations. The indemnification

obligations herein shall not be limited by reason of the enumeration of any insurance coverage and shall survive the termination of any permit or license.

iii. Holders of permits issued under this Section will be required to pay certain fees for items such as electricity and waste pickup. These fees are listed on the relevant application.

5. **Violations; Penalties**
   a. The following violations shall be considered a misdemeanor under this Section:
      i. Failure to obtain a permit for activities regulated by this Section.
      ii. Making an untrue statement on any application under this Section that is subsequently submitted to the City Clerk.
   b. Any holder of a valid license under this Section who violates the provisions of this Section is subject to suspension or revocation proceedings against the operating license.