

CHAPTER 732
Transient Businesses and Vendors

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732.01 DEFINITIONS.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

TEMPORARY or *TRANSIENT BUSINESS* shall mean and refer to any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, or other temporary structure on the public way.

TRANSIENT VENDOR shall mean and refer to any person, either principal or agent, who engages in a temporary or transient business in the City of Loveland selling goods, wares or merchandise.

VENDOR shall collectively mean and refer to temporary or transient businesses and transient vendors.

731.02 VENDOR PERMIT REQUIRED.

(a) Temporary or transient businesses or transient vendors intending to engage in the sale of goods, wares or merchandise within the City of Loveland on public streets, public properties, sidewalks, parking lots or other places frequented by the public, or as part of special events as defined in the City of Loveland's Special Events Policy, shall apply to the Loveland ~~Police Building~~ Police Building and Zoning Department for a vendor permit for such activity in compliance with the provisions of this section.

- (1) Applicants for permits under this section must file with the Loveland ~~Police Building and Zoning~~ Police Building and Zoning Department a sworn application in writing, on a form to be furnished by the ~~Police Building and Zoning~~ Police Building and Zoning Department which shall give the following information:
 - A. Name and description of the applicant;
 - B. Permanent home address and full local address of the applicant;
 - C. A brief description of the nature of the business and the goods,

- wares or merchandise to be sold;
 - D. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
 - E. The length of time for which the right to do business/sell goods, wares or merchandise is desired;
 - F. The area and location and time of the dwellings or areas in the City to be visited;
 - G. A statement as to whether or not the applicant has been convicted of Any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.
- (2) On receiving such request with such information, the City of Loveland ~~Police~~Building and Zoning Department shall review such information and conduct such further investigation as it may consider necessary in order to establish whether or not the purpose of the proposed transient business or vending, the manner in which it is to be conducted, the times at which it is to be conducted, and the persons conducting such transient business or vending are of such kind and character as to present a reasonable probability of detriment to the health, safety and welfare of the citizens of the City of Loveland. If the City of Loveland ~~Police~~Building and Zoning Department determines that there is no such probability of detriment to the health, safety and welfare of the community, it shall issue a permit for the transient business or vending to the applicant on payment of the permit fee set by City Council. Such permit shall contain the signature of the issuing officer and shall show the name and address of the permit holder, the kinds of goods, wares or merchandise to be sold thereunder, the amount of fee paid, the date of issuance, the length of the time the permit shall be operative, and the permit number. All permits shall be nontransferable.
- (3) Permits issued under this section shall be valid for a designated number of visits or time period based on the vendor permit fee paid. When the period of validity of a permit issued hereunder has expired, the permit may be renewed for additional visits by updating the application and paying the permit fee.
- (4) The amount of the fee for the permit herein provided shall be set by City Council.
- (5) The provisions of this Chapter shall not apply to:
- (i) Students enrolled in any school who are selling items for the benefit of their school or for any school-related activity or purpose;
 - (ii) ~~City of Loveland organizations or City of Loveland events and~~

~~other local community service organizations~~Religious or political organizations; and

~~(ii)~~(iii) City of Loveland events.

(b) Whoever engages in any of the practices for which a permit or permit is herein required, without obtaining such permit, shall be guilty of a minor misdemeanor. Each day during which such person engages in such practice without such permit shall be considered a separate offense.

732.03 PERMIT REQUIREMENTS SHALL BE WAIVED FOR CITY EVENTS.

The City Manager may waive any of the requirements for transient business or vendors as set forth in Section 732.02(a)(5)(iii) for City events.

732.04 BUSINESS OR VENDOR RESTRICTIONS.

(a) Vendor stands shall not impede access to the entrance of any adjacent building or driveway.

(b) Vendors shall be allowed to engage in business only between 8:00 a.m. and 9:00 p.m. unless specified on the permit issued by the City.

(c) No vendor shall conduct business within twenty-five (25) feet of any handicapped parking space or access ramp.

(d) All trash or debris accumulating within twelve (12) feet of any vending stand and resulting from the activity thereof shall be collected and removed by the vendor.

732.05 PERMIT DISPLAY.

(a) Transient vendor permits issued under this section shall be displayed at the site of the transient business during business hours of operation.

(b) Permits shall be used by the individual to whom they were granted and are not transferable to any other person or business.

(c) Failure to display a permit granted under this section shall result in the same penalty as if the business or vendor has no permit.

732.06 REVOCATION OF PERMIT.

(a) No commercial solicitor or noncommercial solicitor shall directly or indirectly make or perpetrate any misstatement, deception or fraud in connection with any solicitation or peddling for any purpose in the City of Loveland or in any application or report filed under this Chapter.

(eb) The City of Loveland ~~Chief of Police~~Building and Zoning Department may revoke at any time any permit issued under the provisions of this Chapter for violation of any provision of this Chapter or at any time for good cause due to complaints of intimidating, discourteous, harassing, offensive, profane, obscene, disruptive, threatening or abusive conduct or claims of damage by residents regarding a temporary or transient business or a transient vendor.

732.07 INSURANCE.

No permit shall be issued under this section unless the applicant furnishes proof to the City of an insurance policy in an amount not less than one million dollars (\$1,000,000.00) for property damage and injuries, including injuries resulting in death, caused by the operation of the transient vendor business which bond or policy shall name the City as additional insured.

732.08 APPEALS.

Any temporary or transient business or a transient vendor who has applied for a permit in accordance with this Chapter and to whom the City of Loveland ~~Police~~Building and Zoning Department has, after an investigation, denied a permit or registration certificate or has had a permit revoked may appeal to the City Manager. Notice of such appeal shall be filed with the City Manager within five (5) days after the denial or revocation by the City of Loveland ~~Police~~Building and Zoning Department. Such appeal shall be heard by the City Manager within ten (10) days of the filing of such appeal. The City Manager's decision shall be final.

732.09 PENALTY.

Whoever violates any of the provisions of this Chapter for which another penalty is not already provided is guilty of a minor misdemeanor.