

**BOARD OF COUNTY COMMISSIONERS OF
HINSDALE COUNTY, COLORADO**

**ORDINANCE NO. 2
Series 2023**

**AMENDED ORDINANCE PROVIDING FOR THE REGULATION OF TRANSIENT
VENDORS DOING BUSINESS IN HINSDALE COUNTY, COLORADO**

WHEREAS, § 30-15-401(k.5), C.R.S., provides counties with the authority to require registration of persons who engage in door-to-door selling of merchandise or goods and the delivery thereof within counties; and

WHEREAS, § 29-2-101, *et seq.*, C.R.S. allows for the imposition and collection of sales taxes by counties; and

WHEREAS, it is necessary to ensure appropriate sales taxes are collected from sales of items by transient vendors within unincorporated Hinsdale County, pursuant to law; and

WHEREAS, on August 3, 2005, the Board of County Commissioners of Hinsdale County, Colorado adopted Ordinance No. 1, Series 2005, entitled "An Ordinance Providing for the Regulation of Transient Vendors Doing Business in Hinsdale County" and amended that ordinance on March 18, 2015 (Ordinance 1, Series 2015) (collectively referred to herein as "2005 Ordinance"), both of which shall be amended and replaced by this Ordinance; and

WHEREAS, it is both necessary and desirable to regulate business activities, enterprises and occupations conducted within unincorporated Hinsdale County, in order to protect the health, welfare and safety of its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hinsdale County, Colorado that the 2005 Ordinance is hereby amended and replaced in its entirety by this Amended Ordinance Providing for the Regulation of Transient Vendors Doing Business in Hinsdale County, Colorado, as follows:

1. Rules and Regulations. The following requirements shall be met by vendors who sell or rent merchandise, goods or services on private or public property, or go from door-to-door selling and delivering merchandise or goods, for less than 180 days in any calendar year in unincorporated Hinsdale County ("transient vendor"):
 - a. Obtain and fill out the Transient Vendor License Application, attached hereto as Exhibit A and incorporated herein by reference. The Application may be obtained from the County Administration Office at 311 North Henson Street, Lake City, CO 81235.
 - b. Submit a non-refundable application fee of \$50, or such other fee as may be set from time to time by the Board of County Commissioners of Hinsdale County,

Colorado. Checks shall be made payable to Hinsdale County.

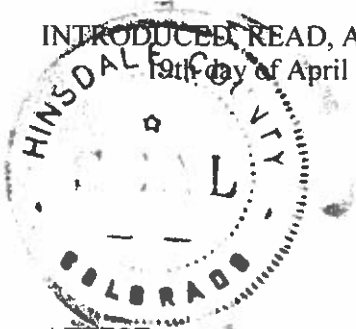
- c. Submit a copy of a valid State of Colorado Sales Tax License for the business with the application.
 - d. Submit a letter or other written evidence that a local business or property owner, or sponsor, has provided the transient vendor with written permission to operate on his, her or its property.
 - e. If the vending activity is a mobile food truck or includes any food product other than uncut fruits and vegetables, written approval from the Silver Thread Public Health District may be required.
 - f. If the vending activity is a mobile food truck or involves cooking food or any other activity in which fire may be an issue, written approval from the Lake City Fire Protection District may be required. As such, transient vendors may be subject to applicable rules of the Lake City Fire Protection District, along with any additional federal, state and local rules, regulations, ordinances, statutes, etc. that may apply.
 - g. All transient vendor operations must be setback at least 10 feet from any roadway, and subject to Section 1.g below.
 - h. No transient vendor shall operate within a right of way granted to the Colorado Department of Transportation ("CDOT") or on any county road or right of way associated therewith under the jurisdiction of Hinsdale County.
 - i. The transient vendor's Transient Merchant License and State Sales Tax License must be displayed in a conspicuous place at the place of sale. It must be produced upon request of any customer, the County Enforcement Officer or any other agent or representative of the County.
2. Door-to-Door. Transient vendors who operate door-to-door and/or out of their vehicle are not required to have a sponsor but must still meet the other requirements of this Ordinance.
 3. Application Review. The application shall be reviewed by the County and may be approved if all criteria are met.
 4. Term. Any license issued by Hinsdale County pursuant to this Ordinance is valid for a maximum period of 180 days in any calendar year.
 5. Exceptions. This Ordinance does not apply to the following:
 - a. Vendors with established year-round or seasonal brick-and-mortar businesses in Hinsdale County who also have a current State of Colorado sales tax license.

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- b. Transient vendors that already have a current State of Colorado sales tax license.
 - c. Vendors who are part of a permitted special event such as the Lake City Arts Annual Arts & Crafts Fair, Wine & Music Festival, or other similar locally sponsored events.
6. Violations. Violation of this ordinance will result in a \$50.00 fine, per incident, revocation of the transient vendor's transient vendor's local sales tax license, if any, and prohibition from obtaining a transient vendor license from Hinsdale County for one year, which includes a prohibition from selling products within unincorporated Hinsdale County for one year as a transient vendor.
7. Queries. Any questions should be directed to the County at 970-944-2225.

INTRODUCED, READ, AND ORDERED PUBLISHED IN FULL in the *Lake City Silver World* on the fourth day of April, 2023.



BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO

By: [Signature]
Greg Levine, Board Chair

ATTEST:

[Signature]

Joan Roberts, Clerk

By: Alisa Athey Deputy Clerk

ADOPTED ON SECOND READING AND ORDRED PUBLISHED IN FULL in the *Lake City Silver World* on the 3rd day of May, 2023.



BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO

By: [Signature]
Greg Levine, Board Chair

ATTEST:

[Signature]

Joan Roberts, Clerk

By: Alisa Athey Deputy Clerk

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EXHIBIT A

**HINSDALE COUNTY
TRANSIENT VENDOR LICENSE APPLICATION**

Dear Merchant,

A Transient Vendor License is required for any vendor, , with some exceptions (see ordinance) that does not have an established, year-round or seasonal business in Hinsdale County.

The Transient Vendor License Application must be submitted with all necessary documents and fee to Hinsdale County Administration Office, 311 N. Henson Street, Lake City, CO prior to conducting any business.If you have any further questions, call 970-944-2225.

Name: _____

Address: _____

City/State/Zip: _____

Telephone/email: _____

Name of Business: _____

Nature of Business and goods or services offered: : _____

Date(s) of sales: _____

Business to be conducted at (location): _____

Is this location a commercial establishment or private residence?

Names of additional employees other than applicant who will participate business:

Attach:

____ Valid State of Colorado Sales Tax License

____ Food Service License/Approval from Silver Thread Public Health (if applicable)

____ Written Permission from Lake City Fire Marshall (if applicable)

____ Written permission from property owner (if applicable)

____ Written permission to operate within a right of way from CDOT of Hinsdale County (if applicable).

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____ \$50 application fee

Transient Vendor Signature	Print Name	Date of Application
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I have reviewed and hereby approve this application and grant this transient vendor a license from ____ (date) to ____ (date).:

County Official	Print Name	Date of Application
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