

# **Title 5 Business Licenses and Regulations**

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**Chapter 5.04**  
**BUSINESS LICENSES --GENERALLY**

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- 5.04.100 Notification required.**
- 5.04.110 Merchandise sales from public property.**
- 5.04.120 Expiration of licenses.**
- 5.04.130 Denial, revocation and suspension.**

**5.04.010 Purpose.**

- A. The purpose of this chapter of licensing and regulating certain types of businesses and events held within the Town is to protect the health, safety and general welfare of those receiving goods and services, and to provide uniform regulations for the providers of goods and services.
- B. The provisions of this chapter are pursuant to authority granted cities and towns under Wyo. Stat. §15-1-103(a)(xiii).
- C. Every person transacting or carrying on any business within the Town, prior to and during transacting or carrying on such business, must obtain and maintain a general business license pursuant to this chapter. Where other chapters of the code provide more specific regulations and requirements for the business for which a license or permit may be issued, said additional regulations and requirements also apply to the business and must also be complied with prior to and during transacting or carrying on such business, including securing a license or permit under that more specific chapter in lieu of the general business license.

#### **5.04.015 Definitions.**

The following words and phrases, when used in this title, shall have the following meanings:

- A. *Agent or Independent Contractor* includes such individuals who work independently without employees, either with or without a contract, at their own discretion but under the general direction of the business. Examples of agents or independent contractors include but are not limited to, real estate agents, attorneys, doctors, and hairstylists.
- B. *Business* includes all and every kind of lawful business, trade, calling, profession, or occupation, including solicitation and performing.
- 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.
- D. *Sales tax collecting business* means a business that possesses a sales tax license.
- E. *Town official* is any law enforcement officer, community service officer, or special municipal officer of the Town of Jackson.

#### **5.04.020 License required.**

- A. It shall be unlawful for any person to transact or carry on any business in the Town not otherwise exempt without first having procured a business license or permit from the Town and complied with all of the applicable provisions of this chapter and any applicable specific requirements or regulations of other chapters of this Code.
- B. Upon approval of an application the Town Manager, or their designee, shall issue to the applicant an identification card corresponding the type of permit or license issued.

#### **5.04.021 Personal Privilege**

- 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.

#### **5.04.022. Coordination of contractor licensing.**

- A. Contractors, as that term is defined in title 15, shall be subject to all relevant requirements of title 15. Upon issuance of a contractor license, said license shall be renewed each year thereafter through the provisions of this title and pursuant to the fees set forth in this title.
- B. Should the contractor license lapse in any given year, the contractor will be required to reapply under the provisions of title 15.

#### **5.04.023 Separate licenses.**

- A. A separate license must be obtained for each branch, establishment, or separate place of business in which the business is conducted.
- B. Each agent or independent contractor is required to obtain their own business license, separate and distinct from the business for which they work.

**5.04.024 Evidence of doing business.**

- A. Whenever any person by the use of signs, circulars, cards, telephone books, or newspapers, advertises, holds out, or represents that they are in business in the Town, or when any person holds an active license or permit issued by a governmental agency indicating that they are in business in the Town, these facts shall be considered prima facie evidence that they are conducting business in the Town.

**5.04.025 Building and premises.**

- A. No license or permit shall be issued for the conduct of any business or performance of any act if the premises and building to be used does not fully comply with the requirements of the Town or which would involve a violation of the Land Development Regulations.

**5.04.026 Fees--Payment.**

- A. All fees for licenses and permits shall be in an amount established by resolution, be paid at the time application therefor is made to the Town and be non-refundable.
- B. Any licenses or permits not renewed by December 31st each year shall be delinquent and a late fee in an amount established by resolution shall be imposed.
- C. Receipt of payment does not constitute approval of a business license application.

**5.04.027 Applications – initial and renewal.**

- A. Every person seeking to begin, or continue if previously licensed or permitted, business within the Town must complete an application pursuant to this section and obtain approval before beginning or continuing such business.
- B. All applications shall be made in writing to the Town Manager, or their designee, on forms provided by the Town, which must be complete to be processed.
- C. It shall be the duty of the applicant to seek any reviews, authorizations, permits and/or approvals from state, federal, Town or county authorities that may be required in addition to the license or permit set forth in this title.
- D. Each application submitted shall be affirmed as being true and correct to the best of the applicant's knowledge and shall affirm that the applicant understands that information provided on and with the application may be investigated for accuracy.
- E. There shall be no pro-rated reduction of the annual fee based on the time of year when a license or permit is renewed.
- F. Applications shall be processed within 30 days of the receipt of an application.

**5.04.028 Display license.**

- A. Any person licensed or permitted hereunder shall maintain possession of their current license or permit and display it in a prominent place, as applicable, on their permanent premises, their temporary location, in their vehicle, or on their person, and shall produce the same upon the request of any Town official or customer.

**5.04.030 Separate violations. (Repealed).**

(Ord. 1281 §1, 2021; Ord. 860 §3, 2008; Ord. 148 §4, 1972; Ord. 667 §3, 2000.)

**5.04.050 Change of location. (Repealed).**

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

**5.04.060 Nuisances.**

- A. No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

**5.04.070 Soliciting and peddling in residential areas. (Repealed.)**

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

**5.04.080 Change of location.**

- A. The location of any licensed or permitted business or occupation, or of any permitted act, may be changed with Town approval, provided that 14 days' notice thereof is given to the Town Manager, or their designee, in the absence of any provision to the contrary; and provided that the building and zoning requirements of all Town ordinances are complied with.
- B. Notice must be given in the form of a new business license application and an administrative fee of in an amount established by resolution will be charged for each change of location.

**5.04.090 Transfer.**

- A. No license shall be valid for more than one person, nor shall a license be transferable, in the absence of any provision to the contrary.

**5.04.100 Notification required.**

- A. Any licensee or permittee who ceases business shall notify the Town Manager, or their designee, in writing that it is no longer in operation within 30 days of ceasing said business.

**5.04.110 Merchandise sales from public property.**

- A. No person shall place upon or cause to be placed upon any right-of-way in the limits of the city any goods, wares, or merchandise, for sale or for show, nor suspend the same within or above the any right-of-way, except where the same may be temporarily permitted and licensed from time to time by Town Council.

**5.04.120 Expiration of licenses.**

- A. All licenses and permits shall expire on December 31 each year where no provision to the contrary is made.
- B. All licenses and permits shall automatically expire if any applicable requirement(s) of this chapter or those specific to the license or permit lapse, are canceled or expire during the term of an existing license or permit. A license holder shall have 10 days from the date of the lapsed, cancelled or expired requirement to provide proof of being current with said requirement before a suspension shall be effective.
- C. It is the duty of each licensee and permittee to renew and maintain a valid license or permit in conformance with the requirements of this title.
- D. If an application has not been received by the Town prior to December 31, the licensee or permittee will have until January 31 to submit a renewal application together with payment of the annual fee, plus an additional late fee in an amount established by resolution. The license or permit is delinquent beginning January 1 and concluding January 31 on 11:59 p.m. After 11:59 p.m. on January 31 the license or permit is not be eligible for renewal; an application for a new license or permit must be submitted.

#### **5.04.130 Denial, revocation and suspension.**

- A. The Town Manager, or their designee, may deny, suspend or revoke a license or permit when the holder commits any one or more of the following acts or omissions:
  - 1. The breach of any condition upon which the license or permit was issued or failure to comply with any applicable provision(s) of law.
  - 2. The violation of any local, state or federal law(s) relating to health and safety of the premises occupied or relating to the Town of Jackson Land Development Regulations.
  - 3. The securing of any license or permit by fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the application process.
  - 4. The conviction for a crime involving dishonesty, false statement or a felony.
  - 5. The conduct of the business puts the health, safety and welfare of the public at risk.
  - 6. The failure to timely provide any information required by the Town for the application process.
  - 7. The applicant had a license or permit issued hereunder revoked or suspended within one year immediately preceding the date of application.
  - 8. The applicant currently holds a license or permit issued hereunder and the pre-existing license is suspended.
- B. When the Town Manager, or their designee, deems that a license or permit issued hereunder shall be denied, suspended or revoked, the procedure shall be as follows:
  - 1. The licensee/permittee shall be notified by the Town Manager, or their designee, in writing, sent via certified mail; such notice shall be sent at least 15 days prior to the action contemplated, setting forth the reasons therefor.
  - 2. Upon receipt of the notice, the license/permit holder may request a hearing before the Town Council. Such request shall be in writing and shall be received by the Town Manager, or their designee, within 15 days of the postal date of the suspension or revocation notice; failure on the part of the licensee/permittee to request a hearing in writing and within the specified time period shall be deemed a waiver of their right to a hearing.
  - 3. If a hearing is requested by the licensee/permittee, the Town Manager, or their designee shall set the time, date and location, which shall be within 45 days of receipt of the notice requesting such. The Town Manager, or their designee, shall notify the licensee/permittee in writing, sent by certified mail, of the hearing.
  - 4. At the hearing, all parties shall have the right to be represented by counsel, and to present testimony and evidence. The Town Council shall, by majority vote, render a decision. The decision of the Town Council shall be final and binding on all parties concerned.
  - 5. The Town Manager, or their designee, shall notify the licensee/permittee in writing, by certified mail, of the Town Council decision as the result of the hearing.
- C. Such revocation or suspension may be in addition to any fine imposed.

(Ord. 1281 §1, 2021; Ord. 930 §1, 2009; Ord. 860 § 3,6, 2008; Ord. 821 §1, 2006; Ord. 670 §6, 2000; Ord. 667 §1, 2, 3, 4, 5, 2000; Ord. 218 §1, 1977; Ord. 148 §1, 4, 6, 14, 17, 18, 1972).

**Chapter 5.06**  
**COMMERCIAL AND NON-COMMERCIAL SOLICITATION**

**Sections:**

- 5.06.010 Definitions. (Repealed Ord 1281 §1, 2021)**
- 5.06.011 Exemption from Registration. (Repealed Ord 1281 §1, 2021)**
- 5.06.015 Business License Required. (Repealed Ord 1281 §1, 2021)**
- 5.06.020 Certificate of Registration. (Repealed Ord 1281 §1, 2021)**
- 5.06.030 Application for Certificate of Registration. (Repealed Ord 1281 §1, 2021)**
- 5.06.030 Revocation of Certificate. (Repealed Ord 1281 §1, 2021)**
- 5.06.050 Notice Regulating Soliciting. (Repealed Ord 1281 §1, 2021)**
- 5.06.060 Duty of Solicitors. (Repealed Ord 1281 §1, 2021)**
- 5.06.070 Uninvited Soliciting Prohibited. (Repealed Ord 1281 §1, 2021)**
- 5.06.080 Time Limit on Soliciting. (Repealed Ord 1281 §1, 2021)**
- 5.06.090 Penalty. (Repealed Ord 1281 §1, 2021)**
- 5.06.110 Definitions.**
- 5.06.120 Prohibited solicitation.**
- 5.06.130 Commercial solicitation license required.**
- 5.06.140 No license required for noncommercial solicitation.**
- 5.06.150 Solicitation on a highway or street.**
- 5.06.160 Limit on hours of door-to-door solicitation.**
- 5.06.170 Constitutional rights.**

**5.06.010 Definitions. (Repealed).**  
(Ord. 1281 §1, 2021; Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

**5.06.011 Exemption from registration. (Repealed).**

**5.06.015 Business license required. (Repealed).**  
(Ord. 1281 §1, 2021; Ord. 860 §4, 2008.)

**5.06.020. Certificate of registration. (Repealed).**

**5.06.030. Application for certificate of registration. (Repealed).**

**5.06.040. Revocation of certificate. (Repealed).**

**5.06.050. Notice regulating soliciting. (Repealed).**

**5.06.060. Duty of solicitors. (Repealed).**

**5.06.070. Uninvited soliciting prohibited. (Repealed).**

**5.06.080. Time limit on soliciting. (Repealed).**

**5.06.090. Penalty. (Repealed).**

(Ord. 1281 §1, 2021; Ord. 860 §4, 2008; Ord. 821, §1, 2006.)

**5.06.110 Definitions.**

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

- A. *Commercial solicitation* means attempting to make personal contact with any person, whether or not the person making the contact receives any contribution or makes any sale, without prior invitation by or appointment with the resident, for the primary purpose of:
  - 1. Attempting to sell, for present or future delivery, any goods, wares or merchandise, newspaper or magazine subscriptions, or any services to be performed immediately or in the future, whether or not the person has, carries or exposes a sample of such

- goods, wares or merchandise, and whether or not they are collecting advance payments for such sales and services;
  - 2. Seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any association, organization, corporation, or program, excluding those defined under door-to-door non-commercial solicitation; or
  - 3. Personally delivering to the resident a handbill or flyer advertising a commercial event, activity, good, or service that is offered to the resident for purchase at a location away from the residence or at a future time.
- B. *Door-to-door commercial solicitation* means attempting to make personal contact with any person at a private residence for the purposes of commercial solicitation, as herein defined.
- C. *Noncommercial solicitation* means attempting to make personal contact with any person at their residence without prior specific invitation by or appointment with the resident, for the primary purpose of:
- 1. Seeking or asking for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c);
  - 2. Soliciting the sale of goods, wares or merchandise for present or future delivery, or the sale of services to be performed immediately or in the future, with the entire proceeds of such sale to be paid directly to, or used exclusively for the benefit of, a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c);
  - 3. Personally delivering to the resident a handbill or flyer advertising a not-for-profit event, activity, good or service;
  - 4. Distribution of religious materials and information on behalf of a religious organization;
  - 5. Door-to-door canvassing and pamphleteering as a vehicle for the dissemination of ideas, or views or opinions by one engaged in political activities as a candidate or on behalf of a candidate in a recognized federal, state or local election, or on behalf of an issue on an upcoming ballot.
- D. *Door-to-door noncommercial solicitation* means attempting to make personal contact with any person at a private residence for the purposes of noncommercial solicitation, as herein defined.
- E. *Public entity* means the United States of America, the State of Wyoming, and any county, municipality, school district, special district, and any other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law, and any separate entity created by intergovernmental contract or cooperation only between or among the federal, state, county, municipality, school district, special district, and every other kind of district, agency, instrumentality, or political subdivision thereof.
- F. *Residence* means a private residence in the Town, including, but not limited to, condominium units and apartments, and shall include the yards, grounds or hallways, thereof.

**5.06.120 Prohibited solicitation.**

- A. It is hereby declared to be the policy of the Town that the occupant or occupants of residences in the Town shall make the determination of whether solicitors shall be, or shall not be, invited to their residence.
- B. No person may engage in door-to-door commercial solicitation at any residence without prior invitation from the occupant if the residence prominently displays a notice stating, "No Commercial Solicitors" or "No Commercial Solicitation" on or near the main entrance or door to any dwelling unit in the residence.



- C. No person may engage in any door-to-door commercial or noncommercial solicitation upon any residence without prior invitation from the occupant thereof if the residence prominently displays a notice stating, "No Solicitors" or "No Solicitation" on or near the main entrance or door to any dwelling unit in the residence.
- D. No person may engage in door-to-door commercial or noncommercial solicitation at any residence after the owner or occupant asks the person to leave the residence.
- E. No person may obstruct pedestrian or vehicular traffic by walking, standing, sitting, lying, or placing an object in such a manner as to block passage by another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest shall not constitute obstruction of pedestrian or vehicular traffic.
- F. No person may erect any structure, display or other object on any public sidewalk, highway or street without approval from the Town Council.

**5.06.130 Commercial solicitation license required.**

- A. It shall be unlawful for any person to engage in door-to-door commercial solicitation at a private residence, or commercial solicitation on streets, highways or sidewalks located in the Town, except for a merchant conducting a sale as permitted elsewhere by the Town's code, without first obtaining a license issued by the Town Manager, or their designee. Unless authorized or permitted pursuant to the terms and provisions of this chapter, the practice of being in and upon private residential property within the Town by door-to-door commercial solicitors is prohibited.

**5.06.140 No license required for noncommercial solicitation.**

- A. Persons engaged in noncommercial solicitation are not required to obtain a license.

**5.06.150 Solicitation on a highway or street.**

No person shall stand on a highway or street for the purpose of commercial or noncommercial solicitation except:

- A. A person 16 years of age or more wearing a high visibility vest;
- B. Standing in an area designated by the Town, based on the safety of the highway solicitors and the safety of motorists, and taking into account the orderly flow of traffic and lack of interference with the operation of official traffic control devices. Prospective highway or street solicitors must request approval from the Town Council of the designated location for highway or street solicitation.
- C. If the Town Council permits the solicitation, the Town Manager, or their designee, shall issue a one-day license for the highway solicitation, subject to the following limitations.
  - 1. No more than one highway solicitation license will be issued for the same date at the same intersection;
  - 2. No highway solicitation license will be issued to the same applicant on more than two dates in any given calendar month and no more than four days during any calendar year;
  - 3. The applicant or licensee must file a current certificate of liability insurance with the Town Clerk, insuring the soliciting agency against any claims for injuries or damage to property which is causally related to an act of ordinary negligence of the soliciting agency, naming the Town as an additional primary insured, and providing aggregate limits of not less than \$1,000,000.00;
  - 4. Highway and street solicitation must take place during daylight hours when traffic has come to full stop;

5. Highway solicitation is prohibited when it interferes with the orderly flow of traffic, including:
  - i. 7:00 a.m. to 9:00 a.m., Monday through Friday;
  - ii. 4:00 p.m. to 6:00 p.m., Monday through Friday; and
  - iii. Such other times as determined by any police officer, fireman, or other person authorized by a local or state authority to direct, control, or regulate traffic.
6. The solicitor is liable for any injuries to any person or property during highway solicitation which is causally related to an act of ordinary negligence of the solicitor.

**5.06.160 Limit on hours of door-to-door solicitation.**

- A. It shall be unlawful for any person to engage in door-to-door commercial solicitation at a residence, or commercial solicitation on any highway, street or sidewalk in the Town, between the hours of 9:00 p.m. and 9:00 a.m.

**5.06.170 Constitutional rights.**

- A. Nothing in this chapter shall be interpreted or enforced to deprive any person of any rights guaranteed under the constitutions of the State of Wyoming or the United States.  
(Ord. 1281 §1, 2021).

**Chapter 5.08**  
**EXEMPTIONS AND ADJUSTMENTS**

**Sections:**

**5.08.010 Constitutional apportionment. (Repealed Ord. 1281 §1, 2021)**

**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. (Repealed).**

(Ord. 1281 §1, 2021; Ord. 860 § 5, 2008; Ord. 669 § 1, 2000; Ord. 148 § 7, 1972.)

**5.08.020 Charitable and nonprofit organizations exempt.**

A. The provisions of this title shall not be deemed or construed to require the payment of a license tax from any institution or organization qualified by the Internal Revenue Service as a tax-exempt entity; provided that, within ten days of demand by the Town, such institution or organization provide an IRS Form 990 for the applicable tax year(s). This section shall not be deemed to exempt any such institution or organization from completing a business license application or complying with any other applicable governmental regulation.

**5.08.030 Youth-generated businesses.**

A. 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 17 years of age or younger so long as the operation of the business does not involve employees working for the youth.

**5.08.040 Business conducted at Jackson Hole Airport.**

A. 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. 1281 §1, 2021; Ord. 931 § 1, 2009; Ord. 860 § 5, 2008; Ord. 669 § 2, 2000; Ord. 148 § 8, 1972.)

**Chapter 5.12 LICENSE REQUIRED**  
**(Repealed. Ord. 1281 §1, 2021)**

**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. (Repealed.** Ord. 1280 § 3, 2021)

**5.16.040through 5.16.680. (Repealed.** Ord. 1280 § 3, 2021)

**5.16.010 Sales tax collecting businesses.**

- A. The business license fee for sales tax collecting businesses shall be in an amount established by resolution.

**5.16.020 Non-sales tax collecting businesses.**

- A. The business license fee for businesses that do not fit the definition of sales tax collecting businesses shall be in an amount established by resolution.

**5.16.025 Independent contractors and agents.**

- A. The business license fee for independent contractors and agents shall be in an amount established by resolution.

**5.16.027 Commercial and residential rentals.**

- A. The business license fee for businesses that lease land, buildings or office space for commercial purposes shall be in an amount established by resolution. The business license fee for businesses that lease 3 or more dwellings or apartments for residential purposes shall be in an amount established by resolution. 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. 1280 § 3, 2021; (Ord. 959 § 1, 2010; Ord. 929 § 1, 2009.)

**5.16.030 (Repealed.)**

(Ord. 676 § 1, 2000.)

**5.16.035 Annual review of fees. (Repealed.)**

(Ord. 1280 §3, 2021; Ord. 860 § 7, 2008.)

**5.16.040 through 5.16.680 (Repealed.)**

(Ord. 676 § 1, 2000.)

(Ord. 1280 § 3, 2021; Ord. 860 § 7, 2008; Ord. 216 § 1, 1977; Ord. 148 § 21(a)(b), 1972; Ord. 676 §2, 3, 2000.)

**Chapter 5.20**  
**INSTALLATION PERMIT--EXPOSITIONS AND OUTDOOR SALES**

**Sections:**

**5.20.010 Installation permit. (Repealed Ord. 1281 §1, 2021)**

**5.20.020 Expositions and outdoor sales.**

**5.20.010 Installation permit. (Repealed).**

(Ord. 1281 §1, 2021; Ord. 860 § 8, 2008; Ord. 671 § 1, 2000; Ord. 148 § 22, 1972.)

**5.20.020 Expositions and outdoor sales.**

A. Except those holding a general business license pursuant to 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 in an amount established by resolution.

1. The applicant shall:

- a. Submit an application pursuant to chapter 5.04 at least ten days prior to the event.
- b. 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 21st 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.
- c. Be responsible for ensuring that all sales tax receipts are remitted to the Wyoming Department of Revenue and in no event later than the 30th day of the month following the exposition.
- d. 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 and such applicant may purchase an umbrella exposition license pursuant to the fees established by resolution upon the following conditions:

1. Not less than 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.

(Ord. 1281 §1, 2021; Ord. 895 § 1, 2008; Ord. 860 § 8, 2008; Ord. 825 § 1, 2006; 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**  
**Repealed. (Ord. 1281 §1, 2021)**

**Chapter 5.22**  
**PERFORMERS**

**Sections:**

**5.22.010 Definitions.**

**5.22.020 Intent and purpose.**

**5.22.030 Cooperative performances; limit on number of street performers.**

**5.22.040 Regulations.**

**5.22.010 Definitions.**

As used in this section, the following terms shall have the following meanings:

- A. *Perform or performance* is audible or visual entertainment such as, but not limited to, reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.
- B. *Performer* is an individual who performs on public property within the Town.

**5.22.020 Intent and purpose.**

The Town Council finds and determines the following:

- A. Permitting regulated performances by performers would enhance the character and culture of the Town. Performers are engaged in commerce as entertainers who receive gratuities in exchange for the artistic value of the performance.
- B. Performers have a right to perform on public property, but unregulated performances are also likely to cause adverse impacts to the community such as: gathering crowds attracted to the entertainment offered in public locations not appropriate for street performances because of insufficient room for crowds; blocked access to fire hydrants, sidewalks and public pathways; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; interference with the operation of commercial activities; and disturbance of the quiet enjoyment of residents. Performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities from citizens in appreciation of the performance. Therefore, the nature and character of a performance differs from solicitation of alms and/or charitable contributions.
- C. For these reasons, it is the intent of the Town to permit performances to careful regulation in order to reduce or eliminate adverse impacts associated with unregulated or poorly regulated performances. The purpose of this section is to create a means of regulation which ensures the ability of performers to perform in public spaces and to promote harmony among performers, local businesses, permitted special event sponsors, residents and visitors of the Town by balancing the interests of performing artists with those of citizens.

### **5.22.030 Cooperative performances; limit on number of street performers.**

- A. Any performance may be performed cooperatively by no more than five total performers, provided that the performer or group of cooperating street performers stay at least 100 feet away from all other performances. Each cooperative performer within a single group is required to meet the permitting requirements of this section.
- B. The provisions of this subsection shall not relieve any performer in a cooperating street performance from complying with the regulations contained in chapter 5.22.060.

### **5.22.040 Regulations.**

Performers shall comply with the following regulations:

- A. Performers shall not perform within the travel lane, parking spots or shoulder of any highway or street, whether from a vehicle or not, nor within ten feet of the outer edge of the travel lane or shoulder of a street or highway, with the exception of being on a sidewalk.
- B. Performers shall not block or cause the blocking of any sidewalk, passageway, street, bus stop, crosswalk, or any ingress or egress to any building, structure, driveway or other passage. A minimum of five feet of unobstructed pathway on all sidewalks and crosswalks must be maintained at all times.
- C. No performer shall utilize or prevent the public from utilizing any waste receptacles, fire hydrants, public amenities, public benches, or other street furniture during a performance.
- D. Performers shall perform at least 100 feet away from other performers.
- E. Performances are not permitted before 10:00 a.m. any day nor after 10:00 p.m. Sunday through Thursday nor after 12:00 a.m. Friday and Saturday.
- F. Performers shall not commit any violation of the Jackson Municipal Code noise control provisions.
- G. Amplification devices are prohibited during performances.
- H. No performer on public property shall connect to, or cause to be connected to, any source of electrical power or a water supply system as part of a performance.
- I. No performer shall claim a greater right to perform at any location over a performer who arrives first at the same location.
- J. Performers shall not perform on private property without written permission of the property owner. Performers are required to keep the writing granting such permission on their person during any performance on private property.
- K. Performers may accept contributions of money or property at their performance in exchange for their artistic performance and may sell audio or video recordings of their own artistic works. Performers shall not sell any other goods, wares, or works of art or conduct any other service on public property in connection with a performance.
- L. Performers shall not infringe upon or detract from the purpose of special events or vendor activities for which a Town permit has been issued to another party. Performers shall not perform at such permitted special events or vendor activities without the written permission of the special event permit holder. A special event permit holder may only grant permission to perform within the special event area to a performer permit holder. Performers are required to keep the writing granting such permission on their person during any performance at permitted events, gatherings or activities.
- M. During a performance, no performer shall use in any way fire, sharp instruments or objects, spray paint, aerosols, dangerous weapons, or any form of harmful chemicals.
- N. No performer shall use any animal as a part of a performance. A performer may be accompanied by a service or disability assistance animal.
- O. While conducting a performance, a performer shall not use language or gestures, or display any matter which:

1. Is obscene as defined in Wyoming Statute § 6-4-301; or
  2. Constitutes breach of the peace as set forth in Wyoming Statute § 6-6-102.
- P. Performers may display one sign no larger than 18 inches by 18 inches. Said sign may be placed on a prop or sandwich board-type stand in a location no closer than three feet from any curb and not in any location which impedes any foot traffic, parking or persons entering or exiting any motor vehicle. Performers shall remove such signs from any location at the conclusion of their performance. No sign, handbill, flyer or other advertisement shall be left at any location after the conclusion of a performance.
- Q. Performers shall not be under the influence of alcoholic beverages or other controlled or intoxicating substances while performing.
- R. Performers shall be liable for any property damage or injury resulting from a performance.
- S. Performers shall promptly comply with the directions of any Town official to cease or relocate performances when the Town official determines that such action is necessary for public safety or to comply with the provisions of this chapter.
- (Ord. 1281 §1, 2021).

**Chapter 5.24**  
**BUSINESS LICENSE TAX--PENALTIES**  
**Repealed.** (Ord. 1281 §1, 2021)

**Chapter 5.28**  
**LIQUOR LICENSES AND PERMITS\***  
**\*Note:** See Title 6 for Liquor Licenses and Permits  
**Repealed.** (Ord. 853, §1, 2007)



## Chapter 5.32 PAWNBROKERS

### Sections:

#### **5.32.010 Definitions.**

#### **5.32.020 License--Required.**

#### **5.32.030 License issuance prohibition.**

#### **5.32.040 License--Fee.**

#### **5.32.050 Retention of pawned goods.**

#### **5.32.060 Rate. (Repealed Ord. 1281 §1, 2021)**

#### **5.32.070 Records.**

#### **5.32.080 Weapons. (Repealed Ord. 1281 §1, 2021)**

#### **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* means 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. *Pawnshop* means the place where a pawnbroker conducts their business.

#### **5.32.020. License--Required.**

- A. 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.

#### **5.32.030. License issuance prohibition.**

- A. No license shall be issued to a person who has been convicted of the offense of receiving stolen goods.

#### **5.32.040. License--Fee.**

- A. The annual fee for a pawnbroker's license shall be in the amount established by resolution.

#### **5.32.050. Retention of pawned goods.**

- A. 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.

#### **5.32.060. Rate. (Repealed)**

(Ord. 1281 §1, 2021; 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 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.

**5.32.080 Weapons. (Repealed)**

(Ord. 1281 §1, 2021; Ord. 860 § 11, 2008; Ord. 168 § 8, 1974.)

**5.32.090. Minors.**

- A. No pawnbroker shall have any business dealings as a pawnbroker with any person less than 18 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 19 years of age or over; and no pawnbroker shall employ a person of less than 19 years of age to assist him in his business.

**5.32.100. Stolen goods.**

- A. It shall be the duty of every pawnbroker to report to the police or to the county sheriff any article 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. 1281 §1, 2021; Ord. 1280 §3, 2021; Ord. 860 § 11, 2008; Ord. 662 § 1, 2000; Ord. 488 § 1, 1994; Ord. 229 § 1, 1977; Ord. 168 § 1, 2, 3, 4, 5, 7, 9, 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)

**Chapter 5.48**  
**BINGO AND PULL TAB REGULATIONS**

**Sections:**

**5.48.010 Purpose of provisions.**

**5.48.020 Definitions.**

**5.48.030 License required.**

**5.48.039 Location.**

**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. (Repealed. Ord. 1281 §1, 2021)**

**5.48.200 Suspension and revocation. (Repealed. Ord. 1281 §1, 2021)**

**5.48.210 License--Duration--Renewal--Transferability. (Repealed. Ord. 1281 §1, 2021)**

**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. Ensure 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.

**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. The term "bingo" shall not mean or include any activity which is prohibited under Wyo. Stat. Ann. title 6, 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 18 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. The term "pull tabs" 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*.

#### **5.48.030 License required.**

- A. A charitable or nonprofit organization shall not conduct a bingo game to which the public is invited nor sell pull tabs to the public without a license issued by the Town under the applicable requirements of this title.

#### **5.48.039 Location.**

- A. Each gaming license issued entitles the charitable or nonprofit organization to operate such games only in the location described in such license.

#### **5.48.040 License--Eligibility.**

- A. 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.

#### **5.48.050 License fee.**

- A. The annual nonrefundable fee for a gaming license under this chapter shall be in amount established by resolution.

#### **5.48.060 Financial responsibility.**

- A. The holder of any gaming license under this chapter shall furnish the office of the Town Manager, or their designee 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 Manager, or the Town Council, 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 Manager, or their designee may require the license holder to furnish a new or additional bond or guarantee.

**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.

**5.48.080 License application--Requirements.**

A. When an application for a license and supporting documentation or a renewal has been filed with the Town Manager, or their designee, with the required license fee and amounts necessary to cover costs of publishing notice, the Town Manager, or their designee 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.

**5.48.090 License--Issuance or denial.**

- A. The Town Council may restrict a license application as necessary to protect the health, safety, and welfare of the citizens of the Town.
- B. The Town Council 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.

**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.

**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 person under the influence of drugs 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.

**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 99 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 500:1.
- 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.

**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 100 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.

**5.48.150 Examination of books, records and personnel.**

- A. The Town Manager, or their designee, 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.

**5.48.160 Distribution of gross proceeds.**

- A. During any gaming activity, no less than the percentage of the gross proceeds specified by Wyo. Stat. Ann. 6-7-101(a)(iii)(D)(IV) 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 \$500.00 or less shall be distributed to the winning players on the day of the game. Prizes exceeding \$500.00 in value shall be distributed to the winners no later than the next banking day. Cash prizes of \$500.00 or less may be distributed in the form of cash; cash prizes exceeding \$500.00 shall be in the form of a check; cash prizes exceeding \$1,000.00 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 Manager, or their designee. Such report shall be submitted with the annual application for renewal.

**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.

**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 \$100.00 per calendar year.

**5.48.190 Violation--Penalty. (Repealed.)**

**5.48.200 Suspension and revocation. (Repealed.)**

**5.48.210 License--Duration--Renewal--Transferability. (Repealed.)**

(Ord. 1281 §1, 2021; Ord. 860 § 12, 2008; Ord. 432 § 1(part), 1991.)

(Ord. 1281 §1, 2021; Ord. 1280 § 3, 2021; 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.**

**5.50.025 Permits required.**

**5.50.030 Exemptions.**

**5.50.040 Ground transportation business license – Fee; Insurance.**

**5.50.050 Vehicle permit.**

**5.50.060 Operator’s permit.**

**5.50.070 Permit – Contents. (Repealed.)**

**5.50.080 Display of license, permit, and insurance upon request. (Repealed.)**

**5.50.085 Taxi fares.**

**5.50.090 Vehicle markings and signage.**

**5.50.095 Taxi roof lights.**

**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 Denial, suspension and revocation upon criminal convictions or charges.**

**5.50.170 License and permit renewal. (Repealed. Ord. 1281 §1, 2021)**

**5.50.180 License and permit denial, revocation, or suspension conditions. (Repealed. Ord. 1281 §1, 2021)**

**5.50.190 Penalty. (Repealed. Ord. 1281 §1, 2021)**

**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 courtesy vehicles, taxi’s, limousines, or executive services vehicles as defined in this chapter, and the operators or drivers for the ground transportation businesses.
- B. 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.

**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:
  - 1. Operating with advanced reservations;
  - 2. Operating for a single client or client group;



3. Using vehicles having qualities, equipment and characteristics clearly superior to those generally possessed by Taxi's; and
  4. 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.
- D. *Fully licensed* means to have a ground transportation business license, operator's permit, and a vehicle permit.
- E. *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.
- F. *Ground transportation business license* means a business license issued by the Town for the purposes of engaging in a ground transportation business.
- G. *Ground transportation vehicle* means any motor vehicle used to provide taxi, executive vehicle, or limousine services to the public within, to or from the Town of Jackson.
- H. *Operator* or *driver* means any person authorized by the Town to operate a ground transportation vehicle.
- I. *Operator's permit* means the permit issued to a person allowing that person to drive or operate a ground transportation vehicle.
- J. *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.
- K. *Third-party contractor* means any person operating a ground transportation vehicle, either owned by the operator or a ground transportation business, who is not directly employed by said business and who is instead hired on a contractual basis to operate the vehicle.
- L. *Vehicle permit* means a permit issued to a vehicle allowing that vehicle to be used as a ground transportation vehicle.

#### **5.50.025 Permits required.**

- A. No person shall provide taxi, executive vehicle, or limousine services in the Town without being fully licensed.
- B. All third-party contractor vehicles and operators shall be regulated as either a courtesy vehicle, taxi, executive services vehicle, or limousine in accordance with this chapter.

#### **5.50.030 Exemptions.**

- 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 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.
  3. Vehicles used primarily to transport members of the owner's family or agents or employees of the owner.
  4. Vehicles owned by or operated under a contract with the Town or Teton County for public transportation.
  5. Courtesy vehicles and vehicles used to support non-transportation businesses, such as hotel shuttles.

#### **5.50.040 Ground transportation business license – Fee; Insurance**

- A. Fee required. The annual fee for engaging in a ground transportation business shall be in an amount established by resolution. 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.
- B. Insurance. Prior to initial issuance or any renewal of a ground transportation business license, the applicant shall submit to the Town Manager, or their designee, 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 said person or said person’s beneficiaries 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.

#### **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 fees for new vehicle permits shall be in an amount established by resolution. The vehicle permit fee shall accompany the application for a permit.
- C. Only duly licensed ground transportation businesses may apply for a vehicle permit.
- D. Only vehicles owned or leased in the name of the ground transportation business or a third-party contractor may be issued a vehicle permit.
- E. Inspection by qualified mechanic. A copy of a vehicle safety inspection performed by a qualified automobile mechanic and completed within thirty (30) days of the application, whether initial or renewal, must be attached to the application. At a minimum, the inspection shall verify the safety and working order of the following;
  - 1. Brakes;
  - 2. Tires;
  - 3. Steering;
  - 4. Suspension components;
  - 5. Exhaust system;
  - 6. Windshield and wipers;
  - 7. Lighting, including head lights, taillights and brake lights.
- F. Inspection by Town. In addition to the safety inspection required above, all applicants for vehicle permits, including renewals, must submit said vehicle to the Town Manager, or their designee, for an inspection prior to the issuance of a vehicle permit.

#### **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, including those operating or driving as third-party contractors.
- B. Fee required. The annual fee for a new operator’s permit and a renewal of an operator’s permit shall in an amount established by resolution. 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.

- C. Operator's Permit Restrictions. No operator's permit shall be issued under this chapter to any person under any of the following conditions:
1. The person is under the age of twenty-one (21) years;
  2. To any person who does not possess a valid driver's or commercial driver's license in compliance with Wyoming state statutes;
  3. Within three (3) years from the date on which the person's driver's or commercial driver's license is revoked, denied or suspended;
  4. To any person adjudicated mentally incompetent by a court of law;
  5. 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;
  6. 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;
  7. To any person who has been convicted of four (4) moving traffic violations within the preceding twelve (12) months of the date of application;
  8. 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 orders granted against the applicant for stalking, protection orders, etc.;
  9. To any person who does not reside in the United States legally.

**5.50.070 Operator's Permit - Contents. (Repealed.)**

**5.50.080 Display of license, permit and insurance upon request. (Repealed).**  
(Ord. 1281 §1, 2021; Ord. 922 §1, 2009.)

**5.50.085 Taxi fares.**

- A. 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 all trips, the maximum fares shall be in an amount established by resolution.
- B. 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.
- C. Upon request for such information, a passenger shall be informed as to the exact amount(s) of any additional fees for which a charge is applied.
- D. A surcharge may be added to a fare as a consequence of using a credit card to pay the fare and, if charged, shall be equal to, and no more than, the surcharge charged to the ground transportation business by the applicable credit card company.

**5.50.090 Vehicle markings and signage.**

- A. 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 Town Manager, or their designee, which designation shall not conflict with or imitate any monogram, name or insignia used by another licensee in such manner as to be misleading or to tend to deceive or defraud the public.

- B. Every taxi permitted shall have painted or displayed a permanently affixed marking or signage on the rear of the vehicle, which includes 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. 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.
- C. The Town vehicle permit number shall be furnished by the , Town Manager, or their designee, and shall be a unique identifier. Each number shall be attached to the left side of the rear of the vehicle. This requirement applies to all ground transportation vehicles. No Town permit decal shall be transferred to another vehicle or to different company.
- D. In the event a ground transportation business license is denied, all vehicle insignias must be removed immediately.

#### **5.50.095 Taxi Roof lights**

- A. Every taxi operating under a vehicle permit shall have a taxi roof light affixed to the exterior of the roof within the front third of the vehicle roof while operating. Every roof light shall be capable of illuminating. Operators of a taxi shall have the light illuminated when on-duty and available to transport passengers. 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.

#### **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, or both. If an executive services vehicle or limousine also operates as a taxi, or vice versa, then the operator must be covered by an insurance policy sufficient to cover both executive and taxi services.
- B. Any person engaged in a ground transportation business within the Town shall submit their commercial public liability and property damage insurance policies to any official of the Town for examination upon request.

#### **5.50.110 Repealed.**

(Ord. 961 §1, 2010.)

#### **5.50.115 Issuance of receipts.**

- A. Upon request, the operator of the vehicle shall furnish passengers receipts for fees collected.

#### **5.50.120 Licenses and permits – Term; Automatic expiration.**

- A. Ground transportation business licenses, vehicle permits, and operator’s permits issued under this chapter shall be valid for a period of time of one (1) year and shall expire one (1) year from the date of issuance, provided that any license or 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.; or
2. The operator's state-issued driver's license is expired, cancelled, revoked, or suspended.

**5.50.130 Transfer of license or permit.**

- A. Licenses or permits issued under this chapter are personal privileges and shall not be assignable or transferable to any other person, corporation or firm. Notwithstanding the foregoing, operator's permits are transferable between ground transportation businesses if used by a single individual operator.

**5.50.140 General Operating Requirements.**

- A. Additional passengers. 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 measurable amount of alcohol or illegal controlled substance in their 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.
- F. All operators under this chapter, including third party contractors, shall abide by all rules and regulations of the Jackson Hole Airport Board as they pertain to the regulation and movement of ground transportation vehicles while on the Jackson Hole Airport property or conducting business at the Jackson Hole Airport property.

**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 them 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 their business.
- B. It is unlawful for any owner, operator, or driver to charge rates in excess of those prescribed herein.
- C. It is unlawful to refuse to pay for a ride in a ground transportation vehicle once the ride has commenced.

**5.50.160 Denial, suspension and revocation upon criminal convictions or charges.**

- A. In addition to the grounds set forth in chapter 5.04, the Town Manager, or their designee, may deny, suspend or revoke any ground transportation business license, vehicle permit or operator's permit issued pursuant to this chapter if they become aware of any criminal conviction or criminal charges and they determine, based on the factors below, that the criminal conviction or criminal charges compromise the person's ability, capacity, or fitness to hold a ground transportation business license, vehicle permit, or operator's permit:
1. The nature and seriousness of the crime;
  2. The relationship of the crime to the purpose for requiring a ground transportation business license, vehicle permit, or operator's permit;
  3. The extent to which a ground transportation business license, vehicle permit or operator's permit might offer an opportunity to engage in further criminal activity of the similar type as that in which the person had previously been involved;
  4. The relationship of the crime to the ability or capacity required to perform the duties and responsibilities under a ground transportation business license, vehicle permit, or operator's permit;
  5. Any correlation between the elements of the crime and the duties and responsibilities of the ground transportation business license, vehicle permit, or operator's permit.
- B. When the Town Manager, or their designee, denies, suspends or revokes a license or permit pursuant to this section, the procedure shall be in accordance with chapter 5.04.
- C. If the criminal charges are either dismissed or an acquittal is rendered the license or permit shall be reinstated.

(Ord. 1281 §1, 2021; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

**5.50.170 License or permit renewal (Repealed).**

(Ord. 1281 §1, 2021; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

**5.50.180 License or permit denial, revocation, or suspension conditions. (Repealed.)**

(Ord. 1281 §1, 2021; Ord. 995 §1, 2011; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

**5.50.190 Penalty. (Repealed)**

(Ord. 1281 §1, 2021; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

(Ord. 1281 §1, 2021; Ord. 1280 §3, 2021; Ord. 1137 §1, 2016; Ord. 1100 §1, 2015; Ord. 1061 §1, 2014; Ord. 1029 §1, 2013; Ord. 1001 §1, 2012; Ord. 995 §1, 2011; Ord. 961 §1, 2010; Ord. 922 §1, 2009.)

**Chapter 5.52 GENERAL BUSINESS REGULATIONS**

**Repealed. (Ord. 1281 §1, 2021)**

**Chapter 5.60**  
**RESIDENTIAL SHORT-TERM RENTAL PERMITS**

**Sections:**

**5.60.010 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. (Repealed Ord. 1281 §1, 2021)**

**5.60.070 Permit expiration. (Repealed Ord. 1281 §1, 2021)**

**5.60.080 Permit denial.**

**5.60.090 Appeal. (Repealed Ord. 1281 §1, 2021)**

**5.60.100 Fraud and misrepresentation.**

**5.60.110 Administrative enforcement. (Repealed Ord. 1281 §1, 2021)**

**5.60.120 Civil Penalty. (Repealed Ord. 1281 §1, 2021)**

**5.60.130 Criminal Penalty. (Repealed Ord. 1281 §1, 2021)**

**5.60.010 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 chapter seeks to ensure those facilities are of the highest quality.
- B. The intent and purpose of this chapter 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.

**5.60.030 Prohibitions.**

- A. No person shall sublet a residential short-term rental unit.

#### **5.60.040 Residential short-term rental permits; application; transfer**

- A. The residential short-term rental permit fee shall be in an amount established by resolution, for each residential short-term rental unit being permitted.
- B. 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.
- C. 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 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 (Repealed.)**

#### **5.60.070 Permit Expiration (Repealed.)**

(Ord. 1281 §1, 2021).

#### **5.60.080 Permit ineligibility**

- A. In addition to the grounds in chapter 5.04, a conviction for the operation of a residential short-term rental without a permit shall result in the property owner being ineligible for a permit for five (5) years.

#### **5.60.090. Appeal. (Repealed.)**

(Ord. 1281 §1, 2021)

#### **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.



**5.60.110 Administrative Enforcement (Repealed.)**

(Ord. 1281 §1, 2021; Ord. 1179 §1, 2017; Ord. 1092 §1, 2015)

**5.60.120. Civil Penalty. (Repealed.)**

(Ord. 1281 §1, 2021; Ord. 1179 § 1, 2017; Ord. 1092 § 1, 2015)

**5.60.130. Criminal Penalty. (Repealed.)**

(Ord. 1281 §1, 2021; Ord. 1179 §1, 2017)

(Ord. 1281 §1, 2021; Ord. 1179 § 1, 2017; Ord. 1113 § 1, 2016; Ord. 1092 § 1(part), 2012.)

**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. (Repealed Ord. 1281 §1, 2021)**

**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 the ordinance from which this chapter is derived, 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 chapter 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 business 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 business within the Town. The provisions of this chapter 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 chapter to restrict or deny access by adults to sexually explicit materials protected by the First Amendment to the United States Constitution, or articles 1 and 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 chapter to condone or legitimize the distribution of obscene material as defined by Wyo. Stat. Ann. 6-4-301(a)(iii).

**5.70.020 Legislative findings.**

- A. This 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. The term adult entertainment business includes:
    - a. *Intimate parts* as defined by Wyo. Stat. Ann. 6-2-301.
    - b. *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. The term "adult entertainment business":
    - a. 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.
    - b. 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 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 8:00 p.m. and 6:00 a.m., Monday through Saturday.
  - 2. Must be closed between the hours 6:00 a.m. and 8:00 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 years 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 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 Wyo. Stat. Ann. 6-4-201 or section 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 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 business 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. (Repealed)**

(Ord. 1281 §1, 2021; Ord. 1169 § 1, 2017.)

(Ord. 1281 §1, 2021; 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. (Repealed. Ord. 1281 §1, 2021)**

**5.80.010. Purpose.**

- A. The ordinance from which this chapter is derived 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.

**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.
- 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 chapter, the term "owner" includes a managing agent, leasing agent or resident manager unless the agent or manager specifies otherwise in writing in the rental agreement.

**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, 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 subsection A of this section 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 30 days.
- C. Nothing in this provision may be construed to impair an owner's rights under Wyo. Stat. Ann. 1-21-1203(d).

**5.80.040. Penalty. (Repealed)**

(Ord. 1281 §1, 2021; Ord. 1187 § 1, 2018.)

(Ord. 1281 §1, 2021; Ord. 1187 § 1, 2018.)