

CHECKLIST

TRAVELING MERCHANT/MOBILE STREET VENDOR

	YES	NO	N/A
1. DATE STAMPED APPLICATION	_____	_____	_____
2. COPY OF RESPONSIBLE PARTY D.L.	_____	_____	_____
3. FICTITIOUS FIRM NAME	_____	_____	_____
4. CORPORATE/PARTNERSHIP PAPERS	_____	_____	_____
5. RETAIL TAX PERMIT	_____	_____	_____
6. CERT OR EXEMPT OF EMPLOYEE INS	_____	_____	_____
7. STATE BUSINESS LICENSE	_____	_____	_____
8. LETTERS FROM PROPERTY OWNERS	_____	_____	_____
9. CASH/SURETY BOND	_____	_____	_____
10. PLANNING DEPARTMENT APPROVAL	_____	_____	_____
11. COPY OF APPROPRIATE STATE LICENSES.	_____	_____	_____
12. LIST OF EMPLOYEES	_____	_____	_____
13. COPY OF EMPLOYEES D.L.	_____	_____	_____
14. COLLECTED MONEY	_____	_____	_____
15. SENT FINGERPRINTS	_____	_____	_____
16. RAN DSPT SCREEN	_____	_____	_____
14. RAN LOCALS	_____	_____	_____

TRAVELING MERCHANT / MOBILE STREET VENDOR
PERMIT APPLICATION

Date Received: _____

Expiration Date: _____

Name: _____

Aliases: _____

Physical Address: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Date of Birth: _____ Place of Birth: _____

Driver's License Number: _____

Social Security Number: _____

Height: _____ Weight: _____ Hair: _____ Eyes: _____

Have you EVER been arrested? _____

If yes, please complete the following (if additional space is needed, use back of page:

<u>Date</u>	<u>Charge</u>	<u>Location</u>	<u>Disposition</u>
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_____	_____	_____	_____
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_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
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_____	_____	_____	_____
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List all residences for the past 10 years:

Street Address

City, State, Zip

Dates of Residence

Name and address of every person with a financial interest in this business or general partners/corporate officers:

1.

2.

3.

4.

Disclosure by applicant or any other person connected with business of any criminal conviction in the previous ten (10) years excluding minor traffic offenses. List city and state of convictions:

Name

Jurisdiction of arrest

Dispo/Sent

Nature of merchandise to be sold or services offered:

Source(s) of merchandise to be sold:

Exact location(s), route(s) where business will be conducted:

Length of time business will be conducted (If ten days or less, put exact dates):

Days and hours of business; start and finish time for each route and sequence of routes:

Name and address of every property owner where the business is to be situated:

1.

2.

3.

4.

How many employees or associates who will be conducting this business (you will need a separate employee application for each employee or associates):

DOUGLAS COUNTY SHERIFF'S OFFICE:

Approval:

 Date:

 Signature:

Restrictions:

Disapproval:

 Date:

 Signature:

Reason for disapproval:

TRAVELING MERCHANT LICENSE APPLICATION

Douglas County Community Development
1594 Esmeralda Avenue
Minden, NV 89423

Date: _____

Door-to-Door: _____ Fixed Location: _____ (need letter from property owner)

Fixed Location Address: _____

Applicant Name: _____

Applicant Address: _____

Home Phone: _____ Cell Phone: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Days of Operation: Mon. ____ Tue. ____ Wed. ____ Thurs. ____ Fri. ____ Sat. ____ Sun. ____

Hours of Operation: Start Time: _____ to End Time: _____

PLANNING DIVISION:

Door-to-Door Sales Allowed? Yes ____ No ____ Fixed Location: Zoning Allowed? Yes ____ No ____

Is there any reason a Traveling Merchant Permit should not be issued to this applicant?

If YES, explain below:

Planning Division Approval – Name & Title

Date

Failure to abide by the conditions set forth in Chapter 5.24 of the Douglas County Code, as well as the conditions stipulated in the application (i.e., days/hours of operation), may result in the suspension or revocation of your permit.

Signature of Applicant

Date

THIS COMPLETED FORM MUST BE RETURNED WITH YOUR APPLICATION

AUTHORIZATION TO RELEASE INFORMATION

As an applicant for a Traveling Merchant Permit in Douglas County, I am required to furnish information for use in determining my qualification. In this connection, I authorize release of any and all information of a confidential or privileged nature.

I hereby release you, your organization and others from liability or damage which may result from furnishing the information requested.

I, the undersigned, have read this release and understand all its terms. I execute it voluntarily and with full knowledge of its significance.

Signature of Applicant

Date



Nevada Department of **Public Safety**

FINGERPRINT BACKGROUND WAIVER

As an applicant who is the subject of a Federal Bureau of Investigation (FBI) fingerprint-based criminal history record check for a noncriminal justice purpose you have certain rights which are discussed below.

1. You must be notified by Douglas County Sheriff's Office (*name of requesting agency*) that your fingerprints will be used to check the criminal history records of the FBI and the state of Nevada.
2. If you have a criminal history record, the officials making a determination of your suitability for the job, license or other benefit for which you are applying must provide you the opportunity to complete or challenge the accuracy of the information in the record. You may review and challenge the accuracy of any and all criminal history records which are returned to the submitting agency. The proper forms and procedures will be furnished to you by the Nevada Department of Public Safety, Records Bureau upon request. If you decide to challenge the accuracy or completeness of your FBI criminal history record, Title 28 of the Code of Federal Regulations Section 16.34 provides for the proper procedure to do so:

16.34- Procedure to obtain change, correction or updating of identification records. If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

3. Based on 28 CFR § 50.12 (b), officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
4. You have the right to expect that officials receiving the results of the fingerprint-based criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal or state statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

5. I hereby authorize Dougals County Sheriff's Office, (name of requesting agency) to submit a set of my fingerprints to the Nevada Department Public Safety, Records Bureau for the purpose of accessing and reviewing State of Nevada and FBI criminal history records that may pertain to me.
- In giving this authorization, I expressly understand that the records may include information pertaining to notations of arrest, detainments, indictments, information or other charges for which the final court disposition is pending or is unknown to the above referenced agency. For records containing final court disposition information, I understand that the release may include information pertaining to dismissals, acquittals, convictions, sentences, correctional supervision information and information concerning the status of my parole or probation when applicable.
6. I hereby release from liability and promise to hold harmless under any and all causes of legal action, the State of Nevada, its officer(s), agent(s) and/or employee(s) who conducted my criminal history records search and provided information to the submitting agency for any statement(s), omission(s), or infringement(s) upon my current legal rights. I further release and promise to hold harmless and covenant not to sue any persons, firms, institutions or agencies providing such information to the state of Nevada on the basis of their disclosures. I have signed this release voluntarily and of my own free will.

A reproduction of this authorization for release of information by photocopy, facsimile or similar process, shall for all purposes be as valid as the original.

In consideration for processing my application I, the undersigned, whose name and signature voluntarily appears below, do hereby and irrevocably agree to the above.

Applicant's Name:

PLEASE PRINT

Last Name

First Name

Middle

Address: _____

PLEASE PRINT

Applicant's Signature: _____

Date: _____

Submitting Agency:

Douglas County Sheriff's Office

Address: _____

1038 Buckeye Rd, Minden, Nevada 89423

Agency representative:

PLEASE PRINT

Last Name

First Name

Middle

Agency Representative's Signature: _____

Date: _____

TRAVELING MERCHANT / MOBILE STREET VENDOR
EMPLOYEES APPLICATION

Date: _____
Exp. Date: _____

Name: _____

Aliases: _____

Physical Address: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Date of Birth: _____ Place of Birth: _____

Driver's License Number: _____

Social Security Number: _____

Height: _____ Weight: _____ Hair: _____ Eyes: _____

Have you EVER been arrested? _____

If yes, please complete the following (if additional space is needed, use back of page:

<u>Date</u>	<u>Charge</u>	<u>Location</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____

List all residences for the past 10 years:

<u>Street Address</u>	<u>City, State, Zip</u>	<u>Dates of Residence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

AUTHORIZATION TO RELEASE INFORMATION

As an applicant for a Traveling Merchant Permit in Douglas County, I am required to furnish information for use in determining my qualification. In this connection, I authorize release of any and all information of a confidential or privileged nature.

I hereby release you, your organization and others from liability or damage which may result from furnishing the information requested.

I, the undersigned, have read this release and understand all its terms. I execute it voluntarily and with full knowledge of its significance.

Signature of Applicant

Date

Title 5 Business Licenses and Regulations

5.24 Traveling Merchants

[5.24.010 Findings, declaration of policy, authority](#)

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A. The board finds that the itinerant nature of businesses operated by traveling merchants and mobile street vendors may provide opportunities for fraud, crime, safety violations or unfair business practices which are different than of businesses operating from a fixed location.

B. The board declares that requiring traveling merchants and mobile street vendors to comply with the requirements of this chapter will promote the public health, safety and general welfare without unreasonably restricting the commercial opportunities for traveling merchants and mobile street vendors operating in Douglas County, regardless of whether these merchants or vendors are engaged in interstate or intrastate commerce. The board further declares that obtaining a permit is a privilege and that operation of a business pursuant to the permit for violations of this chapter.

C. It is the intent of this chapter that, unless they are specifically exempt, each individual, including any employee or agent, be permitted individually under this chapter.

D. This chapter is authorized by the provisions contained in NRS 244.335. (Ord. 744, 1996; Ord. 423 \$1 (part), 1984)

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[5.24.020 Definitions](#)

Unless the context requires otherwise, the definitions contained in this section govern the construction of this chapter.

A. "Fixed place of business" means a commercial or mercantile activity operating from an immoveable building or enclosed structure at a permanent location which complies with all county zoning, building and other life, health and safety code requirements.

B. "Mobile street vendor" means a person conducting commercial or mercantile activity from a

vehicle or cart or trailer towed by a vehicle offering goods or services for sale in Douglas County on a temporary, intermittent or seasonal basis in which customers approach the vehicle or trailer to make purchases or where the mobile street vendor contacts customers to solicit their trade.

C. "Person" means a person as described in NRS §0.039.

D. "Traveling merchant" means any person who engages in the buying, selling, trading or exhibition for purchase, sale or trade of any goods, wares, merchandise or services door to door, street to street, or on a temporary, intermittent or transient basis from a location which does not qualify as a fixed place business. Traveling merchant includes but is not limited to persons commonly known as solicitors, peddlers, hawkers, itinerant merchants and transient vendors. (Ord. 744, 1995; Ord. 423 §1 (part), 1984)

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5.24.030 Ineligible persons

A. In conformity with the policy of this ordinance, the following persons are declared to be unqualified or unsatisfactory for the purpose of being granted or holding a permit under the provisions of this chapter.

1. A person who, within the past 10 years, has been convicted of a felony or a misdemeanor involving moral turpitude.

2. A person who provides false or misleading information in order to obtain a permit under this chapter.

3. A person whose permit was previously suspended and not restored or whose permit was previously revoked. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.040 Permit fees

A. Before operating or conducting any mobile street vendor or traveling merchant business, a person must obtain a permit issued by the sheriff pursuant to the requirements of this chapter.

B. The permit fee for a traveling merchant operating in Douglas County for more than 10 days each calendar year is 150 dollars per year.

C. The permit fee for a traveling merchant operating in Douglas County for 10 or less days each calendar year is 15 dollars per day not to exceed a maximum of 150 dollars per year.

D. The permit fee for a mobile street vendor operating at any fixed location within Douglas County, for 10 days or less each calendar year is 15 dollars per day not to exceed a maximum of 150 dollars per year.

E. Any permit issued pursuant to subsection (B) is valid for a period of one year from the date the permit is issued. Any permit issued pursuant to subsections (C) or (D) are valid for the dates specified in the permit.

F. The permit fee shall be paid in full at the time the application is submitted. The permit fee is nonrefundable, unless the applicant notifies the sheriff in writing and prior to the sheriff commencing any activity with respect to the application that the applicant wishes to withdraw the application. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.050 Investigation

A. Each applicant for a permit shall, at the time the application is submitted, include an investigative fee of 50 dollars (which may be changed from time to time by a resolution approved by the board of county commissioners). The sheriff, upon receipt of the fee and application shall commence an investigation of the person, which will include, but is not limited to, fingerprinting the applicant and, pursuant to NRS 239B.010(a), submitting copies of the fingerprints to the Federal Bureau of Investigation for a national background check.

B. The investigative fee is nonrefundable, unless the applicant notifies the sheriff in writing and prior to the sheriff commencing any activity with respect to the application that the applicant wishes to withdraw the application. (Ord. 1259, 2008; Ord. 744; Ord. 423 §1 (part), 1984)

5.24.060 Application

A. Before any mobile street vendor or traveling merchant may receive a permit issued by the sheriff, the vendor or merchant must submit a properly completed application on a form supplied by the sheriff. The application must be accompanied by payment of the appropriate fees specified in sections 5.24.040 and 5.24.050 of this chapter and any additional information required by this section.

B. The application must contain the following information:

1. The name of the applicant and any alias used by the applicant.
2. The current telephone numbers and physical and mailing addresses of the applicant.
3. A statement setting forth any arrest for any crime, the charges, the jurisdiction of the arrest, the year and month of the arrest, the disposition of the charges, and the sentence imposed.
4. If the applicant does business as a partnership, the names and current addresses of the general partners.
5. If the applicant does business as a corporation:
 - a. the names and current addresses of the corporate officers;
 - b. certification that the corporation is in good standing with the office of the secretary of state;

or

c. certification from the office of the secretary of state that the corporation is a foreign corporation currently authorized to do business in the State of Nevada.

6. A copy of the department of taxation retail tax permit issued to the applicant if the applicant is a seller of tangible personal property.

7. Certification by the state industrial insurance system that the applicant is either: insured by the system, is a qualified self-insured employer, or qualifies for an exemption from the requirements of chapter 616 of NRS. The applicant must also sign an affidavit stating that coverage under chapter 316 of NRS has been received from the state industrial insurance system, or maintains a valid certificate of self-insurance pursuant to chapter 316 of NRS, is a member of an association of self-insured public or private employers, or is not subject to the provisions of chapter 316 of NRS.

8. Certification that the applicant has obtained a state business license or proof that the applicant is exempt from the requirements of chapter 364A of NRS. The applicant must also sign an affidavit affirming compliance with chapter 364A of the NRS.

9. Proof of licensure by other regulatory agencies of the state which are required for the applicant to be in the activity for which a county permit is sought.

10. The nature of the merchandise to be sold or services to be offered.

11. The source or sources of the merchandise to be sold.

12. The exact location, locations, route or routes where the applicant will conduct business, and, if the applicant is seeking to operate in Douglas County for 10 or fewer days, the dates on which the operations will be taking place.

13. The length of time for which the applicant intends to do business pursuant to a permit.

14. Written permission for the applicant's business activity from the owner of all locations where the applicant's business will be conducted.

15. Certification from the planning division of the county's community development department that all locations at which the applicant will conduct business are properly zoned for this type of commercial activity, that any signage will conform with the county requirements, and that county traffic and safety requirements are met.

16. If the applicant will conduct business from particular locations, the days and hours of applicant's business at each location. If the applicant will conduct business from a route or routes, the start and finish time for each route and the sequence in which each route will be driven.

17. Any other information which the sheriff deems necessary to protect the public's health, safety and general welfare if the applicant receives a permit pursuant to this chapter. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

5.24.070 Review and approval or denial of application and appeal

A. The sheriff must, within 10 days after receiving a properly completed application together with any supplemental information and fee payment approve, approve conditionally or deny the application. The sheriff's decision must be in writing and make findings with respect to each factor in section 5.24.060(B).

B. In reviewing the application, the sheriff must consider the following factors:

1. If the applicant's commercial activity is to be conducted from a location or locations that the owner of the real property at that location has given consent to the activity in writing.
2. The applicant's business locations or routes do not impede the free flow of traffic on the streets, roads and highways of the county, and that any other county traffic and safety requirements are met.
3. The existence and adequacy of off-street and on-street parking for customers coming to the applicant's commercial enterprise, and the existence and adequacy of safe pedestrian access to the applicant's commercial enterprise.
4. All locations at which the applicant will conduct business are properly zoned for this type of commercial activity that any signage will conform with county requirements.
5. If the applicant's business is to be conducted from or within a vehicle or trailer, that the vehicle or trailer is adequately equipped with fire safety equipment and complies with applicable health and life safety codes.
6. If the applicant's business involves the sale or distribution of food or foodstuffs, that the applicant has adequate facilities for the safe and sanitary storage, processing or preparation of the food or foodstuffs. As used in this subsection, adequate facilities include but are not limited to refrigeration equipment, heating and cooking equipment, storage and packaging facilities, sanitary food preparation and processing facilities, portable water supplies and adequate sanitation facilities for disposal of unused or waste food or foodstuffs.
7. That the applicant has taken reasonable sanitation measures to prevent the spread of litter resulting from applicant's commercial activity.
8. The applicant has a retail tax permit clearly identifying applicant's business by name if the applicant is a seller of tangible personal property.
9. The applicant has complied with the requirements of chapter 616 of NRS.
10. The applicant has complied with the requirements of chapter 364A of NRS.
11. The applicant has current licensure from all state regulatory agencies which are required for applicant's commercial activity.
12. The applicant has complied with the requirements of Douglas County Code section 5.24.060(B) (5) (b) or (c) if the applicant is a corporation.
13. The completeness and truthfulness of the application.
14. The applicant's criminal history, if any.
15. Any other factor related to the applicant's business which directly affects the health, safety, or general welfare of the community.

C. If the applicant is aggrieved by the conditional approval or denial of his application, the applicant may appeal the sheriff's decision to the board. This appeal must be filed with the clerk within 10 days of the issuance of the sheriff's written decision and contain a clear and concise statement of the reason for the appeal. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.080 Bond

Prior to the issuance of a permit, every applicant shall file with the sheriff for transmission to the treasurer a cash bond or a surety bond running to the county in the amount of 1,000 dollars. A surety bond must be issued by a surety licensed by the state of Nevada and must be conditioned to be paid to the county or to any person suffering injury by reason of any violation of this chapter by the applicant, his agents, or employees, that the applicant shall faithfully conform to all provisions of this chapter and to all conditions and restrictions upon any permit issued under this chapter, and that the applicant shall pay fully all fees due as a result of the operation of the business. The proceeds from the cash or surety

bond shall be forfeited to the county if the fees are not paid within 30 days of demand by the county. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.090 Review by board

A. The board must, by majority vote of the members present, review, approve, conditionally approve, or disapprove any application filed with the board in accord with section 5.24.070(C). This review and board action must be taken within 35 days after the board's receipt of the applicant's appeal.

B. Before acting on the applicant's appeal, the board must take into consideration the sheriff's decision, including his findings and reasons for his decision, and any other evidence presented by the applicant or any other party. In its review of the appeal, the board must consider each of the factors in section 5.24.070(B).

C. The board shall make findings as to each of the factors in section 5.24.070(B) deciding whether to approve, conditionally approve or deny the applicant's application. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.100 Revocation - Suspension

A. Except as specified in subsection (D) below, the board may restrict, revoke or suspend any permit for, including but not limited to, the following reasons: failure to comply with the provisions of this chapter, failure to comply with the conditions of the permit, failure to comply with any factors set forth in section 5.24.070(B), any fraud, misrepresentation, false statement, or deceptive trade practice made in connection with activity engaged in pursuant to a permit, or conviction of a felony or a misdemeanor involving moral turpitude.

B. No permit shall be restricted, revoked, or suspended before the permit holder is provided at least five days written notice of the intended action. Upon receipt of the written notice, the permit holder shall have three days in which to request in writing a hearing before the board, which request must be filed in writing with the county clerk's office. The clerk's office shall place the request on the agenda of the next regularly scheduled commission meeting and notify the sheriff of the date and time of the hearing.

C. If the permit holder fails to request a hearing as provided for in this chapter, the permit holder shall be restricted, revoked or suspended after the five day notice has expired.

D. If the sheriff, after investigating, determines there is probable cause to believe that a permit holder has engaged in an activity listed in subsection (A) and that allowing the permit holder to continue the activities allowed by the permit would result in a threat to the public health, safety, or general welfare, the sheriff may suspend the permit pending board review of the case. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.110 Permit renewal

Any permit issued pursuant to this chapter and not revoked or suspended pursuant to section 5.24.100 may be renewed by filing a properly completed application and payment of the permit fee and investigative fee required by this chapter. (Ord. 744, 1996; Ord. 423 §1 (part), 1984)

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5.24.120 Nontransferable permit

No permit granted pursuant to this chapter is transferable to other persons, partnerships, corporations, premises, route or locations without prior approval of the sheriff. (Ord. 744, 1996)

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5.24.130 Exemptions

This chapter does not apply to persons acting pursuant to a charitable solicitation permit pursuant to chapter 5.28, an outdoor festival and entertainment event license pursuant to chapter 5.12, a tent show

and circus license pursuant to chapter 5.16, a home occupation permit pursuant to chapter 17.16, or operating from a fixed place of business. Persons acting under an outdoor festival and entertainment event license pursuant to chapter 5.12 are required to be registered with the holder of the outdoor festival and entertainment event license. (Ord. 755, 1996)

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5.24.140 Possession of identification card and permit

Whenever a permit holder is engaged in any activity pursuant to the permit, that permit holder must conspicuously display in a plainly visible place on his person an identification card issued to the permit holder by the sheriff and must have the permit in his actual physical custody. (Ord. 744, 1996)

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5.24.150 Prohibited activity

A. No activity under a permit shall be conducted at any residential or commercial establishment where signs or warning such as "No Peddlers" or "No Solicitors" are clearly posted.

B. Permit holders shall not transact business in any public park, unless allowed to do so by a permit condition.

C. Permit holders shall not obstruct any street, alley, or sidewalk or interfere with or impede any pedestrian or vehicle traffic.

D. Permit holders shall not conduct any business in a fixed location within a public right of way.

E. Permit holders must comply with all other county ordinances, including but not limited to the county zoning, traffic and safety, and sign ordinances or requirements. (Ord. 744, 1996)

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5.24.160 Notification of change of address or name

Whenever the name or address provided by the permit holder on his application changes, the permit holder shall notify the sheriff within 10 days of the change. (Ord. 744, 1996)

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5.24.170 Penalty

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or imprisonment in the county jail for not more than six months, or any combination of the fine and imprisonment. Each violation shall constitute a separate offense. (Ord. 744, 1996)