

CHAPTER 731
Temporary Stores and Sales at Private Residence

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731.01 DEFINITIONS.

As used in this Chapter, the term "temporary store or place" means a store or place opened and maintained for the sale to the public of goods, wares and merchandise, where the seller or owner of such goods, wares and merchandise, operates such store or place for a period of less than one hundred twenty (120) days. Any such store or place which shall hereafter be opened, operated and maintained in this City shall prima-facie be presumed to be a temporary store or place within the meaning of this Chapter, but such presumption may be overcome by evidence satisfactory to the Director of Public Safety-Service that it is not a temporary store, in which case the Director of Public Safety-Service shall not be required to impose a license fee. Persons selling agricultural articles or products offered for sale by the producer shall be exempt from the payment of any license fee.

731.02 TEMPORARY STORE LICENSE REQUIRED; APPLICATION
AND FEE

No person, either as principal or agent, shall engage in or conduct a temporary or transient store for the sale of goods, wares and merchandise, and for such purpose hire, lease or occupy, either in whole or in part, a room, building or other structure for the exhibit or sale of such goods, wares and merchandise, without first obtaining a license from the Director of Public Safety-Service.

Application for a temporary store license shall be made upon blanks furnished by the Director of Public Safety-Service, and the license granted by him only after he has made an investigation and finds the applicant to be of good moral character, honest and of good reputation, and the business to be conducted by virtue of the license will not be detrimental to the public peace, health, safety and general welfare. All applications, when made, shall, together with the applicant, be referred to the Director, who shall have a reasonable time within which to investigate the character, reputation and past conduct of the applicant, as well as question him relative thereto. Upon approval of the application by the Director, the Director shall issue a temporary store license upon payment of a fee as set forth in Section 1321.06 of the Codified Ordinances.

731.03 REGULATING SALES CONDUCTED AT PRIVATE RESIDENCE.

The sale of personal property, other than a motor vehicle as defined in Section 301.20 of these Codified Ordinances, to the general public conducted at a private residence, which sales shall include but not be limited to garage sales, patio sales, yard sales, basement sales, porch sales, driveway sales, rummage sales and the like, shall be conducted between the hours of 9:00 a.m. and 6:00 p.m., each sale shall be no longer than three (3) consecutive days and shall be limited to two (2) such sales per residence in a calendar year.

No sale, or offering for sale, of any motor vehicle, as defined in Section 301.20 of these Codified Ordinances, to the general public from a private residence, shall be conducted by a resident or a member of the family of such resident on such resident's property or on another resident's property more than twice each twelve month period.

(Ord. 115-90. Passed 11-12-90).

731.04 REGULATING SALES OUTSIDE AN ENCLOSED BUILDING IN GENERAL AND LOCAL BUSINESS DISTRICTS.

The sale of personal property, other than a motor vehicle as defined in Section 301.20 of these Codified Ordinances, to the general public may be conducted outside an enclosed building in general and local business districts limited by all the following conditions:

(a) Such sale shall only be conducted by a tenant or owner of the real property at which the sale is held with such tenant or owner also conducting its regular business wholly within an enclosed building at the sale location; and,

(b) Such sale shall be limited to no more than a three (3) day duration and shall not be conducted more than three (3) times during any calendar year provided, however, that for any owner of real property having more than one tenant on said real property, any sale authorized hereunder must be conducted at the same time by all tenants desiring to participate in such sale; and,

(c) The display area for such sale shall not exceed the width of the tenant's or owner's individual store frontage and shall be arranged so as not to block any entrance or exit to the enclosed buildings and permit the general public to safely use walkways where the sale is located; and,

(d) Such sale shall be conducted only during the tenant's or owner's normal business hours with all personal property to be returned to the enclosed building at the end of each business day; and,

(e) Every tenant conducting such a sale shall have at least one (1) sales person attending the sales area outside an enclosed building at all times during such sale; and,

(f) The owner of the real property shall have at least one (1) employee attending the sales area outside an enclosed building during such sale to supervise and insure that all entrances and exits remain open and unobstructed, that all walkways can be safely used by the general public and that any debris emanating from such sale is collected immediately; and,

(g) Such sale is limited to the same type of merchandise normally sold by the tenant or owner wholly within an enclosed building at the real property where such sale is being conducted; and,

(h) If such sale includes food or beverages for consumption at such sale, appropriate seating facilities and trash receptacles are provided by the tenant or owner conducting such a sale; and,

(i) Such sale shall be conducted only upon private property; and,

(j) Application for a sale outside an enclosed building license shall be made upon a form supplied by the Director of Public Safety-Service which shall contain the information set forth in Subsections (a)-(i) above. All license applications shall be referred to the Director who shall, within five (5) days after receipt of the completed application, issue a license for a sale outside an enclosed building unless he finds that:

- (1) The applicant has provided false, misleading or deceptive information in his application; and/or
- (2) The applicant has not provided all the information required by Subsections (a)-(i) above; and/or
- (3) The applicant does not meet all the terms of Subsections (a)-(i) above.

Upon approval of the application by the Director, he shall issue a sale outside an enclosed building license upon payment of a fee as set forth in Section 1321.06 of the Codified Ordinances.(Ord. 63-92. Passed 9-14-92.)

731.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ord. 23-85. Passed 4-22-85.)