



City Of Statesboro
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Statesboro, GA 30458
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Application For Temporary Vendor Permit
Fee- \$35

Items required with application:

- Written, signed, and notarized permission from the property owner
- Site plan clearly demonstrating the property, the layout of any temporary structures, parking signs, toilet facilities, ingress/egress, drive lanes, and any other proposed use of area including the division of property into stalls or other defined areas.

Name of Applicant: _____

Applicants physical address: _____

Length of time at this address: _____

Applicant's phone number: _____

Are you a business owner? _____ yes _____ no

If so, list business legal name: _____

Business DBA name (if applicable): _____

Address where temporary business is to be conducted: _____

Name of on-site person responsible for conducting business: _____

Phone number: _____

Property Information:

Property owner's name: _____

Property owner's physical address: _____

Property owner's phone number: _____

Property owner's email address: _____

Temporary Business Information:

Dates of operation (List ALL dates you will be conducting business. No temporary business or any property site shall be issued temporary business permits for more than ninety (90) days in any calendar year.)

Times of operation: _____

Type of business: _____

Type of merchandise sold: _____

Description and number of vehicles, tents, and/or structures to be used at the location: _____

Has this applicant or temporary business been issued a temporary business permit previously?

_____yes _____no

If yes, list dates and location: _____

****Failure to provide complete and accurate information will result in revocation.****

The above information is true & correct to the best of my knowledge.

Signature of applicant

Date

Sec. 18-285. - Definitions.

As used herein, the following words or phrases shall have the following meaning:

Garage sale/yard sale means the display and offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the city limits of the city, which goods, wares or merchandise are household furnishings or personal possessions of persons residing in the household upon which they are displayed and offered for sale, under circumstances where many such items are displayed upon the premises at the same time, and persons are invited to come upon the premises to view such items for the purpose of sale.

Nonprofit organization means a registered 501(c)(3) non-taxable organization or agency.

Personal property means property which is owned, utilized, and maintained by an individual or members of his or her own residence and acquired in the normal course of living or in maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Temporary business means the sale of goods or services by a person or business being operated out of a vehicle, trailer or tent/other similar temporary structure or in the open air for a specified period of time. A temporary business will generally not involve the erection of a permanent structure. A household selling its personal property at the residential location of that household is not a temporary business.

Temporary vendor means any person, firm or corporation whether as owner, agent or employee that sells, offers or exhibits for sale any goods, wares or services from private premises, but remains at one place for a temporary or specified period of time.

Temporary vendor permit means the privilege granted by the city to engage in business as a temporary business within the corporate limits of the City of Statesboro. Evidence of such shall be in the form of a license document issued by the city.

Tent means a portable shelter consisting of canvas or other material stretched over poles or other like devices attached to stakes or anything suggestive of a portable shelter.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-286. - Temporary business; temporary vendor license and occupation tax certificate required.

Any person desiring to operate a temporary business within the city shall be required to obtain a temporary vendor permit and shall be subject to all provisions set forth herein. It shall be unlawful for any person, agent, servant or employee of any person to engage in, carry on or conduct a temporary business without having first obtained a permit as provided herein.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-287. - Garage, yard, or stall sales; temporary vendor license and occupation tax certificate required.

- (a) Any person desiring to sell personal property of every kind and character, not at their own residence, shall obtain a temporary vendor permit and shall be subject to all provisions set forth herein.
 - (1) It shall be unlawful for any person to hold a garage sale except upon premises to which he has the right to possession and of which he is a member of the household. It shall be unlawful to hold a garage sale of longer duration than two consecutive days.
 - (2) Garage/yard sales, where permitted, shall not exceed two consecutive days for each yard sale. A garage/yard sale on a particular property shall not occur more frequently than four times annually. All merchandise must be the property of those holding the sale and not be purchased for the purpose of resale.

- (b) It shall be unlawful for any person, agent, servant or employee of any person to engage in, carry on or conduct a garage, yard, or stall sale, not at their own residence, without having first obtained a permit as provided herein. All merchandise or items associated with any sale shall be removed immediately at the end of the sale.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-288. - Application for temporary vendor permit required.

Any person required to procure a temporary vendor permit under the provisions of this article shall submit an application for such permit to the City of Statesboro upon a form to be supplied by the city. The application shall include, but shall not be limited to the following information:

- (1) Name under which business is to be conducted and the business's state of incorporation;
- (2) Name of the applicant;
- (3) Permanent residential address of applicant and length of time at such address;
- (4) Address where business is to be conducted;
- (5) Property owner's name, address, telephone number and email address;
- (6) Written consent of property owner for the use of the property in the nature of that applied for, or his agent and any conditions to lease agreement;
- (7) Nature of the business;
- (8) Type of merchandise;
- (9) Description and number of vehicles, structures, and/or tents to be used;
- (10) Dates and times within which the temporary business will be operated;

Name and contact information of the person and/or persons who will be in direct charge of conducting the temporary business site plan clearly demonstrating the property; the layout of any temporary structures; or parking; toilet facilities; ingress/egress; drive lanes; and any other proposed use of area including the division of property into "stalls" or other defined areas.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-289. - Fees.

- (a) Temporary vendor permit applications shall be assessed a regulatory fee of \$35.00 per application or as otherwise stated in the City of Statesboro schedule of fines and fees. Regulatory fees, administrative fees, and/or application fees for temporary vendor permits may be amended from time to time and shall be levied in accordance with the most recently adopted schedule of fees or as otherwise adopted by the City of Statesboro mayor and city council.
- (b) An individual selling personal household goods at their own residence, in a fashion commonly considered to be yard or garage sale, shall be exempt from this fee requirement.
- (c) A stall sale, open air market, or event of a similar nature comprised of multiple persons or entities participating in a common event shall be considered one temporary business for purposes of this article. The temporary vendor hosting such event shall be responsible for securing a permit pursuant to this article.

Sec. 18-290. - Exemptions.

The following shall be exempt from the provisions of this article:

- (1) Participants in any city or other governmental agency sanctioned event.
- (2) Any nonprofit organization sanctioned event provided that:
 - a. No sale shall last more than two consecutive days.
 - b. All merchandise or items associated with any sale shall be removed immediately at the end of the sale.
 - c. No more than four events per property, per year, may be held.
- (3) Any person desiring to sell personal property of their own and at their own residence provided that:
 - a. No sale shall last more than two consecutive days.
 - b. No more than two sales of own personal property at each own residence within a 30-day period; and no more than four times per year total.
 - c. All merchandise or items associated with any sale shall be removed immediately at the end of the sale.

Sec. 18-291. - Transfer of temporary vendor permit.

A temporary vendor permit issued hereunder shall not be transferable.

Sec. 18-292. - Location.

- (a) Any temporary business which sells its goods or services from more than one location within the city shall submit a separate application for each location and pay a separate fee for each location.
- (b) Any business regulated hereunder which moves to another location after the expiration of the temporary period shall obtain a new temporary vendor permit from the city and pay the required fees for such permit.
- (c) Temporary vendors may only locate in zones allowing commercial or industrial uses; temporary vendors and transient merchants shall not locate within the right-of-way.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-293. - Regulations.

- (a) The premises where such temporary business is located shall be kept in a clean and sanitary condition. Premises shall be returned to their original state at the expiration of the temporary permit.
- (b) The temporary vendor shall have sufficient parking on the premises to provide parking for the customers and must not allow parking on the streets or adjoining property. Parking plans and ingress/egress plans must be approved by the city engineer for safety.
- (c) The vendor may not sell any goods or services by means of any outcry, sound, speaker or amplifier of any kind.
- (d) The temporary vendor permit shall be posted in conspicuous location at the temporary business site. License shall be shown to any peace officer or agent of the City of Statesboro or State of Georgia requesting it.
- (e) Any structures or mobile units utilized by the vendor shall comply with all fire and life safety code provisions and any additional requirements established by the authority having jurisdiction.
- (f) The vendor shall not be located within any public right-of-way.
- (g) Any temporary vendor or transient merchant required to obtain health permits, bonds, certificates of qualification, certificates of competency, state licensing, zoning approval, fire approval, certificates of

occupancy, or other regulatory matter, shall first, before the issuance of a temporary vendor permit or occupation tax certificate, show evidence of such qualification, if such is required

- (h) Any temporary business operating with duration of more than two consecutive days shall provide proper sanitary facilities consisting of one lavatory with running water for each 10,000 square feet of utilized site area. There shall be one or more hose connections to an adequate supply of water for each 10,000 square feet of utilized area and located so that all parts may be serviced by a hose. The building official shall approve such facilities.
- (i) Temporary businesses shall not infringe upon the use or enjoyment of the public right-of-way or neighboring properties.

(Ord. No. 2016-02, § 1, 3-1-16)

Section 18-294. - Grounds for disapproval or revocation of permit.

- (a) Any temporary vendor permit issued to conduct a temporary business may be revoked by the city clerk due to the failure of the vendor, his agent or employees to comply with the provisions herein: fraud, misrepresentation or false statement contained in the application for license; or for any violation of any other ordinance of the city or of any state or federal law.
- (b) Temporary permits may be suspended or revoked, or applications for such may be denied by the city upon a determination that the temporary business or the site upon which it is located is deemed a public nuisance or has become detrimental to surrounding businesses and/or the public.
- (c) Conducting or proposing to conduct a temporary business in an unlawful manner, in violation of this chapter, or in any manner which constitutes a breach of the peace, or acts as a menace to the health, safety, or general welfare of the public shall constitute a public nuisance.
- (d) Notice of such a determination shall be delivered to the permit holder and posted at the site. Any suspension or revocation may be appealed to the city council by filing a written notice of appeal to the city clerk within ten days of the date of the revocation or suspension. The city clerk shall schedule a hearing before the Mayor and City Council of the City of Statesboro within 30 days of receipt of the notice of appeal.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-295. - Signs.

Any signs erected in conjunction with the operation of a temporary business must be permitted in accordance with Statesboro Zoning Ordinance.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-296. - Penalties for operation without a temporary vendor permit.

Any temporary business or temporary vendor which operates within the city without first registering with the city and obtaining a temporary vendor permit as provided herein shall be charged with violation of this article. Each day any violation of this article continues shall constitute a separate offense.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-298. - Duration.

Any temporary vendor permit issued to a temporary business shall be valid for the dates stated upon the temporary vendor permit or 30 consecutive days, whichever is shorter.

(Ord. No. 2016-02, § 1, 3-1-16)

Sec. 18-299. - Limits of issuance.

No temporary business or any property site shall be issued temporary vendor permits for more than 90 days in any calendar year.

Sec. 18-300. - Existing temporary vendors.

- (a) Any temporary business or temporary vendor, as defined by this article, in existence for six months in the city prior to the adoption of this article, which violates or does not conform to the provisions hereof (hereafter, a "pre-existing, non-conforming temporary business or temporary vendor") shall conform to the provisions of this article within a period of two years from said adoption of this article.
- (b) The city council may grant an extension of time for continued operation after the conclusion of the amortization grace period if the owner of the pre-existing, non-conforming temporary business proves that he is unable to recoup his investment in such enterprise by that date. In order to secure an extension of time, the temporary business or temporary vendor must submit a written request for such extension at least 60 days prior to the expiration of the two-year amortization grace period.

