



August 04, 2015
Following the 9:00 am Council Meeting

City Council Work Session

Topic for Discussion:

1. Discussion of Temporary Vendor draft ordinance and power point presentation

General discussion on emerging issues

*******THERE WILL BE NO ACTION TAKEN*******

Ordinance 2015-06

**An Ordinance Amending Chapter Eighteen of the Statesboro Code of Ordinances
(Temporary Vendors and Transient Merchants)**

WHEREAS, the Mayor and City Council have determined there is sufficient reason and need to amend Chapter 18 of the Code of Ordinance, City of Statesboro, Georgia to promote the general welfare of the citizens of Statesboro;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Statesboro, Georgia, in regular session assembled as follows:

Section 1:

Chapter 18 of the Code of Ordinances, City of Statesboro, Georgia is hereby amended by adding the following pertaining to temporary vendors and transient merchants, including garage, yard, and stall sales, temporary businesses, and seasonal sales:

ARTICLE X. Temporary Vendors and Transient Merchants

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.

Seasonal Sales shall mean.....

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 household selling its personal property at the residential location of that household is *not* a temporary business.

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.

Transient 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 period only.

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.

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

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.

- (a.) 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.
- (b.) 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 three consecutive days.
- (c.) Garage/yard sales, where permitted, shall not exceed seventy-two (72) hours for each yard sale. A garage/yard sale on a particular property shall not occur more frequently than four (4) times annually. All merchandise must be the property of those holding the sale and not be purchased for the purpose of resale.

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:

- (a.) Name under which business is to be conducted and the business's state of incorporation;
- (b.) Name of the applicant;
- (c.) Permanent residential address of applicant and length of time at such address;
- (d.) Address where business is to be conducted;
- (e.) Property owner's name, address, telephone number and email address;
- (f.) 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;
- (g.) Nature of the business;
- (h.) Type of merchandise;
- (i.) Description and number of vehicles and/or tents to be used;
- (j.) Dates and times within which the temporary business or garage, yard or stall sale will be operated;

- (k.) Name and contact information of the person and/or persons who will be in direct charge of conducting the temporary business or garage, yard or stall sale.
- (l.) 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.

Sec. 18-289. - Fees.

Regulatory fees, administrative fees, and/or application fees for Temporary Vendor Permits 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.

Sec. 18-290. - Exemptions.

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

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

Sec. 18-293. - Regulations.

- (a.) The premises where such Temporary Business is located shall be kept in a clean and sanitary condition.
- (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.
- (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 ten thousand square feet of utilized site area. There shall be one or more hose connections to an adequate supply of water for each ten thousand square feet of utilized area and located so that all parts may be serviced by a hose. The Building Official shall approve such facilities.

Sec . 18-294. Seasonal Sales.

A person selling only seasonal merchandise associated with the following recognized seasons may qualify for a Seasonal Sales Permit, rather than a Temporary Vendor Permit: Summer produce season; Fall Harvest; and Christmas.

- a. For the purposes of this exception to this subsection seasonal merchandise does not include food, produce flowers balloons, and general retail items detailed with holiday accents, decorations, or other accessories.
- b. Seasonal Sales must abide by the same regulations of Temporary Vendors.
- c. Seasonal Sales may be permitted for a period of no more than 45 days immediately surrounding the season for which the permit is applied for.

- d. No Seasonal Sale vendor shall be issued more than two (2) Seasonal Sale Permits per calendar year.
- e. No property site shall be issued more than two (2) Seasonal Sale Permits per calendar year.

Sec. 18-294. - Signs.

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

Sec. 18-____. – Toilet Facilities.

Any temporary business with a duration of more than two consecutive days shall provide proper sanitary facilities consisting of one lavatory with running water for each ten thousand square feet of utilized site area. There shall be one or more hose connections to an adequate supply of water for each ten thousand square feet of utilized area and located so that all parts may be serviced by a hose.

Sec. 19-296. - 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 ordinance. Each day any violation of this article shall continue shall constitute a separate offense.

Sec. 18-297. - Revocation of a Temporary Vendor Permit.

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.

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.

Sec. 18-299. - Limits of issuance.

- (a.) No Temporary Vendor or Transient Merchant shall be issued more than three (3) Temporary Vendor Permits per calendar year.
- (b.) No property site shall be issued more than three Temporary Vendor Permits per calendar year.

Sec. 18-300 – 305. - Reserved.

Section 2. All other sections of the Code of Ordinances, City of Statesboro, Georgia not expressly amended here remain in full force and effect.

Section 3. Should any section, subsection, or provision of this ordinance be rendered invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

Section 4. Except as modified herein, City of Statesboro Code of Ordinances, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall be and remain in full force and effect from and after its adoption on two separate readings.

First Reading: June 2, 2015

Second Reading: June 16, 2015

The Mayor and City Council of the City of Statesboro, Georgia

By: Jan J. Moore, Mayor

Attest: Sue Starling, City Clerk



TEMPORARY VENDOR PERMITS

Presented by
the City Clerk,
Planning &
Development
and
Engineering



TYPES OF PERMITS REGULATED BY THE ORDINANCE

- **Permanent Business:** A permanent business is one that has a fixed place to conduct business in a “traditional” or brick-and-mortar location and requires an Occupational Tax License (Business License) pursuant to Chapter 18 of the City of Statesboro Ordinance.
- **Temporary Vendor:** Temporary vendor means the sale of goods or services by a person or business being operated out of a vehicle, trailer or tent/similar temporary structure or in the open air for a specified period of time.
- **Seasonal Sales:** Seasonal sales means the sale of goods or services by a person or business during a specified, recurring season. Example: Christmas trees, summer produce, fall harvest, etc.

EXEMPTIONS

- The following situations are exempt from the ordinance:
 - **Yard Sales/Garage Sales:** Individuals selling personal property, which is owned, utilized or maintained by an individual or members of his household and acquired during the normal course of living or in maintaining a residence. Individuals can organize yard/garage sales at their personal residence no more than four (4) times per year, for three (3) consecutive days per event.
 - **Government Events:** Government events include those organized by Statesboro, Bulloch County or any other local, state or federal government agency or sponsored entity.
 - **Non-profit Events:** Non-profit organizations are registered 501(c)(3), non-taxable properties and can organize events that run two (2) consecutive days or less. In addition, non-profits can organize up to two (2) events per property each year.

TEMPORARY VENDOR

- Temporary vendor means the sale of goods or services by a person or business being operated out of a vehicle, trailer or tent/similar temporary structure or in the open air for a specified period of time.
- Following are examples of temporary vendors who operate in Statesboro:



FLEA MARKETS

This Flea Market is located at West Main and Northside Drive in the old KFC parking lot.



FOOD VENDOR

This vendor is often present at the old Dairy Queen location.



YARD SALES

This yard sale was held on West Main. The ordinance would ensure yard sales are held at an individual's residence.



SALES OF
SERVICES



MULTIPLE PRODUCT TYPES

The Greenman operates at South Main and West Jones Streets.

TEMPORARY VENDOR REQUIREMENTS

- The ordinance enforces the following minimum amenities to promote a safe and nuisance-free environment for shoppers and the public in general and to “level the playing field” with permanent business establishments:
 - Sufficient Parking
 - No sound equipment
 - Structures must meet fire and building codes
 - Health and other permits are required
 - Toilet facilities
 - Meet or exceed the Zoning Ordinance’s sign requirements

LIMITATIONS ON TEMPORARY VENDORS

- The following limitations on temporary vendors will ensure the classification lines between permanent and temporary operations remain clear:
 - Thirty (30) days maximum for each permit
 - Three (3) events per vendor per year
 - Three (3) events per property per year
 - Temporary vendor permits are limited to (30) days or less, with the exception of seasonal sales vendors

SEASONAL SALES

- Seasonal sales shall mean an individual who engages in the sell of products, in the open air, under a tent/similar structure or from a vehicle, traditionally associated with the following seasons: Fall, Harvest and Summer Produce.
- Seasonal sales must meet all of the requirements of temporary vendors.
- The same limitations apply to seasonal sales except sales may continue for forty-five (45) consecutive days around the identified season (dates to be identified).

SEASONAL SALES TIME LIMITATIONS

- Forty-five (45) days maximum per permit
- Limit two (2) permits per seasonal sale vendor
- Limit two (2) per property

QUESTIONS OR
COMMENTS?