

759.01 TEMPORARY STORES DEFINED.

“**Temporary store**” means any building, stand, cart, or location whatsoever which is used for the solicitation of orders for or the sale of goods, wares, merchandise or other items of personal property on a seasonal or **temporary** basis at said location. “**Temporary store**” does not include a garage or yard sale conducted pursuant to a permit issued by the City Manager under Chapter 727 of the Codified Ordinances; or a public auction conducted by a person regularly engaged in the business of being an auctioneer. For purposes of this section, “seasonal or **temporary** basis” means any period of time which does not exceed 120 days.

(Ord. 2012-187. Passed 11-19-12.)

759.02 PERMIT REQUIRED.

Except as otherwise provided in this Chapter, any person or entity operating a **temporary store** within the corporate limits of the City of Ashtabula, Ohio, must first obtain a permit therefore from the City Manager. The application for said permit shall fully identify the applicant by name and permanent address, generally describe the goods or wares to be sold, specify the time period in days for which the permit is sought, and state the specific location(s) of the **temporary store(s)**. The City Manager has the right to refuse a requested location. The cost of said permit shall be \$250.00 for each location for each 30-day period or part thereof covered by the permit.

(Ord. 2012-187. Passed 11-19-12.)

759.03 POSTING OF PERMIT.

Every **temporary store** shall have its current permit posted in a conspicuous location whenever it is open for business.

(Ord. 2012-187. Passed 11-19-12.)

759.04 FARMER’S MARKETS.

(a) As used herein, “farmer’s market” means any **temporary store** or combination of **temporary stores** where three (3) or more different participating vendors offer for sale fruits, vegetables, preserves, cheeses, and similar agricultural products which are grown or produced within a 50-mile radius of the farm market location.

(b) Farmer’s markets are required to register with the office of the City Manager and provide all the information required of other **temporary stores**, but shall not be charged a fee for a permit to operate during the months of June through November.

(Ord. 2012-187. Passed 11-19-12.)

759.05 STREET FAIRS AND FESTIVALS.

The City Manager may waive the requirement of a **Temporary Store** permit fee for vendors who are participating in a street fair or festival which is of between one (1) and three (3) days’ duration and in which local merchants with permanent business locations inside the City also participate. Such waiver must be obtained in advance by the sponsor or sponsors of the street fair or festival. (Ord. 2012-187. Passed 11-19-12.)

759.06 EXEMPTION FROM FEE.

A vendor may request to be exempt from paying the fee for a permit if the net proceeds of the sales are to be given or donated to a charitable organization or charitable cause, or to a religious organization. Exemption requests must be approved by a majority vote of Council upon recommendation to Council by the City Manager.

(Ord. 2012-187. Passed 11-19-12.)

759.99 PENALTIES.

(a) Any person or entity that violates Section 759.02 is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on a second or subsequent offense after a predicate conviction. Each day that such violation continues shall constitute a separate offense.

(b) Any person or entity that violates any other provision of this Chapter is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.

(Ord. 2012-187. Passed 11-19-12.)