

CITY OF WILLIAMSBURG
ORDINANCE NO. 10-005

AN ORDINANCE AMENDING THE TRANSIENT MERCHANT ORDINANCE NO. 02-013 RELATING TO SECTIONS 5.24.010 AND 5.24.020 AND TO REPEAL SECTION 5.24.050 RELATING TO GARGAGE SALES

BE IT ORDAINED BY THE CITY OF WILLIAMSBURG, KENTUCKY, AS FOLLOWS:

Chapter 5.24 TRANSIENT MERCHANTS

Sections:

- 5.24.01.0 Defined.
- 5.24.020 Permit--Required.
- 5.24.030 Permit--procedure for obtaining.
- 5.24.040 Places of business--Restrictions.
- 5.24.050 Garage sales--Applicability of provisions.
- 5.24.060 Sale of farm product--Applicability of provisions.
- 5.24.070 Violation--Penalty.

5.24.010 Defined. ~~The term "transient merchant" means any person selling goods or merchandise to the general public without a permanent business location within the City of Williamsburg. (Ord. 220.2 §1, 1982)~~ The term "transient merchant" means any person selling goods and/or merchandise to the general public without a permanent business location with the City of Williamsburg *or conducting retail business, including those paying money for merchandise.*

The definition of "retail" is to distribute in small portions or to sell at second hand.

5.24.020 Permit--Required. ~~Any transient merchant desiring to sell goods or merchandise within the City of Williamsburg shall, prior to selling the goods, apply and obtain a permit at city hall. (Ord. 220.2 §2(A), 1982)~~ Any transient merchant desiring to sell goods and/or merchandise *or conduct retail business* within the City of Williamsburg shall, prior to conducting business, apply and obtain a permit at City Hall. (Ord. 220.2 §2(A), 1982).

5.24.030 Permit--Procedure for Obtaining. The procedure for obtaining the permit shall be as follows:

A. The transient merchant shall obtain an application for a permit from the city clerk.

B. The application shall be returned to the city clerk's office along with two character references, a cash or corporate bond in an amount equal to the retail value of

the merchandise being brought into the City of Williamsburg, and a permit fee of ~~fifty~~ One Thousand (\$1,000.00) Dollars. It shall be at the discretion of the Mayor to determine if a bond is required by a merchant.

C. If the preceding papers and fees are properly filed, the mayor, or the city administrator, if the mayor so delegates, shall review the application and shall issue the permit to the transient merchant within two business days (excluding Saturdays, Sundays and holidays), unless he shall state, in writing, his reasons for denying the permit.

D. In the event that a permit is denied, the transient merchant shall have the right to appeal his decision within one week, to a committee of three council members, who shall be appointed by the mayor, and the committee shall hold an informal hearing within three business days (excluding Saturdays, Sundays and holidays) from the date a written notice of the appeal is received, to decide whether the decision denying the permit is proper or whether a permit should be granted. If the permit is denied, the permit fee is to be returned.

E. Any bonds posted in compliance with this section shall be returned ninety days after the transient merchant ceases to do business in the city. (Ord. 220.2 §2(B), 1982)

5.24.040 Places of business--Restrictions. Transient merchants with permits shall be allowed to sell goods from vehicles or to set up temporary places of business only in areas zoned B-1, B-2 or B-3. No solicitation or selling of goods or merchandise for profit shall be allowed on the rights-of-way of public streets in the City of Williamsburg, except that this section shall not prohibit merchants with permanent places of business in the City of Williamsburg from using the sidewalks adjacent to their business from time to time. (Ord. 220.2 §3, 1982)

~~5.24.050 Garage sales--Applicability of provisions. Garage sales in the City of Williamsburg at the residence of the person conducting the sale shall be exempted from this chapter; provided, that:~~

~~A. The persons shall not have had a previous garage sale at the location within the previous six months;~~

~~B. The garage sale is not more than four days in duration; and~~

~~C. Goods are not sold at the garage sale which had been purchased by the owner for the purpose of resale. (Ord. 220.2 §4, 1982)~~

5.24.060 Sale of farm produce--Applicability of provisions. No part of this chapter shall apply to the selling of farm produce by persons growing the produce. (Ord. 220.2 §5, 1982)

5.24.070 Violation--Penalty. Any persons, firms, corporations, company or business violating any part of this chapter shall be guilty of a misdemeanor and for such violation shall be fined no less than twenty-five dollars and no more than one

hundred dollars. Each day of the violation shall constitute a separate offense. (Ord. 220.2 §6, 1982)

This ordinance shall take effect after its passage and upon publication.

ENACTED this 11th day of October, 2010.

First Reading: September 13, 2010.

Second Reading: October 11, 2010.

RODDY HARRISON, MAYOR

ATTEST: _____
TERESA H. BLACK, CITY CLERK