

**CHAPTER 112: PEDDLERS; STREET AMUSEMENTS AND OTHER  
TEMPORARY SALES**

Section

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***SALES OR AMUSEMENTS ON STREETS OR OTHER PUBLIC PLACES***

**§ 112.01 LICENSE REQUIRED.**

It shall be unlawful for any person, firm or corporation, transient or otherwise, to vend, sell, dispose of or offer to vend, sell, dispose of or display any goods, wares or merchandise or to provide for profiting amusements or games on any public walk, streets, alley or anywhere within the corporate limits

of the city, without having first obtained a license from the City Clerk for that purpose and having paid a license fee therefore as provided in this chapter.

(Ord. passed 3-3-80) Penalty, see § 112.99

#### **§ 112.02 EXEMPTION.**

There is exempt from the application of this chapter any organization that is a nonprofit or charitable organization or church group and persons, firms or corporations possessing an annual business license for the city.

(Ord. passed 3-3-80)

#### **§ 112.03 APPLICATION FOR LICENSE.**

Application for a license to vend, sell, dispose of or display merchandise, goods or wares or to provide street amusement or games for profit shall be made to the City Clerk. The application shall provide the name of the applicant, if an individual, the names of partners or copartners or the names of principal officers if a corporation, and shall indicate the location where such merchandise, goods, wares, games or amusement is to be located.

(Ord. passed 3-3-80) Penalty, see § 112.99

#### **§ 112.04 LICENSE FEE; TERM.**

The license fee to be charged is \$50 and no license shall be valid for more than two days.

(Ord. passed 3-3-80) Penalty, see § 112.99

#### **§ 112.05 BLOCKING STREETS; ENDANGERING PEDESTRIANS PROHIBITED.**

No street or alley is to be blocked by any sale, amusement or game licensed hereunder and all merchandise, games or amusements licensed hereunder shall be securely or adequately placed so that no pedestrian or passerby is endangered thereby.

(Ord. passed 3-3-80) Penalty, see § 112.99

#### **§ 112.06 INSPECTIONS BY POLICE.**

The Chief of Police and city police officers shall make or cause to be made sufficient inspections to insure compliance with the provisions of this chapter and other applicable provisions of the city code applicable thereto.

(Ord. passed 3-3-80) Penalty, see § 112.99

***OFF-SITE SALES OR DISPLAY EVENTS***

**§ 112.20 CONDITIONS REQUIRED FOR TEMPORARY OFF-SITE SALES OR DISPLAY EVENTS.**

Licensed motor vehicle dealers may conduct temporary off-site sales or display events such as tent sales, provided the events meet all the conditions set forth in KRS 190.030, including but not limited to:

(A) The event must be advertised as being temporary in nature; and

(B) The sales event or display must include a representative sampling of the inventory of the dealership participating in the event;

(C) The sales event must be conducted by a motor vehicle dealer licensed to do business in Kentucky;

(D) The seller owns the site where the sale is to be conducted or has a 12-month lease on that site;

(E) The motor vehicle dealer must have a special event business license issued by the city, which shall cost \$50.

(Ord. 05-02-03, passed 2-21-05)

***PERMITS FOR CONDUCTING TEMPORARY BUSINESS***

**§ 112.30 DEFINITIONS.**

The following terms shall have the meanings set out in this section when used in this subchapter unless a different meaning clearly appears from the context.

***BUSINESS.*** Any marketing activity conducted for the sale, exchange or transfer of goods and/or services for either a donation or for a profit.

***EDUCATIONAL-RELATED GROUP OR ORGANIZATION.*** Any PTO or other school-related organization associated with a school located in Marshall County, Kentucky, with a letter from the principal of that school authorizing the organization to raise money in that school's name.

***NON-PROFIT FIRM OR CORPORATION.*** Any organized church, religious organization, or group organized and existing in Kentucky, holding a tax identification number issued to it by the Internal Revenue Service.

**TAX EXEMPT ORGANIZATION.** Any group or organization exempt from the payment of an income tax under § 503(c)(3) of the Internal Revenue Code as amended.

**TEMPORARY BUSINESS.** The sale of goods or services, the acceptance of donations in exchange for goods or services, or the barter of goods and services by any person, firm, corporation, group, or association and persons in the city for any period of five days or less.  
(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13; Am. Ord. 17-03-01, passed 3-20-17; Am. Ord. 19-03-01, passed 3-18-19)

### § 112.31 PERMIT REQUIRED.

No persons from corporations, groups, or associations of persons shall operate a temporary business within the city without a permit issued by the City Clerk.  
(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13) Penalty, see § 112.99

### § 112.32 APPLICATION REQUIRED.

(A) An application for a permit to operate a temporary business under this subchapter shall be made at the City Clerk's office upon forms provided by the city. The application shall be sworn to or affirmed by the applicant and filed with the City Clerk at least 24 hours prior to the time in which the permit applied for shall become effective. At the discretion of the City Clerk, formal written, applications may not be required for proposed temporary business permits beginning a week before Tater Day, and ending a week after Tater Day, provided that the Clerk received sufficient information as to be able to issue a permit.

(B) The application shall be in the form attached hereto and shall contain the following information:

- (1) Name, address of the person, firm, or corporation applying for the permit.
- (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.
- (3) The name and address of the person or persons who are to be in direct charge of conducting the temporary business.
- (4) The time within which the temporary business will be operated and the location within the city where the business is to be conducted.
- (5) Any application for a permit must also be signed by the party on whose property the temporary business shall be conducted.

(6) A copy of any tax identification information provided to it by the Internal Revenue Service.

(7) A copy of the exemption letter it received from the Internal Revenue Service if it is a § 501(c)(3) organization.

(8) Any other information it may wish to have the City Clerk review in conjunction with its application.

(9) No person, firm, corporation, group, or association shall be granted a temporary business permit more than once every 30 days.  
(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13; Am. Ord. 19-03-01, passed 3-18-19)  
Penalty, see § 112.99

### **§ 112.33 INVESTIGATIONS BY THE CITY CLERK'S OFFICE.**

The City Clerk shall examine each application filed under this chapter and shall make or cause to be made, such further examinations of the application and the applicant as the City Clerk may deem appropriate. The permit shall be issued when the City Clerk determines that:

(A) All statements made by the applicant in the application are true.

(B) The applicant has not engaged in any fraudulent activity, transactions, or enterprise.

(C) Nothing in the application will constitute or permit a violation of any provision of any other city ordinance, including the city's Planning and Zoning Ordinance.  
(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13) Penalty, see § 112.99

### **§ 112.34 FEES FOR PERMIT.**

(A) Before a permit is issued by the City Clerk, a fee shall be paid by the applicant for any temporary business. A permit will allow a temporary business to operate at one location for a period of five consecutive days or less from the date of issuance. A separate application and fee shall be required for each additional business location if more than one.

(B) The fees to be paid for the permit shall be:

(1) One hundred dollars (\$100) for any person, firm or corporation serving any type of food or drinks not otherwise entitled to a reduced fee.

(2) Fifty dollars (\$50) for a permit authorizing the applicant to sell merchandise only.

(3) Fifty dollars (\$50) for non-profit firm or corporation organized and registered in Kentucky, holding a tax identification number issued to it by the Internal Revenue Service.

(4) Twenty-five dollars (\$25) for any organized church located in Marshall County, Kentucky, or any educational group or organization associated with a school located in Marshall County, Kentucky, and authorized to raise money in that school's name or any organization with a § 501(c)(3) exemption issued to it by the Internal Revenue Service.

(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13; Am. Ord. 17-03-01, passed 3-20-17; Am. Ord. 19-03-01, passed 3-18-19) Penalty, see § 112.99

### § 112.35 PERMIT NOT TRANSFERABLE.

Any permit issued under this subchapter shall be nontransferable.

(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13) Penalty, see § 112.99

### § 112.36 WAIVER.

The requirement of having a temporary business permit may be waived by executive order for any event or occasion. Any such waiver shall apply to all vendors for or at each such event or occasion, and waivers shall not be available on an individual basis per vendor for an event or occasion.

(Ord. 17-03-01, passed 3-20-17)

### § 112.99 PENALTY.

(A) Any person, firm or corporation violating any provision of §§ 112.01 through 112.06 shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500 for each offense.  
(Ord. passed 3-3-80)

(B) Whoever violates the provisions of § 112.20 shall be subject to the penalty provisions of § 10.99.

(C) Any person, firm, or corporation violating any of the provisions of § 112.30 et seq. shall be fined not less than \$200 nor more than \$500 for each offense. A separate offense shall be deemed committed each day on which a violation occurs or continues.  
(Ord. 10-06-05, passed 6-21-10; Am. Ord. 13-3-3, passed 3-18-13)