

## **ARTICLE 4.06 OUTSIDE SALES AND STORAGE**

### **4.06.001 Penalty**

### **4.06.002 Permanent Structure Required**

### **4.06.003 Exceptions**

### **4.06.004 Prohibited On Public Property**

#### **4.06.001 Penalty**

Any person who violates any provision of this article shall be subject to the terms of section 1.01.009. (Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.99(A))

#### **4.06.002 Permanent Structure Required**

It shall be unlawful for any person to store, display, sell, lease, rent, barter or exchange any goods, wares, merchandise or service on a commercial, retail basis, or to offer to do so, except within a permanent structure complying with all construction codes, ordinances and regulations of the city applicable thereto, including but not limited to parking and fence requirements. (1990 Code, ch. 4, sec. 7; Ordinance 233 adopted 4/10/90; Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.20)

#### **4.06.003 Exceptions**

This article is not applicable to the following:

1. Transient merchants, junk dealers and street vendors as defined and regulated by other provisions of this code;
2. Garage sales, charitable, religious, educational, fraternal, governmental or nonprofit organizations, or similar organizations regulated and/or permitted by other provisions of this code;
3. A display of merchandise may be displayed outside with the following restrictions:
  1. No racks of multiple items that cause a consumer to “search” for a single item on display rack may be used.
  2. A Single item that showcases the business may be presented outside but cannot be placed more than twenty-four” \*24) from the external wall of the building
  3. All decorative items including the “Showcase” items may not take up more than 25% of the linear feet of the façade of the building per side. The exception to this is tables and chairs or benches for establishments that sell food and beverage as a primary purpose of their establishment.
4. A “sidewalk” sale held by a business operating out of a permanent structure, provided no such sale shall be held more often than once per month, and that no such sale shall exceed 3 days in duration, and further provided that only new merchandise regularly sold by the business shall be offered for sale outside the permanent structure;
5. Outside sales and storage necessary and incidental to the operation out of permanent structures of automobile dealers and service stations, mobile home and recreational vehicle sales lots, farm machinery dealers, nurseries, drive-in restaurants and building material dealers; or
6. Newsracks and vending machines maintained on the premises of a business operating out of a permanent structure.

(1990 Code, ch. 4, sec. 7; Ordinance 233 adopted 4/10/90; Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.21)

#### **4.06.004 Prohibited On Public Property**

1. It shall be unlawful for any person to store, display, sell, lease, rent, barter or exchange goods, wares, merchandise or services on a commercial retail basis, or to engage in any other

commercial activity, or to offer to do so, from, out of, or upon public property, roadways or rights-of-way.

2. The terms and provisions of this division shall not be applicable to the following:
  1. Permittees or licensees granted permission under other provisions of this code to operate upon that public property; or
  2. Newsracks, provided that:
    1. The racks shall be no larger than 6 feet high by 4 feet wide by 2 feet deep;
    2. The racks shall be kept and maintained in a clean, attractive and good operating condition; and
    3. The racks shall not be placed in a location or in such a way that causes or could cause interference with vehicle traffic or pedestrian walkways or with the ingress or egress of persons to or from a building.

(1990 Code, ch. 4, sec. 7; Ordinance 233 adopted 4/10/90; Ordinance 520 adopted 8/12/13; 2007 Code, sec. 113.22)