

CITY OF METTER

TEMPORARY VENDORS AND TRANSIENT MERCHANTS ORDINANCE

Title 5: Businesses

Chapter 5.29. - Temporary Vendors and Transient Merchants

5.29.10 Definitions.

As used herein, the following words or phrases shall have the following meaning:

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.

Temporary business means the sale of goods or services by a person or business being operated out of a vehicle, trailer or tent for a specified period of time.

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.

5.29.020 - 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 License in the form of an Occupation Tax Certificate 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 an Occupation Tax Certificate as provided herein.

5.29.030. - 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 License in the form of an Occupation Tax Certificate 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 garage, yard, or stall sale, not at their own residence, without having first obtained an Occupation Tax Certificate as provided herein. All merchandise or items associated with any sale shall be removed immediately at the end of the sale.

5.29.040. - Application for temporary vendor license and occupation tax certificate required.

Any person required to procure an Occupation Tax Certificate under the provisions of this Article shall submit an Application for an Occupation Tax certificate and a current copy of its Georgia sales tax certificate to the City Clerk 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 address and contact information;
- (f.) Written consent of property owner 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 address of the person and/or persons who will be in direct charge of conducting the temporary business or garage, yard or stall sale.

5.29.050. - Occupation tax certificate and annual renewal fees.

An Occupation Tax shall be submitted with each and every application to operate a Temporary Business pursuant to the ordinance providing for the issuance of an Occupation Tax Certificate and the schedule of fees and charges for such as adopted by City Council.

5.29.060. - Exemptions.

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

- (a.) Businesses possessing a current Occupation Tax Certificate in good standing with the City of Metter.
- (b.) Participants in any City or other governmental agency sanctioned event.
- (c.) Any nonprofit organization sanctioned event provided that:
 - (1.) No sale shall last more than two consecutive days.
 - (2.) No more than one sale of personal property within a 30-day period.
 - (3.) All merchandise or items associated with any sale shall be removed immediately at the end of the sale.
- (d.) 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 residence within a 30-day period.
 - (3.) All merchandise or items associated with any sale shall be removed immediately at the end of the sale.

5.29.070. - Transfer of Occupation Tax Certificate.

- (a.) An Occupation Tax Certificate issued hereunder shall not be transferable.
- (b.) A Temporary Vendor Permit issued hereunder shall not be transferable.

5.29.080. - 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 the Occupation Tax for each location.
- (b.) Any Business regulated hereunder which moves to another location after the expiration of the temporary period shall obtain a new Occupation Tax Certificate from the City and pay the required fees.
- (c.) Temporary Vendors and Transient Merchants shall not locate within the right-of-way.
- (d.) All Temporary Vendors and Transient Merchants must comply with the Metter Zoning Ordinance, including zoning district and temporary structure regulations.
- (e.) 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.

5.29.090. 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.
- (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 and Occupation Tax Certificate shall be posted in a conspicuous location at the Temporary Business site. License shall be shown to any peace officer or agent of the City of Metter or State of Georgia requesting it.
- (e.) The vendor's tent 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 or any City of Metter property.

5.29.0100. - Signs.

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

5.29.0110. - Penalties for failure to make timely payment.

Any person failing to register and apply to the City for an Occupation Tax Certificate to operate a Temporary Business prior to commencement of operation shall be subject to a penalty of ten percent of the fee due. All fees not paid as required herein shall be considered delinquent and shall from the due date bear interest at the rate of one percent per month. For purposes of this section, any period of less than one month shall be considered to be one month.

5.29.0120. - Penalties for operation without an Occupation Tax Certificate.

Any Temporary Business which operates within the City without first registering with the City and obtaining the Occupation Tax Certificate provided herein shall be charged with violating the ordinance. Each day any violation of this article shall continue shall constitute a separate offense.

5.29.0130. - Revocation of an occupation tax certificate.

Any Occupation Tax Certificate 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.

5.29.0140 - Duration

Any Occupation Tax Certificate issued to a Temporary Business shall be valid for the dates stated upon the Temporary Vendor Permit or Occupation Tax Certificate or 30 consecutive days, whichever is shorter.

5.29.0150 - Limits of issuance.

- (a) No Temporary Vendor or Transient Merchant shall be issued more than three (3) Temporary Vendor Permits or Occupation Tax Certificates per calendar year.
- (b) No Temporary Vendor or Transient Merchant permits shall be issued during City sponsored events that allow for vendor booths, such as during Another Bloomin' Festival and Downtown Christmas; except through the proper registration process for said event.

5.29.0160 - Fee structure.

Regulatory Fees, Administrative Fees, Occupation Taxes for Temporary Vendor Permits or Occupation Tax Certificates shall be levied in accordance with the most recently adopted Schedule of Fees by the City of Metter Mayor and City Council.