

CHAPTER 725
Temporary Stores and Transient Dealers

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CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.64
Peddlers and Solicitors - see BUS. REG. Ch. 717

725.01 DEFINITIONS.

(a) Temporary Store and Transient Business. As used in this chapter, the term "temporary store" or "transient business" shall mean a store, storeroom, office building, lot, or other place opened and maintained for the sale to or purchase from the public of goods, wares, or merchandise where the transient dealer operates the place of business for a period of less than 120 continuous business days.

(b) Transient Dealer. As used in this chapter the term "transient dealer" shall mean a person who shall open and maintain a temporary store or transient business. Any such store and/or place which shall be opened, operated and maintained in the Municipality shall prima-facie be presumed to be a temporary store or transient business, within the meaning of this chapter, but the presumption may be overcome by evidence satisfactory to the Mayor that the place of business is not a temporary store or transient business, and that the person is not a transient dealer as herein defined, in which case the Mayor shall not be required to issue a license, as required by Section 725.02.

(c) Person. As used in this chapter the term "person", is defined to mean any individual, association, partnership, or corporation or the operator for or the agent of such person as herein defined, who shall sell to or purchase from the public by means of a temporary store or transient business any goods, wares, or merchandise except as herein provided. (Ord. 124-1999. Passed 12-27-99.)

725.02 LICENSE REQUIRED.

No person shall engage in operating a temporary store or transient business, as herein before defined, without first providing their state vendor number, and/or a federal identification number, and City income tax number as well as obtaining a license therefor from the Mayor as herein provided. (Ord. 124-1999. Passed 12-27-99.)

725.03 FEE; ADMINISTRATION.

(a) The Mayor may issue a license to a transient dealer or to any person, as herein defined, to open a temporary store or transient business as a transient dealer upon the payment of a license fee of thirty-five dollars (\$35.00) per business day, but the sum shall be refunded to the person if the store or place of business proves not to be a temporary store or transient business.

(b) The Mayor is vested with authority to administer the provisions of this chapter. (Ord. 124-1999. Passed 12-27-99.)

725.04 EXCEPTIONS.

This chapter shall not apply to persons selling any agricultural articles or products offered for sale by the producer, nor to persons selling articles of their own manufacture, nor to sales pursuant to the order of any court of competent jurisdiction nor to non-profit civic organizations, nor to any person owning or operating a branch store or stores within the Municipality, provided such persons or the principal of such person has been engaged in the same kind of business in the Municipality for a period of more than one hundred twenty (120) business days prior to the date of the opening of the branch store or stores. (Ord. 124-1999. Passed 12-27-99.)

725.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). Each day that any person maintains and operates the temporary store or transient business without having obtained the license as herein provided shall be construed a separate offense. (Ord. 124-1999. Passed 12-27-99.)