

ORDINANCE NO. 273

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA
RELATING TO THE OCCUPATIONAL LICENSE TAX;
PROVIDING FOR THE REGULATION OF FLEA MARKETS AND
YARD SALES; PROVIDING DEFINITIONS; PROVIDING FOR
PENALTIES; PROVIDING FOR HOLDING AND IMPOUNDING
OF MERCHANDISE; PROVIDING FOR SEVERABILITY AND
PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the people of the City of Port St. Joe, Florida:

That the Code of Ordinances, City of Port St. Joe, Florida is hereby amended by adding a section, to be numbered 62-72, which section reads as follows:

Section 1. Definitions.

As used in this article the following terms shall have the meanings respectively ascribed to them in this section:

(a) *Flea market operation* shall include any indoor or outdoor facility where activities take place commonly known as but not limited to swap shops, garage sales, penny markets, rummage sales and where tangible articles are bought, sold or exchanged.

(b) *Flea market operator* shall include any person who owns or controls the premises at which the activity defined as a flea market operation is conducted.

(c) *Flea market vendor* shall include any person who engages in or conducts the activity of buying, selling or exchanging, whether on a casual or regular basis, any tangible articles, whether new, secondhand or used, in any facility described in the definition of flea market operation.

(d) *Yard sale*. A yard sale is an event by a private individual or group of individuals located on private property within the residential area of the City which does not involve more than one consecutive day of sales activity.

(e) *Antique mall*. Any operation or activity wherein individual vendors lease space from an operator for a period longer than three (3) consecutive days. Any such lessee would be subject to a license fee as provided elsewhere in this Code.

Section 2. Permit.

(a) It shall be unlawful for any flea market operator to operate unless a flea market permit shall be applied for, granted and in existence, in compliance with the provisions of this article.

(b) Any person desiring to conduct a flea market shall make application to the City for a permit ten days prior to the date of sale stating the name and address of the applicant conducting the sale, the location of the premises from which the sale will be conducted, and the applicant's interest in the premises. A permit fee of \$50.00 per year shall be required to be paid with the application. In addition to such permit fee, the flea market operator shall remit to the City \$5.00 per vendor per day that the vendor sells at the flea market.

Section 3. Prohibited Activities.

(a) No outside flea market shall operate more than three (3) consecutive days.

(b) No flea market operator shall hold or allow an outside flea market operation on any site more than twenty-six (26) times per year.

(c) A flea market operator shall not fail to clear the area where an outside flea market is held. This includes removal of all tables, chairs, merchandise, trash, garbage and other litter upon the completion of the flea market.

(d) No individual or group of individuals shall hold or participate in a yard sale in the City of Port St. Joe more often than once a quarter.

Section 4. Excluded Activities.

(a) Nothing herein shall require an individual or group of individuals to obtain a permit for the operation of a yard sale as defined herein.

(b) Nothing herein shall authorize the issue of a permit under this section for purposes of the operation of an antique mall as defined herein.

Section 5. Holding and Impounding of Merchandise.

Articles which the police department have reasonable grounds to believe were stolen may be impounded or left with the vendor under a hold order at the discretion of any member of the police department for a period of 30 days pending investigations as to the ownership of the articles. It shall be unlawful for any flea market vendor to

dispose of any property contrary to any hold order issued by a member of the police department.

Section 6. Penalties.

The penalty for violation of this ordinance shall be the general penalty set forth in the City of Port St. Joe Code Of Ordinances, Section 1-15.

Section 7. Severability.

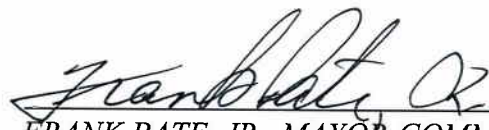
If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 8. Effective Date.

The effective date is June 15, 2001.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 15th day of May, 2001.

THE CITY OF PORT ST. JOE


FRANK PATE, JR., MAYOR-COMMISSIONER

ATTEST:


City Clerk