

Chapter 99
SALES, TEMPORARY

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 10-3-77. Sections 99-9 and 99-15 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Municipal infractions - See Ch. 20.
- Health and sanitation - See Ch. 65.
- Noise - See Ch. 79.
- Peace and good order - See Ch. 87.
- Peddling and soliciting - See Ch. 90.
- Secondhand property dealers - See Ch. 101.
- Streets and sidewalks - See Ch. 105.
- Vehicles and traffic - See Ch. 114.

§ 99-1. Definitions. [Amended 1-16-01 by HR 2000-03]

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein:

CHARITY SALE - Any temporary sale for which the sponsor is a recognized charitable organization and the proceeds of which go to one (1) or more charitable organizations.

FREESTANDING – Standing independently, free of support or attachment.

GOODS - Includes any goods, wares, merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

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SERVICES - Includes any work or act capable of being performed for a fee or donation during a sale regulated hereunder. Examples of “services” occasionally performed as part of a temporary sale are a car wash or appliance repairs.

SPONSOR - Any person who organizes or sponsors a temporary sale and who assumes liability and responsibility during the sale for compliance with all pertinent laws and regulations of the city. A “sponsor” may represent himself or herself as a single vendor or any number of vendors as in the case of a multiple-vendor sale.

TEMPORARY SALES - Includes all sales of goods or services, whether or not for profit, for a period of time not to exceed fourteen (14) days and from a fixed location, store, shop or other site not otherwise licensed to do business there. This includes but is not limited to such sales as yard and garage sales, Christmas tree sales, flea market sales and fresh produce sales.

§ 99-2. Permit required; number limited. [Amended 1-16-01 by HR 2000-03]

Any person conducting a temporary sale as defined herein shall have first obtained from the city a temporary sale permit. No person shall be entitled to obtain more than two (2) permits per calendar year.

§ 99-3. Duration of sale. [Amended 1-16-01 by HR 2000-03, amended 4-5-04 by HO 2004-10]

All temporary sales shall be limited to the sale period stated on the license permit, and shall not exceed 48 consecutive hours within a fourteen (14) calendar day period.

§ 99-4. Issuance of permit restricted to single location.

Each temporary sale permit shall be issued for one (1) location or site only.

§ 99-5. Issuance of permit restricted to single sponsor.

Each temporary sale permit shall be issued to one (1) sponsor only. The sponsor can be any person as defined herein.

§ 99-6. Liability of sponsor.

The sponsor shall be responsible for compliance by all persons involved in the temporary sale with all pertinent laws and regulations of the city and shall be liable for all acts arising from the temporary sale in the same way and to the same extent as other persons operating a business in the city.

§ 99-7. Contents of permit; responsibility for cleanup.

A. Each temporary sale permit shall specify, at the minimum, the following:

- (1) The name of the sponsor.
- (2) The name of the organization, if any, which will receive proceeds from the sale.
- (3) The goods and/or services to be sold.
- (4) The location or site of the sale.
- (5) The period of time during which the sale will take place.

B. The sponsor shall be responsible for the cleaning up of the sale site or location.

§ 99-8. Fees; exemption.

A. A schedule of temporary sale permit fees shall be established from time to time by the City Council. [Amended 4-5-04 by Ord.2004-10]

B. A recognized charitable or nonprofit organization may be exempt of any fee.

§ 99-9. Permitted locations for sales; applicable regulations.

A temporary sale may take place either in an industrial, commercial or residential area. Regulations governing such matters as advertising, signs, sound, construction, sanitation, and traffic shall be the same as for businesses operating in the C-S-C Zone.

§ 99-10. Traffic control at sale site.

No sale shall be so conducted as to interfere with the smooth flow of vehicular and pedestrian traffic past the site of the sale. Any sponsor who anticipates traffic which might interfere with a smooth flow will so notify the city at the time the permit is requested and make any necessary arrangements with police and fire officials to control the flow. Should an unusually large flow of traffic develop during the sale, the sponsor will immediately notify the city and, upon request of the city, shall stop the sale until such time as the traffic flow can be effectively controlled.

§ 99-11. Creation of nuisances prohibited.

No temporary sale nor any activity associated therewith shall be conducted in any way that will disturb the peace, endanger the safety or threaten the welfare of persons nearby or interfere with the reasonable use of adjacent property.

§ 99-12. Creation of health and safety hazards prohibited.

No temporary sale shall be conducted in any way which shall present a danger or hazard to the health or safety of persons or property.

§ 99-13. Maintenance of sale site.

The site or location of a temporary sale shall be maintained clean and free from litter at all times. Any litter which shall fall on the property of another shall be removed immediately. Upon conclusion of the temporary sale, the sponsor shall be responsible for the removal of all litter and trash from the site and adjacent property not later than one (1) day after the sale ends. Should the sponsor fail to do so, the city may remove such trash or litter and charge the cost thereof to the sponsor.

§ 99-14. Compliance with applicable building, electrical or plumbing regulations required.

Any construction, electrical work, plumbing, sign erection or other related activity conducted in association with the temporary sale shall be in accordance with the pertinent building, electrical, plumbing or other applicable codes of the city, state or county. No sound system will be allowed.

§ 99-15. Advertising regulations.

Any advertising of the temporary sale shall be subject to the same regulation as pertains to other business activities in the city located in the C-S-C Zone and as may be additionally defined herein.

§ 99-16. Sign regulations. [Amended 1-16-01 by HR 2000-03]

Any sign advertising the temporary sale may not be erected more than three (3) days before the sale begins and must be removed not later than one (1) day after the sale ends.

§ 99-17. Permit required for certain signs. [Amended 4-5-04 by HO 2004-10]

A permit issued by the city shall be required for any sign advertising the temporary sale which is larger in size than four (4) square feet and for electrical signs of any size.

§ 99-18. Erection of signs restricted. [Amended 1-16-01 by HR 2000-03, amended 4-5-04 by HO 2004-10]

Signs advertising the temporary sale may not be placed on any public property including utility poles, hydrants. Such signs may only be placed on private property and only with the express permission from the owner or agent. Any sign in the public right-of-way must be freestanding and no higher than three and one-half (3 ½) feet and no larger than four (4) square feet.

§ 99-19. Inspection and issuance of permit; suspension and/or revocation; application. [Amended 4-5-04 by HO 2004-10]

- A. The city shall issue the permit applied for after inspection of the proposed temporary sale site by the Code Enforcement Officer and his certification that such sale is in conformance with the provisions of this chapter.
- B. The Code Enforcement Officer of the city shall be empowered to revoke or suspend any permit issued under this section upon a determination that the permittee is conducting the activities in an unsafe, unsanitary or unlawful manner.
- C. Application shall be made seven (7) days prior to the commencement of the desired date of such a temporary sale.

§ 99-20. Violations and penalties. [Added 11-3-80 by HB No, 20-80; amended 8-2-82 by HB No. 12-82, amended 6-1-98 by HR 98-03, amended 1-16-01 by HR 2000-03, Amended 4-5-04 by Ord.2004-10]

Violations of the chapter shall be punishable as a municipal infraction as provided in Chapter 20 of this Code. The fine for any single initial violation shall be one hundred dollars (\$100.), and the fine for each repeat of that offense shall be two hundred dollars (\$200.).