

AN ORDINANCE REGULATING FLEA MARKETS
WITHIN THE CITY LIMITS OF
HAMPTON, GEORGIA

ORDINANCE NO. 56

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, are aware that considerable problems are developing as a result of flea markets conducted within the City; and

WHEREAS, the Mayor and Council, in the exercise of their sound judgment and discretion, after giving thorough consideration to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City of Hampton, deem it necessary to provide for an Ordinance regulating such flea markets;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF, THAT THE CODE OF THE CITY OF HAMPTON IS HEREBY AMENDED TO ADD A NEW ORDINANCE NO. 56 AS FOLLOWS:

ARTICLE I
IN GENERAL

Section 1. - Title.

This Chapter shall be known and cited as the "Flea Market Ordinance for Hampton, Georgia."

Section 2. - Purpose; Function.

(a) This Chapter is adopted in order to promote the health, safety, morals and general welfare of the inhabitants of Hampton, Georgia, by regulating the location, design and maintenance of flea markets.

(b) This Chapter establishes minimum standards for flea markets.

Section 3. - Definitions.

(a) Unless the context of this Chapter requires, the following definitions shall be used in the interpretation and administration of the Chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not optional.

(b) "Flea Market" is defined as any business whereby there is operated a center for shopping where a vendor or vendors sell merchandise to the public including salvage operations, antique stores, thrift stores, jewelry stores, coin shops, clothing shops or other businesses involving the sale of common merchandise.

(c) "Booth" is defined as a designated space or a structure constructed for the purpose of displaying and selling merchandise within a flea market.

AN ORDINANCE REGULATING FISH MARKETS
WITHIN THE CITY LIMITS OF
HAMPTON, GEORGIA

ORDINANCE NO. 22

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, are aware that considerable problems are developing as a result of the markets conducted within the City and

WHEREAS, the Mayor and Council, in the exercise of their sound judgment and discretion after giving due consideration to all the implications involved, and bearing in mind the public interest and welfare of the citizens of the City of Hampton, deem it necessary to provide for an Ordinance regulating such markets;

IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY AUTHORITY AFFIRMED THAT THE CODE OF THE CITY OF HAMPTON IS HEREBY AMENDED TO READ AS FOLLOWS:

ARTICLE I
IN GENERAL

Section 1 - Title.

This Chapter shall be known and cited as the "Fish Market Ordinance for Hampton, Georgia."

Section 2 - Purpose: Function.

(a) This Chapter is adopted in order to promote the health, safety, morals and general welfare of the inhabitants of Hampton, Georgia, by regulating the location, design and maintenance of fish markets.

(b) This Chapter establishes minimum standards for fish markets.

Section 3 - Definitions.

(a) Unless the context of this Chapter requires, the following definitions shall be used in the interpretation and administration of the Chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not optional.

(b) "Fish Market" is defined as any business whereby there is carried a center for displaying where a vendor or vendors sell merchandise to the public including large operations, antique stores, gift stores, jewelry stores, coin stores, clothing stores or other businesses involving the sale of common merchandise.

(c) "Shoof" is defined as a designated space or a structure constructed for the purpose of displaying and selling merchandise within a fish market.

Section 4. - Variances.

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Chapter would cause an unnecessary hardship, the Mayor and City Council may authorize a variance, if such variance can be made without destroying the intent of these regulations. In granting variances, the Mayor and City Council may impose such conditions as will, in its judgement, secure substantially the objective of the standards of requirements so varied.

Section 5. - Conflict of Ordinances; Effect of Partial Invalidity; Severability.

(a) In any case where a provision of this Chapter is found to be in conflict with a provision of any other Ordinance or Code of the municipality, the provision which establishes the higher standard shall prevail.

(b) The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Mayor and Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. - Penalties for Violation.

Any person who violates any provisions of this Chapter shall, upon conviction, be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00) nor more than ninety (90) days in prison; and each day's failure of compliance with any such provision shall constitute a separate violation.

Section 7. - Persons Excluded.

All temporary fund raising events which involve the sale of merchandise by school, church or non-profit organizations shall be exempt from the coverage of this chapter.

**ARTICLE II
PERMIT AND LICENSE**

Section 1. - Permit Requirement.

It shall be unlawful for any person to locate a flea market or to construct, alter or extend any flea market within the limits of the City, unless a valid permit is issued by the City Council of the City of Hampton. Construction, if necessary, must begin within one hundred eighty (180) days after issuance of the permit.

Section 2. - Applications.

(a) All applications for permits for flea markets shall be submitted to the Clerk of the City of Hampton, Georgia, which said application shall be in a form prescribed by the City. Said application shall include, but not be limited to, the following:

- (1) Name and address of the applicant; if the applicant is a partnership, the names and addresses of the partners; if the applicant is a corporation, the names and addresses of the officers and directors.
- (2) Name and address of the owner of the land upon which the flea market is to be located. In the event that the applicant intends to locate and/or operate a flea market on leased property, a copy of the lease shall be submitted with the application. If, however, the property is owned by the applicant, said applicant shall attach to the application a copy of the deed conveying title into the applicant.
- (3) Telephone number of the applicant.
- (4) Social security number of the applicant.
- (5) Date of birth and identification (i.e. driver's license) of the applicant.
- (6) Fingerprints of applicant.
- (7) The location and legal description of the flea market.
- (8) A drawing or sketch showing the location of the flea market and design of parking spaces.

(b) The owner of the business license shall maintain the following records on each booth that is operated within the flea market for a period of twelve (12) months. A copy of said records shall be provided to the Clerk of the City of Hampton on or before June 1st of each year and on or before December 31st of each year. Said records shall be open to inspection by the employees of the City at any time. The information required to be maintained by the license holder is as follows:

- (1) Name and address of the booth operator; if the booth operator is a partnership, the names and addresses of the partners; if the booth operator is a corporation, the names and addresses of the officers and directors.
- (2) Telephone number of the booth operator.
- (3) Social security number of the booth operator.
- (4) Date of birth and identification (i.e. driver's license) of the booth operator.

Section 3. - Business License.

Any person, firm, organization or corporation conducting a flea market on property located within the City of Hampton, Georgia, shall obtain a business license for such flea market and shall pay a yearly business license fee of One Hundred Dollars (\$100.00). If the license holder has more than fifty (50) booths available for operation in the flea market at any one time, then the license holder shall pay to the City an additional license fee of Ten Dollars (\$10.00) per booth for each booth in excess of fifty (50) booths.

**ARTICLE III
INSPECTIONS AND REVOCATION OF PERMITS**

Section 1. - Inspections.

(a) The Police and/or City Manager are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.

(b) The Police and/or City Manager shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to enforcement of this Chapter.

(c) The Police and/or City Manager may request inspections by and verifications of compliance from the Department of Public Health relating to any of the rules and regulations of state and/or local health department. Representatives of the Department of Public Health shall have the same powers of entry and inspection as provided for the Police and/or City Manager.

(d) Upon inactment of this Chapter, all existing flea markets shall be inspected by the Police and/or City Manager to determine compliance or non-compliance with the terms as set forth within.

Section 2. - Revocation.

(a) Any permit for a flea market may be revoked when it is found to be in violation of this Chapter.

(b) Should the City Council of the City of Hampton find that conditions exist which are in violation of any provision of this Chapter, it shall give notice to the permittee or owner that unless such conditions or practices are corrected within thirty (30) days, the permit will be revoked. Notice shall be served either personally or by certified mail, return receipt requested.

(c) If at the end of the thirty (30) days, a further inspection reveals that the conditions or practices have not been corrected, the City Council/Mayor shall then revoke the permit and give notice of such suspension in writing to permittee or owner. Upon notice of revocation, the permittee or owner shall cease operation and/or construction of the flea market.

**ARTICLE IV
TECHNICAL STANDARDS**

Section 1. - Minimum Size of Booths.

The minimum size of a booth within a flea market shall be 10' x 10'.

Section 2. - Structural Requirements.

All flea markets shall be within a permanent, enclosed structure which meets the minimum standards of the building code and other ordinances of the City. Move in buildings or temporary structures of any type are prohibited.

Section 3. - Site Requirements.

(a) Generally. Condition of soil, ground water level, drainage in topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectional smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazard.

(b) Soil and Ground Cover. Exposed ground surfaces and all parts of every flea market shall be paved, or covered with stone, screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust and/or mud.

(c) Site Drainage Requirements. The ground surface and all parts of every flea market shall be graded and equipped to drain off surface water in a safe, efficient manner in order to eliminate water pockets, low areas or bogs.

(d) Street System. All flea markets shall be provided with safe and convenient vehicular access from abutting public streets, roads or highways. Access to flea markets shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

(e) Parking. Off street parking areas shall be provided in all flea markets. Such areas shall be furnished at the rate of five and one-half (5 1/2) spaces per one thousand square feet of gross sales area.

(f) Zoning. All flea markets must be located within an authorized commercial zoned area.

(g) Signs. All signs located at a flea market site shall be in compliance with the City Sign Ordinance, as now and hereafter amended.

Section 4. - Water Supply Requirements.

Generally. An accessible, adequate, safe and potable supply of water shall be provided in each flea market. If city water is available to the property, then the flea market shall connect on to city water. If city water is not available, the owner of the property can make an application to the city for a well permit; however, if city water should become available to the property, the owner of the property must terminate the use of the well and connect on to the city water within ten (10) days after the date public water becomes available to the property.

Section 5. - Restroom and Sewage Disposal.

(a) There shall be a minimum of one (1) central restroom facility located on the premises. Within that central restroom, there shall be separate facilities for men and women.

(b) Hot and cold water shall be furnished to every lavatory and sink; cold water shall be furnished to every water closet and urinal.

(c) If public sewer is available to the property upon which the flea market will be conducted, then the flea market must connect on to the public sewer system. If the property upon which the flea market is located is not located adjacent to the

public sewer system, then the owner of the property can make an application for the installation of a septic tank on the property; however, the owner must connect on to the public sewer system and discontinue the use of the septic tank within ten (10) days after the date that the property becomes accessible to the public sewer system.

Section 6. - Refuse Handling.

The storage, collection and disposal of refuse in the flea markets shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

Section 7. - Exterior of Structure.

There shall be no displays permitted on or around the outside of the structure which houses a flea market.

First Reading: November 8, 1988

Second Reading: MARCH, 14, 1989

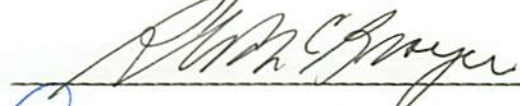
This 14 day of MARCH, 1989.


TOMMY N. SMITH, MAYOR



Alice J. Lindley

Wiley Evans



Catherine Williams

Erwin B. Rayfield

ATTEST:


CITY CLERK