

#### **5.04.190: TEMPORARY BUSINESSES; REQUIREMENTS:**

A. Location Requirements: All temporary businesses must be located on improved property containing improvements such as paved off street parking, curb, gutter and sidewalk in good repair. The lot must meet the site development standards for the zone in which it is located.

B. Zone Requirement: All temporary businesses must be located within commercial or manufacturing zones.

C. Review And Approval: Review and approval of the site and proposed temporary business by the following departments must occur prior to conducting any sale or rendering any service:

1. Health department, for the purpose of ensuring adequate sanitary facilities;
2. Building inspector, for the purpose of examining and approving the construction of temporary shelters, electrical, plumbing and heating installation, traffic flow and potential hazards, off street parking and general site standards.

D. Site Plan; Premises Standards; Required Vehicle Information: The applicant for a temporary business license must submit a site plan showing the type of building or shelter from which sales are to be made, as well as its location on the lot. Temporary structures shall be so constructed as to withstand a seventy (70) mile per hour velocity force and to comply with section 2311 of the uniform building code and where the temporary business is conducted between November 15 and March 15 of any year, a roof of substantial strength and design to support a snow load of not less than thirty (30) pounds. If the business is conducted from a vehicle, its license number must be given. The location of ingress and egress to the site from the street, the location and size of all proposed signs and the number and size of off street parking stalls must also be shown. In addition, the following is required:

1. The proposed hours of operation;
2. The dates upon which the sales are to be conducted;
3. A general description of goods offered for sale;
4. A letter from the property owner granting permission to the temporary business to use his or her lot together with any conditions for approval;
5. A revenue and regulatory license fee for each location, the same to be established by resolution;
6. A refundable deposit in a sum to be established by resolution which shall accompany the application and which shall be returned within fourteen (14) days from the date of termination of the temporary business so long as the area is cleaned and placed in the prebusiness condition and order.

E. Conditions And Responsibility Incumbent On License:

1. Every license issued shall contain on the face thereof the date upon which the license period ends.
2. Every business shall immediately cease doing business at the conclusion of the license period and shall vacate the temporary business site within five (5) days thereof, leaving the same in its prebusiness condition.
3. In the event the city elects or deems it necessary to utilize city manpower or equipment or expend public funds to replace the site of a temporary business in its prebusiness condition, the city shall have and be authorized to maintain a cause of action against the applicant, its officers and employees, for the payment of all costs and expenses, including a reasonable attorney fee, which may arise or accrue in cleaning or repairing the premises, or in pursuing any remedy provided by the laws of the state, whether such remedy necessitates or results in filing of a lawsuit or not.
4. Such applicant further grants unto the city, a lien against all property of applicant located, brought or kept upon such premises for the foregoing costs, expenses and fees. (Ord. 91-07)