

Midway City Council
19 October 2021
Regular Meeting

Temporary Vendor Sales /
Discussion

Memo



Date: October 19, 2021
To: Midway City Council
From: Michael Henke
Re: Temporary Sales

Below are two sections from Title 7 – Business Licenses and Regulations, that govern temporary vendor sales. We would like to discuss some concerns we have as staff and see whether there is support to amend these regulations to limit or prevent certain types of temporary sales businesses, like fireworks stands or possibly exclude temporary vendor sales all together.

Section 7.01.160 Temporary Sales Businesses

A. Every person who does not have a regular license place of business who shall bring within Midway City any goods, wares, merchandise or any articles thereof for the purpose of soliciting trade, in any place within the City, or selling or offering for sale, exchange or delivery, either immediately or with the intent of delivering or performing at some future date, any goods, wares or merchandise or any article thereof, or any agreement or arrangement whereby a contract of any sort is sought to be obtained, are hereby declared to be temporary sales businesses and doing business within Midway City.

B. Before commencing or engaging in any such business or activity within the limits of Midway City, a license must be first obtained therefore and such temporary sales agent(s) shall submit to a background check by the Business License Officer. The Business License Officer may deny a business license to any transient sales business license when the background check reveals convictions of crimes of theft, violence, moral turpitude, or other serious offenses that would show that the individual might pose a threat to the citizens of Midway City.

C. Each individual person engaged in a temporary sales business shall obtain a separate business license. Said license shall be obtained for at least three working days in advance of commencing to sell or offer to sell any products within the Midway City limits. No refunds shall be granted once the background check has been ordered.

D. There shall be excepted from the provisions of this Section any persons who are selling or offering for sale fresh fruits and vegetables.

E. Temporary Sales Business Licenses are valid for 30 days from the day of issuance, but are not valid during the Swiss Days celebration.

Section 7.01.180 Sale from Vehicles, Temporary Structures, or Lots Prohibited

It shall be unlawful for a temporary merchant to sell merchandise from a vehicle, temporary structure, parking lot, or parcel of land. This provision shall not prohibit "Sidewalk" or "Parking Lot" sales of the same merchandise or services that established businesses are licensed under this Title to market. This provision shall not prohibit the sale of merchandise from authorized "booths" at "Swiss Days" and other organized events authorized by the City.

Please contact me if you have any questions.