

MIDWAY CITY
Planning Office

75 North 100 West
Midway, Utah 84049

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Festival Market Business License – Regular

Application Fee \$50.00

3rd Party Booth Vendor Fee \$5.00

(\$5.00 per booth, per vendor, per day)

This application must be received 30 days before the date of the event.

Business

Name: _____ License #: _____ Date: _____

Address: _____ City: _____ State: _____ Zip: _____

E-mail Address: _____ Phone _____ Fax: _____

Applicant

Name: _____ Phone: _____

Mailing Address: _____

We are open for business more than 180 days in a calendar year.

List your operation days and hours during the calendar year: _____

FOR OFFICE USE ONLY

STAFF:		Application Number _____	
Date Received: _____	Received By: _____	Zone: _____	Tax ID Number: _____
Fee Paid: _____			
PLANNER:			
Complete / Incomplete			
Date: _____ Reviewed by: _____			

Attach a detailed site plan for the premises on which the Festival Market will be held, listing types of vendors who will be present in each location on the site plan and dimensions of each vendor's area, and identifying parking, streets, buildings, sidewalks, walkways, restrooms and other items of health and safety concern.

List the vendors and the types of good that they will sell and display*
(*Final Listing of Vendors must be turned in with this application – NO EXCEPTIONS!)

<u>Vendor Name</u>	<u>Goods they will sell & display</u>
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I have read and understand the Operating Rules and Enforcement of a Festival Market:

Signature of Owner or Agent: _____ Date: _____

Section 7.05.010 Festival Market Business Licenses

A. Definitions

1. Festival Market: A business activity by which a valid permanently-licensed retail business within the City contracts with or allows one or more other businesses or individuals to sell or display goods on the business premises of the business license holder.
2. Festival Market Business: Any retail business that holds a valid permanent business license to operate within the City and that contracts with or allows one or more other businesses or individuals to sell or display goods on the business premises of the business license holder.
3. Festival Market Business License: A special license that authorizes a valid permanently-licensed business to contract with or allow one or more other businesses or individuals to sell or display goods on the business premises of the business license holder.
4. Festival Market Vendor: A business or individual, including the Festival Market Business License holder, that sells or displays goods at a Festival Market.
5. Festival Market Vendor Booth: A physical location at which a consumer views and/or purchases goods from a Festival Market Vendor. A Festival Market Vendor Booth may be no more than 150 square feet in size.
46. Retail Business: For purposes of this section, a retail business is one which sells goods at retail directly to the consumer and dedicates at least 75% of its floor space for display and sale of goods.

B. General Provisions Governing Festival Markets

1. A Festival Market may be located and operated only in the Festival Market Overlay District (FMOD) within the City, and only pursuant to the terms of this Chapter.
2. It shall be unlawful for any person or entity to sell or display goods in a Festival Market or similar activity unless the event is being conducted by a city-licensed retail business under the authority of a valid and current Festival Market Business License pursuant to the provisions contained in this section.
3. It shall be unlawful for any person or entity to authorize, conduct, or operate a Festival Market or similar activity unless the person or entity holds a valid and current Festival Market Business License and the event is conducted pursuant to the provisions contained in this section.
4. A Festival Market Business License holder may not contract with or allow any other businesses or individuals to sell food during the Festival Market.
5. All Festival market events must be conducted in a manner that, in the determination of the Business License Administrator, ensures the public health and safety, preserves proper traffic flow, and keeps open sidewalks, walkways and other public access areas.

C. Obtaining a License for Festival Markets

To receive a Festival Market Business License, a person or entity must:

1. Already hold a valid permanent Midway City business license at the time of application for the Festival Market Business License;
2. Conduct business under the permanent business license at the business license location for no fewer than 180 days during each calendar year. The City may require the applicant to provide proof to verify compliance with this requirement, including, but not limited to, records of the Utah State Tax Commission;
3. Pay a fee for the Festival Market Business License in an amount set by the City.

D. Maintaining a License for Festival Markets

To maintain a valid Festival Market Business License, the license holder must:

1. Conduct business under the permanent business license at the business license location for no less than 1380 days during each calendar year pursuant to the schedule of days and hours previously submitted to the City;
2. Renew the Festival Market Business License using the same application method each year.

E. Preparation for Festival Markets

In order to conduct a Festival Market or similar activity, a Festival Market Business License holder must provide notice to the City in writing 30 days prior to the first day of each Festival Market. The written notice must:

1. Identify the week, days and hours in that week when the Festival Market will be held;
2. Identify the name, mailing address and phone number for each Festival Market Vendor that will be selling or displaying goods at the Festival Market;
3. For each Festival Market Vendor, identify the type of goods that will be sold or displayed; and
34. Contain a detailed site plan for the premises on which the Festival Market will be held, listing the ~~types of~~ vendors who will be present in each location on the site plan and the dimensions of each vendor's area, and identifying parking, streets, buildings, sidewalks, walkways, restrooms and other items of health and safety concern.

F. Operating a Festival Market

1. The Festival Market Business License holder must ensure that all vendors have been issued a Special Event Sales Tax License from the Utah State Tax Commission for each event.
2. No sales from vehicles will be allowed in a Festival Market.
3. Festival Market activities shall be conducted at all times in a manner that promotes public health and safety. All requirements of state and local health, safety, building and fire codes must be observed.
4. A minimum five-foot setback, or other setback as approved by the City Business License Administrator, from the City sidewalk must be maintained for all activity in a Festival Market. In areas where there is no sidewalk, a minimum 10-foot setback from the edge of the pavement must be maintained for all activity in a Festival Market.
5. A Festival Market Business License issued pursuant to this Chapter must be prominently displayed at all times on-site while the Festival Market is being conducted.
6. All goods sold or displayed at a Festival Market by any person or entity must be substantially related to the goods sold or displayed at that location throughout the year by the Festival Market Business License holder in the course of its regular business.
7. A Festival Market Business License holder may not contract with or allow any other businesses or individuals to sell food during the Festival Market.
8. A Festival Market activity located on the property of a Festival Market Business License holder that is conducted outside of the license holder's permanent retail space may occupy a maximum of 2,500 square feet of the property, or an amount of the property equal to the size of the license holder's permanent retail space, whichever is less.
9. When permitted by this Chapter, each Festival Market Business License holder will be allowed to engage up to five Festival Market Booths as part of the Festival Market Business License. For the year 2015 only, for each 200 square feet of permanent retail space in the Festival Market Business License holder's premises, one additional Festival Market Booth will be allowed beyond the initial five booths. For the year 2016 and thereafter, for each 250 square feet of permanent retail space in the Festival Market Business License holder's premises, one additional Festival Market Booth will be allowed beyond the initial five booths, up to a maximum of fifteen Festival Market Booths in total.

G. Enforcement

1. The City Business License Administrator may deny an application for a Festival Market Business License or for approval of a particular Festival Market event if the application fails to comply with this section or if, in the determination of the Business License Administrator, the proposed Festival Market or Festival Market Business License would otherwise endanger or compromise public health, safety or welfare, or if the applicant has previously engaged in persistent violations of this section.
2. The City Business License Administrator may impose conditions on the operation, size, number, configuration and/or location of activities within the proposed Festival Market area, including but not limited to parking, walkways, traffic, etc., and may deny a request to hold a Festival Market event for reasons of public health, safety or welfare. All activities, including but not limited to sales, advertising and display of products, shall be confined to the extent and location approved as part of the site plan and shall not extend beyond them.

3. The City Business License Administrator may close down an operating Festival Market for failure to comply with the provisions of this Chapter and/or the approved application and site plan and conditions. The City may also issue a citation and/or impose fines for violations.
4. The provisions of this Chapter do not apply to temporary events held on the public property known as the Town Square.

Section 7.05.020, Temporary Licenses Prohibited During Swiss Days, as follows:

A. Except as provided in this section, no temporary business licenses shall be issued or valid for the Thursday, Friday, or Saturday of the Labor Day Weekend commonly falling the last week of August or the first week of September each year (Swiss Days).

B. No garage sales, yard sales or similar sales will be allowed within the Midway City boundaries on the Thursday, Friday, or Saturday of the Labor Day Weekend commonly falling the last week of August or the first week of September each year (Swiss Days). This restriction does not apply to activities conducted pursuant to this section by businesses that hold a valid, permanent business license and operate year-round.

C. Each business that holds a valid, permanent business license and operates year-round may sell items outside of the license holder's permanent retail space on the Thursday, Friday, or Saturday of the Labor Day Weekend commonly falling the last week of August or the first week of September each year (Swiss Days), provided that such activity may occupy a maximum of 2,500 square feet of the license holder's property, or an amount of the property equal to the size of the license holder's permanent retail space, whichever is less. The operation of a Festival Market is governed by Section 7.05.010 and not by this Section.

Operating a Festival Market:

1. The Festival Market Business License holder must ensure that all vendors have been issued a Special Event Sales Tax License from the Utah State Tax Commission for each event.
2. No sales from vehicles or trailers will be allowed in a Festival Market.
3. Festival Market activities shall be conducted at all times in a manner that promotes public health and safety. All requirements of state and local health, safety, building and fire codes must be observed.
4. A minimum five-foot setback, or other setback as approved by the City Business License Administrator, from the City sidewalk must be maintained for all activity in a Festival Market.
5. A Festival Market Business License issued pursuant to this Chapter must be prominently displayed at all times on-site while the Festival Market is being conducted.
6. All goods sold or displayed at a Festival Market by any person or entity must be substantially related to the goods sold or displayed at that location throughout the year by the Festival Market Business License holder in the course of its regular business.
7. A Festival Market Business License holder may not contract with or allow any other businesses or individuals to sell food during the Festival Market. Food sold at a Festival Market must be items sold normally in the business on a year round basis.
8. A Festival Market activity located on the property of a Festival Market Business License holder that is conducted outside of the license holder's permanent retail space may occupy a maximum of 2,500 square feet of the

property, or an amount of the property equal to the size of the license holder's permanent retail space, whichever is less.

Enforcement:

1. The City Business License Administrator may deny an application for a Festival Market Business License or for approval of a particular Festival Market event if the application fails to comply with this section or if, in the determination of the Business License Administrator, the proposed Festival Market or Festival Market Business License would otherwise endanger or compromise public health, safety or welfare, or if the applicant has previously engaged in persistent violations of this section.
2. The City Business License Administrator may impose conditions on the operation, size, number, configuration and/or location of activities within the proposed Festival Market area, including but not limited to parking, walkways, traffic, etc., and may deny a request to hold a Festival Market event for reasons of public health, safety or welfare. All activities, including but not limited to sales, advertising and display of products, shall be confined to the extent and location approved as part of the site plan and shall not extend beyond them.
3. The City Business License Administrator may close down an operating Festival Market for failure to comply with the provisions of this Chapter and/or impose fines for violations.
4. The Provisions of this Chapter do not apply to temporary events held on the public property known as the Town Square.