§ 129-169. Temporary merchants. [11-7-2002; amended 11-2-2023]

This section is to regulate commercial sales within the Town which are temporary or seasonal in nature and which would not normally be subject to site plan approval by the Planning Board. Such activities have an impact upon the Town's Zoning Ordinance but are not subject to the more rigorous provisions contained herein, but certain standards are imposed to protect the health, welfare and safety of the residents.

A. ~~Licensing; permits~~Permits. ~~Notwithstanding the provisions of this section, all licensing and registration requirements contained in Chapter 85 shall apply to all temporary merchants.~~ No permit shall be issued to conduct sales as a temporary merchant unless the applicant satisfies the conditions of ~~this~~ section 129-169 and secures a temporary merchant certificate from the ~~Director~~ Senior ~~of Planning~~Building Inspector. No permit shall be issued for more than ~~five~~ six months within a one-year period; ~~no permit shall be issued for consecutive five-month periods within a two-year period, unless approved by the Planning Board.~~

B. Performance regulations.

(1) All applicants proposing to sell food items shall be required to obtain a food handler's license from the Saratoga County Department of Health and a copy of the NYS Department of Weights and Measures issued certificate if applicable.~~.~~

~~(1)~~(2) All applicants shall have written permission from the landowner, certificate of liability insurance with The Town of Wilton listed as the certificate holder, and a detailed sketch plan of the site.

~~(2)~~(3) Locations shall be restricted to established off-street parking areas within nonresidential zoning districts. Said locations shall be improved and designed to provide regulation-size parking spaces for a minimum of 10 vehicles. Both active and inactive off-street parking areas may be utilized if the above criteria ~~is~~are met.

~~(3)~~(4) Not more than one temporary merchant per lot shall be permitted. Temporary merchants shall be prohibited within 1,000 feet of an established commercial business engaged in similar activity at the time of the application for a permit. A minimum distance of 2,000 feet shall be maintained between locations for temporary merchants.

~~(4)~~(5) Temporary merchants shall be prohibited from conducting business on municipal property or in a Town right-of-way unless authorized by the Town Board.

~~(5) (Reserved)~~

(6) One freestanding sign per temporary merchant may be permitted. Signs shall be constructed of a durable material and maintained in a presentable condition. Flashing lights shall be prohibited. No sign shall be placed within 15 feet of a property line or within an established sight triangle for interior lanes or access driveways. All freestanding signs shall be removed and properly secured during nonoperating hours of the temporary merchant. Maximum sign face shall not exceed 16 square feet and shall not exceed four feet in height.

~~C. Exemptions. All exemptions contained in Chapter 85 of this Town Code shall apply to this section.~~

~~D.~~C. Appeals. Any applicant denied a permit to operate as a temporary merchant may appeal to

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the Planning Board~~,~~. The Planning Board ~~which~~ shall have the authority to approve or deny the application and the Senior Building Inspector shall have the authority issue the permit ~~said permit~~ upon ~~suitable findings.~~Planning Board approval.

D. Violations and penalties. Any party who fails to comply with the provisions of this section 129-169 shall be notified in writing by the Code Enforcement officer and shall remedy the violation within 24 hours of receipt of the written complaint. Any party who violates the provisions of this section, including a temporary merchant or owner of record of an affected property, shall each, upon conviction thereof, be liable to a fine of $500 or imprisonment for a term of 90 days, or both such fine and imprisonment. Every day such violation continues shall be deemed a separate and distinct violation.

E. Fees. The temporary merchant certificate fee for administration and inspection of the site by the Senior Building Inspector shall be $100.

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E. Compliance required. All temporary merchants shall be subject to the provisions of Chapter 85 upon applying for a permit.

F. Violations and penalties. Any party who fails to comply with the provisions of this section shall be notified in writing by the enforcement official and shall remedy the violation within 24 hours of receipt of the written complaint. Any party who violates the provisions of this section, including a temporary merchant or owner of record of an affected property, shall each, upon conviction thereof, be liable to a fine not to exceed $500 or imprisonment for a term not exceeding 90 days, or both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

G. Fees. The temporary merchant certificate fee for administration and inspection shall be $100.

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