

***AN ORDINANCE AUTHORIZING  
TEMPORARY USE PERMITS***

WHEREAS, the City of Galva shall have the power to grant permits authorizing temporary special land uses for:

SECTION 1. Tent sales, truck sales, foreign vendor sales or seasonal sales of produce, firewood, or Christmas trees under the following conditions:

a. *Zoning Districts where permitted.* Temporary special land uses for tent sales, sidewalk sales, truck sales or seasonal sales of produce, firewood or Christmas trees shall be permitted in B-1 Limited Retail Business Districts, B-2 General Retail Business Districts, M-1 Limited Manufacturing District and M-2 General Manufacturing Districts. In addition, temporary special land uses for seasonal sales of produce or Christmas trees shall be permitted on parcels of three (3) acres or more in any residential district.

b. *Application; Fee; Submission of Plot Plan.* Every person, firm, or corporation desiring to obtain a temporary special use permit, as required by this Ordinance, shall file a written application with the City Clerk's office on a form approved by the City Clerk, together with an application fee as is hereafter incorporated by resolution of City Council as follows:

Tent Sales and Truck Sales	\$75.00
Foreign Vendor Sales	\$750.00
Seasonal Sales of Produce	\$75.00
Seasonal Sales of Firewood	\$75.00
Seasonal Sales of Christmas Trees	\$150.00

The Application for a temporary special land use permit shall be accompanied by plans and specifications, including a plot plan (in triplicate), drawn to scale, showing the following:

(1) The shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.

(2) The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, trucks, tables, stands or display racks.

(3) The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking space, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

(c) Definitions:

1. A tent sale or truck sale is defined as the sale of items from a temporary structure such as a tent or a truck for the purposes of general commerce whether retail or wholesale in nature.

2. Foreign Vendor Sales means any person not residing within the corporate limits of the City of Galva for a period of ninety (90) continuous days prior to the issuance of a Temporary Use Permit who engages in selling, or offering for sale, food, beverages, merchandise, or services from a stand or motor vehicle, or from his person, on the streets or sidewalks of the City; or from temporary or transient sales locations within the City; or while going from place to place within the City; and includes any person defined as a hawker, peddler, or itinerant vendor.

### ***Time Limitations***

(1) A temporary special use permit for a **tent or truck sale** shall by its terms be effective for no longer than five (5) days. No more than three (3) temporary special use permits for tent sales or truck sales shall be issued for a given location within a single calendar year. Temporary special use permits for tent sales or truck sales shall not be issued for any given location for consecutive time periods.

(2) A temporary special use permit for the sale of **Christmas trees** shall by its terms be effective for no longer than thirty (60) days. No more than one (1) temporary special use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

(3) A temporary special use permit for a vegetable, fruit, or **produce stand**, or for the sale of **firewood**, shall by its terms, be effective for no longer than three (3) months. No more than one (1) temporary special use permit for a vegetable, fruit or produce stand, or for the sale of firewood shall be issued for any given location within a single calendar year.

### ***d. Regulations***

(1) A temporary special use permit shall only be granted if the Director of Public Works, or his designee, determines that the proposed use, including the erection of any temporary building or structure, will:

- (c) Provide adequate light and ventilation between buildings and structures.
- (b) Provide adequate automobile and pedestrian traffic flow.
- (c) Provide adequate off-street parking
- (d) Provide adequate lot access for fire protection purposes.
- (e) Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or

otherwise interfere with the protection of public health, safety, and general welfare.

- (f) Not be incompatible with, or otherwise adversely affect, the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.

(2) When the proposed temporary special use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking.

(3) No temporary special use shall be permitted if it reduces the parking by greater than twenty-five (25) percent.

(4) All temporary buildings and structures shall be constructed, used, occupied, and maintained so as to be in compliance with the provisions of the State Construction Code and all applicable ordinances of the City of Galva.

(5) There shall be no permit or fee required for any event sponsored by the City of Galva.

(6) There shall be no permit or fee required for any event sponsored by a non-profit organization when said sponsor is generally recognized as having a "close" relationship with the City of Galva or when said organization is generally recognized as an established organization operating within the corporate limits of the City of Galva. The test applied to determine "closeness" shall be definite and rigorous in its application.

*e. Deposit required for temporary sale of Christmas trees.* The Building Official, or his designee, shall require any person, firm, or corporation granted a temporary special use permit for the sale of Christmas trees or firewood to deposit a sum of money, in the amount of \$500.00, to guarantee the cleaning of the lot and any abutting private or public property and the disposal of any remaining trees or firewood by an approved method within one (1) week after the permit expiration date.

SECTION 2. The granting of permits for the above temporary uses shall be under the following conditions:

a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

b. The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.

c. All setbacks, land coverage, off-street parking, lighting, and other requirements of the district shall be met; and

d. In classifying uses as not requiring capital improvement, the Director of Public Works, or his designee, shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as but not limited to, golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law.