

Chapter 174

FLEA MARKETS

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 7, Ch. 9, § 7-9-1, of the 1987 Village Code. Amendments noted where applicable.]

§ 174-1. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

FLEA MARKET — A market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines.

FLEA MARKET SELLER — A person, firm or corporation selling items or offering items for sale at a flea market.

MARKET — A place where goods are sold to the public.

§ 174-2. License required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a license therefor from the Village Board. Applications for license shall be made to the Village Clerk-Treasurer on forms to be provided by the Village Clerk-Treasurer. Only one license shall be required for each flea market, and the individual flea market sellers shall not be required to obtain a license under this section. The fee for such license shall be as set forth in the General Fee Schedule, on file in the Village offices. The Village Board may restrict the license for use on certain dates and times.

§ 174-3. Information to be filed.

The information to be filed with the Village Clerk-Treasurer pursuant to this chapter shall be as follows:

- A. Name of the person, firm, group, corporation, association, or organization conducting said sale.

- B. Name of the owner of the property on which said sale is to be conducted, and consent of owner if the applicant is other than the owner.
- C. Location at which sale is to be conducted.
- D. Number of days of sale.
- E. Date, nature of any past sale.
- F. Relationship or connection the applicant may have had with any other person, firm, group, organization, association, or corporation conducting said sale and the date or dates of such sale.
- G. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- H. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.

§ 174-4. Recordkeeping by licensee required.

Each person required by this chapter to obtain a license shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise offered for sale by that seller.

§ 174-5. Secondhand stores excepted.

No person, firm or corporation having a license as a secondhand store shall be required to obtain a license under this chapter for the same business location.

§ 174-6. Multiple markets.

Any person, firm or corporation renting or allocating space to flea market sellers in more than one place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot, adjacent lots or lots separated only by an alley.

§ 174-7. Unlawful transactions.

No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.

§ 174-8. Purchases from children.

No flea market seller shall purchase any used household item, antique or used article whatsoever from any person under the age of 18 years, unless such person is accompanied by the person's parent or guardian.

§ 174-9. Hours.

Flea markets may remain open for business between the hours of 9:00 a.m. and 8:00 p.m. unless otherwise specified on the license by the Board at time of issuance.

§ 174-10. Violations and penalties.

In addition to the suspension or revocation of a license issued under this chapter, any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided in § 1-4, General penalty, of this Code.