

**OPEN LOT SELLING  
PERMIT APPLICATION**

DATE \_\_\_\_\_

PERMIT NO. \_\_\_\_\_

(A) *Purpose.* The purpose of this is intended to allow retail establishments the flexibility to sell seasonal items merchandise or service as an open lot venue, providing that the retail establishments comply with all provisions and requirements provided herein and of the Hobart Municipal Code.

(B) *Limitation.*

(1) Local retail establishments, in possession of real property and in conjunction with the sale of personal property identified as seasonal items or provide amusement/educational events may operate as open lot selling, and where permit fees are waived.

(2) Guest retail establishments, not in possession of real property, with the intent to sell personal property identified as seasonal items or provide amusement/educational events, may operate as open lot selling and are subject to permit fees and where appropriate must provide; retail merchants certificate/license, state EIN, sales tax certification, business insurance, and when applicable, weights and measures label certification, or any additional verification/qualifications from appropriate agency granting business recognition.

(C) *Definitions.*

**OPEN LOT SELLING.** Any business activity that is not carried on within the building, which houses the business' main operations, including an activity which is carried on within an accessory building, temporary building or temporary structure.

**PERSONAL PROPERTY:** Any interests of movable business property from one location to another consisting of goods, services, inventory and product.

**REAL PROPERTY:** Any interests of real estate ownership of immovable property including the land and buildings.

**SEASONAL ITEMS:** Any item, goods or service, offered for sale by a business primarily for a limited period of time or in quantities substantially greater for a limited period of time, than are offered in the usual course of business.

(D) *Restrictions.* Open lot selling of seasonal items shall be permitted subject to the following.

(1) Open lot selling shall only be permitted in the B-3, B-2 and Business PUD Zoning Districts.

(2) Open lot selling shall not infringe on the side, front or rear yards required by the Hobart Zoning Ordinance, Chapter 154 of the Hobart Municipal Code or encroach closer to residential property than the existing building.

(3) Any temporary building, structure or similar facility used in open lot selling shall meet all city requirements for temporary structures. They must be dismantled and removed from the site within three (3) business days of the expiration of the permit.

- (4) Any temporary building, structure or similar facility used in open lot selling shall have the perimeter of the selling area screened or buffered from the roadway and abutting property by living or artificial landscaping. Landscaping screening shall be developed as to prevent viewing of the product display area. The plan for the screening or buffering shall be submitted with the request for the permit, and shall be approved by the Zoning Official upon showing of reasonableness to meet the intent of the ordinance.
- (5) Prior to the sale of merchandise or public occupancy, authorized inspectors will conduct on site reviews and when appropriate, provide release forms.
- (6) Open lot selling shall not infringe on fire lanes, impede access of emergency vehicles, or create any fire hazard under the Hobart Municipal Code or applicable fire safety regulations.
- (7) Open lot selling shall not create a traffic or safety hazard under the Hobart Municipal Code.
- (8) Open lot selling shall only be permitted as an accessory use to an existing properly conducted business.
- (9) Submission of a site plan that identifies: length, width and height of all proposed and existing structures; vehicle and pedestrian circulation; parking locations; setback and aisle dimensions.
- (10) Signs are deemed temporary signs and must obtain a business special event sign permit. Signs are permitted facing each platted frontage for the duration of the described event/sale, not to exceed 45 square feet per sign.
- (11) A merchandise list shall be submitted which describes what the applicant intends to offer for sale.
- (12) Open lot selling, local retail establishment, of any one seasonable item shall be permitted for no more than 8 continuous weeks. A business shall not conduct open lot selling for more than 16 weeks per year. Guest retail establishments, of any seasonable item shall be permitted for no more than 14 day per year.
- (13) Each period of open lot selling shall require a separate permit application fee and inspection fee.
- (14) A business wishing to engage in open lot selling shall first obtain a permit for open lot selling on forms prescribed by the Building Department. A business shall not be issued more than 3 permits per year for open lot selling. The form within this ordinance for permit application is hereby approved for use.
- (15) The City Clerk-Treasurer shall collect an application fee of \$52.00, an inspection fee of \$52.00 and a service fee of \$26.00 per day as set out in the Fee Schedule of this code in connection with each guest retail establishment application for an open lot selling permit or sale of seasonal item.
- (16) Businesses, as identified on the approved permit shall comply with the provisions of this section, any falsification or abridge of supporting documents of this permit shall be construed as a breach or denial of this application and shall be refused, withheld or revoked.
- (17) Any person, firm and corporation who violates, disobeys, omits, neglects, or refuses to comply with the provisions of this section within 3 days after notification of the violation shall, upon conviction, be fined not less than \$250 and not more than \$1,000 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The fees and penalty shall be codified in the schedule of fees set out in the Hobart Municipal Code.
- (18) All documents attached herein after city approval shall be displayed at each open lot selling area, sale of seasonal items location, or amusement/educational site.

**GUEST RETAILER PORTION**

Applicant Name: *(Print)* \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Qualifications: \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Proposed Location: \_\_\_\_\_  
*(Address)*

\_\_\_\_\_  
Applicant's Signature

**LOCAL RETAILER PORTION**

Name of Local Retail Manager/Property/Land Owner: *(Print)* \_\_\_\_\_

Business Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Location: \_\_\_\_\_  
*(Describe by nearest North, South, East & West)*

Number of Days Requested: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

\_\_\_\_\_  
Retail Manager/Land/Property Owner's Signature

**CITY APPROVAL**

**CLERK-TREASURER STAMP**

\_\_\_\_\_  
Zoning Official Signature

Cc: Clerk-Treasurer    Fire Inspector    Police Department    Building Department