

BARGERSVILLE ORDINANCE NO. 2018- 31

AN ORDINANCE OF THE TOWN OF BARGERSVILLE, INDIANA  
REGULATING FLEA MARKETS

WHEREAS, the Town of Bargersville, Indiana, (the "Town") enacted Ordinance 1981-1 for the purpose of regulating flea markets and;

WHEREAS Ordinance 1981-1 was amended on May 12, 1998 by Ordinance 1998-6 and codified in Chapter 110 of the Town of Bargersville Code of Ordinances;

WHEREAS The Town desires to update its policy regarding flea markets and;

NOW THEREFORE BE IT ORDAINED by the Town Council of Bargersville, Indiana that Chapter 110 of the Town of Bargersville Code of Ordinances be amended by deleting Chapter 110 in its entirety and in its place substituting the following:

**110.01. Declaration of Nuisance.**

The unregulated operation of a flea market in the town is hereby declared to be a nuisance.

**110.02 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CAMPING.** Staying overnight anywhere other than in a permanent structure.

***FLEA MARKET.***

(1) Flea market, swap shop, meet or other similar activity, by whatever name, or those uses which involve the setting up of booths, tables, platforms, racks or similar display areas for the purpose of selling or buying merchandise, goods, materials, food, products or other items offered for sale outside of a fully enclosed building.

(2) A ***FLEA MARKET*** as defined herein shall not be intended to include a garage sale or bake sale which occurs no more often than every two months for a period of one day, fruit, produce, lemonade or other similar stands operated by an owner of the produce to be sold on his or her own farmed property or property farmed pursuant to a lease , booths

in a fully enclosed building, art festival or any similar activity or sales done by local civic groups or by local non-profit organizations.

***FLEA MARKET OPERATOR.*** Any individual, family, corporation, partnership, firm, organization or any other group that is the owner, operator, manager or lessee of the property on which a flea market is located.

***PERMANENT STRUCTURE.*** A building on a permanent foundation which complies with all building, zoning and other ordinances and regulations of the town.

### **110.03 Rules and Regulations**

(1) In order to prevent or abate any nuisance which may now or hereafter exist by reason of the operation of an unregulated flea market, the following rules and regulations regarding the operation of a flea market are hereby imposed.

(A) Non-permanent structures may not remain on the flea market site before or after hours of operation, except as provided in subsection (B) and (D). Each non-permanent structure that remains on the flea market site, except as provided in subsection (B) and (D), constitutes a separate violation. Each day that any non-permanent structure remains on the flea market site, except as provided in subsection (B) and (D), constitute a separate violation.

(B) Flea markets may be operated for general business from 7:00 a.m. until 7:00 p.m. Flea market operators may lease space to vendors two hours prior to opening for general business. Vendors may remain on flea market site two hours after the conclusion of general business for the purpose of removing their merchandise. Flea market operators may not lease space to a vendor who has not obtained a vendor license from the Town of Bargersville

(C) Each flea market shall maintain functional rest room facilities as required by the County Board of Health.

(D) The flea market site shall be kept clean of all debris, litter and trash. Suitable closed containers, such as dumpsters, shall be provided by the flea market operator for debris, litter and trash.

(E) Noise shall be limited to such a level as not to disturb neighbors.

(F) No camping shall be allowed on the flea market site.

(G) There shall be no parking along any highway shoulder or right-of-way bordering flea market. Violation of the no parking restrictions will be an offense chargeable to the individual causing the violation and the flea market operator(s)

(H) The minimum distance between the front of a flea market operation and the center line of a state highway is 40 feet. The minimum distance between the front of a flea market operation and the center line of a county road is 26.5 feet.

#### 110.04 Penalty and Enforcement

(A) A person or entity who violates this Ordinance shall be subject to a fine of not less than two hundred fifty dollars (\$250.00), and each day that an offense continues shall constitute a separate violation.

(B) Proceedings to enforce this chapter shall be brought in the name of the Town, as provided by law. Any person charged with a violation of this chapter may pay the fine within 48 hours following the violation at the office of the Clerk-Treasurer of the Town, which payment shall be deemed a compliance with the person's written promise to appear in court in lieu of arrest or filing of a complaint and issuance of summons.

Passed and adopted by the Council of the Town of Bargersville this 27th day of

December, 2018.  
November

AYES

Bruce Morris  
Bruce Morris, President

Rowana Umbarger  
Rowana Umbarger, Vice President

Kenneth Zumstein  
Kenneth Zumstein

Gayle Allard  
Gayle Allard

Absent  
Jim Beck

NAYS

Bruce Morris, President

Rowana Umbarger, Vice President

Kenneth Zumstein

Gayle Allard

Jim Beck

ATTEST:

  
Nancy Kehl, Clerk-Treasurer