

AN ORDINANCE RELATING TO THE LICENSING  
OF ITINERANT ROADSIDE MERCHANTS

WHEREAS, there are a number of roadside merchants operating in Scott County at any one time; and

WHEREAS, for protection of the public welfare, certain regulations are required for the operation of said roadside merchants; and

WHEREAS, the Scott Fiscal Court in order to promote the public safety of the citizens of Scott County under the powers vested in said court by section 67.083 of the Kentucky Revised Statutes;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Fiscal Court for the County of Scott, Commonwealth of Kentucky, that:

SECTION I. It shall be unlawful to do business in the county as an itinerant roadside merchant without having first secured a license therefor as is herein provided. For the purpose of this ordinance any merchant engaging or intending to engage in business as a roadside merchant in the county for a period of time less than 90 consecutive days shall be considered an itinerant roadside merchant.

SECTION II. Application for such license shall be made to the county clerk and shall set forth the commodities to be sold, and the place intended to be occupied or used for the business. Each license shall bear the signatures of the county clerk and the county judge in the absence of a provision to the contrary. The clerk or county judge may refuse to issue a license if the location of the roadside stand is an area which the Fiscal Court has deemed to be an unsafe place.

SECTION III. The fees for such licenses shall be \$25.00 for one month and \$5.00 for one day.

SECTION IV. Any itinerant roadside merchant's license may be revoked by the county judge for repeated violation of the provisions of this article or for any violation of any other ordinance provision relating to the conduct of the business, the condition of the premises, the commodities sold, or to the license required; such revocation may be in addition to any fine imposed. No license is valid if the location of the roadside stand is an area which the Fiscal Court has deemed to be an unsafe place.

SECTION V. No itinerant roadside merchant shall offer for sale any commodity of any kind which is spoiled, tainted, adulterated or is unwholesome and unfit for purchase, use, or human consumption for any reason. All tainted, unwholesome or unfit commodities intended for purchase, use, or human consumption may be condemned by the county judge, or the county health officer, and shall thereupon be seized and destroyed by the health officer or any officer of the county sheriff's department.

SECTION VI. Premises used for roadside sale must be kept in a reasonably clean and sanitary condition; the merchant shall not permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four (24) hours.

SECTION VII. It shall be the duty of the itinerant roadside merchant to keep his license in full view in a prominent place on the roadside grounds.

SECTION VIII. Inspection of the roadside premises or of the roadside merchant's commodities may be made when reasonably required at any time. Such inspection shall be conducted by the county health officer or his assistants or any officer of the county sheriff's department at the direction of the county judge, or at the inspecting officer's discretion.

If such inspection takes place prior to the time the merchant sets up his stand, and the merchant is discovered to have spoiled, tainted, adulterated commodities or commodities that are otherwise unfit for purchase, use or human consumption, the inspecting officer shall notify the county clerk of the inspection results and no license shall be issued; in addition, a fine may be imposed.

SECTION IX. Any itinerant roadside merchant violating or failing to comply with any provision of this ordinance shall be fined not less than \$2.00 nor more than \$25.00 for each offense; and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

SECTION X. It is the intention of the Scott Fiscal Court that each provision of this ordinance is severable; and if any section, clause, provision or any part thereof should be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SUBMITTED BY:

/s/ R. M. Rawdon, Jr.  
RICHARD M. RAWDON, JR.  
SCOTT COUNTY ATTORNEY