

1 **Ordinance To Amend And Re-Enact Chapter 34 Of The City Code Of The City Of**  
2 **Hampton, Virginia Entitled “Streets and Sidewalks” By Amending Article I, Section 34-7**  
3 **Pertaining to Sales Conducted On Or Adjacent To Public Right-Of-Ways**

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5 **BE IT ORDAINED** by the Council of the City of Hampton, Virginia that Section 34-7 of the City  
6 Code of the City of Hampton, Virginia, be amended and re-enacted as follows:

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8 **CHAPTER 34 – STREETS AND SIDEWALKS**

9 . . . .

10 **ARTICLE I. – IN GENERAL**

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13 **Sec. 34-7. - Sales conducted on or adjacent to public right-of-way.**

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15 (e) Persons conducting a sale or exchange of the type described in subsection (b) of this  
16 section on private property adjacent to a public right-of-way, and persons allowing their private  
17 property to be used for such sale or exchange, shall be subject to the following regulations:

18 (1) No sale or exchange shall take place or be conducted, and no structure used for  
19 such sale or exchange shall be located, within fifty (50) feet of the closest edge of the  
20 nearest sidewalk pavement, or street pavement if there is no sidewalk, of any public  
21 right-of-way.

22 (2) The person conducting the sale or exchange shall have obtained written permission  
23 to conduct such activity from the owner of the property involved, and shall have also  
24 obtained, from such owner, exclusive control over any area of the property, within the  
25 allowed area, sufficient to ensure that there is adequate space for the safe circulation of  
26 traffic. Such area shall not be less than eight hundred (800) square feet. The person  
27 conducting the sale or exchange shall not allow any other activity to be conducted within  
28 this minimal eight hundred (800) square foot area.

29 (3) Such sale or exchange shall not be conducted on or from vacant lots except for  
30 seasonal sales as defined in this section.

31 (4) Before any person may conduct such sale or exchange, such person must have  
32 provided to and have approved by the commissioner of the revenue a plat or site plan  
33 identifying the location of the property on which the activity is to be conducted and  
34 showing the location of the structure from which the sale or exchange activity will occur,  
35 the area under the control of such person and provisions for well-defined vehicular  
36 entrances and exits. Such plat or site plan shall be accompanied by a nonrefundable fee  
37 of twenty-five dollars (\$25.00) for processing. After review and approval of such plat or  
38 site plan by the commissioner of revenue, application shall be made to the commissioner

39 of revenue for a permit to engage in the activities covered by this section, in accordance  
40 with this section and the approved plat or site plan. Such application shall state the  
41 name, address and telephone number of the person conducting the activity and the days  
42 and hours of operation, and shall include evidence of the property owner's permission to  
43 so use the property, as required above, as well as a copy of the approved plat or site  
44 plan. A copy of the permit issued by the commissioner of revenue, as well as a copy of  
45 the approved plat or site plan and the written permission of the property owner, shall be  
46 kept at the site of the activity, in a convenient place, and shall be exhibited, upon  
47 request, to any police officer or agent of the commissioner of revenue. Such permit must  
48 be obtained before a business license for such activity may be issued, and shall be  
49 renewed annually prior to the renewal of any business license.

50 (5) Seasonal sales shall be permitted in accordance with the requirements of this  
51 section and shall not occur at any one parcel more than 120 days in any one calendar  
52 year.

53 (6) Such permitted sales or exchanges shall only occur on properties where, pursuant to  
54 the zoning ordinance, "retail sales, general" is a permitted use or the primary use of the  
55 property is a religious facility, public or private school, structure to house a government  
56 function, community center, *hospital*, or private or fraternal club/lodge.

57 . . . . .