

7.2.5 Flea market. A special permit may be granted for a flea market in the following districts: RO, BL, BC, BG, BH and IG. A site plan must be submitted with the permit application and to the planning board for comments.

1. Vehicular access to flea market sites is not allowable from residential streets.
2. Overnight lodging on the premises is not allowed even if such lodging is free to booth operators.
3. Outdoor selling areas are not allowed within the setback areas.
4. Sales areas or buildings shall not be located within 300 feet of a residential district, except that facilities may be located up to 50 feet from a residential area if screened from adjoining properties by plant or other suitable material. Landscape screening must be provided along any lot boundary visible from (not necessarily abutting) any residential zone.
5. Adequate parking for the establishment will be required.



Special Permit Application Information

The following must be provided at the time of application:

- Completed application and non-refundable fee
- Letter from Treasurer and Tax Collector stating that the person(s) and property(s) named herein have no uncollected taxes, fines, and fees or other charges owing to the City of Holyoke.
- (If applicable) If applicant is not the owner of the property, a letter from the owner of the property acknowledging that they are aware of, and are in support of, the Special Permit request

Additional Information:

- The applicant is responsible for paying the cost of advertising the public hearing
- All Special Permits are subject to a 20 day appeal period. Therefore, after the full City Council votes on the Special Permit the 20 day appeal period begins.**
(According to MGL Ch. 40A, Sec. 11: A special permit...shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time...is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. After Special Permit has been approved favorably by the full City Council)
- (After the 20 day appeal period is over)** applicant must record the Special Permit at the Hampden County Registry of Deeds.
- After receiving a special permit from the city council, and recording it with the Registry of Deeds, any other necessary business permits and/or licenses must be obtained.

ARTICLE IV. - FLEA MARKETS

- Sec. 66-111. - License; vendor permits.

(a) Annual license.

(1) Any person who has been granted a special permit to operate a flea market pursuant to section 4-3 of the zoning ordinance of the City of Holyoke shall be entitled to apply for a license to operate a flea market. The license board may, in its discretion, refuse to issue a license to an operator if, after a public hearing, it determines that the applicant has not or is not conforming with the requirements of this section and other ordinances, rules and regulations of the city and its departments. The fee for the annual license shall be \$500.00.

(2) No later than 30 days prior to its expiration, the holder of a flea market license seeking renewal of said license shall provide information to the license board regarding the number of vendors, vendor permits and fees collected, days and dates of operation and all pertinent information regarding compliance with the provisions of this section and other ordinances, rules and regulations of the city and its departments.

(b) *Vendor permits.* The holder of a flea market license shall require each vendor using the licensee's premises to complete an application which shall request the following information:

- (1) Name of applicant;
- (2) Shop or business name;
- (3) Permanent address of applicant;
- (4) Massachusetts tax I.D. number;
- (5) Dates that the vendor will be selling at the licensee's flea market; and
- (6) Any other relevant information as requested by the license board.

Each vendor doing business in a flea market in the city shall be required to apply for and receive a vendor permit prior to displaying his wares in said flea market. The holder of a flea market license shall be responsible for recording the permit number of each vendor doing business on the flea market premises. Each vendor permit shall be valid for either a week, month or year. Records of vendor permits shall be available for inspection by the license board or its appointed agents. The cost of a vendor permit shall be, respectively, \$10.00 per week, \$25.00 per month, or \$200.00 per year. The fees for each vendor permit shall be paid by the flea market licensee to the license board no later than the fifth day of each month following the preceding month in which the flea market is in operation.