



## TOWN OF WEST SENECA

TOWN SUPERVISOR  
SHEILA M. MEEGAN

TOWN COUNCIL  
EUGENE P. HART  
WILLIAM P. HANLEY, JR.

**TO:** Town Board  
**FROM:** Charles D. Grieco, Esq.  
**DATE:** March 20, 2014  
**RE:** Town Code Section 87-2

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Honorable Members of the Town Board, below is the proposed resolution that the Town Clerk is authorized and directed to publish notice of public hearing to amend Section 87-2 the Town Code to exclude from the definition of Transient Retail Business a vendor officially participating in a Town-sanctioned farmers market, which public hearing will be held April \_\_, 2014 at \_\_, pm at Town Hall.

The changes would be as follows (underlined):

## Section 87-2 Definitions

### Transient Retail Business

A retail or wholesale business conducted in a temporary structure or tent; from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of public right-of-way; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation.

Notwithstanding the above, a vendor officially participating in a Town-sanctioned farmers market shall not be considered a Transient Retail Business while actually so participating in such farmers market, provided that such vendor has satisfied all requirements established for participation in such farmers market by the Town or its designated operator.