

ORDINANCE NO: 338

AN ORDINANCE TO PERMIT AND REGULATE YARD SALES WITHIN THE  
CORPORATE LIMITS OF THE CITY

WHEREAS, pursuant to Title 9 of the Town of A.C. Code, the City permits and regulates business, professions and occupations within the corporate limits of the City; and

WHEREAS, it is in the best interest of said City to permit and regulate yard sales within such corporate city limits:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF ASHLAND CITY:

That Title 9, be amended by adding an additional Chapter 9, regarding the Regulating and Permitting of Yard Sales which states as follows:

9.901 Definitions. For such purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "attic", "porch", "room", "backyard", "patio", "flea market", or "rummage" sale. This definition does not include the operation of such business carried on in a nonresidential zone where the person conducting the sale does so on a regular day to day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

9-902. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale under authority granted by this chapter, property other than personal property.

9-903. Permitted required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the city codes dept. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

Permits may ~~not~~<sup>s</sup> be obtained for any nonresidential location.

9-904. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the city codes official at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed garage sale is to be held.
- (c) The date or dates upon which the sale shall be held.
- (d) The date or dates of any other garage sales by the same applicant or applicants within the current year.
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.
- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.
- (g) Locations where signs will be placed.

(2) Issuance of permit. Upon the applicant complying with the terms of this chapter, the building codes official shall issue a permit.

9-905. Permit Conditions. The permit shall set forth and restrict the time and location of such garage sale. No more than two (2) such permits may be issued to one residential location, residence and /or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

9-906. Hours of Operations. Garage sales shall be limited in time to no more than 7:00 to 5:00 p.m. on three (3) consecutive days or on two (2) consecutive weekends (Saturday and Sunday).

9-907. Exceptions. (1) If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the city recorder shall issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Third sale permitted. A third garage sale shall be permitted in a calendar year if satisfactory proof of a bono fide change in ownership of the real property is first presented to the city recorder.

9-908. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public

right-of-way. All personal property shall be removed within twenty four hours of the last day of the sale. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.

9-909 Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official.

9-910. Advertising. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

- (a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.
- (b) Directional signs. Two (2) signs or not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed. The signs shall not be allowed on public property, (i.e. utility poles, street signs, etc).
- (2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.
- (3) Removal of signs. Signs must be removed within twenty four hours of the last day of the sale.

9-911. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the Town of Ashland City, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from the properly zoned premises, and not otherwise prohibited by other ordinances.
- (4) Organizations that are not for profit.

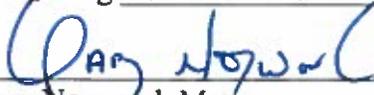
9-912. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be punished according to the general penalty provision of this municipal code of ordinances.

This ordinance shall take effect 20 days after its final passage the public welfare requiring it.

1<sup>st</sup> reading 10-9-07

Public hearing 11-13-07

2<sup>nd</sup> reading 11-13-07

  
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Gary Norwood, Mayor

  
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Phyllis Schaeffer, City Recorder