

GARAGE SALES

Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale, lawn sale, attic sale, rummage sale, estate sale or flea market sale shall mean: any sale of tangible personal property not otherwise regulated in city ordinances, advertised by any means whereby the public at large is or can be made aware of such sale.

Goods shall mean: any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this article.

License required.

A license issued by the Planning and Zoning Dept shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised or held out by any means to be one of the types of sales coming under this article.

Application for license.

An application for a license for any of the sales regulated under this article shall be made at the Office of Planning and Zoning on a form to be provided therefor, which application shall contain the following information:

- (1) Name of the person conducting such sale.
- (2) Location of which such sale is to be conducted and the date and nature of any prior sales conducted at the same location.
- (3) The dates during which such sale is to be conducted within the time limits
- (4) Date, nature and location of any past sale conducted by applicant.
- (5) The relationship or connection applicant may have had with any other person conducting any such sale and the date or dates of such sale.

License fees

A license fee shall be set by City Council

Conditions of license

- (a) No person shall conduct, advertise or promote any sale regulated by this article without a license issued pursuant thereto.

(b) No signs advertising a sale regulated by this article shall be placed on public property or on private property without the express consent of the owner. Within 24 hours after the conclusion of a sale, all signs shall be removed.

(c) No license shall be issued authorizing any such sale to be conducted for a period longer than three days

(d) The license authorizing such sale shall be displayed in the front window or other prominent place, clearly visible from the street, at each location where a sale is being conducted.

(e) Only three licenses shall be issued to an applicant in a calendar year.

Persons and sales excluded

The provisions of this article shall not apply to or affect the following persons or sales:

(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 person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten in number.

(4) Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been complied with.

(5) Any sale regulated under any other provision of the ordinances of the city.

(6) Any sale conducted by any merchant or mercantile or other business establishment from a place of business previously approved by the planning commission wherein such sale would be permitted by the zoning regulations of the city or under the protection of the presently nonconforming section thereof, or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises previously approved by the planning commission and not otherwise prohibited in the ordinances of the city.

(7) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

(8) Sales conducted during a City approved City – Wide Sales Event

Violations

Failure to obtain a license for a Garage sale will result in a civil Infraction of \$100 per day per sale