

Sec. 46-51. - Garage or home sales.

(a)

Definition. For purposes of this article, garage or home sale shall mean to refer to the sale of personal property on the same lot as a residential dwelling within a residential zoning district and means to include yard sales, estate sales, and moving sales. It shall not include the sale of retail merchandise sold for the benefit of a commercial retail establishment.

(b)

Exclusion. It shall be unlawful under this article for a commercial retail establishment (e.g., department stores, warehouses, etc.) to sell or offer for sale merchandise at a garage sale.

(c)

Permit. Prior to the commencement date of any garage or home sale, the person desiring to engage in the sale shall obtain from the city permit department a permit for such sale. Any person desiring a permit under this article shall make application for such permit to the permit department, setting forth the location, time and date of said sale, the name and address of the person holding said sale and the type of goods, wares and merchandise to be sold. The permittee shall be responsible for compliance with the requirements of this section.

(d)

Number, duration of sales. Two garage or home sales may be held per year per household covered by the permit application. No other such sales shall be held at that location during that year, which year consists of 365 days, between January 1 and December 31. Each sale may be held from Thursday through Sunday, dawn to dusk, and no more than four consecutive days in duration. If the sale continues for more than one day, the days must be consecutive. No more than two permits shall be issued for any one premises during said year.

(e)

Signs. The permittee shall be entitled to two on-premises sign placed one day prior to the garage sale. The permittee shall be entitled to post four additional signs off-premises for the purpose of notifying the public of the date, time and location of the sale; provided, however, no sign shall be placed in a public right-of-way, in any sight visibility triangle, utility pole, official sign, tree, nor be in excess of three feet above ground level or exceed six square feet in area. The off-premises signs may be placed one day prior to the sale. All signs or notices posted in regard to any garage or home sale for which a permit is issued under the provisions of this article shall be located so as not to constitute an impairment to or obstruction of traffic. All signs must be removed before 8:00 a.m. the day after the sale has concluded.

(f)

Offense. It shall be an offense to:

(1)

Hold a garage sale without a permit;

(2)

Have more than two garage sales in one year;

(3)

Exceed the sign limitations in subsection (e).

(4)

To fail to remove the signs as indicated.

(g)

Penalty. Each violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed \$500.00.

(h)

Culpable mental state. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

(Ord. No. 2008-11-10-06, § 2, 11-10-2008)

Editor's note—

Section 2 of Ord. No. 2008-11-10-06, adopted Nov. 10, 2008, set out a provision designated as a new art. IV. In order to preserve the style of this Code and at the editor's discretion, a new § 46-51 has been included.