

ARTICLE II. GARAGE SALES*

*Cross reference(s)--Secondhand goods, § 18-676 et seq.; garage sale signs, § 138-138.

DIVISION 1. GENERALLY

Sec. 86-31. 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:

Business entity means an association, corporation, trust, religious, charitable or public institution, estate, partnership, limited partnership or joint stock association; except that condominium associations, homeowners associations and cooperative apartment associations shall not be considered business entities for purposes of this article.

Family means persons living together as a single housekeeping unit whose permanent address is at the place of residence where a particular garage sale is located.

Front yard means an open area extending the full width of the lot upon which the residence is located between the main residence and the front property line.

Garage sale means a sale at which tangible personal property is sold at a place of residence. The term shall include "lawn sale," "attic sale," "rummage sale" or "flea market sale."

Multifamily residence building means a building occupied or intended to be occupied by two or more families living separately with separate cooking facilities in each unit. The term shall include "townhomes," "duplex," "triplex," "apartment building," "condominium building" and "cooperative apartment building."

Property owner means the person or entity having title to the real property in question, or the manager of the property when the property owner has authorized the manager to maintain and operate the property and has so informed the city's code compliance department in writing. For condominium buildings the term "property owner" shall mean the condominium association.

(Code 1964, § 25-67.4)

Cross reference(s)--Definitions generally, § 1-2.

Secs. 86-32--86-55. Reserved.

DIVISION 2. PERMIT

Sec. 86-56. Required.

- (a) No person shall conduct a garage sale within the city without first obtaining a permit.
- (b) All persons wishing to obtain a garage sale permit shall make application at the code compliance department of the city, and shall pay a fee as specified in appendix A.
- (c) Applicants for garage sale permits must provide the following information to the city at the time of application:
 - (1) Name of the person conducting the sale or owner of the property at which the

sale will be located if different from the person conducting the sale.

- (2) Location where the garage sale is to be conducted.
 - (3) Number of days the sale is to be held.
 - (4) Dates of any past garage sales at the subject location within the past 12 months.
 - (5) Length of time the applicant has resided at the subject location.
 - (6) Owner(s) of the property to be sold at the sale if different from the person conducting the sale.
 - (7) Nature of the property to be sold.
 - (8) Any previous citations for violations of this section or sections 86-57 and 86-58 in the past 12 months and whether the fines were paid.
- (d) Applications for garage sales to be located at multifamily residence buildings must be accompanied by the written permission of the property owner.
- (e) All applications shall be accompanied by proof of residence, which may be a current driver's license, voter registration, or county tax assessor's bill.
- (f) All garage sale permit requests must be made no later than 3:00 p.m. of the day prior to the requested date of the sale. Responses to the requests (i.e., permit approval or permit denial) will be issued to the applicant immediately upon review of the application.
- (Code 1964, § 25-67.5; Ord. No. 92-2816, § 1, 10-21-92; Ord. No. 99-3198, § 1, 7-30-99)

Sec. 86-57. Prohibited permittees and sale items.

- (a) No business entity may conduct a garage sale located at a place of residence within the city. No garage sale permit shall be issued pursuant to section 86-56 to a business entity or to an applicant intending to sell property belonging to a business entity. All property sold at a garage sale at a residence within the city must be property owned by permittees and or their families.
- (b) Merchandise to be sold at a garage sale shall be merchandise that has been previously used. It shall be prohibited to sell new merchandise or merchandise that is sold in bulk as from a carton, crate, bushel or other container commonly used in retail business. No garage sale permit shall be issued for the sale of merchandise prohibited by this section.

(Code 1964, § 25-67.6)

Sec. 86-58. Conditions for issuance.

- (a) A garage sale permit as required by section 86-56 shall be issued for a garage sale located in any one single-family residence or multifamily residence building on no more than one occasion during any 12-month period.
- (b) No garage sale permit shall be issued for a garage sale in a multifamily residence building unless the property owner gives written permission for the conduct of the sale.
- (c) No garage sale permit shall be issued for a garage sale occurring on more than two consecutive days. Failure to request a two-day permit or to conduct the sale on both days shall not entitle the permit holder to conduct another garage sale on any date other than that appearing on the permit or to obtain another permit prior to 12 months from the date on the last permit.
- (d) Each garage sale permit must be prominently displayed on the premises upon which the garage sale is held at all times while the sale is in progress.
- (e) No garage sale permit shall be issued to a person who has conducted a garage sale

without obtaining a permit within the preceding 12 months or who has outstanding unpaid fines imposed pursuant to section 86-106 or to a person applying to conduct a garage sale from a premises where an unpermitted garage sale was conducted within the last 12 months.

(Code 1964, § 25-67.7; Ord. No. 92-2816, § 2(1)--(4), (8), 10-21-92)

Secs. 86-59--86-80. Reserved.

DIVISION 3. REGULATIONS

Sec. 86-81. Time of sale.

Garage sales shall be held only during daylight hours.

(Code 1964, § 25-67.7; Ord. No. 92-2816, § 2(5), 10-21-92)

Sec. 86-82. Merchandise display.

All merchandise to be sold at a garage sale shall be displayed in an enclosed room, enclosed garage or in a carport. At no time shall merchandise be displayed on a public right-of-way or swale area; however, if no enclosed garage or carport exists at the location, merchandise may be displayed on a private driveway, rear yard or portion of the front yard not to exceed 25 percent of the total front yard area. All items used or displayed at a garage sale shall be removed from unenclosed areas by the end of the last day of the sale.

(Code 1964, § 25-67.7; Ord. No. 92-2816, § 2(6), 10-21-92)

Sec. 86-83. Signs.

Signs advertising a garage sale shall not be displayed until the first day of the sale and shall be removed at the end of the last day of the sale. No such signs shall be displayed on any public property or right-of-way. No more than two signs advertising a garage sale shall be permitted. Such signs shall not be larger than 12 inches by 18 inches each.

(Code 1964, § 25-67.7; Ord. No. 92-2816, § 2(7), 10-21-92)

Sec. 86-84. Exceptions.

The provisions of sections 86-56--86-58 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 items of personal property in a newspaper, magazine, periodical, or other commercially printed media which are specifically named or described in the advertisement and which separate items do not exceed five in number.

(Code 1964, § 25-67.8)

Secs. 86-85--86-105. Reserved.