

ARTICLE V. GARAGE SALES AND SIDEWALK SALES

DIVISION 1. GARAGE SALES

Sec. 12-136. 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 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.

(Ord. No. 81-108, § 1, 11-4-81; Ord. No. 96-662, 3-20-96)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 12-137. License required.

A license issued by the city clerk 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.

(Ord. No. 81-108, § 2, 11-4-81; Ord. No. 96-662, 3-20-96)

Sec. 12-138. Application for license.

An application for a license for any of the sales regulated under this article shall be made at the office of the city clerk 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 prescribed in section 12-140.
- (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.

(Ord. No. 86-361, § 3, 7-15-86; Ord. No. 96-662, 3-20-96)

Sec. 12-139. License fees.

A license fee in the amount of \$3.00 shall be paid to the city at the time an initial application is made during any calendar year period of such license. A license fee in the amount of \$15.00 shall be paid to the city at the time a second application is made during any such calendar year for such license by a person or by a member of the initial applicant's family or household. A single license fee of \$150.00 shall be paid for a flea market sale license issued for a period not to exceed six months.

(Ord. No. 86-361, § 3, 7-15-86; Ord. No. 96-662, 3-20-96)

Sec. 12-140. 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; provided further, that the clerk may issue a flea market sale license for a period not to exceed six months for a business activity to be conducted in an appropriately zoned district (industrial) and subject to revocation for cause.

(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.

(Ord. No. 86-361, § 4, 7-15-86; Ord. No. 96-662, 3-20-96)

Sec. 12-141. Persons and sales excepted.

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 or at a place of business 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 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.

(Ord. No. 81-108, § 5, 11-4-81; Ord. No. 96-662, 3-20-96)

DIVISION 2. SIDEWALK SALES

Sec. 12-142. Definition.

Sidewalk sale shall mean a special event outdoor sale conducted on sidewalks immediately adjacent and contiguous to commercial establishments; provided, the merchandise being sold is consistent with the merchandise of the adjacent and contiguous business.

(Ord. No. 96-662, 3-20-96)

Sec. 12-143. License required; fee.

(a) A license issued by the city clerk shall be obtained by a representative of the commercial establishment before any goods are offered for sale at a sidewalk sale.

(b) A license fee of \$1.00 per square yard utilized shall be paid to the city clerk prior to the erection of any sidewalk display.

(Ord. No. 96-662, 3-20-96)

Sec. 12-144. Restrictions.

(a) No sidewalk sale shall be conducted for more than 30 days each calendar year; no credit shall be given for sidewalk sales cancelled due to inclement weather, or for any other reason. The 30 days permitted under this section need not run consecutively. No additional time shall be permitted without prior permission from the city council.

(b) Sidewalk sales shall be conducted in commercial districts only.

(c) Sidewalk sale displays shall not cover more than 20 percent of the width of the sidewalk.

(d) All sidewalk sales are subject to the provisions of chapter 17 of this Code, entitled "Streets, Sidewalks and Other Public Places."

(Ord. No. 96-662, 3-20-96)

Sec. 12-145. Repeal.

Adoption of this article shall serve to repeal section 2.07(A)(5)(b), "sidewalk display and sale of bedding plants," of Ordinance No. 93-553, entitled "Zoning Ordinance."

(Ord. No. 96-662, 3-20-96)

Secs. 12-146--12-160. Reserved.