

AN ORDINANCE OF THE TOWN OF SUMMERDALE TO REQUIRE PERMITS FOR YARD SALES.

BE IT ORDAINED AND ENACTED by the Council of the Town of Summerdale, as is hereby ordained and enacted by the Authority of the same, as follows:

Section 1: Defined.

For the purposes of this article, the term "yard sale" shall mean and include all sales entitled "yard sale," "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," or any other similar casual sale of tangible personal property whereby there is a display and offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the city limits, which goods, wares or merchandise offered for sale are the household furnishings or personal possessions of the persons conducting the sale and residing at the premises.

Section 2 Property acquired for resale not to be offered for sale at garage sales.

The offer for sale by means of a yard sale of property which has been specifically acquired for resale, or the consignment of which has been accepted for display and offer for sale at a yard sale is specifically prohibited.

Section 3. Temporary uses.

A resident of the town may conduct sales commonly known as yard sales at the resident's dwelling, or at the dwelling of another resident of the town, under conditions specified herein below:

- (1) Not more than three-yard sales shall be held at any one dwelling during the calendar year.
- (2) No person shall participate in, including having property sold at more than three-yard sales in the town during the calendar year, regardless of whether such additional sale is held at the individual's dwelling or at the dwelling of another person.
- (3) Yard sales shall be limited to two days in duration, which days must be consecutive, for a period of not more than ten hours each day. Inclement weather may extend the period of time equal to the days lost provided notice is given to the clerk's office within two working days.
- (4) Signs may be posted for a period not to exceed four consecutive days, including the day or the sale itself. All signs must be removed within 24 hours after the conclusion of the sale. Any signage placed on other than authorized property shall be subject to seizure without notice.
- (5) Yard sales conducted on the common area of apartment buildings and mobile home parks require a permission letter from the property manager.

Section 4. Permit required; term.

Under this article, a permit must be obtained from the clerk's office at least three business days prior to holding a yard sale. This permit may be obtained in the clerk's office.

Section 5. Penalty for failure to obtain a permit.

Failure to obtain a permit prior to holding a yard sale shall result in the issuance of a notice of noncompliance. Issuance of a notice of noncompliance shall carry a penalty of \$100.00. Any person failing to obtain a permit and pay the penalty within five business days after a notice of noncompliance is issued shall be in violation of this article.

Section 6. Posting of permit.

The permit issued by the clerk's office shall be available for inspection by the town officials at the yard sale location.

Section 7. Monitoring and enforcement procedures.

Any police officer, revenue officer, or building, zoning official is hereby authorized to make inspections of any yard or structure in which a yard sale is being conducted to determine whether such yard sale is being conducted in compliance with this section. Such inspections may be made during the days and hours of the sale. The building, zoning official, police officer, or revenue officer may, but shall not be required to give notice of the inspection.

Section 8. Violations.

Violations of the chapter are punishable as provided under the terms of section 1-4 of the Town of Summerdale.

Section 9. Circulars, handbills, other printed matter.

- (A) **Attachments to and clearance around utility poles.** In order to provide safe descent by linemen in cases of emergency, it shall be unlawful to attach handbills, posters, placards, advertising materials or any other object or obstruction to or place the same within three feet of any electric, telephone or other utility pole within the corporate limits of the town or the police jurisdiction thereof.
- (B) **Distribution upon public ways.** It shall be unlawful for any person to distribute or to employ any person to distribute circulars, pamphlets, placards, advertisements or other printed matter upon the streets or place the same in or on any motor vehicle in the Town or the police jurisdiction of the town. Nothing contained in this subsection shall be construed as prohibiting the sale of distribution of newspapers, magazine, or other regularly published publications of like character.

Section 10. This Ordinance shall be in full force and effect on May 1, 2020.

Adopted this 13^h day of January, 2020.



Mayor

Attest



Clerk