

## ARTICLE X. - PERSONAL PROPERTY SALES IN RESIDENTIAL DISTRICTS

## FOOTNOTE(S):

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**Editor's note**—Sec. 8 of Ord. No. 5792, adopted March 7, 1972, provided that said ordinance be included in this Code, but did not specify the manner thereof, hence inclusion of §§ 1—7 herein as Art. X, §§ 18-206—18-212, was at the discretion of the editors. In several instances catchlines were altered by the editors to conform to Code style and format and §§ 8—11 of said ordinance, directory provisions, were omitted.

Sec. 18-206. - Intent of provisions.

It is the intent of these regulations to prohibit the infringement of any businesses in any established residential areas and in so doing to regulate the term and frequency of a personal property sale (such as garage sales, porch sales, basement sales, yard sales, and other similar type of sales) so as not to disturb or disrupt the residential environment of the area. It is not the intent of this article to seek control of sales by individuals selling a few of their household or personal items.

(Ord. No. 5792, § 1, 3-7-72)

Sec. 18-207. - Permit required.

No person shall hold a personal property sale within a residential zoning district without first obtaining a permit from the city collector, or such other person designated by the city manager, as set forth in this article.

(Ord. No. 5792, § 2, 3-7-72; Ord. No. 9575, § 1, 6-18-91; Ord. No. 13599, § 1, 6-4-02)

Sec. 18-208. - Term of permit; limitation on number issued.

- (a) Any permit issued under this article shall be for a term not exceeding four (4) calendar days.
- (b) No more than two (2) permits shall be issued during any calendar year authorizing a personal property sale at any particular residence or residential lot. The total number of days that personal property sales can be held at a particular residence, residential lot or tract of land in a given calendar year shall not exceed eight (8). Permits may not be issued for consecutive personal property sales or otherwise combined to allow a sale to exceed four (4) consecutive days.
- (c) An organizational permit issued pursuant to section 18-213 of this Code shall authorize the holding of up to two (2) license events per calendar year.

(Ord. No. 5792, § 3, 3-7-72; Ord. No. 9575, § 2, 6-18-91; Ord. No. 13599, § 2, 6-4-02; Ord. No. 16742, § 1, 12-7-10; Ord. No. 17230, § 1, 5-6-14)

Sec. 18-209. - Application for permit.

Application for any permit required by this article shall be made to the city collector upon forms furnished by the city collector and approved by the city manager.

(Ord. No. 5792, § 4, 3-7-72; Ord. No. 9575, § 3, 6-18-91)

Sec. 18-210. - Permit fee.

The permit fee for a personal property sale at an individual residence or residential lot shall be six dollars (\$6.00). The permit fee for an organizational permit shall be thirty dollars (\$30.00).

(Ord. No. 5792, § 5, 3-7-72; Ord. No. 9050, § 10(a), 12-19-89; Ord. No. 13599, § 3, 6-4-02; Ord. No. 16742, § 2, 12-7-10)

Sec. 18-211. - Conditions to be met.

- (a) The permit will be valid only upon a proper showing and finding by the city that proper safety and environmental precautions have been taken for the public.
- (b) The permit shall be posted on the premises in a conspicuous place so as to be seen by the public and city inspectors.
- (c) A permit issued under this article shall only allow the sale of used personal property and household items of the permittee and the incidental sale of new merchandise. A permit shall not authorize a permittee to display for sale an inventory consisting of multiple items of new merchandise.

(Ord. No. 5792, § 6, 3-7-72; Ord. No. 13599, § 4, 6-4-02)

Sec. 18-212. - Right of access for inspection.

*Arrest authority of inspector.* A police officer or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same, shall have the right of entry to any premises showing evidence of a personal property sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any person who violates the provisions of this article.

(Ord. No. 5792, § 7, 3-7-72)

Sec. 18-213. - Organizational permits.

Any not-for-profit corporation, voluntary neighborhood association with elected officers, condominium board or such other civic or charitable organization may obtain a personal property sale permit under its own name. Such permit may authorize the holding of a personal property sale at one or more residences of the applicant's members or officers or at the principal place of business of such applicant. Such permits shall be subject to all other regulations and restrictions of this article. The applicant shall disclose to the city collector the locations wherein the personal property sale will be conducted. A copy of the personal property sale permit shall be conspicuously posted at each such location.

(Ord. No. 9575, § 4, 6-18-91)

Secs. 18-214—18-220. - Reserved.