

ARTICLE IV. GARAGE SALES¹

Sec. 11-191. 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:]

Estate sale. A display or offer of sale of personal property belonging to a deceased person by the heirs, administrators or executors of the deceased person, which takes place within nine (9) months from the date of death.

Garage sale. The sale of tangible personal property or used or unwanted household items that is held in the garage, driveway or yard of the seller's residence; or the parking lot or sidewalk of a nonresidential property. The term garage sale includes the terms yard sale, estate sale, occasional sale, and similar terms.

(Ord. No. 623, § 1, 3-10-09)

Cross reference(s)—Definitions and rules of construction generally, § 1-3.

Sec. 11-192. Regulations.

- (1) *Permit required.* A permit shall be required to hold or have a garage sale. The permit may be issued to the owner or tenant of the residence, or to the owner of the nonresidential property. The sign issued by the city shall serve as the permit for the sale. The permit number shall be listed on the sign. The permit for sales on a nonresidential property shall be in addition to any special event sales or temporary outdoor sales allowed by the zoning regulations.
- (2) *Number and duration of sales.* The number of garage sales on a property shall not exceed four (4) during any calendar year period from January 1 to December 31. The duration of each sale shall not exceed three (3) consecutive calendar days, except that, if the sale is an estate sale, then the property may be displayed, offered for sale or sold for a continuous period not to exceed seven (7) consecutive calendar days, but under the following terms and conditions:
 - (a) No personal property shall be displayed, offered for sale or sold within an open garage or in a front yard.
 - (b) All displays shall be within the confines of the house.
- (3) *Conditions of sale.* Tangible personal property shall be sold only on the premises of the owner or tenant of the residential property where the sale is conducted, or on the premises of the owner of the nonresidential property where the sale is conducted. The owner or tenant must be the legal owner of such tangible personal property at the time of such sale. The items for sale shall be confined to the garage, porch, patio or

¹Editor's note(s)—Section 1 of Ord. No. 623, adopted March 10, 2009, amended Art. IV, §§ 11-191—11-194, in its entirety to read as herein set out. Former Art. IV pertained to the same subject matter and derived from the 1977 Code; Ord. No. 298, adopted Aug. 16, 1983; Ord. No. 334, adopted May 14, 1985; Ord. No. 338, adopted June 11, 1985; and Ord. No. 423, adopted Dec. 4, 1990.

yard on the premises of the residence, and to the parking lot or sidewalk on the premises of a nonresidential property. No merchandise acquired solely for the purpose of resale, shall be sold at a garage sale.

- (4) *Sales affected by rain or inclement weather.* If a property owner or tenant has purchased a garage sale permit, and the majority of the scheduled dates for the sale are affected by rain or other inclement weather, as determined by city staff, a rain-out permit may be issued at no cost provided the property owner or tenant returns the sign originally issued as the permit. The new permit must be issued within thirty (30) days of the date of the original permit. If the permit was issued for two (2) or three (3) days and the rain or inclement weather affects only one (1) day during the permit period, a rain-out permit shall not be issued.
- (5) *Multiple garage sales.* In the event of multiple garage sales in one (1) subdivision, each property participating in the event will be required to obtain a permit.
- (6) *Permit fee.* The permit fee shall be twenty-five dollars (\$25.00), fifteen dollars (\$15.00) of which shall be refunded when all of the signs are returned as required by subsection 11-193(5).

(Ord. No. 623, § 1, 3-10-09)

Sec. 11-193. Signs.

- (1) *On-premises signs.* Three (3) signs shall be issued by the city with the permit. The sign shall be posted on the property conducting the sale in a location visible from the street, as it serves as the permit for the sale. No other garage sale signs shall be permitted.
- (2) *Off-premises signs.* Up to two (2) off-premises signs may be placed on private property, subject to permission of the property owner where the sign is to be located.
- (3) *Sign locations.*
 - (a) Signs shall not be placed on utility poles, street sign poles, or other fixed objects in the city or state rights-of-way.
 - (b) Signs shall not be placed within a street median or a visibility triangle.
- (4) *Removal of signs.* Signs shall not be posted more than twenty-four (24) hours prior to the beginning of the sale. The sign advertising a garage sale shall be removed by the permittee not later than twenty-four (24) hours following the expiration of the permit.
- (5) *Return of sign.* The sign must be returned to City Hall within ten (10) days after the expiration of the permit, at which time the refund in subsection 11-192(6) shall be paid.

(Ord. No. 623, § 1, 3-10-09)

Sec. 11-194. Right to deny permit.

If any person is cited for violation of this article two (2) or more times during any twelve-month period, the City of Everman may refuse to issue that individual a permit to hold a garage sale anytime during the subsequent twelve-month period.

(Ord. No. 623, § 1, 3-10-09)

Secs. 11-195—11-215. Reserved.