



## AGENDA ITEM ANALYSIS

Project/Issue Name: Discussion on Proposed Garage Sale Ordinance.  
Submitted By: Council Member Christopher Updike  
Date: May 7, 2024

### Issue Statement

To discuss Council Member Updike's proposal for a garage sale ordinance.

### Discussion and/or Analysis

If an ordinance is accepted and passed by Council, it would go into effect January 1, 2025. The rest of the calendar year of 2024 would be to promote, educate and prepare the community for the ordinance. An example of such proposed ordinance is as follows:

Section A Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

#### GARAGE SALES

All sales entitled "garage sale," "lawn sale," "yard sale," "attic sale," "rummage sale," or "flea market sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the said sale.

#### GOODS

Includes any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder, but shall not include any items specifically purchased for resale and shall include no food items unless those items were raised on the premises where the sale is being held.

Pet "adoptions," "rehoming," "sales," or any similar activity is prohibited at garage sales. Any actions that is caught by law enforcement will be charged and said animals would be taken by Animal Control. Persons would immediately lose temporary ownership and would have to go in front of a judge to plead case and situation.

#### PERSON

Includes individuals, partnerships, voluntary associations, and corporations.

Section B



#### Permits And Fees.

It shall be unlawful for any person to conduct a garage sale in the City of Republic without first filing with the Collector the information hereinafter specified and obtaining a license so to do, to be known as a "garage sale license." The fee for such license shall be five dollars (\$5.00). (SEE NOTE 1)

#### Section C

##### Licensing.

Such license shall be issued for a garage sale to be held at the same location only twice within a twelve-month period and no such license shall be issued for more than three (3) consecutive calendar days. No license shall be issued for a garage sale when said sale or any part thereof would be held on Sunday. Each license issued under this Chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

#### Section D

##### Information To Be Filed.

The information to be filed with the City Clerk, pursuant to this Chapter, shall be as follows:

1. Name of person, firm, group, corporation, association or organization conducting said sale.
2. Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than owner.
3. Location at which sale is to be conducted.
4. Number of days of sale. Sunday sales are prohibited.
5. Date, nature of any past sale.
6. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him/her to be so.

#### Section E

##### Persons And Sales Excepted.

The provisions of this Chapter 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 five (5) in number.

#### Section F

##### No Permit On Commercial Sale.



No permit shall be issued for any garage sale when the merchandise sold at that sale or any part thereof is a part of any commercial enterprise or commercial sale or commercial assignment.

#### Section G

##### Advertising And Cleanup.

No advertising sign, placard or other billboard-type advertisement advertising the garage sale shall be placed on any public property. All persons who conduct garage sales within the City limits of Republic shall, within twenty-four (24) hours after the conclusion of the garage sale and the time allotted by the permit, clean up all the debris and remove all tables and other accessories used in connection with said garage sale.

#### Section H

##### Violations And Penalties.

Any person, association or corporation conducting any such sale without being properly licensed therefor or who shall violate any of the other terms and regulations of this Chapter shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day that such sale shall continue without being duly permitted shall be considered a separate violation. (SEE NOTE 2)

Note 1: fees collected can go towards to a charity fund as the Council sees fit. Fees are collected per calendar year and calculated then proceeds given out.

Note 2: All fees collected from fines could go towards paying off school lunches within Republic School District.