

## ORDINANCE 2003-021

**AN ORDINANCE OF THE CITY OF SMITHS STATION, ALABAMA SO AS TO REQUIRE PERSONS OR ENTITIES CONDUCTING YARD SALES TO FIRST ACQUIRE A PERMIT; TO ESTABLISH CONDITIONS FOR ISSUANCE OF SUCH PERMIT; TO CLARIFY THE DEFINITION OF YARD SALE; TO DECLARE IT A MISDEMEANOR TO VIOLATE THIS SECTION; AND TO ESTABLISH PENALTIES FOR VIOLATIONS.**

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Smiths Station, Alabama, as follows, to wit;

### **Section 1. Yard Sale Defined:**

For the purposes of this ordinance the term "Yard Sale" shall mean and include all sales entitled "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 or offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the corporate limits of the city, which goods, wares or merchandise or 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 yard 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. Duration:**

It shall be unlawful for any person to hold a "Yard Sale" for longer duration than three (3) consecutive days.

### **Section 4. Limited number per calendar year:**

It shall be unlawful for any person to hold or conduct more than three (3) "Yard Sales" within the same calendar year. Provided; however, that under no circumstance shall the same residential lot be used for more than a total of three (3) "Yard Sales" within the same calendar year.

### **Section 5. Permit --Generally:**

A. Required: It shall be unlawful for any person to conduct a garage sale in the city without first filing with the city clerk the information herein after specified and obtaining from such clerk a permit to do so, to be know as a "Yard Sale Permit." There shall be no fee charged for the permit to a person for conducting the "Yard Sales."

B. Display: Each permit number issued under this ordinance must be prominently displayed on the premises upon which the "Yard Sale" is conducted throughout the entire period of the permitted sale.

C. Signs: All "Yard Sale" signs must have the permit number printed on each sign and the signs shall be removed from all locations no later than forty-eight (48) hours after the

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completion of the sale.

### **Section 6. Same--Information Required:**

The information to be filed with the city clerks, pursuant to the ordinance shall be as follows:

- (1). Name of the owner/resident of the property on which the sale is to be conducted, and consent of the owner, if applicant is other than the owner.
- (2). Location at which sale is to be conducted.
- (3). Beginning and ending date the sale is to be conducted.
- (4). Date and nature of any past sales.

### **Section 7. Exception to provisions:**

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 three (3) in number.

### **Section 8. Violation; penalties:**

Any person or entity violating the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Fifty Dollars (\$150.00).

Section 9. This ordinance shall become effective on January 01, 2004.

**ADOPTED AND APPROVED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
LaFaye Dellinger, Mayor

Attest:

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Jerry F. Bentley, City Clerk