

Permit for Yard/Garage Sales

ORDINANCE NO. 833

An Ordinance regulating yard/garage sales in the City of Winchester, Tennessee.

YARD/GARAGE SALES

WHEREAS, the Winchester City Council has determined that local regulations of yard/garage sales is in the best interest of the City and its residents; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WINCHESTER, TENNESSEE, to implement and enforce the following Ordinance with its rules and regulations:

Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

- (1) "Yard/Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis.
- (2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.

Permit required. No yard/garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the Building/Codes Enforcement Department. Members of more than one residence may join in obtaining a permit for yard/garage sale to be conducted at the residence of one of them. Permits may be obtained for any nonresidential location.

Permit procedure. (1) Application. The applicant or applicants for a yard/garage sale permit shall file a written application with the Building/Codes Enforcement Department at least three (3) days in advance of the proposed sale setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed yard/garage sale is to be held.
- (c) The date or dates upon which the sale will be held.

- (d) The date or dates of any other yard/garage sales by the same applicant or applicants within the current calendar year.
 - (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.
 - (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.
- (2) Permit fee. An administrative processing fee of five dollars (\$5.00) for the issuance of such permit shall accompany the application.
- (3) Issuance of permit. Upon the applicant complying with the terms of this ordinance, the Building/Codes Enforcement Department shall issue a permit.

Permit conditions. The permit shall set forth and restrict the time and location of such yard/garage sale. No more than two (2) such permits may be issued to one residential location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences. No more than two (2) permits may be issued for any nonresidential location during any calendar year.

Hours of operation. Sales shall be limited in time to no more than 7:00 A.M. to 6:00 P.M. on three (3) consecutive days.

Exceptions.

(1) If sale not held because of inclement weather. If a yard/garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Building/Codes Department shall issue another permit to the applicant for a yard/garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Third sale permitted. A third yard/garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the Building/Codes Enforcement Department.

Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a yard/garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.

Display of permit. Any permit in possession of the holder or holders of a yard/garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official.

Advertising. Signs permitted. Only the following specified signs may be displayed in relation to a pending yard/garage sale:

- (a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the yard/garage sale is being conducted.

- (b) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the yard/garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed at the close of the yard/garage sale activities.

Persons exempted from Ordinance. The provisions of this Ordinance shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.

Violations and penalty. Any person found guilty of violating the terms of this ordinance shall be subject to a penalty of up to twenty-five dollars (\$25) for each offense, up to two (2) offenses. Each subsequent offense shall be subject to a penalty of two hundred and fifty dollars (\$250.00 each).

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF WINCHESTER, TENNESSEE, that this Ordinance shall take effect twenty (20) days after its passage, the public welfare of the City requiring it.

PASSED FIRST READING: 11-09-04

PASSED SECOND READING: 12-14-04

PASSED THIRD READING: 01-11-05

RICHARD STEWART, MAYOR
CITY OF WINCHESTER

ATTEST:

BETH J. RHOTON, CITY ADMINISTRATOR