

CITY OF FORT WRIGHT

CHAPTER 115: GARAGE SALES

Section

- 115.01 Definitions
- 115.02 Permit required; restrictions on sales
- 115.03 Registration
- 115.04 Signs
- 115.05 Parking Regulations
- 115.06 Compliance with other regulations required
- 115.07 Exceptions

- 115.99 Penalty

§ 115.01 DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“BUSINESS BUILDING” - A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

“GARAGE SALE” - A sale from a residence or residential property of tangible personal property which has been owned or used previously by the individual or resident residing on the premises where the sale is conducted. A yard, patio, attic, or driveway sale is included within the definition of “Garage Sale”.

“GOODS” – Any goods, warehouse merchandise, or other tangible personal property capable of being the object of a sale regulated hereunder.

“OUTDOOR SALE” – Any sale of tangible personal property not otherwise regulated in the city advertised by any means whereby the public at large is or can be made aware of such sale, and shall include “sidewalk sales.” Stocking of merchandise for storage or sale outside the premises of a building shall be considered an outdoor sale.
(Ord. 352-1985, passed 1-8-86)

§ 115.02 PERMIT REQUIRED; RESTRICTIONS ON SALES

(A) The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under the Code, prohibited. Garage sales and outdoor sales, as defined in § 115.01, are permitted only insofar as they are conducted consistent with the limitations set forth herein.

(B) No garage sale or outdoor sale of goods may be conducted within the city without first registering the sale with the City Clerk. The City Clerk shall maintain a register book in the city office for purposes of verifying permitted sales.

(C) No more than two such registrations shall be permitted to one residence or household during any calendar year. Such permit shall be limited in time to no more than the daylight hours of two consecutive days. No more than three permits may be issued to an established licensed business in a business zone during any calendar year. Such permit shall be limited in time to the normal business hours of the applicant for three consecutive days.

(Ord. 352-1985, passed 1-8-86)

§ 115.03 REGISTRATION

Prior to the garage sale or outdoor sale, the person conducting such sale shall file a written statement with the City Clerk setting forth the following information:

(A) The person's interest in the residential property (ownership, current lessee, or such other control as the person may have), or the person's interest in the commercial property (ownership, current lessee, or such other control as the person may have).

(B) The ownership of the personal property goods to be sold.

(C) The purposes to which the personal property goods to be sold have previously been used.

(D) In the event the request is by a business, an affirmative statement that the property to be sold or work being done must be consistent and compatible with the primary business occupation and occupational license regularly issued to that business.

(Ord. 352-1985, passed 1-8-86) Penalty, see § 115.99

§ 115.04 SIGNS

One temporary sign of not more than four square feet shall be permitted to be displayed on the property of the residence where a garage sale is being conducted. The sign shall be displayed only during the times of the sale as delineated on the permit. In no case shall the sign be placed on property other than the property of the residence to which the permit has been issued, nor shall any sign be located closer than five feet from the property line.

(Ord. 352-1985, passed 1-8-86) Penalty, see § 115.99

§ 115.05 PARKING REGULATIONS

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. The Police Department may enforce such temporary controls, which may alleviate any special hazards or congestion created by any garage sale.

(Ord. 352-1985, passed 1-8-86) Penalty, see § 115.99

§ 115.06 COMPLIANCE WITH OTHER REGULATIONS REQUIRED

A garage sale shall be conducted in compliance with all laws, ordinances, rules, and regulations not in conflict herewith; however, no occupational license shall be required therefor.

(Ord. 352-1985, passed 1-8-86) Penalty, see § 115.99

§ 115.07 EXCEPTIONS

The provisions of this chapter shall not apply or affect the following persons or sales:

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

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

(C) Any sale regulated under provision of other ordinances of the city.

(D) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city or under the protection of the presently nonconforming section thereof, or any other sale conducted by a manufacturer, dealer, or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in the ordinances of the city.

(E) Any bona fide charitable, eleemosynary, educational, cultural, or governmental institution or organization, provided, however, that the burden of establishing the exemption under this division shall be on the organization or institution claiming such exemption.

(Ord. 352-1985, passed 1-8-86) Penalty, see § 115.99

§ 115.99 PENALTY

Any person, firm, group, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 nor more than \$500.

(Ord. 352-1985, passed 1-8-86)