

Chapter 25

SECONDHAND GOODS*

* **Editors Note:** Ord. No. 539, § 1, adopted August 7, 1995 repealed Art. II of Ch. 25 in its entirety. Former Art. II, §§ 25-16--25-48, pertained to secondhand and junk dealers, and derived from the Code of 1977, §§ 7.111 and 7.112. Ord. No. 540, § 1, adopted August 7, 1995, repealed Arts. III and IV of Ch. 25 in their entirety. Former Art. III, §§ 25-66--25-77, and 25-91--25-97, pertained to pawnbrokers, and derived from the Code of 1977, § 7.121. Former Art. IV, §§ 25-98--25-102, pertained to garage sales, and derived from Ord. No. 471, adopted April 2, 1990. Ord. No. 556, § 1, adopted June 17, 1996, added new provisions designated as Art. II, §§ 25-21--25-25.

Art. I. In General, §§ 25-1--25-20

Art. II. Garage Sales, §§ 25-21--25-26

ARTICLE I.

IN GENERAL

Secs. 25-1--25-20. Reserved.

ARTICLE II.

GARAGE SALES*

* **Editors Note:** Ord. No. 556, § 1, adopted June 17, 1996, amended the Code by adding a new chapter 25 entitled "Garage Sales", in order to preserve the alphabetical organization of the Code, and to facilitate the future supplementation of the Code, the editor has redesignated said provisions as Art. II, §§ 25-21--25-25.

Sec. 25-21. Purpose and intent.

The city council finds that repeated sales of various types of personal property made from residential premises, wherein newspaper advertisements, signs or other means of notification invite the general public to shop at such residential premises, where the property is displayed for sale in the garage, an outbuilding, in the yard area, in the dwelling, or all or a combination of such locations, have become a nuisance to the community. The council finds that locations where successive sales occur create vehicular traffic problems and detract from the tranquility and privacy of neighborhoods. The council finds that two (2) sales periods of not more than three (3) days each from any single residential premises do not have an adverse effect on the community. The council further finds that this article offers the minimum regulation necessary to protect the health, safety and welfare of this community in such regard.

(Ord. No. 556, § 1, 6-17-96; Ord. No. 582, § 1, 5-3-99)

Sec. 25-22. Definitions.

(a) For the purpose of this article, the term "occasional sale" shall mean and include "garage sale," "basement sale" and "rummage sale" and any similar terms such as "attic sale," "lawn sale," "flea market sale," or any similar "casual sale," etc., shall mean sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in this Code, advertised by any means whereby the public at large is or can be aware of such sale.

(b) For the purpose of this article, the term "person" shall mean and include individuals, groups, organizations, partnerships, voluntary associations and corporations.
(Ord. No. 556, § 1, 6-17-96; Ord. No. 582, § 1, 5-3-99)

Sec. 25-23. Exemptions.

This article shall not apply:

- (1) To occasional sales by persons selling five (5) or less of household or personal items belonging to them or to any sale regulated under any other provisions of ordinances of the city. Home occupations regulated under Chapter 38 of this Code are specifically distinguished from this exemption through: The prohibition of yard or window displays for home occupations; the size restrictions of the occasional sale; the limitation of occasional sale items to used, secondhand, damaged or discarded materials; and the restrictions against persons seeking on-site services or products from home occupations.
- (2) At a sale specifically authorized by statute or judicial order and conducted strictly in conformity with such statute or order or conducted under judicial supervision, such as an estate sale.
- (3) For the personal property exposed for sale, offered for sale or displayed upon land which is exempt from taxation under 1893 PA 203, as amended, and the proceeds of the sale are applied to a charitable, religious or governmental purpose.

(4) For auctions by lawfully qualified auctioneers.
(Ord. No. 556, § 1, 6-17-96; Ord. No. 582, § 1, 5-3-99)

Sec. 25-24. Conditions.

An occasional sale shall be authorized only in the following manner and under the conditions stated:

- (1) Two (2) occasional sales may be conducted from any lot occupied for residential purposes within a calendar year with no sale to last more than three (3) consecutive days in duration.
- (2) No sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.
- (3) During the day and hours of the sale only, a person may place not more than three (3) signs, not in excess of four (4) square feet each, upon private property only, advertising the location, dates and time of the garage sale.
- (4) The existence of signs in violation of the provisions of subsection (3) above shall be prima facie

evidence of a violation of this chapter by the occupants of the premises whose location is indicated by said signs.

(Ord. No. 556, § 1, 6-17-96; Ord. No. 582, § 1, 5-3-99)

Sec. 25-25. Enforcement.

Any police officer of the city and/or the building inspector shall enforce this article by confiscating any signs erected in violation of section 25-4(3), ordering the cessation of any sale being conducted in violation of this article or directing any other necessary corrective action. Any police officer or the building inspection is authorized to issue an appearance ticket for violation of this article.

(Ord. No. 556, § 1, 6-17-96; Ord. No. 582, § 1, 5-3-99)

Sec. 25-26. Reserved.

Editors Note: Section 1 of Ord. No. 713, adopted Oct. 5, 2009, repealed § 25-26 in its entirety. Former § 25-26 pertained to sunset provisions and derived from Ord. No. 582, adopted May 3, 1999; Ord. No. 630, adopted June 16, 2003; and Ord. No. 650, adopted Nov. 3, 2003.