

ORDINANCE NO. C-04-57

AN ORDINANCE CREATING ARTICLE V, SECTIONS 23-117 THROUGH 23-124, "GARAGE, YARD, AND OTHER OCCASIONAL SALES," OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ESTABLISHING DEFINITIONS, PROVIDING FOR EXCEPTIONS, PROVIDING FOR COMPLIANCE WITH OTHER REGULATIONS, PROVIDING FOR DISPLAY OF PROPERTY FOR SALE, PROVIDING FOR SIGNS, AND PROVIDING FOR PARKING, PROVIDING FOR FREQUENCY OF SUCH SALES, AND PROVIDING FOR PENALTIES; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE _____ DATE.

WHEREAS, at its April 20, 2004, meeting the Code Advisory Committee recommended that the City Commission adopt an ordinance limiting garage and/or yard sales; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, wishes to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. There is hereby added to the City of Fort Lauderdale Municipal Code a new section 23-117 "Garage, Yard, and Other Occasional Sales", to read as follows:

GARAGE, YARD AND OTHER OCCASIONAL SALES

Sec. 23-117 Definition.

Sec. 23-118 Exceptions.

Sec. 23-119 Compliance with other regulations.

Sec. 23-120 Display of sale property.

Sec. 23-121 Signs.

Sec. 23-122 Parking.

Sec. 23-123 Frequency, hours restricted.

Sec. 23-124 Penalties.

23-117 Definition.

For the purposes of this article, garage sale shall mean any sale or offering for sale of personal property by a person of a family or other household unit, upon any residentially zoned property. The term shall include but not be limited to all such sales and shall include the advertising of any such sale or the offering to make any such sale. The term includes lawn sale, yard sale, front yard sale, backyard sale, home sale, attic sale, rummage sale, patio sale, driveway sale, or any similar designation. The term "garage sale" does not include the sale or offering for sale any goods on consignment, nor does it include the sale or offering for sale of goods of more than one family or household.

23-118 Exceptions.

The provisions of this article shall not apply to the sale of personal property made under court order or court process by any person acting in accordance with, or pursuant to, any such court order or process.

23-119 Compliance with other regulations.

(a) Such sales shall be conducted in compliance with all laws, ordinances, rules and regulations not in conflict with this article.

(b) No occupational license shall be required.

23-120 Display of sale property.

All merchandise to be sold at such sales shall be displayed only upon private property, and at no time shall merchandise be displayed on a public right-of-way or swale area.

23-121 Signs.

Signs advertising such sales shall be displayed only during the times of the sale. In no case shall the signs be placed on any property other than the property of the residence or the public right-of-way. Signs advertising such sales must be removed within twenty-four (24) hours after the sale. Failure to remove such signs shall result in a fine of Fifty dollars (\$50.00) for the first offense; One Hundred dollars (\$100.00) for the second offense; and One Hundred Fifty dollars (\$150.00) for the third offense.

23-122 Parking.

All parking of vehicles at such sales shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls that would alleviate any special hazards and/or congestion created by such sales.

23-123 Frequency, hours restricted.

A maximum of three (3) such sales may be held at one residential property and/or family or household during any calendar year, for a duration not to exceed two (2) days.

23-124 Penalties.

Any person who shall violate the provisions of this article shall be punished as provided in Chapter 1, General Provisions, Sections 1-6 of this Code.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 19th day of October, 2004.
PASSED SECOND READING this the 1st day of November, 2004.

Mayor
JIM NAUGLE

ATTEST:

City Clerk
JONDA K. JOSEPH

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