

AN ORDINANCE REGULATING GARAGE SALES AND YARD SALES WITHIN THE CITY OF MINER.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF MINER, SCOTT COUNTY, MISSOURI, AS FOLLOWS:

Article I: **Regulations for Garage Sales and Yard Sales**

Section I **Definitions.**

As used in this Chapter, the following words or terms shall have the meanings set forth below:

GARAGE SALE

The sale of personal property, whether new, used or secondhand, conducted wholly or partially inside or under the cover of a residential dwelling or commercial building or other structure, including a rummage sale or other similar sale, which is publicly announced or advertised to the public by sign or other means.

PERSON

Any corporation, partnership or other legal entity, and any individual or members of a family or household who reside together in the same dwelling.

YARD SALE

The sale of personal property, whether new, used or secondhand, conducted wholly or partially outside in a yard or vacant lot or other open area, including a rummage sale, patio sale or other similar sale, which is publicly announced or advertised to the public by sign or other means.

Section II **Garage Sales and Yard Sales — Permit Required.**

No person shall advertise, conduct, carry on or permit any garage sale or yard sale within any dwelling or other building or structure or upon any yard, lot or grounds within the City without having been issued a permit for such garage sale or yard sale as set forth in this Chapter unless such person is exempt from the provisions of this Chapter as provided in Section III below.

Section III **Exemptions.**

The provisions of this Chapter shall not be applicable to any sale conducted by a person holding a valid merchant's license or other business license for the sale of goods upon the premises where such sale is conducted, nor to any sale conducted by the personal representative or conservator (or agent thereof) of an estate, nor to any sale conducted pursuant to court order by a Sheriff, bankruptcy trustee or similar government official.

Section IV **Permits, Applications — Contents.**

A.

Individual applicants must be eighteen (18) years of age or older and a resident of the City. All permit applications shall be submitted in writing to the Police Chief (or if absent his/her designee) on a form approved by the City and shall be signed by the individual applicant or an

~~authorized official of the corporation, partnership or other legal entity. The application shall~~
contain the following information:

1.

The name and address of the applicant;

2.

The date or inclusive dates of the sale;

3.

The street address of the location where the sale will be conducted; and

4.

The beginning and ending time of the sale each date which shall not be earlier than 30 minutes before sunrise, nor later than 30 minutes past sunset. **No fee** shall be required for filing an application nor for the issuance of a permit under this Chapter. All items must be removed no later than 5:00pm on the day following the sale.

Section V Permits, Issued — Restrictions.

A.

The Police Chief (or if absent his designee) may issue a permit to advertise for and conduct a garage sale and/or yard sale to an applicant who satisfies all requirements for the issuance of the permit. All permits shall contain the following restrictions:

1.

Person conducting sale. The permit shall only authorize the applicant to advertise and conduct the garage sale and/or yard sale. The applicant must remain upon the premises at all times during the sale.

2.

Date, time and place. The permit is limited to the specific date(s) (not to exceed two (2) consecutive days), street location and time (which shall not be earlier than 30 minutes before sunrise nor later than 30 minutes after sunset) as set forth in the permit.

3.

Miscellaneous. Any other restrictions or conditions which the Police Chief may deem appropriate to protect public health and safety (e.g. parking restrictions to avoid street congestion, noise, etc.).

Section VI Limits on Frequency of Sales and Permits.

A.

No garage sale or yard sale shall be held for more than two **(2)** consecutive days in the same location by the same person, nor shall more than two **(5)** permits for any garage sale and/or yard sale be issued to any person within one (1) calendar year.

B.

Exception For Sale Canceled Due To Inclement Weather. In the event a garage sale and/or yard sale for which a permit has been issued is completely canceled due to rain, snow or other inclement weather which prevents the sale from being conducted for more than two (2) hours on the date(s) specified in the permit, then the applicant may apply for the reissuance of another permit to conduct such garage sale and/or yard sale on a subsequent date(s) and such permit shall be construed as a replacement permit for the original permit. However, a written application for a replacement permit must be filed not later than two (2) days after the date(s) of the original permit in order for the Police Chief to verify and note in the records the inclement weather that caused the cancellation of the original sale, and no replacement permit shall be issued unless the Police Chief is satisfied that inclement weather forced the complete cancellation of the original sale and that it was impossible for the permit holder to conduct the sale for not more than two (2) hours on the date(s) of the original permit. A replacement permit

~~shall be considered the same as the original permit and shall not be considered as a second (2nd) or additional permit for purposes of counting the number of permits issued in a calendar year to the applicant.~~

Section VII Summary Suspension or Revocation of Permit.

The Police Chief (or in his absence any police officer) may summarily suspend or revoke the permit of any person for filing an application containing false or fraudulent information, for violation of the terms or restrictions of the permit or violation of any other ordinance or order issued by a police officer to protect public health or safety or to keep and preserve the peace.

Section VIII Violation — Misdemeanor.

Any person who violates the provisions of this Article, upon conviction, shall be deemed guilty of a misdemeanor punishable by a fine not less than one dollar (\$1.00) nor more than two hundred dollars (\$200.00) or imprisonment not exceeding ninety (90) days, or both such fine and imprisonment.

Section IIIIV

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section IIIIV


This ordinance shall be in full force and effect from and after its passage and approval.

Read this first, second and third time this 15th day of November, 2016.

The Bill was placed on its final reading and placed on a final roll call with the following results:


Renee Clark	<u>Yes</u>
Don Foster	<u>Absent</u>
Deloris Smith	<u>Yes</u>
Bill James	<u>Yes</u>

WHEREAS, the Mayor declared that Bill No. 1175 had passed and that the same had become Ordinance No. 1163.



Mayor

ATTEST:



City Clerk