

ARTICLE I. IN GENERAL

Secs. 32-1—32-16. Reserved.

ARTICLE II. GARAGE AND YARD SALES**Sec. 32-17. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Personally used property means property which is owned, utilized, and maintained by an individual or members of his residence and acquired in a normal course of living in or maintaining a residence. The term "personally used property" excludes merchandise which was purchased for resale, or obtained on consignment, or made specifically for sale at a yard sale.

Yard sales means all general sales open to the public for the purpose of disposing of personally used property.

(Prior Code, § 8.1)

Sec. 32-18. Penalty.

The violation of any provision of this article is punishable by a civil penalty not exceeding \$100.00.

(Prior Code, § 8.12)

Sec. 32-19. Prohibition of yard sales.

Except for yard sales conducted as provided in this chapter, no person may conduct a sale open to the public unless that sale is in the course of a lawful business at the regular location of that business.

(Prior Code, § 8.2)

Sec. 32-20. Hours of yard sales.

Yard sales shall be limited in time to no more than the daylight hours of two consecutive days. If the sale is not held because of inclement weather on that date for which the permit is issued, as set forth in section 32-21, 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 presented, the town clerk may issue another permit to the applicant for a sale to be conducted at the same location within 30 days from the date the first sale was to be held. In this case, if fees are required, no additional permit fee is required.

(Prior Code, § 8.3)

Sec. 32-21. Permit and fee required.

(a) No yard sales shall be conducted unless and until an individual desiring to conduct the sale obtains a permit therefor from the town clerk. Prior to issuance of any sale permit, an individual desiring to conduct the sale shall file written application with the tax collector at least five days in advance of the proposed sale, setting forth the following information:

- (1) Full name and address of applicant;
- (2) The location at which the proposed sale is to be held;
- (3) The date on which the sale shall be held;
- (4) The date of any other sale by the applicant within the current calendar year;
- (5) An affirmative statement that property to be sold is personally used property of the applicants and was neither acquired nor consigned for the purpose of resale.

(b) The town clerk shall issue a permit only if the clerk determines that the applicant is in all respects proper and that the applicant is qualified under this article for a permit.

(c) The permit shall set forth and restrict the time and location of the sale. No more than two such permits may be issued to one resident or family household during the calendar year. If members of more than one residence join in requesting a permit, the permit shall be considered as having been issued for each and all of the residences. A permit fee may be set annually by the board of commissioners.

(Prior Code, § 8.4)

Sec. 32-22. Revocation and refusal of permit.

Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the town clerk if the application submitted by the applicant or permit holder contains any false, fraudulent, or misleading statements. If the town clerk determines that any individual has violated the requirements of this article, the town tax collector shall cancel any existing sale permit held by the individual convicted and shall not issue that individual another sale permit for a period of two years from the cancellation.

(Prior Code, § 8.5)

Sec. 32-23. Display of permit.

The permit for a sale hereunder shall be posted on the premises where the sale is authorized in a conspicuous place so as to be seen from the street in front of the premises by the public.

(Prior Code, § 8.6)

Sec. 32-24. Property permitted to be sold.

(a) No person may sell, or offer for sale, under authority granted by this article, property other than personally used property.

(b) Personal property offered for sale may be displayed within a residence, in a garage, on the same premises, in a carport, or in the rear, side or front yard, but not on any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within the front or side yard.

(Prior Code, § 8.7)

Sec. 32-25. Advertising and signs.

(a) No sign or other form of advertisement, except media advertising, shall be exhibited for more than two days before the day the sale is to commence.

(b) Signs must be removed each day at the close of the sale activities or by the end of daylight, whichever occurs first.

(Prior Code, § 8.8)

Sec. 32-26. Inspections and arrest authority.

A police officer or any other official designated by any town ordinance to make inspections under the licensing or regulating ordinance or to enforce such ordinances, may enter any premises showing evidence of a sale for the purpose of enforcement or inspection and may summarily stop the sale and take those steps as are necessary against any individual who violates the provisions of this article.

(Prior Code, § 8.9)

Sec. 32-27. Parking controls.

The police department shall have authority to enforce temporary controls to alleviate any special hazard or congestion created by any sale.

(Prior Code, § 8.10)

Sec. 32-28. Exemptions.

The following are exempted from the provisions of this article:

- (1) Any person selling goods pursuant to an order of process of a court of competent jurisdiction;
- (2) Any public official acting in accordance with that official's duties;
- (3) Any bona fide charitable, educational, cultural, or governmental organization when the proceeds from the sale are used directly for the organization's charitable purposes and the goods and articles are not sold on a consignment basis.

(Prior Code, § 8.11)