

Chapter 5.44
GARAGE SALES

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5.44.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and the derivations will have the meaning given herein:

- A. "Garage sale" is hereby defined to mean the sale of any goods as defined herein, which sale is conducted on or about the premises of a private residence, by and resident of the immediate neighborhood, one of whom must be the occupant of the premises and which sale is open to the public, and includes all sales entitled "garage sale," "lawn sale," "rummage sale," "sample sale," "flea market sale," "basement sale," "porch sale," "yard sale," "estate sale," "moving sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale;
- B. "Goods" includes any new or used goods, wares, merchandise, or other property capable of being the object of a sale regulated hereunder;
- C. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(History: Ord. GS-2598 §1, 2006; GS-1251 §1, 84; GS-483 §1, 67)

5.44.020 Unlawful to hold more than the allowed number of sales per year.

It is unlawful for any person or household to hold more than two garage sales at the same location within one calendar year. If members of more than one residence join in holding a garage sale, then such sale shall be considered as to have been held for each and all such residences.

The Director of Planning and Development Services, or his/her designee, may grant permission for an additional sale during that calendar year if such sale is either an estate sale resulting from the death of an owner of the property or a moving sale resulting from the sale of the residence, upon the submission of sufficient documentation to the Director.

(History: Ord. GS-2598 §2, 2006; GS-1251 §2, 84; GS-483 §2, 67)

5.44.025 Location.

It is unlawful for any person to display items for or conduct a garage sale in any place other than a dwelling unit, garage, accessory use building, driveway or front yard. Display of items in the public right-of-way or within 10 feet of the curb is prohibited.

(History: Ord. GS-2598 §3, 2006; GS-1476 §1, 87)

5.44.026 Lease of Property.

It is unlawful to sell at a garage sale any goods other than goods legally owned by a resident of the private residence, or an immediate neighbor participating in the sale, and commercial merchandise may not be included in any such sale.

No merchandise shall be purchased and brought upon the premises for resale. Only the personal property of the residents or immediate neighbors may be sold. "Personal property" does not include property that has been consigned to, or acquired for the purpose of resale, but is limited to personal property which is utilized, owned and maintained by an individual or by members of a residence and acquired in the normal course of living in or maintaining of a residence; provided, however, such property may include salesperson promotional and advertising items not originally purchased or acquired for sale to the consumer.

(History: Ord. GS-2598 §4, 2006; GS-1476 §2, 87)

5.44.030 Time limit.

It is unlawful for any person to conduct a garage sale in violation of the length and separation requirements set forth in this ordinance. Each of the two garage sales permitted during a calendar year shall consist of not less than one day or portion thereof nor more than four consecutive days or portions thereof. For the purposes of this ordinance, a garage sale shall be considered to be conducted when either merchandise is offered or displayed for sale, or when any signs or other advertisements indicate it is being conducted, or both, and shall be considered concluded when there is an absence of said criteria and four consecutive days from its commencement have elapsed. When the first such sale in a calendar year is concluded, the second permitted garage sale may not commence until at least 30 clear days have elapsed from such conclusion. For example, a resident may hold a garage sale on any or all of the days between Wednesday and Saturday of the same week, but may not hold such a sale on a Wednesday and Sunday of the same week.

(History: Ord. GS-2598 §5, 2006; GS-1251 §3, 84; GS-483 §3, 67)

5.44.035 Signs.

Signs for sales at homes are governed by Title 18, the Unified Development Ordinance. See Section 18.440.

(History: Ord. GS-2598 §6, 2006)

5.44.040 Violations - Penalty.

The violation of any provision of this Chapter is a public offense and any person convicted thereof shall be punished as provided in Section 1.12.010. Each day that any violation of this Chapter shall continue shall constitute a separate offense. Prosecution of any violation as a public offense pursuant to this Section may be in addition to, or as an alternative to, any other remedy or course of action available to the City under this Chapter.

(History: Ord. GS-2598 §7, 2006; GS-1251 §4, 84; GS-483 §4, 67)

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