

Memo

To: Council Members
From: Carl M. Dutli
Date: January 7, 2010
Re: Garage Sale Ordinance

As a result of the Council's discussion at the last meeting I have revised the Ordinance regulating garage sales. The change in Section a., was to make clear that only personal property could be sold at garage sales. Merchandise purchased for resale or obtained to be resold is excluded from the definition of personal property as defined in the Ordinance.

Section 2 was changed to reflect that the maximum number of garage sales would be during a calendar year rather than any 12-month period. Section 2 was also changed by adding exceptions to the number of sales for community groups. Dean Noyes is involved with the Booster Club and gave me some good language to use for groups excluded from the maximum number of garage sales.

Section 7 was changed to add "alley" to roads or streets that persons conducting a sale must keep free from being blocked by traffic.

I believe that further discussion on the garage sale Ordinance will be held at a January Council meeting. Unless there are other changes Council members want we need to decide on the maximum number of garage sales and the maximum number of consecutive days the garage sales may be held.

cc Mike Boyd
Steve Forrester

ORDINANCE NO. _____

AN ORDINANCE REGULATING GARAGE SALES

The people of the City of Prineville ordain as follows:

1. Definitions. For the purpose of this Ordinance, the following terms are defined as follows:

a. *Garage Sale* – a sale open to the public conducted from or on a residential premise or from a temporarily arranged site elsewhere within the City, for the purpose of disposing of personal property only. The term “garage sale” includes, but is not limited to, all sales entitled “garage, moving, lawn, yard, attic, porch, backyard, patio, basement, estate” or other sales of a similarly intended nature.

Deleted: including,

b. *Personal Property* – 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. It does not include merchandise which was purchased for resale or obtained from closeouts, fire sales, or other quantity liquidations, or commercial consignments.

c. *Signs* – signs advertising a garage sale or directing the public by way of arrows or other directional signals to a particular location. Signs shall include any materials to which the sign is affixed as well as any support or anchor.

2. Number of Garage Sales. Except as allowed by this Section, no person or group shall hold more than _____ garage sales during a calendar year. If members of more than one residence join in holding a garage sale, then such sale shall be considered as having been held for each and all such residents. The above limit of the number of garage sales held during any calendar shall not apply to garage sales held by non-profit corporations, not for profit associations or organizations, or garage sales to fundraise for charitable, educational, religious, or athletic purposes for community members, groups, or causes.

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Deleted: any twelve-month period

3. Hours of Operation. Garage sales may only be held between the hours of 8 a.m. and 7 p.m.

4. Number of Days. Garage sales may be held for no more than _____ consecutive days.

5. Display of Merchandise. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in the yard of a residence, or on other private property with the consent of the owner of such private property. No personal property offered for sale or to be given away shall be displayed on any public right-of-way, sidewalk, alley, or street.

6. Signs. No signs may be placed on any utility poles or regulatory signs or posts. No signs shall be placed in the street. Signs may be placed on private property with permission of the property owner. Each sign must have the name and address of the person conducting the garage sale advertised by the sign. All signs must be removed by 8 p.m. of the last day of the garage sale. Signs may not be exhibited for more than one day prior to the day the garage sale is to commence.

1 – Ordinance No. _____

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7. Responsibility. The individual or individuals operating a garage sale and the owner or tenant of the property upon which the sale or activity is conducted shall be jointly and severally be held responsible for the maintenance, order, and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on the premises, nor permit vehicles to impede the passage of traffic on any road, alley, or street in the area of the premises.

8. Owner Presumption. In the enforcement of this Ordinance, there is a presumption that a name, address, or telephone number listed on a sign shall be that of the individual responsible for posting the sign. In addition, signs directing the public to a particular residence are presumed to have been erected by the owner or occupant of the residence.

9. Illegal Signs. Signs found within the City which do not comply with this Ordinance are hereby declared a nuisance to public safety, as they detract from the driving public's attention to traffic signals as well as other vehicular and pedestrian traffic. Such signs may be summarily removed as evidence of unlawful activity in preparation for prosecution. If no prosecutorial action is taken, the signs may be destroyed.

10. Penalty. Any person, firm, organization, association, or corporation found to be in violation hereof by a court of competent jurisdiction shall be subject to a fine not to exceed \$500 for each such violation. Each day such violation continues will be considered a separate violation.

Approved by the City Council on the ____ day of October, 2009.

Signed by the Mayor on the ____ day of October, 2009.

Mike Wendel, Mayor

ATTEST:

Steve Forrester, City Manager/Recorder