

DEFEATED

ORDINANCE NO. 91-35 AC CMS

AN ORDINANCE DEFINING "GARAGE SALES", REQUIRING A PERMIT
THEREFOR AND PROVIDING FOR A PENALTY FOR A VIOLATION
OF SAID PERMIT REQUIREMENTS

BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That there are hereby established the following regulations relative to "Garage Sales", as defined herein, within the City of Oberlin, Ohio:

DEFINITIONS.

For the purposes of this chapter, certain words are defined as follows:

- (a) "Person" means individuals, associations of individuals, partnerships or corporations who or which conduct sales for a commission or other remuneration.
- (b) "Public sale" means any sale and delivery or offer of sale and delivery of any household furniture, furnishings, equipment, goods, wares or merchandise from, in, about or upon any premises, property or residence zoned for or utilized for residential purposes within this City to which the general public is invited pursuant to any advertisement or notice by newspaper, mail, individual flyer or otherwise.
- (c) "Garage sale" means a sale of household goods, equipment, utensils, appliances, personal clothing or effects, or other similar personal property including such sales commonly termed "basement sales", "house sales" or "lawn sales."

PERMIT REQUIRED.

No person shall conduct, hold or permit a public sale or garage sale without having a valid permit from the City for such purpose, in effect at the time, and issued pursuant to the provisions of this chapter.

PERMIT APPLICATION AND ISSUANCE.

Permit for a public sale or garage sale shall be issued by the Code Administrator or a person acting and authorized to act on his behalf upon the applicant's complying with the following provisions:

- (a) Giving his name and permanent address;
- (b) Obtaining the permit required by this chapter;
- (c) Giving the name and address of all persons who shall be

- associated or engaged in such public sale;
- (d) Giving the name and address of the party for whom the sale is being held; and
 - (e) Giving the date of sales and number of sales in a calendar year.

TRAFFIC SUPERVISION DURING SALE.

The applicant for a public sale or garage sale permit shall provide sufficient parking and shall insure adequate traffic supervision to prevent traffic congestion at the time and place of the sale.

PERMIT PERIOD.

(a) A Permit for a public sale or garage sale shall be valid only for the period of the sale indicated thereon, not to exceed three consecutive days.

(b) No more than two sales per year shall be permitted at the same location.

PERMIT DISPLAY; SIGN RESTRICTIONS.

(a) Every person receiving a permit under this chapter shall have his permit in his possession at all times when conducting a public sale or garage sale and shall display the same upon demand of any police officer and/or Code Administrator of the City and upon demand of any person who attends such public sale.

(b) No more than one sign advertising such sale, not exceeding two feet by two feet, shall be located on the property where the sale is conducted. No other signs shall be used off the premises for such sale.

SALE HOURS; MERCHANDISE RESTRICTION.

No person shall conduct a public sale or garage sale, before 9:00 a.m. of any day or after 7:00 p.m. of any day, or sell any household furniture, furnishing, equipment or goods which were brought into the residence or on to the property for the sole purpose of selling the same at such sale by a person who regularly furnishes such household furniture, furnishings, equipment or goods at such public sales or garage sales for profit, except as may be authorized elsewhere in this ordinance.

PERMIT REVOCATION.

A permit for a public sale or garage sale issued pursuant to this chapter may be revoked by the Code Administrator for any of the following reasons:

- (a) Fraud, misrepresentation or any false statement made on the application in furnishing the information required therein.
- (b) A conviction of the permittee for violation of any provisions of this chapter.
- (c) Conviction of the permittee of any felony or crime involving moral turpitude.
- (d) Conducting a public sale in any unlawful manner or in such manner as to constitute a breach of the peace.

EXCEPTIONS.

This chapter shall not apply to any public sale conducted solely for, or on behalf of any bona fide charitable, educational or religious institution when the person or persons conducting such sale receive no compensation therefor.

PENALTY.

Whoever is found guilty of violating any provision of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of the Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - May 20, 1991 (Tabled); June 3, 1991-DEFEATED
2nd Reading -
3rd Reading -

ATTEST:

CLERK OF COUNCIL

CHAIRMAN OF COUNCIL

POSTED:

EFFECTIVE DATE: