

ORDINANCE NO. 91-43 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 the party for whom the sale is being held; and
- (d) Giving the date of sales and number of sales in a calendar year.

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 three sales per year shall be permitted at the same location.

PERMIT DISPLAY.

(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.

SALE HOURS.

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.

PERMIT REVOCATION.

A permit for a public sale or garage sale applied for or issued pursuant to this chapter may be denied or 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.

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 - June 17, 1991
2nd Reading - July 1, 1991
3rd Reading - July 15, 1991

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: July 17, 1991

EFFECTIVE DATE: August 14, 1991