

ORDINANCE NO. 2005-22

AN ORDINANCE TO REGULATE YARD SALES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the City Council of the City of Gardendale has determined that it is in the interest of the public peace, health, safety, and welfare to authorize regulations governing the conduct of Yard Sales so as to ensure that such Yard Sales are conducted in compliance with the City's zoning regulations and in a manner that will not adversely affect vehicular traffic conditions in the vicinity of such Yard Sales.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Gardendale, Alabama, while in regular session on the 7th day of November, 2005, at 6:00 p.m., as follows:

SECTION 1. DEFINITIONS.

As used in this Ordinance, the following words and terms shall have the meanings respectively ascribed.

Personal Property shall mean property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Yard Sale shall mean and include all general sales, open to the public, conducted from or on a residential premise, for the purpose of disposing of Personal Property.

SECTION 2. REGULATIONS.

Yard Sales shall be permitted in the City of Gardendale subject to the following regulations:

1. A maximum of two (2) Yard Sales may be held at the same location during any calendar year. One or more items offered for sale shall constitute a Yard Sale. If one or more items are offered for sale, this shall constitute one of the permitted sales during the calendar year.
2. Each Yard Sale shall be permitted for no more than two (2) consecutive days.
3. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Ordinance, any property other than Personal Property.
4. Yard Sales shall be permitted during the hours of 7:00 a.m. until sunset.
5. Items offered for sale at any Yard Sale shall be displayed on residential premises only and shall not be displayed on the right-of-way of any public roadway.
6. It shall be unlawful for any person to conduct a Yard Sale in a place or manner which blocks or obstructs vehicular traffic or in any way causes or creates a hazardous driving condition.

7. **Vehicle parking in the vicinity of any Yard Sale shall be conducted in compliance with all applicable laws and regulations. The person or persons conducting any Yard Sale shall not permit vehicles to impede the passage of traffic on any public roadway.**

SECTION 3. ENFORCEMENT.

The provisions of this Ordinance are enforceable by any duly sworn police officer or by any appropriate representative of the Inspections Services department of the City of Gardendale or as otherwise allowed by law for prosecution of offenses. Said enforcement officials shall have the authority to cease the operation of any Yard Sale which blocks or obstructs vehicular traffic; or, in any way causes or creates a hazardous driving condition; or, in any way causes or creates conditions which are detrimental to the public peace, health, safety, or welfare; or, is otherwise conducted in violation of this Ordinance.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective on the 1st day of January, 2006.

ADOPTED AND APPROVED on this the 7th day of November, 2005.