

ORDINANCE NO. 2010-06**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 19th day of April, 2010, 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:

- Advertise is hereby defined, for the purposes of this article, to be any notice or offer published in any newspaper, magazine, brochure, mailout, computer display, computer e-mail, handout, handbill; or any notice or offer published by placement of signs along or adjacent to streets within the City or otherwise erected in such a manner to be noticeable to the general public.
- City is defined as the City of Gardendale, Alabama.
- Official Sign is hereby defined as any sign or signal, including support posts, erected by the City, Jefferson County, or the State of Alabama including but not limited to stop signs, speed limit signs, neighborhood watch signs, caution signs, and street signs.
- 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. Personal Property shall not include merchandise which was purchased for resale or obtained on consignment.
- Residence is defined as any dwelling within the corporate City limits located in an area that is zoned by the City as residential or agricultural, including but not limited to single family houses, duplexes, mobile homes, apartments and, condominiums.
- Utility Pole is hereby defined as any pole or support structure owned or used by any public utility, including but not limited to power poles and telephone poles.
- Yard Sale is hereby defined to include garage sales, moving sales, cleanout sales, seasonal sales, neighborhood sales, and/or any other offer made to the general public to sell multiple items from a location that is zoned residential within the City limits or from a Residence located on property zoned agricultural within the City limits.

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 address during any calendar year. Each sale requires a separate Yard Sale permit. 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.

8. It shall be unlawful for any person or corporation to advertise, sponsor, or hold a Yard Sale without first having applied for and obtained an official Yard Sale permit from the City business license office and displaying said permit in a prominent location in front of the approved Yard Sale location in a manner to be clearly visible from the nearest public street.

9. An application for a Yard Sale permit must be obtained by the owner, resident, or corporate officer in charge of the property proposed as a location for the Yard Sale, during regular business hours at the City business license office no more than five days in advance of the proposed Yard Sale, and each Yard Sale permit shall be valid for a period not to exceed 48 hours and must state the times and dates of the proposed sale. The permit application shall contain the name, location address and telephone number of the property owner, resident, or corporate officer who is holding the Yard Sale along with the names, addresses, and telephone numbers of any nonresident persons who are contributing items for sale. If the business license office determines that the information contained in the application is accurate, correct, and complies with the provisions of this article and any other applicable City ordinance or state law, a Yard Sale permit will be issued.

10. Signs of any kind advertising any Yard Sale within the City must comply with the requirements of the City's separate sign ordinance and other ordinances of the City.

11. The following sign prohibitions shall apply:

(a) No Yard Sale sign may be placed on any private property or public right of way within the City sooner than 24 hours prior to the approved beginning date and time for the Yard Sale, as shown on the approved Yard Sale permit.

(b) No Yard Sale sign may be placed on the state right-of-way or in medians along U.S. Highway 31 within the City limits.

(c) No Yard Sale sign may be affixed to or attached in any manner to any Official Sign or utility pole within the City limits.

(d) All Yard Sale signs erected anywhere within the City, that are visible to any member of the general public, must be removed from public view no later than midnight on the expiration date of the Yard Sale permit, by the person who was issued the permit or his designated agent. Removal of all Yard Sale signs is hereby made the express responsibility of the person to whom the Yard Sale permit was issued. Failure to remove any Yard Sale signs as required by any provision of this article shall subject the holder of the Yard Sale permit to criminal penalties as hereinafter provided.

(e) It shall be prima facie evidence of the guilt of the applicant and/or holder of the Yard Sale permit if any sign advertising said Yard Sale is

left at any location in the City, which is visible to the general public, past the hour of midnight on the expiration date of the Yard Sale permit.

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 by any other City employee or agent as 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.

Violations of any of the provisions of this article are hereby declared to be a misdemeanor and, upon conviction, are punishable by a fine of not less than \$100.00 nor more than \$500.00 and/or up to 60 days in the City jail. Each day a violation continues shall be considered a separate offense.

SECTION 4. REPEALER.

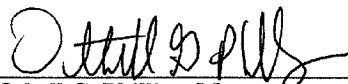
All ordinances or parts thereof in conflict with the provisions of this ordinance, including but not limited to Ordinance No. 2005-22, are hereby repealed.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective on May 1, 2010.

ADOPTED AND APPROVED on this the 19th day of April, 2010.

APPROVED:


Othell G. Phillips, Mayor

ATTEST:


Keith A. Mosley, City Clerk

CERTIFICATION

I, Keith A. Mosley, City Clerk of the City of Gardendale, Alabama, do hereby certify that the above is a true and correct copy of an Ordinance adopted by the City Council of the City of Gardendale, Alabama, while in a regular session on the 19th day of April, 2010, and published in its entirety in the *North Jefferson News* on April 24, 2010.


Keith A. Mosley, City Clerk