

CHAPTER 20

GARAGE SALES

SECTION

9-2001. Definitions.

9-2002. Requirements.

9-2003. Exemptions.

9-2004. Enforcement.

9-2001. Definitions. The following words, terms, and phrases, when used in this chapter shall have the meanings described to them in this section:

(1) "Garage sale" means and includes the sale of personal property from a residence. It includes all general sales open to the public including but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sales, as well as other sales of personal property from a residence not exempted hereunder. This definition shall not include the sale of personal property not in excess of five (5) items, provided that such items are specifically named or identified in the advertisement.

(2) "Personal property" means any property other than real property.

(3) "Residence" shall mean a single address of a single-family residence (including mobile homes), duplexes, apartments, or condominiums. (Ord. #3322, Sept. 1995)

9-2002. Requirements. (1) No garage sale shall be conducted unless and until the person desiring to conduct such sale shall obtain a permit therefor from the city finance department. Members of more than one residence may collectively obtain a permit for a garage sale to be conducted at one of the residences.

(2) Upon compliance with the provisions of this section and the payment of the proper fee, the finance department shall issue a permit the same day which shall designate the location of the sale and day(s) upon which sale shall be conducted.

(3) Only one (1) sign not exceeding six (6) square feet in size may be displayed on the premises where such sale is being conducted. Such sign shall not be erected or placed closer than five (5) feet to the front or side property lines and shall be removed immediately following the termination of the sale or exhibited no more than two days prior to the sale.

(4) Such a garage sale shall be held only between the hours of 7:30 A.M. and 7:00 P.M.

(5) No more than three (3) garage sales shall be held from the same address within any calendar year with not more than two (2) garage sales permitted within a thirty (30) day period.

(6) Each garage sale shall not exceed three (3) consecutive days.

(7) There shall be no fee charged for any permit issued.

(8) The garage sale permit shall be prominently displayed from the front of the building from which such sale is conducted. Upon the request of any code enforcement personnel of the City of Johnson City, the owner or lessee of the property shall exhibit such permit.

(9) Personal property offered for sale at a garage sale may be displayed within the residence, in a garage, carport, and/or the yard. No personal property may be offered for sale at a garage sale in any public right-of-way.

(10) Exceptions. (a) If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, the city may issue another permit to the applicant. No additional permit fee is required.

(b) A fourth garage sale shall be permitted in a calendar year if satisfactory proof of change in ownership of the real property is first presented to the city recorder or his duly authorized representative.

(11) Revocation and refusal. (a) Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the city recorder if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

(b) If any individual is convicted of an offense under this chapter, the city recorder shall cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for a period of two years from the time of cancellation. (Ord. #3322, Sept. 1995)

9-2003. Exemptions. The provisions of this chapter shall not apply or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(4) Any sale conducted by a bona fide charitable, non-profit, educational, cultural, or governmental institution or organization from or at the place of business for the institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis. (Ord. #3322, Sept. 1995)

9-2004. Enforcement. (1) A police officer or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same shall have the right of entry to any premises showing evidence of a garage sale for the purpose of enforcement or inspection and may close the premises from such a sale and/or charge the individual(s) conducting or working in such a sale with violation of this chapter.

(2) Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense. (Ord. #3322, Sept. 1995)