

CHAPTER 15

GARAGE/YARD SALES

SECTION

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9-1501. Intent and purpose. The council of the City of Morristown finds and declares that:

(1) The intrusion of nonregulated garage/yard sales is causing annoyance to the citizens and residential areas in the City of Morristown, and congestion of the streets in residential areas in the City of Morristown;

(2) The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage/yard sales, so as not to disturb or disrupt the residential environment of the area;

(3) The provisions of this chapter are designed to control the operation of garage/yard sales conducted in non-residential areas where the same are not conducted on a daily basis but rather on an occasional basis; and

(4) The provisions and prohibitions hereinafter contained are enacted not to prevent garage/yard sales, but to regulate garage/yard sales for the safety and welfare of the city's citizens.

9-1502. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When

not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory:

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises and any residential or non-residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "Garage", "Lawn", "Yard", "Attic", "Porch", "Room", "Backyard", "Patio", or "Rummage" Sale. This definition does not include the operation of such businesses carried on in a non-residential zone where the person conducting the sales does so on a regular day to day basis; and

(2) "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.

9-1503. Property permitted to be sold. It shall be unlawful for any person to sell or offer to sale, under authority granted by this chapter, property other than personal property.

9-1504. Permit requirement and purpose. No garage/yard sale shall be conducted in a non-residential area unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the City of Morristown. Permits shall not be required for a garage/yard sale conducted in a residential area, however no more than four (4) sales shall be allowed at one residential location, residence and/or family household during any calendar year. If the number of sales in a residential area exceed the above-referenced limits, then the individual(s) will be required to obtain a business license. The purpose of the permit in the non-residential area is to require a permit for any sales conducted at a commercial or business property which are not related to and/or associated with the business that is ordinarily conducted on the property.

9-1505. Information required. Prior to issuance of any non-residential garage/yard sale permit, the individuals conducting such sales shall provide the following information to the City cashier's office:

(1) Full name and address of applicant;

(2) The location at which the proposed garage/yard sale is to be held; and

(3) The date, or dates upon which the sale shall be held. The date, or dates of any other garage/yard sales within the current calendar year.

9-1506. Permit fee. There shall be an administrative processing fee of ten dollars (\$10.00) for the issuance of such permit.

9-1507. Permit issuance - conditions. Upon the applicant complying with the terms of this chapter, the City cashier's office shall issue the permit(s).

The permit shall set forth and restrict the time and location of such garage/yard sale. No more than four (4) such permits may be issued to any one business entity per calendar year. Such a permit may be issued for a commercial property in order to include sales conducted at a commercial property, when those sales are not associated with the business already being conducted on the commercial property. If the number of permits issued to a business entity in a commercial area exceed the above-referenced limits, then the entity will be required to obtain a business license.

9-1508. Hours of operation. Such garage/yard sales shall be limited in time to no more than 9:00 A.M. to 6:00 P.M. on three (3) consecutive days.

9-1509. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage/yard sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.

9-1510. Display of permit. Any permit in possession of the holder or holders of a garage/yard sale shall be posted on the premises in a conspicuous place so as to be

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seen by the publicand/or a representative of the City.

9-1511. Advertising: signs. The total amount, size and height of signs may not exceed the City of Morristown Sign Ordinance which is established by a separate ordinance (See City of Morristown Zoning Ordinance §14-201).

9-1512. Public nuisance. The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises, nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or

fire departments of the City of Morristown in order to maintain the public health, safety and welfare.

9-1513. Inspection--arrest authority of inspector. A police officer or any other public official designated by any city ordinance to make inspections under the licensing or regulating chapter or to enforce the same, shall have the right of entry to any premises showing evidence of garage/yard sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this chapter.

9-1514. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage/yard sale.

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9-1515. Relocation and refusal of permit. (1) False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the City cashier if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statements.

(2) Conviction of violation. If any individual is convicted of an offense under this chapter, the City cashier is instructed to cancel any existing garage/yard sale permit held by the individual convicted and not issue such individual another garage/yard sale permit for a period of two (2) years from the time of the conviction.

9-1516. Persons exempted. The provisions of this chapter shall not apply to 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 on a regular, day to day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City of Morristown or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vender in which sale would be conducted from property zoned premises and not otherwise prohibited by other ordinances; and

(4) Any bona fide charitable, eleemosynary, educational, cultural, church or religious organization, or governmental institution or organization when the proceeds from the sale are used directly for the institution or organizations with charitable and the goods or articles are not sold on a consignment basis.

9-1517. Separate violations. Every article sold and every day sale is conducted in violation of this chapter shall constitute a separate offense.

9-1518. Penalty. Any person found guilty of violating the terms of this chapter shall be fined seventy-six dollars (\$76.00).