

ORDINANCE #447

AN ORDINANCE OF THE TOWN OF MONTEREY, TENNESSEE, ESTABLISHING THE RULES AND REGULATIONS FOR ALL GARAGE, LAWN, YARD, ATTIC, PORCH, ROOM, BACKYARD, PATIO OR RUMMAGE SALES

9-701. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(1) “Garage sales” shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the Zoning Code of the Town of Monterey, 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 nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all media advertisements of such sale specifically names those items to be sold.

(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.

9-702. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property.

9-703. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from the Town of Monterey Codes Department. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them, however, such permit shall be considered as having been issued for each and all such residences. Permits may be obtained for any nonresidential location.

9-704. Permit procedure. (1) Application. The applicant or applicants for a garage sale permit shall file a written application with the codes department setting forth the following information:

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed garage sale is to be held.
- (c) The date or dates upon which the sale shall be held.

(d) The date or dates of any garage sales by the same applicant or applicants within the current calendar year.

(e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.

(f) A statement that the applicant will fully comply with all Town sign regulations and understands that no sign shall be posted on any utility pole, street sign, or other public property.

(g) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

(2) Permit fee. An administrative processing fee of two dollars (\$2.00) for the issuance of such permit shall accompany the application.

(3) Issuance of permit. Upon the applicant complying with the terms of this chapter, the codes department shall issue a permit.

9-705. Permit Conditions. (1) The permit shall set forth and restrict the time and location of such garage sales.

(2) No more than three (3) such permits may be issued to one residential location, residence and/or family household during any calendar year (January 1 through December 31).

(3) There shall be a minimum of thirty (30) days between sales at any one residence, premise or location. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

(4) No more than three (3) permits may be issued for any nonresidential location during any calendar year.

(5) Failure to comply with the provisions for advertising in 9-710 shall render a residence, premise or location ineligible for additional sales during the same calendar year.

9-706. Hours of operation. Garage sales shall be limited in time to no more than 6:00 A.M. to 6:00 P.M. on three (3) consecutive days.

9-707. Exceptions. (1) Inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first date of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the codes department shall issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.

(2) Fourth sale permitted. A fourth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the codes department.

9-708. 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 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.

9-709. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public, or any city official.

9-710. Advertising. The provisions of the general sign regulations of the Town of Monterey Zoning Code shall be met and include the following:

- (1) No sign shall exceed six (6) feet in sign face area
- (2) No sign shall be placed more than five (5) days prior to sale.
- (3) All signs must be removed within three (3) days after the sale is completed.
- (4) No sign shall be placed on any utility pole, street sign, or any other public property.

9-711. Persons exempted from chapter. 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 the Town of Monterey Zoning Code, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from property zoned premises, and not otherwise prohibited by other ordinances.

(4) Any sale conducted in a non-residential zoning district by any bona fide non-profit, charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

9-712. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to a penalty of up to fifty dollars (\$50) for each offense.

This ordinance shall take effect immediately after passage on the third reading, the public welfare requiring it.