

**AN AMENDED ORDINANCE REGULATING  
GARAGE, YARD, AND OTHER SIMILAR HOME SALES**

WHEREAS, the practice of having garage, yard, carport or other home-type sales of general merchandise, herein after known as "garage sale", has become very prevalent; and

WHEREAS, such sales are not within the classification of home occupations as permitted under the Zoning Ordinance, and in some instances sales are being conducted on almost a continuing basis, which results in the operation of a retail business and is an actual violation of the Zoning Ordinance; and

WHEREAS, some yard sales are being conducted as flea markets which is also in violation of the Zoning Ordinance; and

WHEREAS, it is the opinion of the Mayor and Board of Aldermen that an occasional garage sale within the residential zoned area should be authorized as a temporary variance in zoning requirements, but the continuing or frequently reoccurring garage sale and flea market type sale should not be permitted.

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1

Only resident owners living on the property on which the garage sale is to take place may conduct a garage sale/yard sale or other type of home sale. Each resident may have three (3) sales per year, based upon January to December calendar year.

## SECTION II.

A permit shall be obtained from the City Clerk's Office, and no garage, yard or home sale may be conducted without such a permit. The permit fee of Five & No/100 Dollars (\$5.00) shall be paid, and the City Clerk shall keep a record of the permits issued. The permit is nonrefundable regardless of any reason that the sale does not take place on the approved date(s).

## SECTION III.

A garage sale shall include only those items owned and previously used by sale participants. No new items purchased elsewhere for resale will be allowed. No flea market type sales will be allowed. No renting of tables, booths or spots to vendors will be allowed.

## SECTION IV.

Permits when issued shall authorize sale not to exceed three (3) consecutive days (Thursday, Friday and Saturday). No sales shall be authorized on Sunday. The permit shall contain the dates of the authorized sale and shall be posted at all times during the evident term of the sale in a clearly visible manner in the front yard of the site of the sale and within five (5) feet of the road or curb line. Garage, yard and home sales shall be conducted only between the hours of 6:00 a.m. and 6:00 p.m. during the permitted days.

## SECTION V.

Sale signs relating to this Ordinance shall not be placed or attached in any manner to any utility pole, city sign post or tree on the city right of way. All signs shall be removed within one (1) day after the sale. Failure to comply will result in a minimum \$25.00 fine. Enforcement of this section shall be by the Nettleton Police Department by citation issued to the permit holder. Failure to pay the minimum fine within five (5) days from issuance will result in a hearing before

the Municipal Court for further action and subject to a maximum fine of \$500.00 and a maximum jail time of thirty (30) days.

#### SECTION VI.

The Nettleton Police Department is authorized to enforce the provisions of this ordinance. Sales conducted without the issuance of a permit and without complying with the terms of this Ordinance shall be in violation of the Ordinance and shall be punishable as follows:

Any citizen in violation of this Ordinance shall be issued a written citation by a Nettleton Police Officer while on the site of such violation. Such citation will direct the violator to make payment of a fine in the amount described herein, within five (5) days of the date of the citation and made payable to the Nettleton City Court Clerk. A violator will be subject to a \$25.00 fine for the first offense. A \$50.00 fine will be imposed on the violator for the second offense and a \$100.00 fine for the third offense. A violator who receives three (3) citations in one (1) calendar year will be prohibited from holding a garage or other home sale for a period of twelve (12) months following the third citation. A violator under this Ordinance who does not pay a fine will be subject to a hearing before the Municipal Court for further action and subject to a maximum fine of \$500.00 and a maximum jail time of thirty (30) days.

#### SECTION VII.

All non-profit 501C(3) organizations have the right to apply for a permit including all churches and civic clubs. All groups or organizations which are not 501C(3) corporations, churches or civic clubs shall have the right to petition the Board for a permit to allow a sale under this Ordinance and shall be authorized by the Board on a case by case basis and all organizations shall comply with the requirements of this Ordinance.

SECTION VIII.

This Ordinance shall be published as required by law and shall become effective thirty (30) days from this date.

The foregoing Ordinance having first been reduced to writing was read and considered by sections, each of said section being adopted by the following vote.

Alderman Kirk Lindsey voted Yea

Alderman Charles Morris voted Yea

Alderman Doug Brown voted Yea

Alderman Willie Brandon, Jr. voted Yea

Alderman Larry Guess voted Yea

WHEREUPON, said Amended Ordinance was put to a vote upon final passage as a whole and the same was passed as read within the following vote, to-wit:

Alderman Kirk Lindsey voted Yea

Alderman Charles Morris voted Yea

Alderman Doug Brown voted Yea

Alderman Willie Brandon, Jr. voted Yea

Alderman Larry Guess voted Yea

THEREUPON, the Mayor declared said Ordinance approved and adopted on this the 7<sup>th</sup> day of February A.D., 2011.

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MAYOR, CITY OF NETTLETON

INTERIM CITY CLERK

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