

ORDINANCE NO. 803

AN ORDINANCE REGULATING GARAGE SALES IN THE CITY OF SEDGWICK, KANSAS, AND REPEALING ANY OTHER CURRENT ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

Section 1 DEFINITIONS. Garage Sale shall mean and include all sales entitled "garage sale", "lawn sale", "attic sale", "basement sale", "moving sale", "rummage sale" or any similar casual sales of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale. Person shall mean and include individuals, partnerships, associations, sole proprietors and corporations.

Section 2 CERTAIN GARAGE SALES UNLAWFUL. No garage sale shall be conducted by any person or at any location more frequently than once every quarter, with each quarter defined as three (3) consecutive months and the quarters beginning with the first day of the month in the months of January, April, July, and October respectively. A maximum of no more than four (4) such sales per year including the City Wide Garage Sale held annually, may be conducted by any person or at any location. No garage sale may exceed three (3) consecutive days in duration. No garage sale shall begin before 7:00 a.m., nor continue beyond 8:00 p.m.

Section 3 SIGNAGE. Signs advertising a garage sale shall not be posted more than two (2) days prior to the sale and shall not be placed on telephone poles, utility poles, city signs, or utility boxes of any kind. Signs can be staked into the ground or placed on cardboard boxes.

Section 4 PERSONS AND SALES EXCEPTED. The provisions of this ordinance shall not apply to or affect the following:

- (a) A person selling goods pursuant to an order or process, of a Court of competent jurisdiction.
- (b) A person acting in accordance with their powers and duties as a public official.
- (c) Any person selling or advertising for private, noncommercial sale an item or items of personal property which are specifically identified for sale or are described in any form of advertisement, and with a maximum of no more than three (3) total items to be sold at any one time.

Section 5 PERMITS. Any person wishing to hold a garage sale in accordance with this Ordinance must first obtain a permit from City Hall and remit any applicable charges as set forth by the City of Sedgwick fee policy. Said permit shall be posted where it can be seen throughout the duration of the sale. Failure to obtain the required permit in advance of conduct of any garage sale may, at the discretion of the City's properly designated agent(s) for enforcement hereunder, result in an immediate order to cease and terminate any such garage sale.

Section 6 VIOLATION UNLAWFUL. Any person who violates any of the terms of this ordinance may, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each day the violation occurs.

Section 7 CLEAN-UP. Within 12 hours from the time the garage sale permit has expired, the applicant must have the location cleared of all remaining sale merchandise, debris, litter, etc. in full compliance with the City's environmental code standards. Any signs previously posted must also be removed and properly disposed.

Section 8 REPEAL. Other ordinances or portions thereof of the Sedgwick City Code in conflict herewith, are hereby repealed.

Section 9 EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication in the official city newspaper, the *Harvey County Independent*.

Passed by the Governing Body of the City of Sedgwick, Kansas and signed by the Mayor this 7th day of May, 2012.



Donald K. DeHaven, Mayor

Attest:



Janise P. Enterkin, City Clerk