

Chapter 115 - RUMMAGE SALES

Sec. 115.01. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Rummage sale.

- (1) The term "rummage sale" means a sale or offering for sale of more than five items of new or used merchandise, clothing, household goods, or rummage on premises not zoned for such sale.
- (2) Any sale which meets the requirements of this definition shall be deemed to be a "rummage sale" regardless of the name or designation placed upon the sale by the person conducting same.

(Code 1967, § 5-902; Code 1989, § 115.02; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.02. - Permit required; display.

No person, firm, corporation, or organization shall commence a rummage sale until a permit for same has been obtained from the city clerk on forms provided by the city. This permit shall be displayed in the front window or other prominent place clearly visible from the street at the location where the sale is being conducted.

(Code 1967, § 5-903(e); Code 1989, § 115.03; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.03. - Number of sales permitted.

Not more than two rummage sales shall be conducted on any particular premises in any calendar year.

(Code 1967, § 5-903(d); Code 1989, § 115.04; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.04. - Sales to be located upon owner's premises.

A rummage sale shall be conducted only by the owners or occupants of the premises on which the sale is located.

(Code 1967, § 5-903(a); Code 1989, § 115.05; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.05. - Duration of sale.

A rummage sale shall be discontinued at the end of the third calendar day following the date that the sale was commenced.

(Code 1967, § 5-903(b); Code 1989, § 115.06; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.06. - Signs.

No signs advertising a sale regulated by this chapter shall be placed on public property or within the public right-of-way or on any utility pole or on private property except upon the property of the owner and upon private property of another, but only with the permission and consent of the owner of that property. Such signs shall be placed in accordance with chapter 156.

(Code 1967, § 5-903(c); Code 1989, § 115.07; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.07. - Exceptions.

The following persons and sales are excepted from the permit requirement:

- (1) 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 presently nonconforming section thereof, or any other sale conducted by a manufacturer, dealer, or vendor on which sale would be conducted from properly zoned premises and not otherwise prohibited by the ordinances of the city.
- (2) Any sale conducted by a bona fide charitable, religious, educational, cultural, or governmental institution or organization, provided that the burden of establishing the exemption under this chapter shall be on the organization or institution claiming this exemption.
- (3) Auction by a lawfully qualified auctioneer.

(Code 1967, § 5-904; Code 1989, § 115.08; Ord. of 4-25-1977; Ord. of 11-24-1990)

Sec. 115.08. - Sales outside the city.

No signs shall be placed or erected in any public place, in any lawns, on trees, upon any private roads or driveways or upon the exterior walls of any building or structure within the city advertising sales as defined in section 115.01, which is to occur outside the city.

(Code 1989, § 115.09; Ord. of 11-24-1990; Ord. No. 115, 9-10-2007)

Sec. 115.09. - Penalties.

- (a) Any person violating this chapter shall be responsible for a municipal civil infraction.
- (b) Any signs which violate this chapter shall be removed by the city police or other designated city personnel, including the code enforcement officer, and disposed of. Such removal and disposal shall be in addition to any other action to enforce this chapter. Municipal civil infraction notices or citations may be issued by such designated city personnel.

(Code 1989, § 115.09; Ord. of 11-24-1990; Ord. No. 115, 9-10-2007)