**NEW ORDINANCE DEALING WITH YARD SALES IN THE CITY OF RAVENSWOOD, WEST VIRGINIA**

**WHEREAS,** the Common Council recognizes that the intrusion of non-regulated yard/garage sales is causing annoyance to citizens in residential areas and congestion of the streets in residential areas in the City; and

 **WHEREAS**, the Common Council desires to implement provisions and prohibitions regarding said yard/garage sales in order to not prevent, but to regulate said sales for the safety and welfare of the citizens of the City; and

 **WHEREAS**, the Common Council, by enacting said provisions and prohibitions, intends to permit yard/garage sales by regulating their term and frequency so as not disturb or disrupt the residential environment of the City; and

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMON COUNCIL OF THE CITY OF RAVENSWOOD, THAT TITLE 10, OF THE CITY OF RAVENSWOOD MUNICIPAL CODE SHALL BE REPEALED, AMENDED, AND REENACTED TO INCLUDE A NEW CHAPTER 28, TO READ AS FOLLOWS:**

* 1. **Yard Sales**

**10.28.010Definitions.**

**10.28.020Property permitted to be sold.**

**10.28.030Number of sales permitted.**

**10.28.040Hours of operation.**

**10.28.050Display of sale property.**

**10.28.060Advertising; signs.**

**10.28.070Public nuisance.**

**10.28.080 Parking**

**10.28.090Persons and sales exempted**

**10.28.100Separate violations**

**10.28.110Penalty**

# 10.28.010 Definitions

For the purposes of this article, 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.

SALE: shall mean and include all general sales, open to the public, conducted from or on a residential premises in any 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", "flea marker', or "rummage" sale. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names these items to be sold.

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.

(Ord. passed)

# 10.28.020 Property Permitted to be Sold

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Chapter, property other than personal property.

(Ord. passed)

# 10.28.030 Number of Sales Permitted

No more than two (2) such sales shall be held at any residence and/or family household or by any individual or entity during a calendar year. If members of more than one (1) residence join in such sale, then such sale shall be considered as having occurred at all such residences. In addition to the above two (2) such sales an individual residence or family household shall be permitted to participate in one (1) neighborhood yard sale per calendar year. A neighborhood yard sale shall be defined as any yard sale held by and at multiple adjoining or nearby residences and promoted or advertised as a neighborhood, street, or community sale. No permit shall be required.

(Ord. passed)

### 10.28.040 Hours of Operation

Such yard sales shall be limited in time to no more than the daylight hours on three (3) consecutive days. No such sale shall be conducted on Sunday.

(Ord. passed)

### 10.28.050 Display of Sale Property

Personal property offered for sale may be displayed within the residence, in a yard, garage, carport, and/or in a private driveway. No personal property offered for sale at such a sale shall be displayed in any public right-of way.

(Ord. passed)

### Advertising; Signs

* + 1. Signs Permitted. Only the following specified signs may be displayed in relation to a pending sale.

1. Two signs permitted. Two signs of not more than six (6) square feet each shall be permitted to be displayed on the property of the residence where the sale is being conducted.

1. Directional signs. Two signs of not more than four (4) square feet each are permitted provided that the premises upon which the sale is conducted is not on a major thoroughfare, and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.
	* 1. Time Limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.
		2. Removal of Signs. Signs shall be removed at the end of the sale.
		3. No signs shall be placed in any City right-of-way or on or attached to any utility poles, street signs, or traffic control signs.

(Ord. passed)

**10.28.070 Public Nuisance**

The individual(s) conducting the sale and the owner(s) or tenant(s) 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 Department of the City in order to maintain the public health, safety and welfare.

(Ord. passed)

**10.28.080 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 such sale.

(Ord. passed)

### 10.28.090 Persons and Sales Exempted

The provisions of this article shall not apply to or affect the following:

1. Persons selling goods pursuant to an order or 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 from or at a place of business where such sale would be permitted by the zoning regulations of the City or under the protection of the non-conforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
4. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or the organization's charitable purposes and the goods or articles are not sold on a consignment basis.

(Ord. passed)

**10.28.100 Separate Violations**

## Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense.

## (Ord. passed)

## **10.28.110 Penalty**

## Whoever violates any provision of this article shall be fined not less than fifty dollars ($50.00) nor more than two-hundred fifty dollars ($250.00) for each offense. In addition, anyone who violates this article by failing to remove any sale sign(s) as required herein shall be fined twenty-five dollars ($25.00) for each such sign.

(Ord. Passed)

**(Strike-throughs indicate language that was deleted from the original ordinance and underlined language indicates new provisions)**

The foregoing Ordinance was introduced and read at the regular meeting of the Common Council of the City of Ravenswood on \_\_\_\_\_\_\_\_\_\_\_\_\_. On the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2021, after the second reading of said Ordinance, Councilor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved for the adoption of said Ordinance and authorization for the Honorable Josh Miller, Mayor of the City of Ravenswood, to sign said Ordinance. The motion was seconded by Councilor \_\_\_\_\_\_\_\_\_\_\_\_\_. After discussion, the Common Council of the City of Ravenswood adopted the foregoing Ordinance and authorization with \_\_\_\_present voting for the Ordinance and authorization and \_\_\_\_\_\_\_\_\_ against.

 CITY OF RAVENSWOOD

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Josh Miller, Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jared Bloxton, Recorder

I, the undersigned, being the duly appointed, qualified and acting Clerk of the City of Ravenswood, hereby certify that the foregoing Ordinance is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kimberly Benson, City Clerk/Treasurer