

AN ORDINANCE TO REGULATE GARAGE SALES, CARPORT SALES, YARD SALES, LAWN SALES, RUMMAGE SALES, FLEA MARKET SALES, AND SIMILAR BUSINESS EVENTS IN CERTAIN AREAS IN THE CITY OF MAGEE, MISSISSIPPI AND DEFINING SUCH AREAS

WHEREAS, the Mayor and Board of Aldermen of the City of Magee, Mississippi, are charged with the responsibility of maintaining and preserving the health, safety and general welfare of the citizens of said Municipality; and

WHEREAS, governing authorities of said Municipality have observed an increase in the frequency of occurrence of garage sales, carport sales, yard sales, lawn sales, rummage sales, flea market sales, and similar events at which persons, both individually and collectively, assemble at various locations in and around the City to display and offer for sale to the general public used or second-hand items of clothing, furniture, general household goods and accessories, and other items; and

WHEREAS, available information indicates clearly that although said governing authorities do not find said events objectionable per se, available information indicates clearly that such events have caused and will continue to cause to varying degrees problems such as traffic congestion, littering, rubbish accumulation, unsightlessness, and similar offensive conditions; and

WHEREAS, under the provisions of Section 21-10-1 et. seq., Mississippi Code of 1972 Annotated, as amended, the Mayor and Board of Aldermen of said Municipality are authorized and empowered to enact reasonable regulations regarding said events and conditions, all of which said governing authorities find to be within the purview of said statute; and

WHEREAS, the Mayor and Board of Aldermen find that it is necessary and in the best interest of the City of Magee, Mississippi, to regulate the types of events listed hereinabove in the City of Magee, Mississippi, and that such regulation is needed and is in the best interest of the citizens of said Municipality.

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NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MAGEE, MISSISSIPPI, AS FOLLOWS:

Section 1. Authorization and Definition.

Garage Sales are permitted within the municipal limits of the City of Magee, Mississippi, under certain terms and conditions as herein set forth. The term "Garage Sale" means and includes such terms as Yard Sale, Carport Sale, Moving Sale, Rummage Sale, Flea Market Sale or any other type of sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, recreation equipment, or other used or secondhand items normally found in and about the home and advertised to the public. The sale of a single commodity, such as a vehicle, shall not constitute a garage sale.

Section 2. Permit.

A permit shall be required for any person(s) conducting a Garage Sale. The permit must be obtained prior to the commencement of the sale and may be obtained in the office of the City Clerk. The City Clerk is authorized to prepare a permit application form which shall include all pertinent information necessary to identify the sale site, the applicants, and the date and time for the permitted sale and shall contain such other information as the Clerk deems appropriate. The permit application shall not require the disclosure of the applicant's social security number. There shall be a \$10.00 charge for the permit. The permit shall be posted in a clearly visible manner at or near the entry to the site of the sale within 15 feet of the road or curb and shall remain posted during the term of the sale.

The following conditions shall apply to all Garage Sales:

- A. A property location may not be permitted for a Garage Sale more than once each six (6) months in a calendar year for a maximum allowed two (2) sales per calendar year. The property location shall be identified as the street address assigned thereto and shall include the dwelling or any part thereof, yard, open field, accessory building and parking area.
- B. A sale may be conducted by a single person, multiple persons, churches, social, civic, or charitable organizations. All items to be sold must originate as the legal property of

the applicant, other persons participating in the sale, or members of the organizations. Goods must be surplus to the needs of the owner and shall not include any items purchased new for resale at the Garage Sale.

- C. A permitted Garage Sale shall be limited to two consecutive days of operation on Friday and Saturday only and must be conducted from 7:00 a.m. to 7:00 p.m. only.
- D. Garage Sale may be conducted on private property, provided no merchandise shall be placed upon public right-of-way, including streets and sidewalks. All merchandise must be displayed a sufficient distance from public roadways in order to avoid obstruction of view or traffic hazards.
- E. All unsold Garage Sale merchandise remaining on the permitted site at the conclusion of the sale must be removed from view. The merchandise displayed at the Garage Sale site must be organized and displayed in a neat and orderly appearance.
- F. The issuance of a Garage Sale permit shall signify the consent and permission for personnel of the City of Magee, Mississippi, including law enforcement officers, to enter the permitted sale site to monitor, inspect and determine compliance with this ordinance.
- G. Garage Sales shall permitted only in areas zoned residential.

Section 4. Advertising of Garage Sale.

In the event an applicant chooses to advertise a permitted Garage Sale by means of signage or handbills, the following restrictions apply, to-wit:

- A. No more than two signs may be placed upon the permitted property.
- B. Signs and handbills shall not be placed on utility poles, or public property including right-of-way. Handbills may be posted on private bulletin boards or inside places of business with the consent of the owner.
- C. A sign is limited to four square feet or less and shall not be illuminated or animated.
- D. A sign may not be displayed more than one day prior to the commencement date of the sale and must be removed immediately following the conclusion of the sale.

Section 5. Exceptions.

This ordinance shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons with a valid transient vendor-license issued by the City Clerk or falling into one or more of the exemptions provided as transient vendors by the Mississippi Code 1972, as amended; provided that, in any event, no sale may be had in any public right of way.
- C. Persons or businesses with a valid privilege license displaying merchandise normally sold in the ordinary course of its business on the sidewalks adjacent to its business location for temporary sale or promotions.
- D. Schools, Churches, or other charitable organizations may conduct a Garage Sale for charitable purposes at any location in the City, but must obtain a permit at no charge, state what the benefit is for, and an officer or official of the organization sponsoring the garage sale must apply for the permit.

Section 6. Penalties for Violations.

Any person, association or corporation conducting any such Garage Sale without being properly permitted by the Clerk therefor, or who shall violate any of the other terms or regulations of this Ordinance, shall, upon conviction, be fined not less than \$50.00 nor more than \$250.00 per day or be imprisoned for a period not to exceed five (5) days for each violation.

Section 7. Effective Date.

This Ordinance shall take effect on and after thirty (30) days from date of publication.

UPON MOTION of Alderman Brown, duly seconded by Alderman Loftin, the aforesaid Ordinance was put to a vote with the Aldermen voting as follows:

	YEA	NAY
Dale Berry	<u>X</u>	_____
Murry Keith	<u>X</u>	_____
Eddie Loftin	<u>X</u>	_____
Patrick Brown	<u>X</u>	_____
Lane Steele	<u>X</u>	_____

ORDAINED AND ADOPTED in regular meeting, this 7th day of January, 2013.

Jimmy Clyde
 JIMMY CLYDE, MAYOR

ATTEST:

Twylla Grant
 TWYLLA GRANT, CITY CLERK

I, TWYLLA GRANT, the duly appointed, qualified, acting and lawful custodian of the Minutes of the Mayor and Board of Aldermen of the City of Magee, Mississippi, and seal of said City, certify that the foregoing Ordinance was adopted and passed by the Mayor and Board of Aldermen at its regular meeting on January 7, 2014, and is recorded in Minute Book _____ at Pages _____.

WITNESS MY SIGNATURE AND OFFICIAL SEAL, this the 7th day of January, 2014.

Twylla Grant
 TWYLLA GRANT, CITY CLERK

[SEAL]