

**AN ORDINANCE REGULATING YARD SALES, GARAGE SALES
AND OTHER SUCH SALES CONDUCTED WITHIN
THE CITY OF HAMPTON, GEORGIA**

ORDINANCE NO. 57

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, are aware that considerable problems are developing as a result of yard sales, garage sales and other such sales conducted within the City; and

WHEREAS, the Mayor and Council, in the exercise of their sound judgment and discretion, after giving thorough consideration to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City of Hampton, deem it necessary to provide for an Ordinance regulating such sales;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1 - DEFINITIONS.

(a) "Yard Sale" is defined as the sale, exchange or trading of clothing, furniture, household items, food, dishes, antiques, similar goods or merchandise by persons not regularly engaged in the business of such sales on a residentially zoned lot or parcel or on the right-of-way immediately adjacent to a residentially zoned lot or parcel within the City. The term yard sale shall include, but not be limited to, all sales entitled "yard sales", "garage sales", "lawn sales", "attic sales", "rummage sales", or any similar casual sale of tangible property which is advertised by any means whereby the public at large is or can be aware of said sale. As used in this Ordinance, the term "yard sale" shall include all of said terms.

(b) "Person" shall mean and include individuals, partnerships, associations, corporations or any other legal entity.

SECTION 2 - PERMITS.

(a) Any person who owns the property upon which the yard sale will take place, any person conducting the yard sale and any person participating as a seller in the yard sale must obtain a permit from the City Clerk prior to the date of sale.

(b) It shall be unlawful for any person to allow, conduct or participate as a seller in a yard sale in the City without first obtaining a permit from the City Clerk.

(c) Each permit issued under this Ordinance must be promptly displayed on the premises upon which the yard sale is conducted throughout the entire period of the permitted sale.

(d) No person can obtain more than two (2) permits per twelve (12) month period without payment of the required fee.

(e) No person may obtain more than four (4) permits per twelve (12) month period without the approval of the Mayor and Council.

SECTION 3 - APPLICATIONS.

At the time any person makes a request for the issuance of a permit, the Clerk shall obtain the following information:

- (a) The name of the person that will be conducting the sale;
- (b) The name of the owner of the property upon which the sale will be conducted;
- (c) The location at which the sale will be conducted;
- (d) The names of any persons who will be participating as a seller in the sale;
- (e) The date of the sale.

SECTION 4 - LOCATION AND TIME.

(a) Permits issued shall only be valid for seventy-two (72) consecutive hours. Yard sales can only be conducted within the time authorized by the Permit.

- (b) The number of yard sales allowed per twelve (12) month period is as follows:

Residential Property - Four (4) yard sales per year will be allowed on residentially zoned property;

Church/Civic/Non-Profit Organization Property - Four (4) yard sales per year will be allowed on Church, Civic or Non-Profit Organization property;

Commercial/Industrial Property - One (1) yard sale per year will be allowed on commercially/industrially zoned property.

(c) The person in charge of the premises upon which the sale is conducted shall control the parking of vehicles of patrons so as to avoid congestion and hazardous conditions. Failure to do so shall be sufficient cause for the sale to be immediately terminated.

SECTION 5 - FEES.

(a) If the yard sale is conducted on residential property or on church/civic/non-profit organization property, two (2) permits may be obtained during a twelve (12) month period without payment of a fee. The remaining two (2) permits allowed per twelve (12) month period will be issued upon payment to the Clerk of Twenty-Five Dollars (\$25.00) for each permit.

(b) If a yard sale is conducted on commercial/industrial property or on public property, a fee of Twenty-Five Dollars (\$25.00) for each permit will be paid to the Clerk.

SECTION 6 - PERSONS AND SALES EXCEPTED.

The provisions of this Ordinance shall not apply to and affect the following persons or sales:

(a) Any person selling goods pursuant to an Order or process of Court of competent jurisdiction.

(b) Persons acting in accordance with their powers and duties as public officials.

(c) Yard sales that are conducted on public property which have been approved by the Mayor and City Council.

SECTION 7 - VIOLATIONS.

Violations of this Ordinance shall be deemed a misdemeanor. Each violation and each day of violation shall be considered a separate offense. Upon conviction of a person in violation of this Ordinance, said person shall be punished by a fine of Two Hundred Dollars (\$200.00) or by imprisonment of no more than fourteen (14) days or by both payment of said fine and imprisonment for each offense.

SECTION 8 - CONFLICT OF ORDINANCES; EFFECT OF PARTIAL INVALIDITY;
SEVERABILITY.

(a) In any case where a provision of this Chapter is found to be in conflict with a provision of any other Ordinance or Code of the municipality, the provision which establishes the higher standard shall prevail.

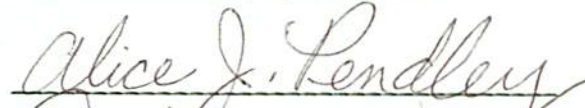
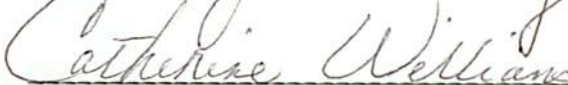
(b) The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Mayor and Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


First Reading: FEBRUARY 14, 1989

Second Reading: MARCH 14, 1989


This 14 day of MARCH, 1989.



TOMMY N. SMITH, MAYOR









ATTEST:


CITY CLERK