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ORDINANCE NO 2011-04

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 22, ARTICLE II ENTITLED "RESIDENTIAL GARAGE SALES" TO CHANGE THE TITLE TO "GARAGE SALES" AND TO PROVIDE FOR FOUR GARAGE SALES PER YEAR; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Mayor Shelley Stanczyk].

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay are supportive of garage sales and concerned with the possible illegal operation of a business within neighborhoods which would detract from the residential character of the Village of Palmetto Bay; and,

WHEREAS, in 2004, the Mayor and Village Council adopted Chapter 22, Article II relating to Garage Sales, in order to regulate and control the number of garage sales so as to prevent nuisance, noise, or traffic congestion by property owners sponsoring a garage sale; and,

WHEREAS, the Village desires to amend Chapter 22, Article II, in order to provide for four (4) garage sales per year rather than two (2).

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE VILLAGE OF PALMETTO BAY, FLORIDA:

Section 1. Chapter 22, entitled "Second Hand Goods" at Article II of the Code of Ordinances of the Village of Palmetto Bay is entitled "Residential Garage Sales" is amended to read as follows:

Chapter 22

SECOND HAND GOODS

* * *

ARTICLE II

~~RESIDENTIAL GARAGE SALES~~

22-19 *Definition.* A garage sale means the sale of personal property at the property on which the sale is occurring. The term shall include, but not be limited to, "lawn sale," "yard sale," "estate sale" or "rummage sale."

22-20 *Number of Sales.* Each single-family homeowner, multifamily residence building or charitable, civic, educational, or religious organization is permitted four ~~two~~ garage sales per calendar year.

22-21 *Time.* Garage sales may only take place during daylight hours.

22-22 *Permit Required.*

- 1
2 (a) Prior to holding a garage sale, the property owner or tenant shall obtain a permit from
3 the Community Development Department. There shall be no fee for the permit.
4 (b) Applicants for garage sale permits must provide the following information to the Village
5 at time of application:
6 (i) Name of the person or entity conducting the sale or owner of the
7 property at which the sale will be located.
8 (ii) Location where the garage sale is to be conducted.
9 (iii) Date(s) the sale is to be held.
10 (iv) Dates of any past garage sales at the subject location within the past
11 (12) twelve months.
12 (v) Nature of the property to be sold.
13 (vi) Proof of residence.
14 (c) Applications for garage sales must be accompanied by the written permission of the
15 property owner.
16 (d) The garage sale permit must be prominently displayed on the premises while the sale is
17 in progress.
18

19 22-23 *Merchandise.* Merchandise to be sold at a garage sale shall have been previously used or crafted
20 and not belonging to a business entity.
21

22 22-24 *Merchandise Display.* Merchandise to be sold at a garage sale shall be displayed in a garage,
23 carport, private driveway, or yard. Merchandise shall not be displayed on public right-of-way or
24 swale area. All items shall be removed by the end of the last day of the sale.
25

26 22-25 *Signs.* Please refer to the Village's "Temporary Signs" Ordinance for sign regulations.
27

- 28 (1) Up to two (2) signs providing directions to a garage sale are permitted to be placed off-
29 site from the location of the garage sale.
30 (2) Two (2) signs advertising a garage sale are permitted to be displayed on private
31 property where the garage sale is being held.
32 (3) Signs advertising a garage sale shall not be displayed until the first day of the sale and
33 shall be removed at the end of the last day of the sale.
34 (4) Signs shall not be larger than 22 inches by 28 inches.
35 (5) Signs shall include the property address of the garage sale and the garage sale permit
36 number.
37 (6) Charitable, civic, educational, or religious organizations shall additionally be allowed
38 one (1) banner not to exceed 3 feet by 8 feet in size at the site of the sale, provided the sale
39 occurs at the location of the organization.
40 (7) No off-site banners are allowed.
41

42 22-26 *Penalties Established.* The homeowner or tenant holding a garage sale shall be subject to a
43 penalty as provided by the Village's code enforcement ordinance for failure to comply with any of
44 the provisions in this article.
45

1 22-27 *Special Circumstances.* The Village Manager is permitted to grant a waiver to this policy for
2 special circumstances such as estate sales due to a death in the family. The Manager shall advise the
3 Village Council of waivers granted at the next regularly scheduled Village Council meeting. The
4 Village Council reserves the right to further define through motion the circumstances considered
5 appropriate for special waivers.
6

7 * * *

8
9 Section 2. All ordinances or parts of ordinances in conflict with the provisions of this
10 ordinance are repealed.

11
12 Section 3. This ordinance shall be codified and included in the Code of Ordinances.

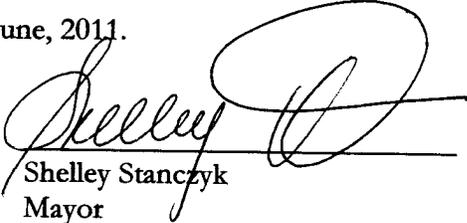
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14 Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason
15 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
16 validity of the remaining portions of this ordinance.
17

18 Section 5. This ordinance shall take effect immediately upon enactment.
19

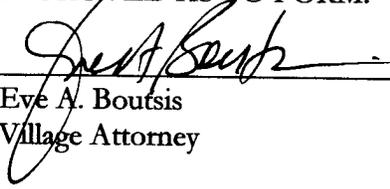
20 PASSED AND ENACTED this 6th day of June, 2011.

21
22
23 Attest:

24 
25 Meighan Alexander
26 Village Clerk

27 
28 Shelley Stanczyk
29 Mayor

30 APPROVED AS TO FORM:

31 
32 Eve A. Boutsis
33 Village Attorney

34
35 **FINAL VOTE AT ADOPTION:**

36
37 Council Member Patrick Fiore YES
38
39 Council Member Howard Tendrich NO
40
41 Council Member Joan Lindsay YES
42
43 Vice-Mayor Brian W. Pariser YES
44
45 Mayor Shelley Stanczyk YES
46