

ORDINANCE NO. 05-03

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING ORDINANCE 04-23, RELATING TO REGULATING GARAGE SALES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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, the Mayor and Village Council adopted Ordinance 04-23 on October 4, 2004, 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 Ordinance 04-23 in order to more properly clarify the procedures concerning garage sales in order to continue to maintain the residential character of the Village.

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

Section 1. Chapter ____ of the Code of Ordinances of the Village of Palmetto Bay is entitled "Garage Sales" is amended to read as follows:

Chapter ____

GARAGE SALES

Sec. __.1. *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."

Sec. __.2. *Number of Sales.* Each single-family homeowner, multifamily residence building or charitable, civic, educational, or religious organization is permitted two garage sales per calendar year.

Sec. __.3. *Time.* Garage sales may only take place during daylight hours.

Sec. ____4. *Permit Required.*

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

Sec. ____5. *Merchandise.* Merchandise to be sold at a garage sale shall have been previously used or crafted and not belonging to a business entity.

Sec. ____6. *Merchandise Display.* Merchandise to be sold at a garage sale shall be displayed in a garage, carport, private driveway, or yard. Merchandise shall not be displayed on public right-of-way or swale area. All items shall be removed by the end of the last day of the sale.

Sec. ____7. *Signs.* Please refer to the Village's "Temporary Signs" Ordinance for sign regulations.

- (a) Up to four (4) signs providing directions to a garage sale are permitted to be placed off-site from the location of the garage sale.
- (b) Two (2) signs advertising a garage sale are permitted to be displayed on private property where the garage sale is being held.
- (c) Signs advertising a garage sale shall not be displayed until the first day of the sale and shall be removed at the end of the last day of the sale.
- (d) Signs shall not be larger than 22 inches by 28 inches.
- (e) Signs shall include the property address of the garage sale and the garage sale permit number.

- (f) Charitable, civic, educational, or religious organizations shall additionally be allowed one (1) banner not to exceed 3 feet by 8 feet in size at the site of the sale, provided the sale occurs at the location of the organization.
- (g) No off-site banners are allowed.

Sec. __.8. *Penalties Established.* The homeowner or tenant holding a garage sale shall be subject to a penalty as provided by the Village's code enforcement ordinance for failure to comply with any of the provisions in this article.

Sec. __.9 *Special Circumstances.* The Village Manager is permitted to grant a waiver to this policy for special circumstances such as estate sales due to a death in the family. The Manager shall advise the Village Council of waivers granted at the next regularly scheduled Village Council meeting. The Village Council reserves the right to further define through motion the circumstances considered appropriate for special waivers.

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

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

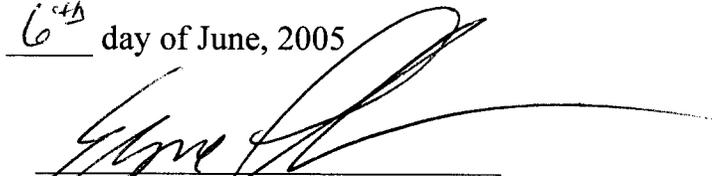
Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

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

PASSED AND ENACTED this 6th day of June, 2005

Attest:


Meighan Pier
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis, Esquire
Office of Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller YES

Council Member Paul Neidhart YES

Council Member John Breder YES

Vice-Mayor Linda Robinson YES

Mayor Eugene P. Flinn, Jr. YES