

ORDINANCE No. 2017 -0912-02- File _____

AN ORDINANCE OF THE CITY OF ROPESVILLE, "REGULATION OF GARAGE SALES AND OR YARD SALES," AND CONTINUOUS SALES WITHIN THE CITY LIMITS OF ROPESVILLE, FOR PURPOSES OF ESTABLISHING PROVISIONS GOVERNING THE CONDUCT OF GARAGE SALES; ESTABLISHING A NO FEE PERMIT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING DEFINITIONS; PROVIDING FOR LICENSES AND PERMITS; REGULATING SIDEWALK, OUTDOOR SALES, AND ITINERANT VENDORS; PROVIDING FOR PENALTIES AND EXCEPTIONS; AND PROVIDING FOR RELATED MATTERS, PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has perceived that the lack of regulation of garage or yard sales on private properties within the city limits, and outside of conventional business structures, appears to be creating a problem of noncompliance with other city health, safety and regulatory ordinances; and,

WHEREAS, holding frequent garage sales or continuous sales within the City Limits of Ropesville, as those terms are defined herein, is inconsistent with residential uses and occupancy, and creates unnecessary noise, traffic and may impede pedestrian and vehicular traffic; and disturbance to the neighborhood and the residents thereof, and

WHEREAS, the City Council of the City of Ropesville has determined that it is in the best interests of the public and in support of the health, safety, morals and general welfare of the citizens of the City that the Ordinance provisions, relative to the regulation of garage sales, be established as herein stated.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROPESVILLE, TEXAS, THAT:

Section 1. Ordinances are hereby ordered to read as follows:

ARTICLE I REGULATION OF GARAGE OR YARD SALES

Section 1: Definition:

a) Garage or yard sale: shall mean the sale or offer of second-hand merchandise for sale neither on an occasional basis not exceeding two consecutive days nor on more than two separate occasions during a twelve - month period.

b) Permit Limitation:

Not more than three (3) permits shall be issued to the same person or for the same address within any twelve (12) month period and not more than one (1) permit shall be issued to the same person or for the same address within any one (1) quarter period. (The City will allow a permit to all person(s) who request a permit when there is a city-wide sale; this permit is not included in the three permits allow by this ordinance).

c) Sign Display:

A sign no larger than four (4) square feet in area may be displayed on the premises announcing the sale during the permitted time of the sale. No sign advertising of the sale shall be posted on telephone poles, light standards, street signs, postal cluster mailboxes or City right-of-way. Not more than two (2) signs place in the property lawn shall be permitted and must be removed by the last day of the permitted sale.

Sec.1.2 Garage Sales; Special Regulations and Requirements.

Garage or Yard sale permit shall be issued subject to following restrictions and regulations; every application for a garage or yard sale permit shall contain the following information:

1. All animal sales are strictly prohibited,
2. Permit holder must prominently display original permit.
3. Non-profit fundraisers must provide an EIN (Employer Identification Number)
4. Prior to issuance or renewal of a permit under this article, evidence of permission by the owner or lease holder of the premises proposed to be used by the vendor authorizing such use by the vendor, must be file with the permit officer. In instances where the vendor is the owner or tenant of the premises proposed to be used, a copy of a deed or lease must be provided.
5. The name of the applicant and, if applicable, a certified copy of any assumed name certificate and/or corporate or other legal organization charter of record, together with proof of the individual's authority to act in behalf of such entity
6. The business and private address and phone numbers of the applicant.
7. The name, home address and phone number of any individuals who will engage in business under the permit in addition to the applicant.
8. A description of the proposed location of the business for which the permit application is filed, including the street address and lot or block number.

Sec.1.3 Garage Sales; Duration, fees.

1. The maximum time for which a permit may be issued shall be for a period not to exceed forty-eight (48) hours.
2. The applicant shall not pay an application fee, but the applicant must have an original permit for the sale.
3. Hours of garage sales are restricted to 7:00 a.m. to 7: 00 p.m. and should not exceed three (3) days

4. If you must cancel your garage or yard sale due to rain; residents can obtain a onetime replacement permit.

Sec. 1.4 Issuance of Permits.

The City Secretary or his/her designee shall issue to any applicant therefore, who has complied with all the requirements of section, a permit authorizing the garage or yard sale to operate at the location specified in his/her application. Such permit is not transferable and shall only be applicable to the person or entity applying and receiving such permit.

Sec. 1.5 Enforcement.

The duly constituted authorities of the city, including the police department, building development services and other having the duty of enforcing the ordinances of the city, shall enforce the provisions of this article and allow no garage or yard sale to conduct his/her business without full compliance with the terms of this article.

Sec.1.6 Revocation of permit.

Any permit issued hereunder shall be revoked by the City Council, if the permit holder is convicted of a violation of any of the provisions of this article or has knowingly. Made a false material statement in the application or otherwise becomes disqualified for the permit under the terms of this article.

Sec. 1.7 Penalty.

Any person, who shall knowingly violate any provision of Article or Chapter, shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than one dollar or more than two hundred dollars (\$200.00).

Section 2: Savings

This Ordinance shall be cumulative of all provisions of ordinances of the City of Ropesville, Texas as written, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances are hereby repealed. All rights and remedies of the City of Ropesville, Texas are expressly saved as to any and all violations of the provisions of this or any other ordinances affecting the issuance of permits and the payment of fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 3: Severability

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidances or invalidity of another portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROPESVILLE, AND IT IS SO ORDERED

PASSED, By the City Council in and for the City of Ropesville on the first reading on this the 12th day of September 2017.

PASSED, By the City Council in and for the City of Ropesville on the second reading on this the 28th day of September_ 2017



City of Ropesville, Mayor

AN ORDINANCE OF THE CITY OF ROPESVILLE, "REGULATION OF GARAGE SALES AND OR YARD SALES,"

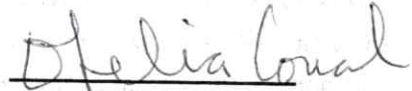
ATTEST:

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS 28 day of September, 2017

APPROVED AS TO FORM:

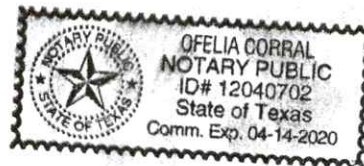


Mayor, City of Ropesville



City Secretary

(Approved by City Attorney Jimmy Hammons)



TODAY'S DATE:

NAME OF APPLICANT:

APPLICANT'S ADDRESS:

PHONE NUMBER:

LOCATION OF GARAGE SALE: (If different from applicant's address)

DATE(S) OF GARAGE SALE:

PLEASE NOTE:

If the sale is to be held on a property other than your own, you will need to provide written permission from the owner of the property.

If you are having a neighborhood garage sale, each participant will be required to fill out a permit application form and pay for a permit.

I hereby testify that the information provided herein is true and accurate. I have read and understand the guidelines and I agree to comply with all regulations. I understand that any person violating any provision of these ordinances shall be subject to a fine and/or denial of future garage sale permits.

_____ Name (Print) Signature

DEFINITIONS/RULES

GARAGE SALES

“Building” means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

“Garage Sale” means a sale that is conducted, or that is permitted or allowed to be conducted, by the owner or occupant of an apartment, duplex, house or other structure designed for human habitation and located in a residential area where any goods or merchandise is displayed outdoors and the public is invited by signs, advertising, or in any other manner to come for purchasing goods, wares, or merchandise. Garage sale means and includes all sales entitled garage sale, lawn sale, attic sale, yard sale, rummage sale, or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

“Itinerant vendor” shall include all peddlers, solicitors, or itinerant merchants, applicants and their agents, servants, employees and representatives who sell or offer to sell food, beverages, goods or merchandise, or provide entertainment or recreational services from a venue, stand, motor vehicle or

- (A) No more than three (3) signs may be allowed per Garage Sale. Signs shall be allowed with consent of the property owner at off-site locations.
- (B) Signs shall be limited to a maximum area of four square feet and a maximum height of three feet when measured from the ground to the top of the sign.
- (C) Signs shall be removed promptly after a Garage Sale.
- (D) A Garage Sale permit must be obtained before the placement of signs.
- (E) The address of the Garage Sale location must be on the sign.
- (F) Pennants, spinners, balloons, streamers, flags, wind signs or other similar devices shall not be attached to any sign.
- (G) Signs shall be permitted in city street right-of-way, but shall not be placed in any street median on any fence, sign pole, utility pole or other fixed objects in the City right-of-way.
- (H) Signs shall not be placed in such a manner as to obscure vision at any intersection, traffic sign or signal.
- (I) Any sign found illegally placed will be immediately removed and discarded.

RESTRICTIONS.

- (A) All sidewalks, walk areas or driveways, abutting on and in front of the property at which any Garage Sale is being conducted shall remain free and uncongested to allow normal passage of traffic, both pedestrian and motor vehicles.
- (B) A Garage Sale shall not be held for conducting a commercial enterprise or selling items purchased for resale.

COMPLAINTS. - Complaints shall be filed with the City Council.

VARIANCE REQUEST. - Any party or individual, who needs to conduct an Estate Sale and feels that he or she cannot comply with the requirements, as stated above, due to special circumstances, may request a variance by submitting a letter of request containing information and evidence as they deem appropriate to demonstrate the justification for not complying with the requirements. The City Secretary will decide on the variance request based upon whether he or she believes the information and evidence submitted by the applicant is sufficient to demonstrate that compliance with the requirements as stated above will cause unnecessary hardship due to special circumstances not simply a hardship related to convenience and that the granting of the variance will not be contrary to the public interest.

- **Sec. 4 Definition**

Occasional Sales (Garage sales, including patio and porch sales). Sales of tangible personal property at retail, not to exceed three (3) in number during any twelve month period, by a person who does not hold himself out as engaging, or does not habitually engage in the business of selling such tangible personal property at retail; provided, that:

(1) the tangible personal property shall be sold only on the premises of owner or lessee of the property where the sale is conducted and said owner or lessee must be the legal owner of such tangible personal property at the time of such sale;

(2) the sale shall be confined to the garage, porch, or patio on such premises;

(3) no new merchandise (i.e., merchandise acquired solely for the purpose of resale) shall be sold at such occasional sale; and

(4) the duration of each such shall not exceed three consecutive calendar days.

Sec. 4.1 Signs

One (1) sign is permitted, not to exceed two (2) square feet upon the property where the sale is taking place. *Any other signs at any location remote from the sale property are illegal.* All signs shall be removed as soon as possible after the sale.

o PERMITS

Sec. 4.3 License Required

- o No person shall conduct an occasional sale without first having obtained a license therefore and without complying with the provisions of this article. Application for such license shall be made to the city secretary or manager, or his designate, in writing and shall state the location of the occasional sale and the dates on which the occasional sale shall be held

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I agree to the permit, and all condition of the permit.

Witness, City Secretary

APPLICATION FOR GARAGE SALE PERMIT

from a person, for a period of more than fifteen (15) minutes. This term does not apply to businesses that operate from within a building or permanent structure within the city limits and display or sell food, beverages, goods, merchandise, etc., outside.

“Motor Vehicle” means any vehicle used for displaying, storing or transporting of articles for sale by an itinerant vendor which is required to be registered by the State. The term also includes trailers, trucks and automobiles.

“Outdoor or Flea Market Sales” means the sale of goods or merchandise outdoors, or outside of the permanent commercial building or structure, within the business district or any area used or occupied for retail or commercial use. A tent, vehicle, trailer or similar shelter shall not be considered a permanent building or structure for any flea market or other outdoor sales.

“Residential area” means any lot, tract or parcel of land within the City that: (i) was laid out and platted for a dwelling; (ii) has a dwelling located on the lot, tract or parcel; (iii) is occupied and used as a residence; or (iv) has not been used or occupied at any time prior to the date of this ordinance for any retail, commercial or industrial use, and that has not been designated by the City as being within an industrial area.

“Retail use” means property used for the sale or rental of commonly used goods and merchandise for personal, business or household use. Typical uses may include department stores, furniture stores, or establishments providing the following products or services: home furnishings and appliances, household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, or specialty items; apparel, jewelry, fabrics, and like items; cameras or photography services; household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies; bicycles, wallpaper, carpeting and floor-covering; hardware; food; feeds, seeds and fertilizer; or automotive parts and accessories (excluding service and installation).

“Right-of-Way” or “ROW” means a strip of land occupied or intended to be occupied by a publicly owned and maintained street, that is used, set aside, dedicated, reserved or platted as street or highway, including that part or portion between the travel lanes of the street and the property line of the abutting property. The usage of the term “right-of-way” or “ROW” shall mean every right-of-way within the City that is shown on an official map of the City of Kempner, Lampasas County, or the State of Texas, to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

“Sidewalk sale” means any sales activity conducted from or within a sidewalk area of any lot, tract or parcel of land within the City, or in any area adjacent thereto and abutting any City right-of-way, or any outdoor sale conducted from or within the right-of-way of any public street, alley or other public property.

“Structure” means any building or structure constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, and sheds that are the primary use of a parcel.

Prohibited Outdoor Sales Actions. It shall be unlawful for the owner or occupant of any property in the City, acting alone or in combination with any other person, to violate any of the following provisions:

(a) It shall be unlawful to display goods and merchandise outdoors: (i) nearer than five feet (5') to the motor vehicle travel portion of any highway, street or road;

(ii) on a sidewalk, except during a festival or other special event sponsored or permitted by the City; or

(iii) during a festival or special event, to display goods on a sidewalk that are not stacked, well ordered and contained within an area so obstructed for use by pedestrians;

(b) It shall be unlawful to display goods and merchandise outdoors and open to the public prior to 7 AM or after 7 PM. Goods and merchandise must be secured by moving indoors or by securing behind wood, metal, or masonry fencing (no barb wire or razor wire) designed and constructed to prevent public access during non-business hours.

(c) It shall be unlawful to deposit, display or store any merchandise, food or economic goods upon any portion of a sidewalk or public right-of-way, or therein to construct, erect, install or place any case, stand, table or other type or receptacle, structure or fixture whatsoever for any such purpose, without first obtaining a permit authorized by this ordinance.

(d) It shall be unlawful for any person storing or displaying goods or merchandise outdoors to fail to comply with the following:

i. No merchandising, nor storage or stacking of such merchandise may exceed four feet in height (except Christmas trees displayed in vertical position).

ii. A three-foot (3') wide unobstructed walkway must be provided between the curb, fire lane, maneuvering aisle or parking space and any stored and/or displayed merchandise.

iii. No stored merchandise, goods or products may be situated such that visibility of any motor vehicle traffic lane is obstructed.

iv. No area used for the outside storage or display of merchandise shall be located within 25 feet of the rear or side lot line of any residentially occupied property, unless the area used for display is enclosed by a solid fence at least six feet (6') in height and constructed of wood or masonry.

v. Store or display goods or merchandise (except Christmas trees) on any area designated for off-street parking.

vi. All city fire, building and other codes shall be strictly complied with.

Sidewalk Sales and Outdoor Sales.

Sidewalk and outdoor sales are regulated and controlled for protecting pedestrian and motor vehicle traffic, creating a cleaner and more attractive environment, promoting the economic welfare of the community, and providing for the public health, safety and welfare. To assist with the accomplishment of those purposes, sidewalk and outdoor sales are regulated as provided in this Ordinance.

GARAGE SALE GUIDELINES

GARAGE SALE. A sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing, glassware or similar personal property, including, but not limited to any sale commonly termed "estate sale," "porch sale," "yard sale," "lawn sale," "group family sale," or "attic sale."

ESTATE SALE. An Estate Sale is a way of liquidating the belongings of a family or estate, usually much more than a garage sale or yard sales, and is used when someone needs a way to sell off personal belongings due to downsizing, moving, divorce, bankruptcy, or death.

PERMIT REQUIRED.

- (A) A Garage Sale permit issued by the City of Ropesville shall be obtained prior to a Garage Sale time.
 - (B) A Garage Sale shall not exceed **three (3)** consecutive days in duration for each permit.
 - (C) No more than three (3) Garage Sale permits shall be issued for any one premise per calendar year.
- SALE HOURS.** No person shall conduct a Garage Sale before 7:00 a.m. of any day or after 7:00 p.m. on any day.

GARAGE SALE SIGNS.

- (A) No more than three (3) signs may be allowed per Garage Sale. Signs shall be allowed with consent of the property owner at off-site locations.
- (B) Signs shall be limited to a maximum area of four square feet and a maximum height of three feet when measured from the ground to the top of the sign.
- (C) Signs shall be removed promptly after a Garage Sale.
- (D) A Garage Sale permit must be obtained before the placement of signs.
- (E) The address of the Garage Sale location must be on the sign.
- (F) Pennants, spinners, balloons, streamers, flags, wind signs or other similar devices shall not be attached to any sign.
- (G) Signs shall be permitted in city street right-of-way, but shall not be placed in any street median on any fence, sign pole, utility pole or other fixed objects in the City right-of-way.
- (H) Signs shall not be placed in such a manner as to obscure vision at any intersection, traffic sign or signal.
- (I) Any sign found illegally placed will be immediately removed and discarded.

RESTRICTIONS.

- (A) All sidewalks, walk areas or driveways, abutting on and in front of the property at which any Garage Sale is being conducted shall remain free and uncongested to allow normal passage of traffic, both pedestrian and motor vehicles.
- (B) A Garage Sale shall not be held for conducting a commercial enterprise or selling items purchased for resale.

COMPLAINTS. - Complaints shall be filed with the City Council.

VARIANCE REQUEST. - Any party or individual, who needs to conduct an Estate Sale and feels that he or she cannot comply with the requirements, as stated above, due to special circumstances, may request a variance by submitting a letter of request containing information and evidence as they deem appropriate to demonstrate the justification for not complying with the requirements. The City Secretary will decide on the variance request based upon whether he or she believes the information

and evidence submitted by the applicant is sufficient to demonstrate that compliance with the requirements as stated above will cause unnecessary hardship due to special circumstances not simply a hardship related to convenience and that the granting of the variance will not be contrary to the public interest.

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(1) the tangible personal property shall be sold only on the premises of owner or lessee of the property where the sale is conducted and said owner or lessee must be the legal owner of such tangible personal property at the time of such sale;

(2) the sale shall be confined to the garage, porch, or patio on such premises;

(3) no new merchandise (i.e., merchandise acquired solely for the purpose of resale) shall be sold at such occasional sale; and

(4) the duration of each such shall not exceed three consecutive calendar days.

Sec. 4.1 Signs

One (1) sign is permitted, not to exceed two (2) square feet upon the property where the sale is taking place. *Any other signs at any location remote from the sale property are illegal.* All signs shall be removed as soon as possible after the sale.

o PERMITS

Sec. 4.3 License Required

- o No person shall conduct an occasional sale without first having obtained a license therefore and without complying with the provisions of this article. Application for such license shall be made to the city secretary or manager, or his designate, in writing and shall state the location of the occasional sale and the dates on which the occasional sale shall be held

I agree to the permit, and all condition of the permit.

Witness, City Secretary

APPLICATION FOR GARAGE SALE PERMIT

TODAY'S DATE:

NAME OF APPLICANT:

APPLICANT'S ADDRESS:

PHONE NUMBER:

LOCATION OF GARAGE SALE: (If different from applicant's address)

DATE(S) OF GARAGE SALE:

PLEASE NOTE:

If the sale is to be held on a property other than your own, you will need to provide written permission from the owner of the property.

If you are having a neighborhood garage sale, each participant will be required to fill out a permit application form and pay for a permit.

I hereby testify that the information provided herein is true and accurate. I have read and understand the guidelines and I agree to comply with all regulations. I understand that any person violating any provision of these ordinances shall be subject to a fine and/or denial of future garage sale permits.

_____ Name (Print) Signature

DEFINITIONS/RULES

GARAGE SALES

“Building” means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

” Garage Sale” means a sale that is conducted, or that is permitted or allowed to be conducted, by the owner or occupant of an apartment, duplex, house or other structure designed for human habitation and located in a residential area where any goods or merchandise is displayed outdoors and the public is invited by signs, advertising, or in any other manner to come for purchasing goods, wares, or merchandise. Garage sale means and includes all sales entitled garage sale, lawn sale, attic sale, yard sale, rummage sale, or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

“Itinerant vendor” shall include all peddlers, solicitors, or itinerant merchants, applicants and their agents, servants, employees and representatives who sell or offer to sell food, beverages, goods or merchandise, or provide entertainment or recreational services from a venue, stand, motor vehicle or from a person, for a period of more than fifteen (15) minutes. This term does not apply to businesses that operate from within a building or permanent structure within the city limits and display or sell food, beverages, goods, merchandise, etc., outside.

“Motor Vehicle” means any vehicle used for displaying, storing or transporting of articles for sale by an itinerant vendor which is required to be registered by the State. The term also includes trailers, trucks and automobiles.

“Outdoor or Flea Market Sales” means the sale of goods or merchandise outdoors, or outside of the permanent commercial building or structure, within the business district or any area used or occupied for retail or commercial use. A tent, vehicle, trailer or similar shelter shall not be considered a permanent building or structure for any flea market or other outdoor sales.

“Residential area” means any lot, tract or parcel of land within the City that: (i) was laid out and platted for a dwelling; (ii) has a dwelling located on the lot, tract or parcel; (iii) is occupied and used as a residence; or (iv) has not been used or occupied at any time prior to the date of this ordinance for any retail, commercial or industrial use, and that has not been designated by the City as being within an industrial area.

“Retail use” means property used for the sale or rental of commonly used goods and merchandise for personal, business or household use. Typical uses may include department stores, furniture stores, or establishments providing the following products or services: home furnishings and appliances, household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, or specialty items; apparel, jewelry, fabrics, and like items; cameras or photography services; household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies; bicycles, wallpaper, carpeting and floor-covering; hardware; food; feeds, seeds and fertilizer; or automotive parts and accessories (excluding service and installation).

"Right-of-Way" or "ROW" means a strip of land occupied or intended to be occupied by a publicly owned and maintained street, that is used, set aside, dedicated, reserved or platted as street or highway, including that part or portion between the travel lanes of the street and the property line of the abutting property. The usage of the term "right-of-way" or "ROW" shall mean every right-of-way within the City that is shown on an official map of the City of Kempner, Lampasas County, or the State of Texas, to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

"Sidewalk sale" means any sales activity conducted from or within a sidewalk area of any lot, tract or parcel of land within the City, or in any area adjacent thereto and abutting any City right-of-way, or any outdoor sale conducted from or within the right-of-way of any public street, alley or other public property.

"Structure" means any building or structure constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, and sheds that are the primary use of a parcel.

Prohibited Outdoor Sales Actions. It shall be unlawful for the owner or occupant of any property in the City, acting alone or in combination with any other person, to violate any of the following provisions:

- (a) It shall be unlawful to display goods and merchandise outdoors: (i) nearer than five feet (5') to the motor vehicle travel portion of any highway, street or road;
- (ii) on a sidewalk, except during a festival or other special event sponsored or permitted by the City; or
- (iii) during a festival or special event, to display goods on a sidewalk that are not stacked, well ordered and contained within an area so obstructed for use by pedestrians;
- (b) It shall be unlawful to display goods and merchandise outdoors and open to the public prior to 7 AM or after 7 PM. Goods and merchandise must be secured by moving indoors or by securing behind wood, metal, or masonry fencing (no barb wire or razor wire) designed and constructed to prevent public access during non-business hours.
- (c) It shall be unlawful to deposit, display or store any merchandise, food or economic goods upon any portion of a sidewalk or public right-of-way, or therein to construct, erect, install or place any case, stand, table or other type or receptacle, structure or fixture whatsoever for any such purpose, without first obtaining a permit authorized by this ordinance.
- (d) It shall be unlawful for any person storing or displaying goods or merchandise outdoors to fail to comply with the following:

If, No merchandising, nor storage or stacking of such merchandise may exceed four feet in height (except Christmas trees displayed in vertical position).

- ii. A three-foot (3') wide unobstructed walkway must be provided between the curb, fire lane, maneuvering aisle or parking space and any stored and/or displayed merchandise.
- iii. No stored merchandise, goods or products may be situated such that visibility of any motor vehicle traffic lane is obstructed.
- iv. No area used for the outside storage or display of merchandise shall be located within 25 feet of the rear or side lot line of any residentially occupied property, unless the area used for display is enclosed by a solid fence at least six feet (6') in height and constructed of wood or masonry.
- v. Store or display goods or merchandise (except Christmas trees) on any area designated for off-street parking.
- vi. All city fire, building and other codes shall be strictly complied with.

Sidewalk Sales and Outdoor Sales.

Sidewalk and outdoor sales are regulated and controlled for protecting pedestrian and motor vehicle traffic, creating a cleaner and more attractive environment, promoting the economic welfare of the community, and providing for the public health, safety and welfare. To assist with the accomplishment of those purposes, sidewalk and outdoor sales are regulated as provided in this Ordinance.