

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No. **Ordinance O-12-05**
Introduced By **Councilwoman Simms**
Date Introduced **September 7, 2011**
First Reading **September 7, 2011**
Second Reading **October 10, 2011**
Date Adopted **October 10, 2011**
Date Effective **November 7, 2011**

AN ORDINANCE concerning

CHAPTER 160 – YARD SALES

FOR the purpose of regulating the conduct of yard sales within the City of Seat Pleasant; defining certain terms; requiring a person who sponsors a yard sale to obtain a permit; specifying requirements and fees for permits; establishing obligations of sponsors of yard sales and persons who conduct yard sales; providing regulations for yard sale signage; establishing penalties for violations; and generally relating to yard sales conducted in the City.

BY adding
 Chapter 160 Yard Sales
 Sections 160-1-160-5
 Code of the City of Seat Pleasant (1994 Edition, as amended)

SECTION 1. BE IT ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that new Sections 160-1 through 160-5, inclusive, be and they hereby added to the Code of the City of Seat Pleasant (1994 Edition, as amended), to be under the new Chapter 160, Yard Sales, to follow immediately after Section 154-3 of Chapter 154 thereof and to read as follows:

§ 160-1 DEFINITIONS.

A. FOR PURPOSES OF THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS STATED.

- 1. “YARD SALE” IS THE OFFERING OF GOODS, MERCHANDISE AND SERVICES FOR SALE, WHETHER OR NOT FOR PROFIT, ON THE YARD OR LAWN OF A RESIDENTIAL PROPERTY IN THE CITY.**

2. "SPONSOR" IS A PERSON WHO ORGANIZES OR SPONSORS A YARD SALE AND WHO ASSUMES LIABILITY AND RESPONSIBILITY DURING THE SALE FOR COMPLIANCE WITH ALL PERTINENT LAWS AND REGULATIONS OF THE CITY. A PERSON MAY BE A SPONSOR FOR THAT PERSON'S YARD SALE OR FOR YARD SALES CONDUCTED ON MORE THAN ONE PROPERTY WITH THE PERMISSION OF THE OWNERS OF ALL PROPERTIES.

§ 160-2 YARD SALE PERMITS.

- A. A PERSON MAY NOT CONDUCT A YARD SALE IN THE CITY OF SEAT PLEASANT FOR MORE THAN THREE CONSECUTIVE DAYS.
- B. A PERSON MAY NOT CONDUCT A YARD SALE IN THE CITY OF SEAT PLEASANT UNLESS FIRST HAVING OBTAINED A PERMIT FROM THE CITY ADMINISTRATOR. A YARD SALE PERMIT MAY BE ISSUED ONLY TO THE SPONSOR OF A YARD SALE.
- C. A SPONSOR OF A YARD SALE SHALL MAKE APPLICATION FOR A YARD SALE PERMIT NOT LESS THAN SEVEN DAYS BEFORE THE PROPOSED DATE OF THE YARD SALE. APPLICATION SHALL BE MADE ON A FORM PRESCRIBED BY THE CITY ADMINISTRATOR.
- D. EACH PERMIT SHALL AUTHORIZE ONE YARD SALE AT ONE RESIDENTIAL PROPERTY. A YARD SALE THAT TAKES PLACE AT MORE THAN RESIDENTIAL PROPERTY REQUIRES A SEPARATE PERMIT FOR EACH PROPERTY. A YARD SALE SHALL BE LIMITED TO THE DURATION OF TIME STATED ON THE PERMIT, WHICH SHALL BE NOT MORE THAN THREE CONSECUTIVE DAYS.
- E. RESIDENTS OF THE CITY WILL BE ALLOWED TWO (2) FREE YARD SALE PERMITS IN EACH CALENDAR YEAR. EACH ADDITIONAL PERMIT COSTS \$15.00 PER YARD SALE. ANY APPLICABLE PERMIT FEE SHALL BE PAID WITH THE APPLICATION FOR THE PERMIT. IF THE PERMIT IS NOT ISSUED THE CITY ADMINISTRATOR SHALL REFUND THE PERMIT FEE.
- F. THE CITY ADMINISTRATOR MAY NOT ISSUE A YARD SALE PERMIT UNLESS AND UNTIL A CITY CODE ENFORCEMENT OFFICER HAS INSPECTED THE SITE OF THE PROPOSED YARD SALE AND THE CITY ADMINISTRATOR DETERMINES THAT THE APPLICATION AND YARD SALE COMPLY WITH THE REQUIREMENT SOF THIS CHAPTER.
- G. EACH YARD SALE PERMIT SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:
 1. NAME AND ADDRESS OF THE OF THE SPONSOR.

2. NAME AND ADDRESS OF THE PERSON CONDUCTING THE YARD SALE IF DIFFERENT FROM THE SPONSOR.
3. NAME OF ANY ORGANIZATION THAT WILL RECEIVE PROCEEDS FROM THE YARD SALE.
4. THE GOODS, MERCHANDISE AND SERVICES TO BE SOLD AT THE YARD SALE.
5. THE ADDRESS OF THE PROPERTY AT WHICH THE YARD SALE WILL TAKE PLACE.
6. THE PERIOD OF TIME DURING WHICH THE SALE WILL TAKE PLACE.
7. THE LOCATION OR LOCATIONS AT WHICH SIGNS ADVERTISING THE YARD SALE WILL BE PLACED.

H. IF, BASED UPON PERSONAL OBSERVATION, THE CITY ADMINISTRATOR OR A CITY CODE ENFORCEMENT OFFICER DETERMINES THAT THE CONDUCT OF A YARD SALE IS IN VIOLATION OF A YARD SALE PERMIT ISSUED UNDER THIS SECTION, OR IS BEING CONDUCTED WITHOUT A VALIDLY ISSUED YARD SALE PERMIT, THE CITY ADMINISTRATOR MAY ISSUE A WRITTEN DIRECTIVE TO THE SPONSOR AND PERSON CONDUCTING THE YARD SALE THAT THE YARD SALE CEASE UNTIL THE VIOLATION IS CORRECTED OR UNTIL A VALID PERMIT IS OBTAINED. THE WRITTEN DIRECTIVE SHALL BE DELIVERED TO THE SPONSOR OR PERSON CONDUCTING THE YARD SALE.

§ 160-3 OBLIGATIONS OF SPONSOR AND PERSON CONDUCTING YARD SALE.

THE SPONSOR OF A YARD SALE AND PERSON CONDUCTING A YARD SALE JOINTLY ARE RESPONSIBLE AND LIABLE FOR:

- A. ENSURING COMPLIANCE BY ALL PERSONS INVOLVED IN THE YARD SALE WITH ALL PERTINENT LAWS AND REGULATIONS OF THE CITY.
- B. ALL ACTS ARISING FROM THE YARD SALE.
- C. MAINTAINING THE LOCATION OF THE YARD SALE IN A CLEAN AND SAFE CONDITION, FREE FROM LITTER AND TRASH DURING THE SALE, AND FOR CLEANING UP THE SITE AND ADJACENT PROPERTIES FROM ALL YARD SALE LITTER AND TRASH NOT LATER THAN ONE DAY AFTER COMPLETION OF THE SALE. IF THE SPONSOR DOES NOT FULFILL THE SPONSOR'S RESPONSIBILITIES UNDER THIS PARAGRAPH THE CITY MAY DO SO AND HOLD THE SPONSOR LIABLE FOR THE COST AND EXPENSE INCURRED BY THE CITY.

- D. ENSURING THAT THE YARD SALE DOES NOT INTERFERE WITH THE SMOOTH FLOW OF VEHICULAR AND PEDESTRIAN TRAFFIC ON STREETS AND SIDEWALKS THAT ADJOIN THE YARD SALE. A SPONSOR SHALL NOTIFY THE CITY WHEN APPLYING FOR A YARD SALE PERMIT IF THE SPONSOR ANTICIPATES THAT THE SALE MAY INTERFERE WITH THE SMOOTH FLOW OF TRAFFIC AND MAKE ANY NECESSARY ARRANGEMENTS WITH CITY OFFICIALS TO CONTROL THE FLOW OF TRAFFIC.
- E. STOPPING A YARD SALE UNTIL TRAFFIC CAN BE CONTROLLED IF AN UNUSUALLY LARGE FLOW OF TRAFFIC DEVELOPS DURING THE YARD SALE.
- F. ENSURING THAT A YARD SALE AND ACTIVITIES ASSOCIATED WITH A YARD SALE DO NOT DISTURB THE PEACE, ENDANGER THE SAFETY OR THREATEN THE WELFARE OF PERSONS NEARBY OR INTERFERE WITH THE REASONABLE USE OF ADJACENT PROPERTY.
- G. ENSURING THAT A YARD SALE AND ACTIVITIES ASSOCIATED WITH A YARD SALE DO NOT PRESENT A DANGER OR HAZARD TO HEALTH OR SAFETY OF PERSONS AND PROPERTY.
- H. ENSURING THAT ANY CONSTRUCTION, ELECTRICAL WORK, PLUMBING, SIGN ERECTION OR OTHER RELATED ACTIVITY CONDUCTED IN CONNECTION WITH THE YARD SALE SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
- I. ENSURING THAT NO SOUND AMPLIFICATIONS EQUIPMENT OR SYSTEMS ARE USED DURING THE YARD SALE.
- J. COMPLYING WITH A DIRECTIVE ISSUED BY THE CITY ADMINISTRATOR TO CEASE THE YARD SALE UNTIL A VIOLATION IS CORRECTED OR A YARD SALE PERMIT IS OBTAINED.

§ 160-4 YARD SALE SIGNS.

- A. ALL SIGNS PLACED WITHIN THE CITY TO ADVERTISE YARD SALES MUST BE FREE STANDING.
- B. UNLESS A SHORTER PERIOD OF TIME IS REQUIRED BY OTHER APPLICABLE SIGNAGE REGULATIONS AND REQUIREMENTS, A SIGN THAT ADVERTISES A YARD SALE MAY BE PLACED NOT MORE THAN SEVEN DAYS BEFORE THE START OF THE YARD SALE AND MUST BE REMOVED NOT MORE THAN ONE DAY AFTER THE END OF THE YARD SALE.
- C. A PERSON MAY NOT PLACE SIGNAGE ADVERTISING A YARD SALE ON ANY

UTILITY POLE, LIGHT POLE OR SIMILAR POLE, LOCATED IN A PUBLIC RIGHT-OF-WAY.

D. ALL SIGNAGE ADVERTISING A YARD SALE MUST COMPLY WITH ALL OTHER APPLICABLE SIGNAGE REGULATIONS AND REQUIREMENTS.

§ 160-5 VIOLATIONS AND ENFORCEMENT.

A. A VIOLATION OF THIS CHAPTER IS A MUNICIPAL INFRACTION. A PERSON WHO IS VIOLATES THIS CHAPTER IS SUBJECT TO A FINE OF \$50 FOR EACH INFRACTION. EACH DAY THAT A VIOLATION OCCURS OR CONTINUES IS A SEPARATE INFRACTION.

B. THIS CHAPTER MAY BE ENFORCED, AND MUNICIPAL INFRACTION CITATIONS ISSUED, BY CITY POLICE OFFICERS, CITY CODE ENFORCEMENT OFFICERS AND THE CITY NUISANCE ABATEMENT COORDINATOR. ALL OF THESE PERSONS ARE "OFFICERS" FOR PURPOSES OF THIS CHAPTER.

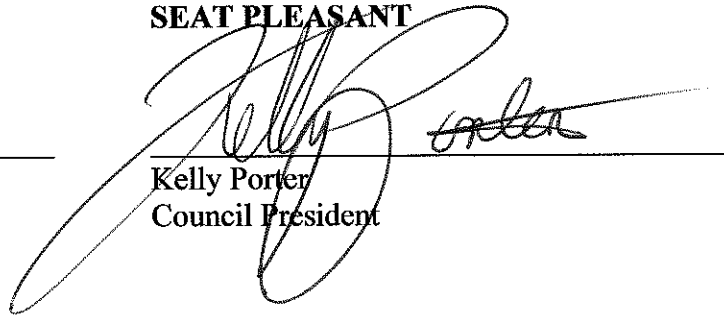
SECTION 2. AND BE IT FURTHER ORDAINED BY THE SEAT PLEASANT CITY COUNCIL that the City Clerk shall certify to the adoption of this Ordinance, and cause the same to be published as required by law, and that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the council after veto by the Mayor.

ATTEST:

**COUNCIL OF THE CITY OF
SEAT PLEASANT**



Dashaun N. Lanham
City Clerk



Kelly Porter
Council President

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from the bill by amendment or deleted from the law.

APPROVED:

This Ordinance was presented to the Mayor for his approval of disapproval pursuant to Section C-313 of the Charter of the City of Seat Pleasant this 14th day of October, 2011.



Dashaun N. Lanham
City Clerk

In accordance with Section C-313 of the Charter of the City of Seat Pleasant, I hereby **APPROVE/DISAPPROVE** this Ordinance this 14th day of October, 2011.



Eugene W. Grant, Mayor