

# RECORD OF ORDINANCES

Ordinance No. 9-25-2017-3

Passed OCTOBER 23 2017

## AN ORDINANCE TO AMEND TITLE 8 (BUSINESS REGULATION AND TAXATION CODE) OF THE BALTIMORE CODIFIED ORDINANCES IN ORDER TO ADOPT REGULATIONS REGARDING GARAGE SALES

WHEREAS, Title 8 (Business Regulation and Taxation Code) of the Baltimore Codified Ordinances requires amendment in order to provide for regulations regarding garage sales; and,

WHEREAS, Service Committee has reviewed the proposed amendments and recommends adoption of the same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: That Title 8 "Business Regulation and Taxation Code," is hereby amended to provide for a new Chapter 810 which shall read as follows:

### CHAPTER 810. GARAGE SALES.

#### 810.01 INTENT AND PURPOSE.

- (a) The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.
- (b) The provisions of this chapter do not seek control of sales by individuals selling a few of their household or personal items.
- (c) The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the public health, safety and welfare of the Village's residents.

#### 810.02 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Garage sale" includes all general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", "flea market", "rummage", "basement", "barn" or "clothesline" sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.
- (b) "Personal property" means property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

#### 810.03 PERMITTED GARAGE SALES.

Each residence is permitted to have garage sales lasting no more than three consecutive days.

#### 810.04 HOURS OF OPERATION.

Such garage sales shall be limited in time to no more than the daylight hours of three consecutive days.

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## 810.05 ADVERTISING; SIGNS.

(a) Only the following specified signs may be displayed in relation to a pending garage sale:

(1) One sign permitted. One sign shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(2) No lighted signs. No lighted signs shall be used.

(b) No signs shall be placed on the public right of way or on property other than where the sale is being conducted.

(c) No sign shall be displayed more than three consecutive days and shall be removed by 9:00 p.m. on the last day of the sale.

## 810.06 PARKING.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

## 810.07 EXEMPTIONS.

The provisions of this chapter shall not apply to or affect the following:

(a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

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

(c) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business where such sale would be permitted by the zoning regulations of the Village or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(d) Any bona-fide charitable, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

(e) Any auction conducted by a certified auctioneer.

(f) Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement and which separate items do not exceed five in number.

## 810.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

SECTION 2: This ordinance shall become effective at the earliest period authorized by law.

  
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Brad Nicodemus, Mayor

DATE OF PASSAGE: 10-23-2017

EFFECTIVE DATE: 11-23-2017

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ATTEST: BcBt  
Brian Bibler, Fiscal Officer

SPONSOR: HANKISON

APPROVED AS TO FORM: J. Feyko  
Jeffrey Feyko, Village Solicitor