

Memo

To: Faith Miller, City Manager
From: Dale Baker, Enforcement Services Director
Date: August 5, 2009
Subj: GARAGE SALE WORKSHOP

We have a Commission workshop scheduled for Tuesday August 11th to discuss garage sales. I'm not sure which direction or changes the Commission is looking into. However, in today's economic times people are asking to have garage sales to help offset their financial situations.

I have attached a copy of section 22-148 of our city ordinance which covers garage sales and a few notes on my thoughts.

- Normally code enforcement only addresses garage sales on a reactive basis. The complaint is usually that the neighbor is having a garage sale every weekend or they have had 10 garage sales this year. In these situations they are running a business and not having just a garage sale.
- We pick up signs advertising garage sales that are in the right-of-way.
- Usually the complaint comes in on Monday morning that there was a garage sale over the weekend. We explain the ordinance, that they can only have two (2) sales per year. Because we did not witness the first sale we usually allow them two more sales which is a total of three (3) sales per year.
- We could consider not picking up the signs over the weekend. This would allow residents to advertise their garage sale through the weekend. Signs in the right-of-way on Monday morning would be picked up. However, this may lead to other illegal signs being in the right-of-way over the weekend.

Thank you for your consideration.

ARTICLE V. GARAGE SALES

Sec. 22-148. Purpose.

The purpose of this article is to set certain requirements and criteria to regulate and control all types of garage sales within the City of Deltona.

Sec. 22-149. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Garage* or *yard* sale means the sale of used household or personal articles held on the seller's own premises. A garage sale operating for more than three days in duration, occurring more than two times within a calendar year shall be considered a flea market, whether indoor or open. Garage or yard sales may be conducted at any commercial premise or single-family or multi-family residential premises.

Indoor flea market means a market held within a building where a group of individual sellers offer food and goods for sale to the public.

Nonprofit organization includes but is not limited to fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, churches, church auxiliary organizations, student groups and parent-teacher organizations.

Open flea market means a market held in an open or sheltered area (not within a building) where a group of individual sellers offer food and goods for sale to the public.

Person means any corporation, individual or members of a family residing in a household conducting the sale, but shall not include nonprofit organizations.

(Ord. No. 25-01, § 1, 8-20-2001)

Sec. 22-150. Frequency and duration.

(a) Garage sales are permitted in the A-1, A-2, A-3, RA, RR, R, and R-1 through R-5 zoning districts provided that no more than two such sales are held at the same residence during any calendar year, and that such sales are limited to a duration of three days.

(b) In addition to the allowed garage sales, one item may be offered for sale up to three days, provided said single item is stored in an enclosed structure or if said item is a vehicle used for transportation on a driveway.

Sec. 22-151. Signs.

Signs notifying the public, directing the public and advertising the garage sale are permitted as follows:

(1) On-site signs--A maximum of one sign of not more than four and one-half square feet shall be allowed on the property where the sale will occur to identify and advertise the garage or yard sale.

(2) All on-site signs shall be removed and disposed of within 24 hours after the conclusion of the garage sale.

Sec. 22-152. Parking.

Vehicles at the garage sale shall be parked and conducted in compliance with all applicable laws and ordinances. The permittee shall be responsible for enforcing such additional temporary controls as are needed to alleviate any special hazards and/or congestion created by the garage or yard sale.

Sec. 22-153. Display of sale property.

- (a) No property offered for sale during a garage sale shall be displayed outdoors except on the driveway or other private property at least 15 feet from any road. No property shall be displayed for sale upon any right-of-way.
- (b) All unsold items must be stored within a fully enclosed structure at the conclusion of a garage sale.
- (c) At the conclusion of such sales, all unsold articles and items shall be removed or packed in such a manner so as not to be visible from any public street or abutting properties.

Sec. 22-154. Purchase for resale prohibited.

The purchase of items for resale at a garage sale at a residence is expressly prohibited.

Sec. 22-155. Flea markets.

Flea markets are prohibited within the city limits. It shall be unlawful to conduct, promote, or otherwise engage in operating a flea market within the municipal boundaries of the city. This section is not intended to apply to a homeowner's garage sale, if no more than two such garage sales are held in any 12-month period.

Sec. 22-156. Violations and penalties.

- (a) Persons found to be in violation of any regulation or provision in this article are subject to all applicable enforcement provisions set forth in chapter 2 of the Deltona Code of Ordinances.
- (b) Violations of this article: \$50.00 for a first violation, \$100.00 for a second violation and \$250.00 for a third violation, plus a mandatory court appearance.