



**SCHEDULED
ACTION ITEM (ID # 2738)**

DOC ID: 2738

Garage Sales Ordinance

CITY MANAGER'S RECOMMENDATION:

Introduce Ordinance No. 18- , AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADDING ARTICLE XIV TO CHAPTER 16 OF THE EL CENTRO CITY CODE RELATING TO GARAGE SALES, waive reading and approve as first reading and authorize City Clerk to place on the next agenda for second reading and adoption.

FISCAL IMPACT:

To be determined.

STRATEGIC PLANNING PROGRAM 2013-2018 RELATION:

Goal #4 Business Development & City Beautification
Develop an attractive visual identity for the City of El Centro.

DUE DILIGENCE CHECK FOR CONTRACTORS/CONSULTANTS: DID THE DEPARTMENT VERIFY CURRENT EL CENTRO BUSINESS LICENSE, CONTRACTORS LICENSE, REFERENCE CHECKS, INSURANCE, ETC:

Not applicable.

BACKGROUND:

On April 25, 2018, the Community Enhancement Task Force discussed issues related to garage sales, in particular, complaints regarding the frequency individuals are holding garage/yard sales and the fact that some individuals are bringing in furniture and goods from other places to sell at their premises. It was the consensus of the Task Force that an ordinance be prepared and presented to the City Council for consideration limiting the number of yard sales to four per year.

DISCUSSION:

The draft Ordinance establishes standards for the conduct of garage, yard, or estate sales. The standards are designed to promote garage sales that do not negatively disturb the residential character of neighborhoods. The Ordinance establishes the following:

Permits and Number of Sales – No more than four (4) permits shall be issued to the same person or for the same premises within any calendar year. No permit shall be issued to the same person or the same premises within 90 days of a previous permit issued to that person or those premises. Permits will be obtained at the Community Development Department and must be posted on the property the day of the sale. Permits are non-transferable.

Days and Hours of Sales – No sale shall be conducted for more than three (3) consecutive days. The sale shall not be conducted before of 7 a.m. or after 7 p.m.

Limits on Area and Types of Goods - The commercial sale of goods is prohibited. Commercial sale include goods purchased elsewhere for the purpose of resale at the garage/yard sale, or products manufactured, assembled or grown for the sole purpose of sale at garage/yard sales.

Signs- Signs shall not exceed a total of four (4) square feet in area. No sign shall be placed on off-site property, without obtaining permission from the property owner. No signs shall be placed on any public property or in the public right-of-way.

Violations- A violation of this ordinance will result in an infraction and will be enforced through the administrative citation process.

Fees & Citations- The ordinance does not establish permit fees for garage/yard sales. A resolution establishing said fees will be presented for Council's consideration and approval in June 2018. At this time, staff would recommend no fee be charged for the first garage/yard sale permit issued during a calendar year.

CONCLUSION:

Approve Ordinance No. 18- , AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADDING ARTICLE XIV TO CHAPTER 16 OF THE EL CENTRO CITY CODE RELATING TO GARAGE SALES, waive reading and approve as first reading and authorize City Clerk to place on the next agenda for second reading and adoption.

ATTACHMENTS:

- Garage Sale Ordinance (PDF)

ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF EL CENTRO ADDING ARTICLE XIV TO CHAPTER 16
OF THE ELCENTRO CITY CODE RELATING TO GARAGE
SALES

THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. Article XIV is added to Chapter 16 of the El Centro City Code to read as follows:

“Article XIV. Garage Sales

Section 16-410. Definition: yard sale, rummage sale, garage sale or estate sale.

As used in this Article, ‘yard sale’, ‘rummage sale’, ‘garage sale’ ‘estate sale’ or similar sale (collectively “garage sale”) mean any event conducted in any residential zone which is advertised by any means whatsoever at a location where member of the public may purchase identifiable or tangible items of personal property.

Garage sales do not include:

- (a) the occasional sale of used personal property in residential zones, where no signs advertising such sale are placed at the location of the sale and where all prospective buyers are invited by or have made an appointment with the seller prior to inspecting, purchasing or taking delivery of said personal property. Said personal property must be stored away from public view.
- (b) any event which constitutes a sales activity, wholesale or retail, pursuant to any business license issued by the City of El Centro or one conducted pursuant to the requirements of City Code Chapter 16 Article IV.

Section 16-411. Permit required.

It shall be unlawful for any person conduct or operate a garage sale, as defined in this Article, in the City without first obtaining a permit from the Community Development Department. The permit shall be posted on-site at all times during the course of the sale.

Section 16-412. Application for permit.

To obtain a garage sale permit, an application must be filed with the Community Development Department at least two (2) working days before the proposed event. The applicant shall apply on City forms designed for this purpose. The City Council may, by resolution, establish an application fee for such permit. A bona fide nonprofit organization shall be exempt from the application fee provided that proof of its nonprofit status is submitted with the application. Documentation from the Internal Revenue Service or Franchise Tax Board shall constitute acceptable proof of the organization's nonprofit status.

Section 16-413. Limit on permits

No more than four (4) permits shall be issued to the same person or for the same premises within any calendar year. No permit shall be issued to the same person or the same premises within 90 days of a previous permit issued to that person or those premises. No permit shall be transferable to another person or to another premise.

Section 16-414. Days and hours of sale.

No permit shall be approved and no sale shall be conducted for more than three (3) consecutive days. The sale shall not be conducted before 7:00 a.m. or after 7:00 p.m.

Section 16-415. Limits on area and type of goods.

- (a) The display of goods and related sales activities shall be conducted by the permittee only on the residential real property identified in the permit. The display of personal property and related sales activities are prohibited on public sidewalks, streets, parkways, alleys and any other public rights-of-way.
- (b) The commercial sale of goods is prohibited. Commercial sale include goods purchased elsewhere for the purpose of resale at the garage sale, or products manufactured, assembled or grown for the sole purpose of sale at garage sales.

Section 16-416. Signs.

Signs advertising a garage sale for which a permit is required under this Article may be placed or erected on the sale premises, but not at any other location, subject to the following conditions:

- (a) The permitted signs shall not exceed a total of four (4) square feet in area.
- (b) No such sign shall be displayed at times other than the permitted times of the sale.
- (c) One sign may be placed on the property at the authorized location of the sale, and one sign may be placed at the nearest corner.
- (d) No sign shall be placed on off-site property without obtaining permission from the property owner, and no sign shall be placed on any public property or in the public right-of-way.
- (e) The use of flags, banners, pennants and other similar items to advertise the garage sale is prohibited.
- (f) All signage shall be removed by 8:00 p.m. on the date on which the sale ends.

Section 16-417. Permit revocation.

Any permit issued under this Article may be revoked and any subsequent application within one (1) year may be denied if any enforcement official finds that conduct of the yard sale has created a public or private nuisance or has violated any provision of this Article or other applicable law.

Section 16-418. Violation.

Violation of any provision of this Article constitutes an infraction that may be enforced as provided in the City Code, including through enforcement by administrative citation.

Section 2. This Ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after adoption, it shall be published once in a newspaper, published and circulated within the City of El Centro, California.

INTRODUCED at a regular meeting of the City Council of the City of El Centro California, held on the _____ day of _____, 2018.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the _____ day of _____, 2018.

CITY OF EL CENTRO

By: _____
Cheryl Viegas-Walker, Mayor

ATTEST:

By: _____
L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By: _____
Elizabeth L. Martyn, City Attorney

Attachment: Garage Sale Ordinance (2738 : Garage Sales Ordinance)