

APPLICATION FOR GARAGE/YARD SALE

NAME:			
ADDRESS (OF SALE):			
DATE OF BIRTH:		PHONE:	
DRIVER LICENSE # OR SOCIAL SECURITY #:			
DESCRIPTION OF MERCHANDISE:			
SALE DATE (MAXIMUM 3 DAYS):			
HOURS OF SALE 9:00 AM THROUGH 8:00 PM PERMITTED			
DATE OF PREVIOUS SALE THIS CALENDAR YEAR:			
(LIMIT TWO (2) HOME SALES PERMITTED PER CALENDAR YEAR)			

Chapter 761 of the codified ordinances of the City of Whitehall, Ohio establishes the rules and regulations of home sales. The following sections are part of Chapter 761:

- 761.02 (A) YOU MUST OBTAIN A PERMIT.
 (C) SALES ARE LIMITED TO TWO (2) OCCASIONS PER CALENDAR YEAR.
 (D) SALES ARE LIMITED TO NO MORE THAN THREE (3) CONSECUTIVE DAYS.
 (E) A SIGN MAY BE PLACED IN THE YARD OF THE SALE ONLY; NO SIGN MAY BE POSTED ON ANY OTHER PROPERTY OR PUBLIC RIGHT OF WAY, INCLUDING POLES, POSTS, OR ATTACHED TO OTHER STRUCTURES.
- 761.03 (B) NO HOME SALE SHALL COMMENCE EARLIER THAN 9:00 AM NOR LAST AFTER 8:00 PM. FAILURE TO COMPLY WITH THESE REGULATIONS CAN RESULT IN PENALTIES AS PRESCRIBED BY THE CODIFIED ORDINANCES.

MY SIGNATURE BELOW REPRESENTS THAT...

I HAVE READ AND ACKNOWLEDGED THAT I AM PERMITTED ONE SIGN NO LARGER THAN 3' BY 3' ON MY PROPERTY DURING THE TIME OF THE SALE **ONLY**.

I FURTHER UNDERSTAND THAT ANY OTHER SIGNS PLACED ON POLES, POSTS, MOTOR VEHICLES, OR IN THE RIGHT-OF-WAY, OR ANY ADORNMENT SUCH AS BALLOONS, OR RIBBONS ON SIGNS, ETC. WILL RESULT IN A CITATION TO APPEAR IN COURT.

DO NOT PLACE ANY UNWANTED ITEMS AT CURB UNTIL COLLECTION DAY

APPLICANT'S SIGNATURE

DATE

APPROVED DISAPPROVED

DIRECTOR OF PUBLIC SERVICE

DATE

CHAPTER 761 – HOME SALES

761.02 PROHIBITION; SIGNS.

(a) No person, firm or corporation shall conduct home sales within any residential or apartment zoned district without first obtaining a permit from the Service Director or his designee.

(b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided in this chapter.

(c) No home sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than on two occasions in any calendar year. Any sale held during the annual spring clean-up period shall not require a permit and shall not be considered an occasion under this section of the code.

(d) No home sale shall be conducted during hours other than those hours prescribed by the Service Director or his designee and in no event shall a home sale last more than three consecutive days.

All merchandise offered for sale shall be removed from outside display immediately. Any merchandise so displayed on any subsequent day after the expiration of the license shall be considered in violation of subsection (a), (b) and (d) hereof.

(e) No home sale shall offer any merchandise for sale that has been purchased by the resident for purposes of re-sale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence of merchandise purchased by the resident for re-sale at such home sale.

(f) A sign, not greater in size than three feet by three feet, may be installed on the property where the sale is being conducted.

No sign shall be placed on the public right of way or on property other than where the sale is being conducted. No lighted sign shall be used.

The sign shall be displayed only during the sale and shall be promptly removed after the sale.

It shall be prima-facie evidence that any sign placed in violation of this section and Section 1333.06(6) of the Codified Ordinances, was placed there by the resident whose address appears on the sign and will be subject to all penalties of this section.

(g) Prior to and during the conduct of a home sale, no person shall place or display any such personal property in front of the property line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than the property on which the sale is being conducted.

(h) Not more than ten articles of tangible personal property may be sold or offered for sale by the owner inside his or her residence if no signs or advertising are placed or permitted to be placed outside the residence, without obtaining a permit. (Ord. 90-90. Passed 11-6-90.) (Ord. 22-08. Passed 5-6-08.)

(see back)

761.03 PERMIT; APPLICATION; FEE; DISPLAY.

(a) The Service Director of his designee shall provide applications for permits and permits for home sales. The application for a permit shall include the name of the applicant who shall be a person residing at the sale location, or be the adult heir or appointed personal representative in the event of an estate sale, address, telephone number, length of residence within the City, nature of merchandise to be offered for sale, date of sale and hours and duration of the sale.

(b) The Service Director of his designee may approve the application, and shall regulate the hours of the home sale, except that no home sale shall be commenced earlier than 9:00 a.m. nor last later than 8:00 p.m.

(c) Every permittee conducting a home sale shall keep posted in a prominent place, upon the licensed premises, the permit certificate and shall exhibit same upon request.

(Ord. 90-90. Passed 11-6-90.) (Ord. 22-08. Passed 5-6-08.)

761.04 PERMIT REFUSAL.

The Service Director of his designee shall refuse a permit for any sale which would be detrimental to the residential nature of a neighborhood, it being the intention of this chapter to restrict such sales to casual sales of reasonably limited amounts of tangible personal property.

It is the intent of this chapter to regulate, restrict and control "home sales" conducted on residence premises within residential and apartment zoned districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting "home sales", provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of the provisions of this chapter to prohibit sales conducted by nonconforming businesses located in residential or apartment zoned districts

(Ord. 90-90. Passed 11-6-90.) (Ord. 22-08. Passed 5-6-08.)

761.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is, for a first offense, guilty of a minor misdemeanor, and for a second offense is guilty of a misdemeanor of the fourth degree.

(Ord. 90-90. Passed 11-6-90.) (Ord. 22-08. Passed 5-6-08.)