

ORDINANCE No. 2009- 24

AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES; ESTABLISHING REGULATIONS CONCERNING THE CONDUCT OF YARD SALES, GARAGE SALES AND OTHER, SIMILAR, ACTIVITIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Searcy City Council is aware of concerns expressed by citizens regarding the conduct of yard sales, garage sales and other, similar sales; and

WHEREAS, the Searcy City Council finds that there are instances of nigh perpetual yard or garage sales which lead to unsightly appearances and a possible decrease in property values and potential road blockages; and

WHEREAS, the Searcy City Council finds that the need to provide for the orderly conduct of yard sales, garage sales and other, similar activities is necessary for the preservation of the public peace, safety and welfare, and that an emergency is hereby declared;

NOW, THEREFORE, be it ordained by the City Council of the City of Searcy, Arkansas, to wit:

Section 1. The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding a section to be numbered Sec. 33-3, which said section reads as follows:

“Sec. 33-3. Regulation of Yard Sales, Garage Sales and Other, Similar, Activity.

33-3-1 Garage Sale Defined. A Garage Sale as used in this Section 33-3 is defined to mean the sale of any personal property, which is conducted on or about the premises of a private residence, by any resident or residents of a neighborhood, one of whom must be the occupant of the premises and which sale is open to the public.

33-3-2 Maximum Number of Garage Sales Per Year. No person shall have more than eight (8) Garage Sales per year with no more than two (2) such sales to occur within any calendar quarter. Any garage sale shall not exceed three (3) total days in length which shall be held on any of five (5) days.

33-3-3 Location of Garage Sales. All Garage Sales shall be undertaken by individuals and shall be conducted from residential dwellings within the city.

33-3-4 Parking. Parking must be maintained in a manner that would not affect the free flow of traffic on a public street near a Garage Sale.

CERTIFICATE OF RECORD
STATE OF ARKANSAS COUNTY OF WHITE
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD
AND IS RECORDED AS STAMPED HEREON.
DATE 7-23-09 TIME 3:50 pm
BOOK 2009 PAGE 11712
TAMI KING WHITE COUNTY CIRCUIT CLERK
M. [Signature]

MISC 2009- 11713

33-3-5 Sale of New Merchandise Prohibited. Merchandise for sale at a Garage Sale shall be limited to used property and not property purchased for resale owned by those persons participating in the said sale.

33-3-6 Signs. Signs advertising, announcing or otherwise notifying the public of the conduct of a Garage Sale must be removed within four (4) hours after the end of the Garage Sale.

33-3-7 Public Address System Prohibited. The use of a public address system is prohibited in the conduct or advertising of any Garage Sale.

33-3-8 Display of Goods for Sale. Goods for sale at any Garage Sale shall not be displayed on public property. Neither shall any goods be displayed on private property in a manner which will materially impede visibility or pedestrian or vehicular traffic on or off the premises. Goods for sale and items used in conjunction with the Garage Sale must be removed within (24) twenty-four hours of the conclusion of the Garage Sale. No items will be allowed to remain in view of the public that present a cluttered or unsightly appearance.

33-3-9 Application to Certain Entities. The provisions of this ordinance shall not apply to churches, schools or not-for-profit organizations

33-3-10 Penalties. Violation of this Section is punishable by a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). Each violation of this Section shall constitute a separate offense.”

Section 2. All other ordinances, parts of ordinances or provisions of the Searcy Code of Ordinances in conflict with the terms hereof are hereby suspended, superseded and repealed.

Section 3. That the Searcy City Clerk-Treasurer shall certify to the adoption of this ordinance, and cause the same to be published as required by law.

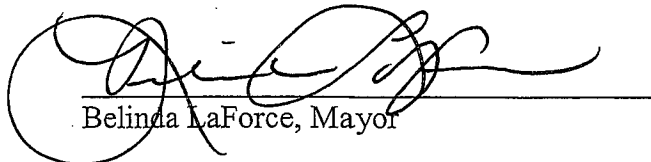
Section 4. In the event any provision of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally part of the ordinance.

Emergency Clause. The need to provide for the orderly conduct of yard sales, garage sales and other, similar sales, having been deemed to be an emergency by the City of Searcy, the foregoing necessary for the preservation of the public peace, health, safety and welfare, an

emergency is hereby declared and this ordinance shall be in full force and effect from and after its passage.

Adopted this 14th day of July, 2009.

E- The City of Searcy, Arkansas


Belinda LaForce, Mayor

Attest:


Margaret Meads, City Clerk-Treasurer

Publish by one insertion

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