

## ORDINANCE NO. 792

### **AN ORDINANCE AMENDING CHAPTER EIGHTEEN OF THE CODE OF ORDINANCES OF THE TOWN OF JONESBORO BY ADDING SECTIONS 18-32(A)-18-32(H), DEFINING YARD/GARAGE SALES, REGULATING THE HOLDING OF SUCH SALES, PROVIDING A PENALTY FOR THE VIOLATION OF THOSE REGULATIONS, PROVIDING FOR MATTERS RELATED THERETO AND PROVIDING AN EFFECTIVE DATE FOR THE ENACTMENT.**

WHEREAS, the holding of yard sales or garage sales has sometimes created problems within the Town of Jonesboro related to traffic control, litter control, noise control and beautification issues; and

WHEREAS the holding of yard sales or garage sales, when conducted appropriately, is a normal and appropriate activity beneficial to the person or persons holding such a sale and the individuals purchasing items at such sales;

NOW, THEREFORE, be it ordained by the Mayor and Board of Aldermen of the Town of Jonesboro, Louisiana, in regular session, duly convened as the governing authority of the Town of Jonesboro, Louisiana as follows, to-wit:

#### SECTION I

The Code of Ordinances of the Town of Jonesboro be and the same is hereby amended to add to Chapter 18 of said Code Sections 18-32(A) through (H) to read as follows:

Section 18-32(A) Yard Sale Defined: For the purposes of this Chapter a yard sale or a garage sale, hereinafter sometime both referred to as a “yard sale”, shall mean a proceeding in which used movable property is offered to the public for sale through the display of such property on private property located within the Town of Jonesboro that is not a retail dealer as defined in the Town of Jonesboro Sales Tax Ordinance.

Section 18-32(B) Permit Required: No yard sale shall be conducted within the Town of Jonesboro unless a permit for that yard sale has been obtained at least two (2) days prior to the commencement of the yard sale. Permits shall be issued to residents of the Town of Jonesboro without cost. Each permit shall state the location at which the yard sale is to be held, the days upon which the yard sale is to be held and the hours during which the yard sale is to be held.

Section 18-32 (C) Dates and Hours of Operation: Each yard sale shall be held on the date or dates reflected in the permit. No yard sale may be held for more than two (2) consecutive dates. No yard sale may take place at a particular location more than three (3) times per year. No yard sale may commence prior to 8:00 a.m. and must end on or before 6:00 p.m.

Section 18-32(D) Limitation on Items to be Sold: All items sold at a yard sale must be used goods or items of the owner, tenant or occupant of the residence at which the yard sale is being conducted. No new items may be sold at a yard sale.

Section 18-32 (E) Display of Permit: The permit for the yard sale must be visible at all hours during which the yard sale is ongoing. It must be posted conspicuously on the porch or door of the home or garage at which the sale is taking place or posted at the table or other site where monetary transactions in connection with the yard sale are taking place.

Section 18-32 (F) Advertisement Limitations: Only one sign advertising the yard sale may be placed near the road. Such a sign may not exceed 25 inches in width or 20 inches in height. The sign may be placed in the ground with a stake but the top of the sign must be within 3 ½ feet of the ground. All signs advertising the yard sale may not be posted before 6:00 a.m. the date(s) of the sale and must be removed after 8:00 p.m. on the date(s) of the sale. Failure to remove the sign(s) as required by this section shall constitute a misdemeanor and may be punished by a fine not to exceed \$50.00.

Section 18-32(G) Weather Postponement: In the event a yard sale cannot, due to the weather, be held on the day or dates authorized by the permit issue under this Chapter the holder of the permit can reschedule the yard sale. In that event the yard sale that was cancelled due to the weather will not constitute a yard sale which would be included in the three per year limit on yard sales set forth in Section 18-32 (C).

Section 18-32(H) Penalties: Any individual holding a yard sale within the Town of Jonesboro who does violates the provisions of this Chapter shall be subject to a fine of not more than \$200.00 per day.

## SECTION II

Any provision of the Code of Ordinances of the Town of Jonesboro contrary to this ordinance be and the same are hereby repealed.

## SECTION III

This ordinance shall become effective immediately upon adoption.

## SECTION IV

Should any item or provision, including any section, exception, part, phrase or term, or the application thereof be held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be affected thereby. If any phrase, clause, word or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity shall be limited to that portion of the Ordinance.

The above ordinance was introduced by Alderman Nia Evans at the special called meeting of the Board of Aldermen held on the 6th day of November 2017, and copies of the same were provided to all members of the Board and the Mayor Pro-Tempore.

The title of the Ordinance was published once in the official journal of the Town of Jonesboro, which notice stated that the Board of Aldermen would consider its adoption at the special meeting of the Board of Alderman scheduled for the 6th day of November 2017, at 12:00 p.m., at which time a public hearing would be held on said ordinance. At that meeting, following a public hearing, this proposed ordinance shall be read by title and called for final passage and may be adopted by an affirmative vote of a majority of the members of the Board of Aldermen. Said ordinance shall take effect immediately upon its adoption.

Thus adopted at the regular meeting of the Mayor and Board of Aldermen of the Town of Jonesboro held on the 6th day of November 2017 by the following vote:

YEAS: Ms. Nia Evans, Ms. Janet Martin, Mr. Aaron Stringer

NAYS: Mr. Devin Flowers

ABSENT: Mr. Robbie Siadek

ATTEST:

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CLERK

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MAYOR

CERTIFICATE

I, the undersigned Clerk of the Town of Jonesboro declare that the above and foregoing is a true and correct copy of an ordinance adopted by the Mayor and Board of Aldermen of the Town of Jonesboro at a regular meeting held on the 6th day of November 2017, at which a quorum was present and voting.

Jonesboro, Louisiana, on this 6th day of November 2017.

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CLERK