

ORDINANCE NO. 08-10-42

AMENDMENT TO THE ORDINANCE REGULATING YARD SALES AND OTHER SIMILAR ACTIVITIES.

YARD SALES. AN AMENDMENT TO THE ORDINANCE REGULATING YARD SALES AND SIMILAR ACTIVITIES; ALSO PROVIDING A SAVINGS CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

PREAMBLE:

WHEREAS, the American Fork City Council passed Ordinance 08-02-13, an Ordinance regulating yard sales, on February 12, 2008; and

WHEREAS, the City Council seeks amend certain provisions of said Ordinance for the public welfare and prosperity;

NOW THEREFORE, be it ordained by the City Council of American Fork City, that the American Fork City Code be amended as follows:

CHAPTER 5.32 - YARD SALES AND SIMILAR ACTIVITIES.

5.32.010 The provisions codified in this chapter shall be known and may be referred to as the YARD SALES ORDINANCE.

5.32.020 PURPOSE OF PROVISIONS

It is the purpose of this ordinance to 1) reduce the number of nuisances in the City by eliminating unnecessary signage and ensuring signs are removed after events, and 2) to prohibit unfair business competition by placing certain restrictions on parties conducting such continuous sales and similar activities, and 3) to protect the integrity of the City's zoning districts by prohibiting continuous sales within residential zones.

5.32.030 APPLICATION OF PROVISIONS

This chapter imposes regulatory standards on certain parties seeking to conduct yard sales on residentially-zoned property located in American Fork City. Except where the context or specific provisions require, this chapter does not supersede or nullify any other related ordinances, including, but not limited to, those codified in this title.

5.32.040 DEFINITIONS

For the purposes of this chapter, the following terms shall have the following meanings:

ADVERTISING. To seek to attract or direct the attention of the public to any goods, services or merchandise.

CHARITABLE YARD SALE. A yard sale that is advertised to the public as a charity event and whose net profits are donated to a charitable cause, organization, or entity.

COMMUNITY YARD SALE. A yard sale conducted by any society, program, agency, department, school, club, organization, or other community-related entity of American Fork City, in which the proceeds of the yard sale are used to benefit the entity or further its objectives.

CONTINUOUS SALES. Those sales conducted by the owner or occupant of property in the residential zoned districts in the City where the public is invited by advertising of any type or in any manner for the purpose of purchasing goods, wares, and merchandise, more than four (4) times per calendar year.

SIGN. Any outdoor display, design, or other representation which shall be constructed, placed, attached, or fastened in any manner whatsoever so that the same shall be used for advertising.

YARD SALES. Any type of activity related to the display of merchandise, at a location used as a primary or secondary residence, either by a resident or several residents for the purpose of sale or resale to the general public. This term shall also include garage sales, lawn sales, attic sales, rummage sales, neighborhood sales or any other similar activity.

5.32.050 PROCEDURES, PERMITTED LOCATIONS AND RESTRICTIONS

- A. No yard sale may be conducted at the same address more than four (4) times per calendar year. Each yard sale event shall be for a duration not to exceed three (3) consecutive days.
- B. Continuous sales of used or new merchandise at locations used as residences are prohibited.
- C. Yard sales may not include new or used merchandise bought for the purpose of being re-sold at a yard sale.
- D. Merchandise and goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.
- E. Storage. Any merchandise for sale shall be removed from public view no later than noon the day after the yard sale has concluded, and the merchandise shall not be displayed earlier than twenty-four (24) hours prior to the start of the yard sale.

5.32.060 SIGNS

- A. No more than eight (8) signs advertising a yard sale shall be allowed.
- B. Each sign shall contain a sticker displayed on the front of the sign on the bottom left-hand corner. The stickers shall be obtained from the City Administration

Building, free-of-charge. The City will issue up to eight (8) stickers and shall mark, in permanent ink, the final day of the anticipated yard sale on each sticker. The City shall keep a record of the person who receives the stickers, the address of the applicant and of the yard sale (if different), and the dates of the yard sale.

- C. Signs shall be displayed no earlier than twenty-four (24) hours before the event begins and must be removed by noon of the day following the last day of the yard sale (as listed on the sticker). The owner or occupant of the address listed on the sign is the responsible party to ensure all signs are removed as provided herein.
- D. All signs shall be displayed in an appropriate manner. No signage shall be allowed on city or public property, except as otherwise provided herein. Signs shall be prohibited in public parks, except as provided herein, and shall not be attached to utility poles or boxes, trees, public buildings, or any street/traffic control signs. Signs posted upon private property or in the mowstrip/parkway shall be placed only after obtaining the consent of the owner of the property and/or permission from the owner of the home located nearest the sign.

5.32.070 COMMUNITY AND CHARITABLE YARD SALES

- A. Community and charitable yard sales, as defined herein, may be held at Robinson and Rotary parks after receiving approval from the city through its agent at the American Fork Fitness Center, who shall schedule the yard sale and make any necessary reservations. The provisions of this chapter shall also apply to community and charitable yard sales.

5.32.080 PENALTIES

- A. Any party who displays a sign without the required sticker, or who displays a sign after noon of the day following the date listed on the sticker, shall be assessed a \$50.00 fine for each sign violation by city enforcement officers.
- B. Any violation of this chapter may be subject to prosecution as a Class C misdemeanor, with the corresponding statutory fines and penalties pursuant to Utah State Law.

5.32.090 SEVERABILITY

If any provision or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

5.32.100 EFFECTIVE DATE

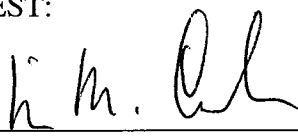
This ordinance shall take effect January 1, 2009, upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this 14 day of OCTOBER, 2008.

MAYOR:


HEBER M. THOMPSON

ATTEST:


RECORDER

