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ORDINANCE 2010-9

AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA AMENDING SECTION 22-191 OF THE SOUTH SIOUX CITY MUNICIPAL CODE ESTABLISHING GARAGE SALE REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA:

SECTION 1: That Section 22-191 of the South Sioux City Municipal Code is to read as follows:

Sec. 22-191. Garage sale regulations.

No person shall operate, conduct, manage or permit a garage sale upon his, her or its premises or other property under his, her or its control more often than two (2) times per calendar year and said sale shall not be continued for a period of more than three (3) consecutive days. No sale shall be conducted before 8:00 A.M. or after 8:00 P.M. Outdoor garage sales are permitted only in areas zoned for residential use (R-Zones). Indoor only garage sales may be conducted in areas zoned for commercial use (C-Zones) or manufacturing use (M-Zones).

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

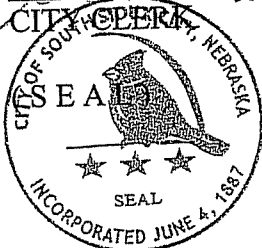
SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 13th day of September, 2010.

Andra Smith
MAYOR

ATTEST:

Jim Murray
CITY CLERK



ORDINANCE 2005-37

AN ORDINANCE OF THE CITY OF SOUTH SIOUX CITY, NEBRASKA AMENDING THE SOUTH SIOUX CITY MUNICIPAL CODE AS IT RELATES TO THE REGULATION OF GARAGE SALES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA:

SECTION 1: That Chapter 22 of the South Sioux City Municipal Code be amended by amending and adding thereto the following sections:

Garage Sales

Sec. 22-190. *Definitions.*

- a) **Garage sales shall mean and include all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", "flea market sale", or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.**
- b) **Goods are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale hereunder. Goods shall not include merchandise owned by the parties other than the licensee for resale at the garage sale conducted by the licensee.**
- c) **Personal shall mean and include individuals, partnerships, voluntary associations and corporations.**

Sec. 22-191. *Garage Sale Regulations.*

No person shall operate, conduct, manage or permit a garage sale upon his, her or its premises or other property under his, her or its control more often than two (2) times per calendar year and said sale shall not be continued for a period of

more than three (3) consecutive days. No sale shall be conducted before 8:00 A.M. or after 8:00 P.M.

Sec. 22-192. *Persons and Sale Excepted.*

The provisions of this ordinance shall not apply to or affect the following persons or sales: a) persons selling goods pursuant to an order or process of a court of competent jurisdiction; b) persons acting in accordance with their powers and duties as public officials; and c) any persons selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

Sec. 22-193. *Permits and Fees.*

It shall be unlawful for any person to conduct a garage sale in the City without first filing with the City Clerk the information hereinafter specified and obtaining from such Clerk a license to do so, to be known as a "Garage Sale License". There will not be a fee charged for the license.

Sec. 22-194. *Licensing.*

Such license shall be issued to any one person only two (2) times within a calendar year and no such license shall be issued fore more than three (3) consecutive calendars days. Each license issued under this ordinance must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the license to sale.

Sec. 22-195. *Information to be Filed.*

The information to be filed with the Clerk, pursuant to this ordinance, shall be as follows:

- a) Name of the person, firm, group, corporation, association or organization conducting said sale.
- b) Name of the owner of the property on which the sale is to be conducted.
- c) Location at which sale is to be conducted.
- d) Number of days of sale.
- e) Date and nature of any past sale.
- f) Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the dates of such sale.

- g) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
- h) Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him or her to be so.

Sec. 22-196. *Signs.*

The licensee shall be allowed to post three (3) off premise signs advertising the garage sale and the signs must be removed by the licensee by 5:00 P.M. on the last day of the sale.

Sec. 22-197. *Penalties.*

Any person, association or corporation conducting such sale in violation of the terms and regulations of this ordinance, shall be subject to the following penalties:

- a) 1st Offense. Warning citation.
- b) 2nd Offense. \$100.00 fine.
- c) 3rd Offense. \$250.00 fine.
- d) 4th Offense. \$500.00 fine.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 27th day of December, 2005.

New Garage Sale Ordinance

Ordinance 2005-37 was approved at the December 27, 2005 Council Meeting. This Ordinance regulates Garage Sales.

Garage Sale Regulations.

No person shall operate, conduct, manage or permit a garage sale upon his, her or its premises or other property under his, her or its control more often than two (2) times per calendar year and said sale shall not be continued for a period of more than three (3) consecutive days. No sale shall be conducted before 8:00 A.M. or after 8:00 P.M.

For a copy of the complete Ordinance or an application please contact the Building Inspection Department at 494-7518.