

**ORDINANCE NO. 2013-02**

**TOWN OF DOBSON YARD SALE ORDINANCE**

**SECTION I.** The following article and sections are hereby added to Chapter 8 (Businesses and Business Regulations) of the Town of Dobson, North Carolina, Code of Ordinances and read as follows:

**ARTICLE V. YARD SALES**

**SECTION 8-93. Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Yard Sale** means all temporarily operated general sales, open to the public, conducted for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", or "rummage" sale. Said sale includes situations in which more than five (5) specific items of personal property are to be sold.

**Personal Property** means property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. Merchandise purchased for resale at a yard sale or obtained by consignment for sale at a yard sale is prohibited.

**SECTION 8-94. Permits and Fees**

No person shall have, hold, or conduct a yard sale without first obtaining a Yard Sale Permit from the office of the Town Manager. The Town Manager or their designee shall consider all applications and issue or deny permits depending upon their compliance herewith.

Approved permits are valid for a maximum of forty-eight (48) hours (or two consecutive days) on residentially zoned property and twenty-four (24)

hours (or one day) on commercially zoned property. The permit holder shall keep a copy of the approved permit on site at the yard sale location and shall make the permit available for inspection at all times.

Only the owner or lessee of the residential property upon which the yard sale is being conducted may obtain such permit.

Before such permit shall be issued the applicant shall provide proof of address (driver's license, utility bills or other identification) and any other pertinent information as may be reasonably required. Upon verification and compliance with provisions of this article the applicant will be issued a permit for a yard sale.

By making application for such Yard Sale Permit, accepting said permit and conducting such sale, the owner or lessee of the property to whom such permit is granted, authorizes any code enforcement officer of the Town of Dobson to enter upon the property for the purpose of determining that such sale is being conducted in accordance with the provisions of this article.

Food items shall not be sold under authority of a Yard Sale Permit.

No permit covered by this article shall be transferable, nor shall a permit holder allow his name to be used by any other party for the purposes of operating a yard sale.

#### **SECTION 8-95. Replacement Permits**

Should inclement weather unreasonably hinder the operation of the yard sale during the time authorized by the permit, the Town Manager's office shall issue a replacement permit allowing the completion of the authorized yard sale provided that:

- (1) The yard sale operator requests the replacement permit within three (3) business days from the initial permit's date of issuance; and
- (2) The replacement shall be valid for the completion of the initial permit's allotted time within thirty (30) days from the replacement permit's date of issuance; and
- (3) Only one replacement permit shall be issued for any yard sale permit regardless of subsequent weather conditions or circumstances.
- (4) No more than one replacement permit shall be issued per calendar year per address.

**SECTION 8-96. Frequency and Length**

No more than four (4) yard sales shall be held per location on a residentially zoned property in any one (1) calendar year so long as the owner of such property does not change hands during the course of the year. No more than two (2) yard sales shall be held per location on a commercial zoned property in any one (1) calendar year. No single sale shall be conducted for longer than two (2) consecutive days in a residential zone or one (1) day in a commercial zone. Yard sales shall be conducted between the hours of 6:00 am and 6:00 pm.

**SECTION 8-97. Signage**

No more than three (3) signs shall be placed off site to advertise the yard sale. No sign shall be placed on private property without the property owner's permission. Signs shall not be placed on utility poles, NCDOT or Town signs. Signs shall not be displayed more than forty-eight (48) hours prior to the yard sale and shall be removed no more than two (2) hours following the yard sale (or expiration of the permit). The person or persons exercising ownership or leasehold rights over property on which a yard sale is held or advertised to be held shall be presumed to have placed and exhibited the sign advertising the yard sale which identifies the person's address or location at which the yard sale is to be held. This presumption may be rebutted by evidence to the contrary.

**SECTION 8-98. Location**

Yard sales shall only be permitted on private property after the issuance of an approved Yard Sale Permit. Churches and Non-Profit Organizations are considered residential properties under this article. No yard sale shall block in full or partially any public street, driveway, alleyway, or sidewalk.

**SECTION 8-99. Public Nuisance**

Individuals conducting yard sales shall be responsible for the prevention of any negative effects on neighboring properties and shall not, as a result of conducting the yard sale, create a traffic problem or inhibit the use of the road, street, public driveways, or sidewalks by public or emergency vehicles. All parking of vehicles shall be done in compliance with all applicable laws and ordinances. Further, the Dobson Police Department, Surry County Sheriff's Office and/or North Carolina Highway Patrol may enforce such temporary controls to alleviate any special hazards and/or congestion created by any yard sale.

**SECTION 8-10. Penalties and Remedies**

In discharging their duties under this chapter, members of the police department are hereby empowered to issue citations carrying civil penalties to any person if there is reasonable cause to believe that he has violated any provision of this article. The violation of any provision of this article shall subject the violator to a civil penalty of \$25.00 for the first violation and \$50.00 per violation for subsequent violations in any one calendar year. Violation of this article may also prohibit the violator from being issued yard sale permits in the future. Notice of penalties so issued may be delivered in person to the violator by a police officer, or they may be mailed to the violator if he cannot readily be found.

The procedure set forth in this chapter shall be in addition to any other remedies, with the exception of criminal enforcement as authorized by NCGS 14-4, which may now or hereafter exist under law for the abatement of public nuisances. The civil penalties outlined in this chapter are in lieu of criminal citations / penalties and the town therefore shall not proceed in a criminal action against any persons, firm, or corporation violating the provisions of this chapter as otherwise authorized in GS 14-4.

**SECTION II. WAIVER CLAUSE.** The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of City Council.

**SECTION III. CODIFICATION.** The provisions of Section I of this Ordinance shall be published as appropriate in the Dobson Code of Ordinances as soon as practicable.

**SECTION IV. SEVERABILITY CLAUSE.** If any section or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Board of Commissioners in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION V. PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town of Dobson, North Carolina Board of Commissioners, at which a quorum was present and which was held on the 5<sup>th</sup> day of DECEMBER, 2013.



TOWN OF DOBSON

BY: *Ricky Draughn*  
Ricky Draughn, Mayor

ATTEST:

BY: *Rachel Pace*  
Rachel Pace, Town Clerk