

INTRODUCED BY: Trustees Fortune, Graves, Whitmore, Eisenhauer and Stoeckl

**AN ORDINANCE ADOPTING A NEW CHAPTER 235  
RELATING TO GARAGE SALES**

**WHEREAS**, the Board of Trustees of the Village finds and determines that, while a valuable and important activity for residents, garage sales are causing traffic congestion and dangerous conditions for citizens in residential areas and on the streets of Twin Oaks; and,

**WHEREAS**, through this legislation it is the intention of the Board to regulate the use of streets adjacent to a garage sale, to give sufficient notice to allow placement of signage for parking restrictions during the garage sale, and to alert the Village, Police Department and others when multiple garage sales are planned for the same day;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TWIN OAKS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** The Board of Trustees hereby adopts the following regulations pertaining to garage sales to be codified as a new Chapter 235 and to read as follows:

**Chapter 235 Garage Sales**

**235.010 Findings; purpose.**

- A. The Board of Trustees of the Village finds and declares that unregulated garage sales are causing traffic congestion and causing dangerous conditions for citizens in residential areas and on the streets of Twin Oaks.
- B. The provisions contained in this Section are intended to:
  - 1. Regulate the use of streets adjacent to a garage sale,
  - 2. Allow time to place signage for parking restrictions during the garage sale; and
  - 3. Alert the Village, Police Department and others when multiple garage sales are planned for the same day.
- C. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the citizens of Twin Oaks.

**235.020 Definitions and word usage.**

For the purposes of this Section, the following terms, phrases, words and their derivations shall have the meanings given herein:

*Village Administrator* — The Village Administrator or anyone designated by him or her to act in his or her place.

*Garage Sale* — Includes all general sales, open to the public, conducted from or on a residential premise or in any residential zoning district, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage sale." This definition shall not include a situation where no more than five specific items are held out for sale and where all advertisement of such sale specifically names those items to be sold.

*Personal Property* — 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.

*Residential Premises* — A lot on which a building is located which has a certificate of occupancy for a residential occupancy classification only as the same is defined by the applicable building code, or any vacant lot which abuts a residential premise.

**235.030 Sale of other than personal property prohibited.**

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Section, property other than personal property.

**235.040 Registration required Five Days Prior to Proposed Garage Sale.**

- A. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall register their garage sale with the Village Administrator at least five (5) days prior to the date of the proposed garage sale. Members of more than one residence may join under a single registration in a garage sale to be conducted at the residence of one of them.
- B. When registering for the proposed garage sale, the individuals conducting such sale shall file a written application in a form provided by the Village Administrator setting forth the following information:
  - 1. The full name and address of applicant(s);
  - 2. The location at which the proposed garage sale is to be held;
  - 3. The date upon which the sale shall be held;
  - 4. An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purposes of resale; and
  - 5. A verification that applicant understands that certain private covenants and restrictions governing the real property where the applicant proposes to hold a garage sale may prohibit such activity.

**235.050 Fee.**

There shall be no fee for a timely registration. However, a late fee of \$10.00 may be charged to the applicant if the applicant fails to register in a timely manner (*i.e.*, less than five (5) days prior to the garage sale but prior to the date of the garage sale). Anyone who fails to register a garage sale prior to the date of the garage sale shall be subject to a fee of \$25.00.

**235.060 Conditions.**

At the time of registration, the Village may impose any reasonable conditions on parking or traffic control that may be necessitated by such garage sale.

**235.070 Parking; temporary controls.**

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Village and its Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale including installation of temporary “no parking” signs or other traffic control devices.

**235.080 Hours.**

Such garage sales shall not begin before 7:00 AM on weekends and 8:00 AM on weekdays, and shall conclude on all days prior to dusk.

**235.090 No Display of property in right-of-way.**

Personal property offered for sale may be displayed within the residence, in a garage, in a carport or in a yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way.

**235.100 Signs.**

- A. *Temporary Signs permitted.* In addition to temporary signs permitted by the sign code, two (2) additional signs of not more than four (4) square feet each are permitted to be displayed on the property of the residence where and during the time the garage sale is being conducted.
- B. *Removal of signs.* The additional temporary signs must be removed each day at the close of the garage sale activities or at dusk, whichever first occurs.

**235.110 Responsibilities of Person Conducting Garage Sale.**

The individual registering the garage sale and/or the owner or tenant of the premises on which such sale is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Departments serving Twin Oaks in order to maintain the public health, safety and welfare.

**235.120 General Penalty.**

Any person violating any of the provisions of this Section shall be deemed guilty of an ordinance violation and subject to penalty according to the General Penalty provisions set forth in Section 100.100 of this Municipal Code of Twin Oaks.

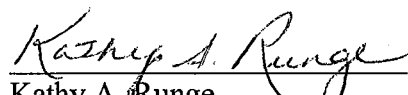
**Section 2.** This ordinance having been read by title or in full two times prior to passage shall be in full force and effect from and after its passage and after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

PASSED and APPROVED this \_\_\_ day of October, 2016.



\_\_\_\_\_  
Russ Fortune, Chairman  
Board of Trustees

ATTEST:

  
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Kathy A. Runge  
Village Administrator

First Reading: 10-5-16

Second Reading: 10-5-16