

ORDINANCE NO 1990-21

AN ORDINANCE TO ESTABLISH YARD SALE PERMITS IN THE CITY OF HILLSBORO AND TO DECLARE AN EMERGENCY

Be it Ordained by the Council of the City of Hillsboro, State of Ohio, that

SECTION ONE:

There is hereby enacted in the City of Hillsboro Code of Ordinances, Chapter 116 to read as follows:

CHAPTER 116: MISCELLANEAOUS BUSINESS ACTIVITIES

Section 116.01 DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply:

“YARD SALE” shall mean, in addition to any other definition set forth in this code. The sale of ordinary household goods and furnishings upon the premises of a residential property and included “garage sale” or any other description whether conducted indoors or out of doors, or for profit or not for profit.

Section 116.02 PERMIT REQUIRED

No person, firm or corporation shall conduct a yard sale without first obtaining a permit as provided for herein.

Section 116.03 APPLICATION

Applicants for a permit under this chapter must file with the office of the Safety and Service a written application for a yard sale permit setting forth the following:

- (a) Name and address of the applicant
- (b) Location of the proposed sale
- (c) Exact dates and times if the proposed sale; and
- (d) Certification that the applicant has read Chapter 116 of the City Code.

Section 116.04 LIMITATION AND RESTRICTIONS.

It shall be a violation of the law to do any of the following

- (A) Sell any item or items, at a yard sale, of a kind or quantity other than that ordinarily found in an h household.
- (B) Conduct any yard sale after five (5) days following the effective date of the permit required hereunder.
- (C) Conduct a yard sale more than twice in any calendar year.
- (D) Conduct a yard sale upon any premises other than the residential premises of the permit holder.

(E) Conduct any yard sale without a permit issued hereunder.

#### Section 116.05 EXCEPTIONS

This section shall not apply to businesses operating in properly zoned areas and holding a valid vendor's license, to auction or estate sales conducted by a licenses auctioneer or broker, to church sales upon church property and to political subdivisions of this State,

#### Section 116.05 EXHIBITION; REVOCATION; DENIAL.

(a) Permits issued under this chapter shall be posted in a conspicuous place visible from the street and shall constitute permission of the holder to be inspected by the employees of the City to insure compliance with this Chapter.

(b) The Safety and Service Director shall revoke any permit upon violation of any section hereunder, and deny all permit holder whose yard sale permit has been revoked may request a hearing within three (3) business days before the Director which hearing shall be held within one week of the request.

(c) Denial of any permit may be appealed by requesting a hearing within three (3) business days before the Director which hearing shall be held within one week of the request.

#### Section 116.06 PENALTY.

Whoever violates this Chapter is guilty of a first degree misdemeanor.