

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 163

AN ORDINANCE to regulate yard sales within the City of Lookout Mountain, Georgia, and for other purposes.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

SECTION 1. For purposes of this Ordinance, a "yard sale" is defined as any sale of personalty, whether by a resident or nonresident of the City and whether by an individual or a business entity, occurring outside or within a garage or carport of a dwelling within the City's Single Family District.

SECTION 2. All yard sales within the City shall be subject to the following regulations:

(a) No one other than the owner or lessee of the property on which the yard sale takes place may conduct a yard sale.

(b) No yard sale may take place unless and until the owner or lessee of the property on which the yard sale is to take place applies for and obtains a permit from the City to conduct the yard sale. Applications for permits shall be made to the City Clerk on forms provided by the City Clerk which forms shall, among other things, contain the name of the owner of the property on which the yard sale is to take place, the name of the lessee (if any) of the property, the date(s) and hours of the proposed sale, the particular area of the property where the sale is to take place (e.g., carport, garage, back yard or side yard), and a certification that the owner or lessee will be personally responsible for all activity occurring in connection with the proposed yard sale and will comply with the provisions of this Ordinance and all other Ordinances of the City.

(c) No owner or lessee of property within the City may conduct more than one (1) yard sale within the City during any calendar year.

(d) Yard sales shall be limited in duration to a period of two (2) consecutive days and may take place only

between the hours of 9:00 a.m. to 7:30 p.m. during the two-day period.

(e) If the property on which the yard sale is conducted has a carport or garage, the yard sale may be conducted only within the carport or garage. If the property has no carport or garage, the yard sale may be conducted only in a Side Yard or Rear Yard and not in a Front Yard or on a vacant lot. For purposes of this Ordinance, "Side Yard," "Rear Yard" and "Front Yard" shall have the same meaning as set forth in the City's Ordinance No. 25, as amended.

(f) Any signs which the owner or lessee has erected in connection with a yard sale shall be removed by the owner or lessee immediately upon the conclusion of the sale.

SECTION 3. In the event of any violation of this Ordinance, the City, acting through its Chief of Police or other designated official, shall require the yard sale to cease immediately and shall direct the owner or lessee of the property immediately to move all personalty being offered for sale inside the owner's or lessee's dwelling. The Chief of Police or any police officer of the City may, in addition, issue citations for violations of this Ordinance which shall be punishable by fines not to exceed \$50.00 for each violation. Each day that a yard sale occurs in violation of this Ordinance shall be deemed a separate offense and may be fined separately, up to a maximum of \$50.00 per day.

SECTION 4. It is the intention of the governing body and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish that intention.

SECTION 5. If any section, subsection, sentence or clause of this Ordinance be adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any section, subsection, sentence or clause hereof not adjudged invalid.

SECTION 6. All other ordinances or parts thereof heretofore enacted by the City in conflict herewith are hereby repealed.

SECTION 7. This Ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

Approved on first reading on September 16, 1993.

James D. Boufung
Member of City Council

James L. Enright
Member of City Council

James B. King
Member of City Council

Member of City Council

Member of City Council

Don N. Hain
Mayor of Lookout Mountain,
Georgia

Approved and adopted on Second Reading on

October 21, 1993.

James L. Enright
Member of City Council

James B. King
Member of City Council

Susan W. Pettway
Member of City Council

Daniel L. Chandler
Member of City Council

James D. Boufung
Member of City Council

Don N. Hain
Mayor of Lookout Mountain,
Georgia

ATTEST:

Dorva W. West
City Clerk