

GOLDEN BEACH, FLORIDA

Amended 5/19/98

ORDINANCE NO. 434.98

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; CREATING ARTICLE III, "PERSONAL PROPERTY SALES" OF CHAPTER 15, "NEIGHBORHOOD REGULATIONS"; PROVIDING REGULATIONS OF PERSONAL PROPERTY SALES (SOMETIMES CALLED GARAGE SALES); PROVIDING FOR PERMITS; PROVIDING FOR A PERMIT FEE; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to its police powers, the Town Council desires to regulate personal property sales (customarily called garage sales or yard sales) to allow the reasonable disposal of surplus household property without substantial or frequent disturbance to neighboring residents and to provide for the safety of all forms of traffic in the vicinity of personal property sales; and

WHEREAS, the Town Council recognizes that Golden Beach is a residential community with no commercial zoning, and it desires to protect the quiet enjoyment of the homes in the Town without frequent influxes of traffic that are customary with outdoor personal property sales;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Article III "Personal Property Sales" of Chapter 15 "Neighborhood Regulations" of the Town Code is hereby created to provide as follows:

"CHAPTER 15 NEIGHBORHOOD REGULATIONS

ARTICLE I. FILM INDUSTRY

...

ARTICLE II. FILM PRODUCTION PERMIT

...

ARTICLE III. PERSONAL PROPERTY SALES

Sec. 15-31. Authority, purpose, area of applicability.

This article is enacted under the home rule power of the Town of Golden Beach for the purpose of providing the necessary regulations of personal property sales in the Town in the interest of the public health, safety and welfare of the property owners and residents of the Town. This article shall apply and be in force in all areas of the Town.

Sec. 15-32. Definitions.

Personal Property Sales shall, for the purposes of this article, mean the sale of old, used, or unwanted household articles and other personal items displayed or offered for sale on a lot, parcel, or tract of land in any residential zoning district, and includes garage, yard, ~~shed~~, or other type of personal property sales; provided, that the casual sale of household articles and personal items shall not be considered a personal property sale where such sale shall be advertised by means other than by signs or posters on or near the premises where such sale is conducted as long as such articles and items are kept and displayed solely within the interior of those premises.

Sec. 15-33. Permit required; permit period.

It shall be a violation of this article for any person to conduct a personal property sale on any lot, parcel, or tract of land without first submitting a written request to, and obtaining a permit therefor from, the Town Manager which permit shall set forth the time and place of such personal property sale. Such permit may be obtained by requesting same in writing from the Town Manager. Such permit shall be valid for a maximum period of forty-eight (48) hours and covering a period extending no longer than 10:00 a.m. to 6:00 p.m. There shall be no more than two sales per calendar year and the sales for each property shall be six months apart from each other. The permit provided for herein shall be displayed on the premises at which the sale is being conducted and the Town Council shall charge such fee for issuance of such permit to cover the cost of regulation, in an amount established by resolution of the Town Council.

Sec. 15-34. Display of items outside; concealment of items after sale.

It shall be a violation of this article for any person during a personal property sale to display outside the house, garage, or carport any articles or items for sale except that which might be normally located in such an area such as lawn or yard furniture. At the conclusion of such sales, all unsold articles and items shall be removed or packed in such a manner so as not to be visible from any public street or abutting properties.

Sec. 15-35. Signs or posters.

Any person holding a personal property sale shall abide by Golden Beach Town Code Chapter 66. Article V. (Personal property sale signs are prohibited.)

Sec. 15-36. Controlling parking.

The person conducting the garage sale shall provide for the controlling of parking of vehicles so as not to disturb traffic, create a hazard or unsafe condition or any congestion on public streets adjacent to or in the vicinity or the premises upon which the sale is being conducted.

Sec. 15-37. Refusal to issue or revocation of permit.

If the ~~Town Council~~ or Town Manager shall determine that the items and articles to be sold or the premises at which they are to be sold would adversely affect the public health, safety and welfare, it may refuse to issue the permit provided for herein, or revoke such permit if previously issued.

Sec. 15-38. Permit not to be used for goods acquired for resale profit.

A permit shall not be issued for the sale of household furnishing or goods purchased or otherwise acquired for resale profit.

Sec. 15-39. Occupied premises only.

Personal property sales are prohibited on vacant or undeveloped lots or lots where there is exposure to construction that would cause an unsafe condition. There shall be a habitable house on the site where personal property sale occurs, which shall be accessible during the time of the sale (for safety purposes).

~~Sec. 15-40. Permit term.~~

~~A permit for a personal property sale shall be valid for two (2) consecutive days only, covering a period extending no longer than 10:00 a.m. to either 6:00 p.m. or dusk, whichever is later. [See Sec. 15-33.]~~

Sec. ~~15-41~~ 15-40. Rules and regulations.

The Town Council may enact by resolution, reasonable rules and regulations to implement and carry out the provisions of this article.

Sec. ~~15-42~~ 15-41. Punishment for violation.

A violation of this article, conducting a sale without a permit, conducting a sale at a time not permitted by the Code or the permit, or any other violation of this Chapter, shall be punished as provided in section 1-16 of the Town Code. The Town may bring suit to restrain, enjoin or otherwise prevent the violation of this article in the circuit court of the county."

Section 2. Conflict That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Ordinance but they shall remain in effect, notwithstanding the invalidity of any part.

Section 4. Inclusion In The Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and be made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

The Motion to adopt the foregoing Ordinance on first reading was offered by Councilmember Chikovsky, seconded by Councilmember Fistel and on roll call the following vote ensued:


| | |
|------------------------|------------|
| Mayor Cuenca | <u>Aye</u> |
| Vice Mayor Addicott | <u>Aye</u> |
| Councilwoman Chikovsky | <u>Aye</u> |
| Councilman Fistel | <u>Aye</u> |
| Councilman Rodriguez | <u>Aye</u> |

PASSED AND ADOPTED on first reading this 19th day of May, 1998.


The Motion to adopt the foregoing Ordinance on second reading was offered by Councilmember Chikovsky, seconded by Councilmember Rodriguez and on roll call the following vote ensued:

| | |
|------------------------|---------------|
| Mayor Cuenca | <u>Aye</u> |
| Vice Mayor Addicott | <u>Aye</u> |
| Councilwoman Chikovsky | <u>Aye</u> |
| Councilman Fistel | <u>Absent</u> |
| Councilman Rodriguez | <u>Aye</u> |

PASSED AND ADOPTED on second reading this 16th day of June, 1998.


MAYOR JUDY CUENCA

ATTEST:


MICHELE F. ROBINEAU, CMC
DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY