

Upon motion by Commissioner Erlandson and seconded by Commissioner Lowe the following Ordinance was passed.

ORDINANCE TO REGULATE RESIDENTIAL SALES (Yard Sales)

Purpose: In order to protect the health, safety and welfare of the citizens of the Town of Elkin, the Board of Commissioners has determined that regulating the number and length of occasional residential sales is necessary. Some sales seem to be ongoing businesses producing unsightly premises, and dangerous traffic situations inappropriate for residential areas;

THEREFORE, the following ordinance is adopted.

(a) Definitions

(1) "*Residential sale*" shall mean sales of "goods" from a "dwelling;" and includes any offer to sell "goods" either at retail or at auction. "*Residential Sale*" includes the terms "yard sale," "garage sale," "rummage sale," or any other term to describe these type sales.

(2) "*Dwelling*" as used in this ordinance shall mean any building or portion thereof designed, arranged, or used for living quarter, excluding motels, hotels, or other structures designed for transient residence.

(3) "*Goods*" shall mean merchandise for sale typically used in personal, household or family settings.

(4) "*Calendar Year*" shall mean January 1 thru December 31.

(5) "*Permit*" shall mean a license issued by the Town of Elkin allowing a "residential sale" at a particular "dwelling."

(b) Time Limitations

(1.) It shall be unlawful to conduct a residential sale for more than two consecutive days with operating hours from 7:00 a.m. to 7:00 p.m., or to conduct more than two such separate sales at the same dwelling within any calendar year.

(c) Space Limitations

1) A person may not place on display any goods under the provisions of this section closer than ten (10) feet from the front property line of the dwelling.

(2) Displays may not extend beyond the property line of the "permitted" dwelling.

(3) Articles for sale may be displayed inside the garage, inside the backyard, and on a driveway, but only so as not to hinder emergency equipment access to any structures on the property.

(4) Nothing in this section shall be construed as preempting additional restrictions imposed by the Town of Elkin or the State of North Carolina.

(d) Permits: Any person desiring to hold a residential sale shall first obtain from the Town of Elkin a "permit" to hold such sale. The cost of each permit shall be \$5.00. Each permit shall be in the name

of a person who resides in the dwelling at which the sale will be held. Each "permit" shall also indicate the date upon which the sale shall be conducted. If the sale is not conducted on the date indicated, the holder of the "permit" may have the "permit" revised by the Town to state a different date if the holder wishes to reschedule the sale. Any "permit" issued and not revised shall be conclusive evidence that the sale was held on the date indicated. Permits must be displayed in plain view.

(e) Enforcement: Enforcement of this ordinance shall be the responsibility of the zoning officer, but the town police may enforce the ordinance by citation.

(f) Penalties:

(1) "*Civil Penalties.*" Civil penalties may be assessed for violations of this Ordinance as follows: a "warning citation" for the first violation, \$35,00 for the second violation and \$50.00 for each successive violation.

(2) "*Criminal Penalties.*" A violation of this Ordinance shall constitute a misdemeanor, punishable by a fine of up to \$500.00 as authorized by N.C.G.S. 14-4.

This Ordinance shall be in full force and effect from and after March 18, 2002.