RECORD OF ORDINANCES

Dayton Legal Blank Co. Form No. 30043

Ordinance No. 98-03 Passed 4-27 19 98

AN ORDINANCE TO AMEND ORDINANCE 94-15 SECTION FOUR TO LICENSE AND REGULATE GARAGE SALES WITH THE VILLAGE OF BUCKEYE LAKE, OHIO AND REPEALING ORDINANCE 83-07 OF THE VILLAGE OF BUCKEYE LAKE, OHIO

WHEREAS, Sales of tangible chattels from private homes and residences commonly called "GARAGE SALES" are occurring with such frequency that Council is of the opinion that such sales should be regulated and licensed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, COUNTY OF LICKING, AND STATE OF OHIO, that:

SECTION I: DEFINITIONS:

(A) the words, "GARAGE SALE" shall include the terms, "garage sale" "lawn sale," "porch sale, " "attic sale" "rummage sale" and "flea market" conducted by any person firm or corporation from any lot of land within the Village of Buckeye Lake, or by whatever other name the same may be called, and for the sale of tangible personal property, EXCEPT:

1. Auction sales conducted by a licensed auctioneer.
2. Sales by established retail establishments holding a "Vendors License" issued by the Ohio Department of Taxation, where the place of business is permanent or is intended to be permanent.
3. Any Sale conducted by a "non- profit corporation or organization" as defined by Section 501 of the Internal Revenue Code.
4. Any private sale, where the public is not invited, where goods are offered for sale only by means of a newspaper advertisement commonly called a "want ad."

(b) The words "Calendar year"d shall mean the period of time between January 1, and December 31st of each year.

(c) The words "Permit Premises" shall mean the house address of the residence or other premises for which the license is issued.

SECTION 2: PROHIBITIONS:

No person, firm or corporation shall conduct a "garage sale" as defined in Section 1 of this ordinance without having first made an application to the Clerk/Treasurer of the Village and having paid the required fee therefore at least twenty-four (24) hours prior to the commencement of the sale.

SECTION 3: REGULATION OF SALES AND ADVERTISEMENTS:

No person shall receive, or make application for any permit premises, of more than three (3) licenses, issued in accord with Section 2 hereof in any one calendar year.

No garage sale as defined herein shall continue for more than (3) consecutive days or more than 72 consecutive hours.

All advertising signs shall be limited as follows:

1. One (1) sign within the permit premises.
2. Two (2) signs erected other than on the permit premises, none of which shall be erected more than twelve (12) hours prior to the commencement of the sale: and all signs to be removed within twelve (12) hours after the closing of the sale.
3. No signs shall be erected in the median of S.R. 79
4. No signs shall be attached to be attached to a utility pole, either electric or telephone.

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SECTION 4: FEE FOR PERMIT:
The fee for the license shall be Five dollars ($5.00) and shall be be paid to the Clerk/ Treasurer of the Village at the time of the application is filed in her office.

SECTION 5: CONTENTS OF APPLICATION FOR LICENSE:
All applications shall be on forms furnished by the Clerk/Treasurer and shall contain the following information:
1. The name of the applicant.
2. The address of the premises for which a license is sought.
3. The time of the proposed sale, including the time of commencement and the time of closing.

SECTION 6: ESTABLISHMENT OF CLEANUP WEEK IN THE VILLAGE OF BUCKEYE LAKE:
That the second week of the months of May and August in each year shall be designated by the Mayor as "Clean-up in the Village of Buckeye Lake, Ohio."

SECTION 7: SET BACK REQUIRED:
No person shall display goods for sale under this ordinance unless such goods are located ten (10) feet back from the street fronting the property where the goods are to be sold.

SECTION 8: PENALTY FOR VIOLATION OF ORDINANCE:
That any person, firm or corporation violating any of this Ordinance shall upon conviction thereof be deemed to be guilty of a "MINOR MISDEMEANOR", and shall pay a fine as set forth in the Village Code of Ordinances.

SECTION 9: This Ordinance shall go into full force and effect from and after the earliest period allowed by law.

Adopted this 27th day of April 1998

James L. Bartle
MAYOR

ATTEST:

Catherine Thomas
CLERK/TREASURER