

ORDINANCE NO. 22, 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE TITLE XI: BUSINESS REGULATIONS, CHAPTER 110 ENTITLED "GENERAL BUSINESS LICENSING AND REGULATIONS" BY ADDING SECTION 110.36 ENTITLED "GARAGE OR RUMMAGE SALE" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 "GENERAL PROVISIONS" AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. That Section 110.36 of the City Code is adopted and added to the City Code to read as follows, to wit:

§ 110.36 GARAGE OR RUMMAGE SALE.

(A) Definition.

GARAGE OR RUMMAGE SALE. Any display and sale of personal property, conducted on premises located in any Residentially Zoned District by the occupant and which garage or rummage sales does not require a business license or make taxable sales, leases, or services.

(B) Restrictions and Prohibitions.

(1) None of the items offered for sale shall have been obtained for resale or received on consignment for sale.

(2) Any garage or rummage sales (community or neighborhood sale) shall be conducted solely within the boundaries of the property owned or occupied by the occupant who is conducting the sale.

(3) There shall be no more than three garage or rummage sales conducted at any one premises during any period of 12 calendar months running from January to December.

(4) No garage or rummage sale shall be conducted more than three consecutive days.

(5) There shall be no more than two consecutive sales with a 45 day separation between all others.

(Example: A garage or rummage sale may be held for two consecutive weekends but would then need a 45 day separation period for the third sale during any 12 month period.)

(6) No garage or rummage sale may be conducted before 7:00am or after 8:00pm.

(7) Any related signage shall be limited to the premises and to other residential property, provided permission from the property owner is obtained, and shall be removed at the termination of the sale. Signs shall be limited to four square feet.

(C) *Exceptions.*

This chapter shall not apply to any sale under court order, nor to any bona fide auction sale, nor to a sale of farm or garden products by the person producing the same.

(D) *Penalty.*

It is unlawful for any person to conduct a garage or rummage sale in violation of any of the provisions of this chapter and upon conviction shall be punished as for a misdemeanor as provided under Section 10.99 of the City Code.

Additionally, any violation may be subject to an Administrative Penalty which shall result in a fine not exceeding \$300.00 fine for each violation.

Section 2. City Code Chapter 10 entitled " General Provisions" applicable to entire City Code and Section 10.99 entitled "General Penalty" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 22, 4th Series.

Voting Aye: Vetter, Pokrzywinski, Riopelle, Tweten, Olstad, Grassel, and DeMers.

Voting Nay: None.

Absent: None.

The President declared the Ordinance passed.

ATTEST:

PASSED: November 21, 2017

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing Ordinance this 21st day of November, 2017.

Mayor