

## Chapter GARAGE OR HOUSE SALES

### Sec. 22A-1: Definitions:

*Garage Or House Sale:* The offering for purchase to the general public of items of personal property owned by the seller upon real estate of which the seller is the owner or lessee and which sale does not constitute the seller's business or occupation. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

*Personal Property:* Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living or in maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. (Ord., 5-7-1984.)

### Sec. 22A-2: Permit Required:

No person shall engage in or conduct a garage, attic, basement or house sale from any residence, structure or lot in the Village without first having obtained a specific permit for such from the Village Clerk or Deputy Clerk of the Village. (Ord., 5-7-1984.)

### Sec. 22A-3: Issuance; Transfer; Validity; Form; Fees:

- (a) The special permit may only be issued to the owner or lessee of the premises where such sale is to be held. In the case of a lessee, written permission of the building owner must be presented by the applicant at the time of license application. The special permit shall be nontransferable.
- (b) No permit shall be issued, and no such person or premises shall be eligible for such a permit to conduct a sale of personal property items, except on those dates specified by the President and Board of Trustees. For the purpose of designating dates upon which such sales may be conducted, the Village is hereby divided into quadrants as follows:

*Quadrant 1:* The area of the Village lying north of Fullerton Avenue and west of 76th

Avenue.

*Quadrant 2:* The area of the Village lying north of Fullerton Avenue and east of 76th Avenue.

*Quadrant 3:* The area of the Village lying south of Fullerton Avenue and west of 76th Avenue.

*Quadrant 4:* The area of the Village lying south of Fullerton Avenue and east of 76th Avenue.

The President and Board of Trustees shall annually designate three (3) consecutive days for each quadrant when such sales shall be permitted, and no sales shall be permitted in any quadrant except on those dates specified.

- (c) Notwithstanding the provisions of subsection (b) of this Section, one additional permit in each twelve (12) month period may be issued to the same person or premises for the purpose of conducting on behalf of a nonprofit organization a sale of personal property, provided that such permittee is an officer or member of the fundraising organization.
- (d) The special permit shall show in bold type in conspicuous caption the common address of the sales premises and the date or dates of the sale.
- (e) A permit shall be valid only for the particular sale and premises designated thereon.
- (f) There shall be no fee charged for this special permit. However, a deposit in the amount of fifty dollars (\$50.00) shall be collected from the applicant at the time of application. Such deposit shall be returned to the applicant within forty five (45) days after the last date of the sale as shown on the permit issued pursuant to this Section, provided that no violations of subsection 22A-4(d) of this Chapter have occurred in relation to the permit or the premises specified in said permit. In the event a violation of subsection 22A-4(d) of this Chapter has occurred in relation to the permit or the premises specified in said permit, the fifty dollar (\$50.00) deposit shall be forfeited to the Village as reimbursement to the Village for the cost of removing such illegally posted sale signs, handbills or other advertising material. It shall be presumed, for the purposes of this Section, that any sales sign, handbill or other advertising material located or posted upon any public parkway, building, or public property in the Village and bearing the address of the premises for which such permit was issued, was located or posted with the knowledge and/or consent of the applicant. Such deposit shall be required in connection with any permits issued pursuant to subsection (g) of this Section.

- (g) Notwithstanding the provisions of subsection (b) of this Section, a permit may be issued to any person who is selling, or has sold, his premises, as evidenced by a duly executed sales contract, and such sale shall take place within ninety (90) days of the date of execution of said sales contract; or to any person for the purposes of conducting an estate sale, and such estate sale shall take place within twelve (12) months of the date of death of the decedent. A special permit shall be issued for either of these types of sales, which permit shall show in bold type and in conspicuous caption the nature of the sale, the common address of the sales premises and the dates of the sale. Only one permit may be issued pursuant to this subsection for each premises until there occurs a change of ownership of such premises.
- (h) The Village Manager is hereby authorized to designate additional dates for garage or house sales in the event any dates designated by the President and Board of Trustees pursuant to subsection (b) of this Section are rendered impracticable, in the Manager's opinion, due to weather conditions or other circumstances, and such dates shall be deemed valid as if so designated by the President and Board of Trustees. (Ord., 5-7-1984; Ord., 9-15-1986, §§ 1, 2; Ord. 90-20, 10-1-1990, § 1; Ord. 97-38, 11-3-1997, § 1.)

#### **Sec. 22A-4: Conditions:**

The sale authorized by such special permit shall be subject to the following conditions:

- (a) The sale shall be limited to a consecutive permit of not more than two (2) days and shall be conducted only during the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M.
- (b) No such similar sale shall be conducted by the same applicant on the same premises, except as provided in subsections 22A-3(b) and (c) of this Chapter.
- (c) The special permit authorizing the sale shall be posted in the front yard area so as to be seen by the public.
- (d) Notwithstanding the provisions of the Village's Sign Ordinance and the signing provisions of the Elmwood Park Zoning Code<sup>1</sup>, signs advertising the sale not exceeding three feet by five feet (3' x 5') may be located in the front yard of the premises and must be removed within twenty four (24) hours after expiration of the time limit for such sale.

No sales signs, handbills or other advertising material shall be located or posted upon any public parkway, building or public property in the Village.

- (e) The sale will be conducted without the use of outdoor loud speakers, amplification equipment or illuminated advertising devices.
- (f) No sale items shall be located and no sales activities shall be conducted in the front yard area on the premises or on any public sidewalk, parkway area or other public property.
- (g) The sale will be conducted in accordance with all other laws or ordinances in effect in the Village. (Ord., 5-7-1984.)

#### **Sec. 22A-5: Parking:**

The Police Department may enforce temporary traffic and parking controls to alleviate any hazards or congestion created by any garage or house sale. (Ord., 5-7-1984.)

#### **Sec. 22A-6: Penalty:**

Any person violating any of the provisions of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each day that a garage or house sale is conducted in violation of this Chapter shall constitute a separate offense. (Ord., 5-7-1984.)

#### **Sec. 22A-7: Responsibility Of Village Officers:**

The Village Clerk shall be responsible for the issuance of special permits required by this Chapter and shall keep a log of all such permits that have been issued that is accessible to all Village officials and available for public view during normal business hours. The Village Clerk shall submit a summary report of all permits issued currently and on an accumulative basis delineated by Village census tracts at least once per month to the Village Board.

The Village Clerk may issue a copy of this Chapter to each applicant for a special permit.

The Chief of Police shall be responsible for the enforcement of the other provisions of this Chapter and shall report monthly on such enforcement activities to the Village Board. (Ord., 5-7-1984.)

**Sec. 22A-8: Effective Date:**

This Chapter shall take effect upon its passage and publication. (Ord., 5-7-1984.)