

CHAPTER V. BUSINESS REGULATIONS

Article 1. Green River Ordinance

ARTICLE 1. GREEN RIVER ORDINANCE

- 5-101. **GOING ON PRIVATE PREMISES; NUISANCES.** The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of the private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and unlawful. (Code 1961, 9-401)
- 5-201. **RESIDENTIAL SALES.** 1. Definitions. As used in this Article, the following terms shall have the meanings indicated:
- a. "Garage sale" or "yard sale." The sale or offering for sale of new, used, or secondhand items of personal property at any one premises at any one time. The term includes all sales in areas zoned for residential purposes, including without limitation R-1, R-2, R-3, M-H, or M-P entitled or commonly referred to or known as "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.
 - b. "Goods." Any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.
 - c. "Persons." Individuals, partnerships, family groups, voluntary associations and corporations.
2. Permit required; conditions for sales; fee. It shall be unlawful for any person to conduct a garage sale or yard sale within the geographic boundaries of the City of Cimarron without first obtaining a garage and yard sale permit from the City Clerk after filing an application containing the information hereinafter specified and which garage sale or yard sale shall comply with the following conditions:
- a. It shall be unlawful to participate in more than two garage sales or yard sales in any one calendar year.
 - b. Not more than two garage or yard sale permits shall be issued to any one person in any one calendar year.
 - i. If a garage sale or yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the City Clerk may issue another permit to the applicant for a garage sale or yard sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee is required.

- c. Except as otherwise provided herein, not more than two garage sale or yard sale permits shall be issued for any one premises in any one calendar year.
 - i. A third garage sale or yard sale may, at the discretion of the City Clerk, be permitted in a calendar year if satisfactory proof of a *bona fide* change of ownership of the real property is first presented to the City Clerk.
 - d. Each permit application shall be accompanied by a fee as shall be set from time to time by resolution of the Governing Body.
 - e. It is a requirement of garage and yard sale permits that the names and addresses of all participating persons be listed on the application. The garage and yard sale permit must be posted at a visible location to the public for the duration of the sale.
 - f. It shall be unlawful to conduct any garage sale or yard sale with a duration exceeding two consecutive days and at any time earlier than 7 a.m. or later than 7 p.m.
3. Exemptions. This Article shall not be applicable to:
- a. Persons selling goods pursuant to an order of process or a court of competent jurisdiction.
 - b. Persons acting in accordance with their powers and duties as public officials.
 - c. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement.
 - d. Any publisher of a newspaper, magazine or other publication or other communications media which publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this chapter have not been met.
 - e. Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned under the zoning regulations of the City of Cimarron with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the State of Kansas or the ordinances of the City of Cimarron, including this Article.
 - f. Sales by a *bona fide* religious, charitable, eleemosynary, educational, cultural or governmental institution, civic group, service club, fraternal society or other tax exempt organization; PROVIDED, HOWEVER, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.
 - g. Any public auction having a duration of no more than two days and conducted by an auctioneer licensed by the State of Kansas.
 - h. Any sales conducted on days and at times permitted by prior proclamation of the Mayor issued in conjunction with a trade or tourism promotion.
4. Enforcement. A police officer, sheriff's officer, city superintendent, code compliance officer, fire prevention inspector, or any other official designated by any city ordinance to make inspections or to enforce the ordinances of the city same shall have the right of entry to any premises showing evidence of a garage sale or yard sale for the purpose of enforcement or inspection and may close the premises from such a sale or issue a notice of violation to any individual who violates the provisions of this Article.

5. Conduct. The persons to whom the garage and yard sale permit was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.
 - a. No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.
 - b. In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police Department or the Fire Department in order to maintain the public health, safety and convenience.
6. Violations and penalties. Any person found guilty of violating the terms of this chapter shall be fined not less than \$25 nor more than \$250 for each offense. Every day that a violation of this Article continues shall constitute a separate offense.

(Ordinance 955 - 1/08/2007)