

ORDINANCE NO. 417

AN ORDINANCE OF THE CITY OF BONIFAY, FLORIDA ESTABLISHING REGULATIONS ON THE USE OF PRIVATE PROPERTY FOR YARD SALES; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTING; PROVIDING FOR TRAFFIC FLOW PROTECTIONS; PROVIDING FOR SIGNAGE REGULATIONS; PROVIDING FOR TIME LIMITS FOR SALES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bonifay is authorized under Chapter 166, Florida Statutes, to establish reasonable regulations on the use of private property; and

WHEREAS, The City Council of the City of Bonifay desires to establish regulations for the orderly conducting of Yard Sales and similar sales within the city limits of the City of Bonifay, Florida.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BONIFAY, FLORIDA, AS FOLLOWS:

SECTION 1. Yard Sale Regulations.

- a) *Definitions* – The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. “Yard sale” or “sale” shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled “garage”, “lawn”, “yard”, “attic”, “porch”, “room”, “backyard”, “patio”, “estate”, or “rummage” sale. This definition does not include the operation of such businesses, operating with a valid current business license issued by the City of Bonifay, carried on in a nonresidential zone where the person or persons conducting the sale does so on a regular day-to-day basis.
 2. “Personal property” shall mean 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 in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment.

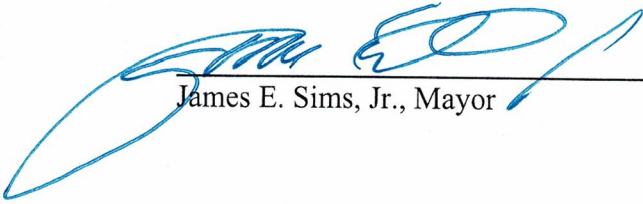
- b) *Property permitted to be sold.* It shall be unlawful for any person to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.
- c) *Permit requirement.* A permit shall be required for any person(s) conducting a yard sale. The permit must be procured prior to the commencement of the sale and may be obtained through the City Hall. The City is authorized to prepare a permit application form which shall include all pertinent information necessary to identify the sale site, the applicants, and the date and time for the permitted sale and shall contain such other information as the City deems appropriate. The permit application shall not require the disclosure of the applicant's social security number. There shall be no charge for the permit.
- d) *Maintaining Order/Traffic.* The owner/tenant of the premises is responsible for maintaining the orderly flow of traffic. The sale event shall not create a traffic problem or inhibit the use of the road or street by public or emergency vehicles. No parking on sidewalks will be permitted.
- e) *Residential Properties.* For residential properties, there shall be a limit of six (6) sales permitted per calendar year per residence. Each sale must be separated by a minimum of seven (7) days. More than six (6) sales per calendar year shall constitute a home-based business requiring a business license to operate and compliance with applicable zoning and regulations.
- f) *Commercial Properties.* For commercial properties, there shall be a limit of six (6) sales permitted per calendar year. Each sale must be separated by a minimum of thirty (30) days. More than six (6) sales per calendar year shall constitute a violation of this Ordinance and shall be subject to the violation and penalty provisions contained herein.
- g) *Moving Sale.* One (1) moving sale may be permitted by each property owner/tenant without violation in addition to the number of sales outlined above.
- h) *Community-wide Yard Sale.* Participation in one (1) community-wide sale annually may be permitted without violation in addition to the number of sales outlined above.
- i) *Time Limit of Each Sale.* All sales are limited to three (3) consecutive days. For residential properties, sales running longer than three (3) consecutive days shall constitute a home-based business requiring a business license to operate. For commercial properties, sales running longer than three (3) consecutive days shall constitute a violation of this Ordinance and shall be subject to the violation and penalty provisions contained herein.
- j) *Signs.*

1. All advertising signs must contain, in a clear and conspicuous location, the permit number issued for that sale.
 2. No sale signs shall be posted, attached, nailed, stapled, taped, etc. to any utility pole, light pole, sign, post, street sign, medians, etc. Signs erected on such described public property will immediately be removed by City officials and constitute a violation of this Ordinance and shall be subject to the violation and penalty provisions contained herein.
 3. *Removal of advertising signs.* All advertising signs must be removed within 24 hours of the completion of the sale.
- k) *Exemptions.* Sales held by schools, churches, and bona fide charitable or civic organizations, for the purpose of raising funds for charity or other public or community purposes are exempt from this Ordinance.
- l) *Violations and Penalty.* Any person found guilty of violating the terms of this Ordinance shall be subject to a penalty of twenty-five dollars (\$25.00) for each offense. Each day a violation is allowed to continue shall constitute a separate and distinct offense.

SECTION 2. Effective Date. This Ordinance shall become effective upon its adoption and approval as provided by law.

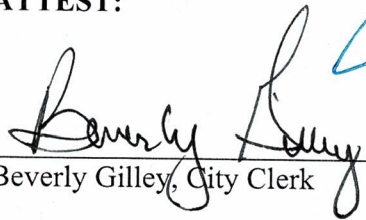
INTRODUCED at a regular meeting of the City Council of the City of Bonifay, Florida, held at City Hall on the 12th day of October, 2020 and **PASSED** at a regular meeting of the City Council of the City of Bonifay, Florida, held at City Hall on the 9th day of November, 2020.

CITY OF BONIFAY, FLORIDA



James E. Sims, Jr., Mayor

ATTEST:



Beverly Gilley, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney.