

ORDINANCE NO. 281

AN ORDINANCE DEFINING RESIDENTIAL SALES, REQUIRING A LICENSE THEREFOR, PROVIDING FOR ISSUANCE, INVESTIGATION AND REVOCATION THEREOF, FIXING INTERVALS BETWEEN SALES, DEFINING SIGNS THAT MAY BE USED, SALES AREA, EXCEPTION TO THE CODE, AND FIXING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Mayor and Council of the City of Stilwell, Oklahoma:

SECTION 1. DEFINITION.

As used in this article, residential sale shall mean any sale held out to be, or commonly known as a garage, porch, room, backyard, front yard or patio sale, or any other type of general sale conducted from or on any premises located in a residential area. This definition shall not include a situation where specific items are held out for sale, and all advertisements of such sale specifically name the items to be sold.

SECTION 2. LICENSE REQUIRED.

(a) No person shall hold, conduct, engage in or participate in any manner in a residential sale at any place within the limits of the City of Stilwell without first having obtained a license therefor. The issuance of a license under the provisions of this article shall not exempt such person from the terms and provisions of any other ordinance of the City.

(b) A separate license shall be required for each location at which a residential sale is to be held and no location shall be eligible for more than one (1) license in any three-month period, and if more than one family group is participating in said sale, each family or group therein shall obtain such a license.

SECTION 3. LICENSE APPLICATION.

An applicant for a license under this article shall furnish the clerk with the following information:

- (1) Full name and address of the applicant;
- (2) The location at which the proposed residential sale is to be held;
- (3) The date or dates upon which the sale shall be held; and
- (4) An affidavit from the applicant to the effect that all goods to be sold at the subject residential sale are owned by the applicant and have not been obtained for the purpose of reselling the articles at the sale.

SECTION 4. ISSUANCE OF LICENSE; INVESTIGATION.

(a) The Clerk is authorized to grant a license for a residential sale for a period not to exceed three (3) consecutive days to any person applying therefor and who otherwise complies with the requirements of this article and the other ordinances of the City. When a residential sale is not held on the dates for which the license is issued or is terminated during the first day of such sale because of inclement weather conditions, and an affidavit by the license holder to this effect is submitted, the Clerk may issue another license to the applicant for a residential sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.

(b) Before issuing a residential sale license, the Clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with the ordinances of the City.

SECTION 5. REVOCATION OR REFUSAL TO ISSUE LICENSE.

Any license issued under this article may be revoked, or any application for issuance of such license may be refused by the clerk in the event the ordinances of this City are not complied with or if the application submitted by the applicant or license holder contains any false, fraudulent or misleading statement.

SECTION 6. INTERVALS BETWEEN SALES.

No person shall hold, conduct, engage in or participate in any manner in a residential sale or allow a residential sale to be held or conducted on premises under his control or ownership more than one (1) time in any three-month period, except as provided in Section 4.

SECTION 7. SIGNS RESTRICTED.

Not more than one (1) sign or other device used for the purpose of advertising or otherwise calling attention to a residential sale shall be allowed for each residential sale license. The sign or device shall be located on the immediate premises where the sale is to be conducted. The display surfaces of such sign or device shall not exceed twelve (12) feet on each side and shall be removed upon completion of the sale.

SECTION 8. SALE AREA; DISPLAY OF GOODS.

The sale area at any residential sale shall be confined to the premises for which the license has been issued. In no event shall articles or goods be so displayed as to attract attention or be conspicuously in view from any public street.

SECTION 9. EXCEPTIONS.

This article shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order or process of a Court of competent jurisdiction;

- (2) Persons acting in accordance with their powers and duties as public officials;
- (3) Duly licensed auctioneers selling at auctions;
- (4) Charitable organizations or persons, when the proceeds from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

SECTION 10. PENALTIES.

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a public offense and shall be fined \$50.00 including costs and each day of violation of this ordinance shall constitute a separate offense.

SECTION 11. EMERGENCY.

Whereas, an immediate necessity exists therefor, for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Council this 7th day of April, 1997.

APPROVED by the Mayor this 7th day of April, 1997.

W. Neil Morton
Mayor

(Seal)

ATTEST: DEAN WATT
City Clerk

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