

ORDINANCE 404

AN ORDINANCE PROVIDING SPECIFIC RULES AND REGULATIONS CONCERNING THE RESIDENTIAL SALES WITHIN THE CITY OF STILWELL, REPEALING ORDINANCES 381 AND 382.

WHEREAS, the health and safety of both the citizens of Stilwell and municipal employees is of paramount importance; and

WHEREAS, it is the opinion of this Council that adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the City of Stilwell,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

SECTION 1. Residential Sale Defined

A residential sale is any sale conducted from or on a property located within the city limits for the purpose of selling personal items or property. A residential sale is commonly called a garage sale, yard sale, rummage sale and the like. The sale is for the selling of personal property and is not intended to be for the sale of retail items.

SECTION 2. Permit rules and requirements

A. Rules

1. Any person, firm, or corporation having a residential sale must first obtain a permit. Permits can be obtained by stopping at City Hall, 503 West Division Street, Monday through Friday 8:00 a.m. to 4:00 p.m. The cost of the permit will be in accordance with the latest version of Ordinance 385. Permits that are unused due to inclement weather can be reissued at no cost for a later date.
2. A separate permit is required for each location the residential sale is to be conducted.
3. When groups, such as family sales or neighborhood sales, have a collective residential sale, each separate person selling wares must obtain a permit.
4. No location or person may have more than four (4) residential sales per calendar year.
5. No location or person may have more than one (1) sale a month
6. No permit will be issued for consecutive weeks at the same location.

B. Requirements

1. Persons requesting a permit must provide the following:
 - a. Full name and address of the person requesting the permit
 - b. The location of the residential sale
 - c. The dates of the sale
 - d. Sign the permit application attesting that the goods sold at the residential sale are owned by them and the items have not been obtained illegally or have been obtained for the sole purpose of reselling the goods.
 - e. The sale area shall be confined to the premises for which the permit has been issued.
 - f. The sale display area should be subtle enough as to not cause interference with the flow of traffic in area of the sale, and as much as possible be out of view of the street.

SECTION 3 Signage

Due to the potential hazards imposed by placing signs in the wrong places

- A. All signs posted advertising the sale must contain the permit number of the sale
- B. No sign can be placed on public property or right-of-ways, to include roadways, medians, telephone poles, signal lights, etc.
- C. No sign can be placed in manner so as to obstruct the view of a motorist from traversing the roadway or when exiting or entering the roadway.
- D. Signs cannot exceed 12 square feet per side
- E. All signs must be removed at the end of each sale day and at the conclusion of the sale as a whole.
- F. No sign can be placed on private property without the consent of the property owner.

SECTION 4. Exceptions

This ordinance shall not apply to or affect the following:

- A. Persons acting pursuant to an order or process of a court of competent jurisdiction
- B. Public Officials acting in accordance with their powers and duties.
- C. Duly licensed auctioneers selling at an auction.

SECTION 5. Enforcement

Violations of this ordinance will be handled through the City Police Department and/or Code Enforcement Department. Persons, firms or corporations in violation of this ordinance can be fined in accordance with the current municipal code, plus court costs. Any issued permits for the residential sale can be immediately revoked or suspended in the event this ordinance is not complied with.

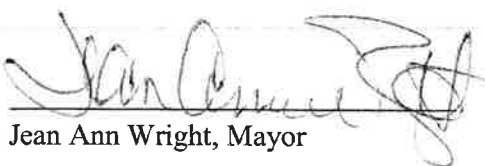
SECTION 6: Repeal and Severability

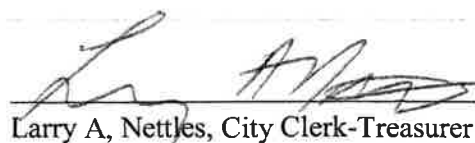
1. Existing Ordinance 381 and 382 are hereby repealed.
2. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
3. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
4. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 18th day of May, 2020.

APPROVED by the Mayor this 18th day of May, 2020.

ATTEST:


Jean Ann Wright, Mayor


Larry A. Nettles, City Clerk-Treasurer

