

TOWN OF BRIGHTON
YARD SALE ORDINANCE

ORDINANCE 2012-9-11-2

SECTION

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I. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

- (1) "Garage sales" 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", "flea market", or "rummage" sale. This definition does not include the operation of such businesses carried on in a nonresidential zone where the person conducting the sale does so on a regular day-to-day basis. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.
- (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 which was purchased for resale or obtained on consignment.

II. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property.

III. Hours of operation and number of sales per year. Garage sales shall be limited to no more than 6:00 A.M. To 6:00 P.M. on three (3) consecutive days. The sales will be limited to no more than three (3) times per calendar year.

IV. Exceptions.

- (1) Fourth sale permitted. A fourth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to Brighton Town Hall.
- (2) Community subdivision, and/or block sales. There shall be at least ten (10) homeowners participating. There shall be a limit of only two (2) per year.

V. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal

property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard.

VI. Advertising.

- (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:
 - (a) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the garage sale is being conducted.
 - (b) Directional signs. Such signs shall not be affixed to any trees, street signs or poles, light poles, or public property and shall not be placed in such a manner as to obstruct the view of pedestrian or vehicular traffic. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed.
- (2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.
- (3) Removal of signs. Signs must be removed the day of the closing of the garage sale activities.

VII. Persons exempted from chapter. The provisions of this chapter shall not apply to or affect the following:

- (1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any sale conducted by merchant of mercantile or other business establishment on a regular, day-to-day basis from or at the place of business wherein such sale would be permitted by zoning regulation of the Town of Brighton, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer, or vendor in which sale would be conducted from properly zone premises, and not otherwise prohibited by other ordinances.

VIII. Violations and penalty. Any person found guilty of violating the terms of this chapter shall be subject to the maximum penalty allowance by the laws of the State of Tennessee.

August 14, 2012

First Reading

September 11, 2012

Second Reading

ATTEST:

Kristen Mathur
Town Recorder

Jeff A. Scott
Mayor