

CITY OF GRASS VALLEY

ORDINANCE NO. 401

AN ORDINANCE DEFINING GARAGE SALES; PROVIDING FOR THEIR REGULATION; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY

THE CITY OF GRASS VALLEY, SHERMAN COUNTY, OREGON ORDAINS AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, except where the context indicates otherwise, the following terms shall mean:

- A. City. The City of Grass Valley.
- B. City Council. The governing body of the City.
- C. City Staff. The City Administrator, City Attorney, or other designated official responsible for administering and enforcing this ordinance.
- D. Person. A natural person, firm, partnership, association, or corporation.
- E. Person in charge of property. An agent, occupant, lessee, contract purchaser, or other person having possession or control of property or supervision of a construction project.
- F. Garage Sale. For the purposes of this ordinance, "garage sale" shall mean the public sale of new or used goods within the city limits by any individual or group of individuals from any private property, including but not limited to garages, porches, carports, yards, when the individual or group of individuals is not in the business of selling such goods or not licensed as a secondhand or antique dealer. The offering for sale of one item by public display with a sign indicating the item is for sale and the price thereof attached to or upon such item, and the sale of more than one individual item not offered by public display and where no signs are posted concerning the sale or place of sale are transactions exempt from the provisions of this ordinance. Estate Sales and Moving Sales are specifically included within this ordinance.
- G. Person responsible. The person responsible for complying with this ordinance includes:
 - 1. The owner.
 - 2. The person in charge of property, as defined in this section.
 - 3. The person(s) who are conducting a garage sale, as defined in this ordinance or another ordinance of the City.
- H. Enforcement officer. The duly appointed City official or authorized designee who is responsible for enforcing this ordinance.
- I. Justice Court/Circuit Court. Sherman County Justice Court. Sherman County Circuit Court

Section 2. Permit Required. No person shall establish, maintain or operate a garage sale within the city unless a permit for that use is obtained from the city. Every place or building where a garage sale is held shall be deemed a garage sale subject to the provisions of this section. Each licensee shall meet the standards as described herein.

Section 3. Permit Issuance. The City Staff shall issue a permit for a period of no longer than 4 consecutive days, provided however that no individual or group of individuals shall be granted more than three 4-day permits in any calendar year. In addition to and not in lieu of any other means of enforcement provided for in this or any other ordinance, City Staff may revoke any issued permit for violation of the provisions contained herein.

Section 4. Conditions. All sales governed by this ordinance must comply with the following requirements:

- A. Preparation for the sale and sale activity shall be limited to the hours of seven a.m. to seven p.m.
- B. Garage sale activity shall not be conducted in the public right of way including sidewalks, parkways, streets or alleys.
- C. Yard or garage sales advertising signs may not be posted on telephone poles, streetlights, traffic signs or any other structure in the public right of way. Signs may be posted on premises other than those of the sale only with the written permission of the owner of those premises. Signs may be posted no sooner than one week prior to the first day of the sale and shall be removed within 24 hours after the conclusion of the sale.
- D. No substantial adverse impact upon the surrounding neighborhood in terms of noise, traffic congestion, parking or visibility will be allowed.
- E. Special circumstances as approved by City Administrator and/or city staff.

Section 5. Permit Fee. Each permittee under this ordinance shall be required to pay the applicable permit fee as set by council resolution.

Section 6. Notice of Violation.

- A. In addition to and not in lieu of any other means of enforcement provided for in this or any other City Ordinance, when there is a violation of the code and no imminent threat to public health and safety, a Notice of Violation may be issued.
- B. Notice shall be mailed to the owner of the property where the violation exists, at the last known address as listed in the County Tax Assessor's Office, directing the owner or person who caused the violation to correct the violation by the date specified in the notice.
- C. At or about the time of the mailing of the notice specified by this ordinance, the City Administrator shall mail a copy of the notice to:
 - 1. The person in charge of the property, if known, and if different from the owner;
 - 2. The address listed on the most recent residential license application, if applicable;
 - 3. The occupier, if different from the owner or person in charge of the property; and
 - 4. The person who caused the violation to come into or continue in existence, if known and if different from the above named parties.
- D. The written notice shall contain, at a minimum, the following information:

1. A description of the real property, by street address or otherwise, on which the violation(s) exist(s);
 2. Citation of the specific ordinance giving rise to the alleged violation(s) and a description of the violation(s) which must be corrected;
 3. A direction to correct the violation(s) by the date(s) specified in the notice;
 4. A statement that unless the violation(s) is corrected by the date specified in the notice, in addition to any other enforcement action, the city may issue a civil penalty, issue a citation, abate the violation, and/or take other enforcement action allowed by law and ordinance; and
 5. A statement that if enforcement results in costs or penalties, they shall become a lien on the real property if not paid.
- E. In lieu of any requirement of posting or mailing the notices required by this ordinance, personal service of any notice provided for herein on the parties entitled to receive such notice pursuant to the terms of this ordinance shall be deemed sufficient notice.
- F. Upon completion of the posting and/or mailing, the City Administrator shall execute and file a certificate of service stating the date and place of the posting and/or mailing.

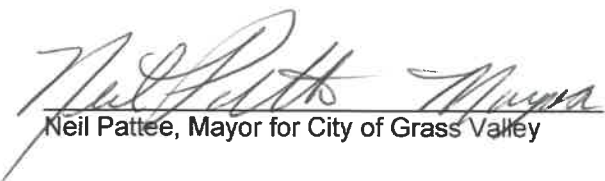
Section 7. Citations.

- A. In addition to and not in lieu of any other means of enforcement provided for in this ordinance, a person in violation of this ordinance may be cited into Sherman County Circuit Court by using a citation form that complies with the requirements of Oregon law.
- B. Citations may be issued by personal delivery to the person responsible for causing the violation, posting the citation on the property where the violation occurred, or by mailing the citation by first class mail to the property owner where the violation occurred or to the person responsible for causing the violation. Notwithstanding this provision, no person issued a citation shall be subject to a civil penalty provided for herein for the same violation.
- C. Unless otherwise provided, violations of the provisions of the City of Grass Valley City Code are classified for the purpose of sentence into the following categories: (1) Class A misdemeanor; (2) Class B misdemeanor; (3) Class A violation; (4) Class B violation

Section 8. Emergency. Whereas, the control of nuisances is necessary for the public health, safety, and welfare; now, therefore, an emergency is hereby declared to exist; and this ordinance shall go into full force and effect from and after its passage by the Council.

APPROVED THIS 6 DAY OF June, 2011.

CITY OF GRASS VALLEY, OREGON


Neil Pattee, Mayor for City of Grass Valley

ATTEST:


Carol von Borstel, City Administrator