

CHAPTER 725
Personal Property Sales

- 725.01 Compliance required.
725.02 Permit required; fee.
725.03 Issuance of permit; conditions and requirements.
725.04 Permit denial for previous conviction.
725.05 Exceptions.
725.99 Penalty.

CROSS REFERENCES

- Sidewalk obstructions - see GEN. OFF. 521.04
Littering - see GEN. OFF. 521.08
Fraud - see GEN. OFF. 545.05
Defrauding creditors - see GEN. OFF. 545.17
Receiving stolen property - see GEN. OFF. 545.18

725.01 COMPLIANCE REQUIRED.

No person, firm, corporation or association of persons, being the owner, occupant or person in control of or having the management of any parcel of real property, whether improved or unimproved, located within the Municipality and which property is either classified for residential purposes by any law or ordinance or has, within a period of one year prior to the date of application for a permit as hereinafter provided for been used for residential purposes in any manner, shall hold or conduct or permit to be held or conducted upon such property the sale of any household goods, equipment, utensils, appliances, personal clothing or effects or other similar personal property except in accordance with the provisions of this chapter.

725.02 PERMIT REQUIRED; FEE.

(a) No sale, of the character provided for in Section 725.01, shall be held or conducted upon any property as described in such Section unless a permit therefor has first been secured from the Mayor.

(b) The fee for the permit required under this Section shall be five dollars (\$5.00) for each personal property sale.

(Ord. 35-1987. Passed 9-22-87.)

725.03 ISSUANCE OF PERMIT; CONDITIONS AND REQUIREMENTS.

The following provisions and regulations shall govern and control the issuance of any permit provided for or contemplated by the provisions of this chapter:

(a) Application for a permit shall be made in writing, to the Mayor, in such form as shall be prescribed by him, at least three days prior to the date proposed for the holding or conducting of such sale.

(b) Such application shall be signed by the person proposing to hold, conduct or manage such sale and by the owner of the property where such sale is to be held if the identity of such persons shall be different. The Mayor may waive the signature of the owner.

(Ord. 16-1981. Passed 4-28-81.)

(c) Such application shall set forth the address of the property where such sale is to be held; the name of the owner and occupant thereof; the name of the person who will be in charge of such sale and the dates upon which and the hours during which such sale is proposed to be conducted.

(Ord. 53-1983. Passed 12-13-83.)

(d) No permit shall be issued to authorize the holding of such a sale which shall extend for more than a period of three days' duration; or before 9:00 a.m. or after 7:00 p.m. on any sale day. For good cause shown the Mayor may grant an extension of not more than two days for the duration of any sale.

(Ord. 35-1987. Passed 9-22-87.)

(e) Not more than two permits for the holding of such a sale shall be issued within the same twelve month period for any premises.

(Ord. 16-1981. Passed 4-28-81.)

(f) No permit shall be issued to authorize the holding of such a sale where it is intended to sell or offer for sale any property other than such as is described in Section 725.01, or any property which is not on the date of such application legally owned by the occupant of the premises where such sale is proposed to be conducted, or any property which has not been continuously physically located upon such premises for a period of at least thirty days next preceding the date of application for such permit.

(g) No permit shall be issued to authorize the holding of such a sale when such sale is to be conducted or managed in any way, whether directly or indirectly, by any person other than the occupant of the premises where the sale is to be conducted unless there shall have been filed with the Mayor a good and sufficient bond in the sum of five hundred dollars (\$500.00) with two or more sureties thereon or with the surety thereon being a surety company authorized to do business within the State of Ohio, which bond shall be subject to the approval of the Director of Law, and shall be conditioned upon the faithful observance of all the provisions and conditions of this chapter and the terms and conditions of the permit so to be issued, and which shall also indemnify any purchaser at such sale who suffers any loss by reason of any misrepresentation made in the course of such sale or with respect to any property there sold. (Adopting Ordinance)

(h) No permit shall be issued for a sale to be conducted on Sunday or any legal holiday unless the merchandise to be sold is contained entirely within the confines of the dwelling itself, excluding the garage, or within the rear yard in an area not visible from the street.

(Ord. 54-1983. Passed 12-13-83.)

(i) The display for sale of any personal property authorized by a permit issued under this chapter shall be permitted only in accordance with the following:

(1) Personal property offered for sale may be displayed within the residence, in the rear yard area provided that the same is displayed no closer to the side yard line than the main use structure and in a garage or outside the garage only on the driveway area and within ten feet of the garage door opening.

(2) The display for sale of personal property at corner lot homes shall be limited to display within the residence, within the garage and outside the garage on the driveway area provided the same is within ten feet of the garage door opening.

(3) At homes with detached garages the display for sale of personal property shall be permitted only in rear yard areas no closer to the side yard than the main use structure and in the driveway but no closer to the street than the front building line. (Ord. 59-1984. Passed 3-26-85.)

(j) All signs providing notice or advertising for any sale authorized pursuant to this chapter shall be placed only on the property of the person to whom the permit is issued. No such sign shall be placed on any other property, either public or private. All such signs shall be placed not sooner than one hour prior to the commencement of such sale and shall be removed not later than one hour following the conclusion of such sale.

(Ord. 25-1987. Passed 7-14-87.)

725.04 PERMIT DENIAL FOR PREVIOUS CONVICTION.

Any person, firm, corporation or association of persons who shall be convicted pursuant to the provisions of Section 725.99 shall not be granted a permit under the provisions of this chapter for a period of five years next following the date of such conviction.

725.05 EXCEPTIONS.

The provisions of this chapter shall not apply to an officer executing a process or order of any court having jurisdiction within the State of Ohio for selling property, directed by law or court order or legal process to be sold on the property where the same is located within the Municipality; or to the sale or offering for sale of personal property and chattels as described herein, which are encumbered by chattel mortgage or conditional sale agreement the terms of which are in default, or to the occasional private sale of personally owned articles, as defined in Section 725.01, conducted solely by such owner and not connected in any way with any regular business operation.

725.99 PENALTY.

Any person, firm, corporation or association of persons who violates any provision of this chapter or who, being the holder of a permit issued pursuant to the provisions of this chapter, violates or fails to comply with any of the provisions or conditions of such permit or sells or offers for sale at any sale conducted pursuant to such permit any property other than such as is defined and provided for by Section 725.01 and Sections 725.03(g) shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).