

ORDINANCE NO 7-2024

THIS ORDINANCE SHALL PERMIT THE SALE OF SECONDHAND, USED OR SURPLUS PERSONAL PROPERTY WITHIN THE CITY OF HEADLAND UNDER SUCH TERMS AND CONDITIONS AS HEREIN SET FORTH; TO PROVIDE DEFINITIONS FOR CLARITY, TO PROVIDE FOR THE ISSUANCE OF A PERMIT AND A FEE THEREFORE AND TO PROVIDE A PENALTY FOR THE VIOLATION OF THE ORDINANCE.

BE IT ORDAINED by the City Council of the City of Headland, Alabama as follows:

Section 1. Authorization and Definition.

Yard Sales are permitted within the municipal limits of the City of Headland under certain terms and conditions as herein set forth. The term "Yard Sale" means and includes such terms as Garage Sale, Basement Sale, Carport Sale, Moving Sale, Rummage Sale, Flea Market Sale or any other type of residential sale of tangible personal property whereby there is a display and offer for sale of any goods, wares or merchandise, on the premises of any residential lot within the city limits, which goods, wares, or merchandise offered for sale are the household furnishings or personal possessions of the persons conducting the sale and residing at the premises.

Section 2. Permit.

A permit shall be required for any person(s) conducting a yard sale. The permit must be procured at least 3 days prior to the commencement of the sale and may be obtained in the Business License office or via telephone, fax, mail or email.

There shall be no charge for the permit.

Section 3. Conditions of Conducting the Sale.

- a. A property location may not be permitted for a yard sale more than three times in a calendar year. The property location shall be identified as the post office address assigned thereto and shall include the dwelling or any part thereof, yard, open field, barn, accessory building and parking area. A fourth yard sale or "estate sale" may be permitted after the individual wishing to conduct the sale provides the name of the estate as filed in the office of the judge of probate in Henry County.
- b. No person shall participate in, including having property sold at more than three yard sales in the city during the calendar year, regardless of whether such additional sale is held at the individual's dwelling or at the dwelling of another person.
- c. A sale may be conducted by a single person, multiple persons, churches, social, civic or charitable organizations. All items to be sold must originate as the legal property of the applicant, other persons participating in the sale or members of the organizations. Goods must be surplus to the needs of the owner and shall not include any items purchased new for resale at the yard sale.
- c. A permitted yard sale shall be limited to three consecutive days of operation and must be conducted between 6am-6pm.

e. Yard sales may be conducted on private property or public property with permission and provided no merchandise shall be placed upon public rights-of-way, including streets and sidewalks. All merchandise must be displayed a sufficient distance from public roadways in order to avoid obstruction of view or traffic hazards.

f. All unsold yard sale merchandise remaining on the permitted site at the conclusion of the sale must be removed therefrom immediately. Merchandise sold to purchasers must be removed from the permitted sale site within 24 hours of the conclusion of the sale.

g. The issuance of a yard sale permit shall signify the consent and permission for personnel of the City of Headland, including law enforcement officers, to enter the permitted sale site to monitor, inspect and determine compliance with this Ordinance.

Section 4. Advertising of Yard Sales.

A yard sale may be advertised to the public by means of newspapers, radio, television, social media and signs. In the event an applicant chooses to advertise a permitted yard sale by means of signage they must adhere to the provisions of the Sign Standards of the City of Headland including the following restrictions:

a. No more than two signs may be placed upon the permitted property.

b. Signs cannot be placed on utility poles, public property including right-of-ways and city street signs or poles, nor may signs be placed on private property which is not the permitted site. Signs are allowed on the sellers own private property.

c. A sign is limited to four square feet or less and shall not be illuminated or animated.

d. A sign may not be displayed more than three days prior to the commencement date of the sale and must be removed immediately following the conclusion of the sale.

e. Yard Sales conducted on the common area of apartment buildings require a permission letter from the property manager.

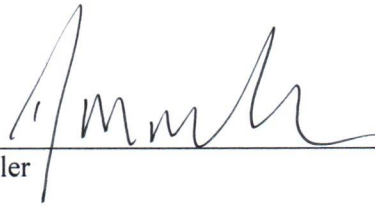
Section 5. Penalty.

Any person conducting a yard sale without being properly permitted or who should violate any of the other terms and regulations contained in this ordinance shall upon conviction be guilty of constitute a Class C Misdemeanor and may be punished, by a fine not less than \$50.00 nor more than \$500.00 at the discretion of the Municipal Judge.

Section 7. Effective Date.

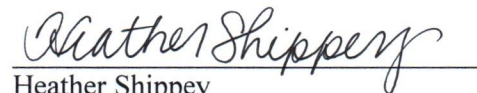
After publication as required by law, this ordinance shall become effective September 9, 2024.

APPROVED AND ADOPTED by the City Council of the City of Headland, Alabama, the 3rd of September, 2024.

A handwritten signature in black ink, appearing to read 'Ray Marler', written over a horizontal line.

Ray Marler
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Heather Shippey', written over a horizontal line.

Heather Shippey
City Clerk