

**ORDINANCE 2023-05**

**AN ORDINANCE REGULATING YARD AND GARAGE SALES IN THE TOWN OF LA PAZ, INDIANA**

**WHEREAS**, the Town of La Paz, Indiana has an interest in maintaining safety and order within its municipal boundaries ; and

**WHEREAS**, the Town Council of the Town of La Paz, Indiana has adopted ordinances in order to promote safety and tranquility in the Town of La Paz, Indiana, including ordinances regulating economic activity; and

**WHEREAS**, the Town Council has received complaints regarding perpetual yard sales and persons conducting commercial activity on property not zoned for such activity.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council for the Town of LaPaz, Indiana that the following chapter be established and added to the Town Code of the Town of La Paz, Indiana:

**CHAPTER 101 – YARD SALES**

Section 101.01:

It shall be unlawful for any person to conduct a yard/garage sale as defined in this section within the town limits without first obtaining a yard/garage sale license from the Clerk-Treasurer under the following terms and conditions.

Section 101.02:

**PRIVATE YARD AND GARAGE SALES** are defined as outdoor sales or sales in a garage held on residential premises that includes sale of new and/or used personal or household items.

Section 101.03:

Such activities may be permitted based on the following conditions:

- a. All activities are limited to four per year per dwelling unit, except that in 2023 (the year this chapter is adopted), only two (2) sales shall be allowed after July 1, 2023 through December 31, 2023.
- b. All activities are conducted in such a manner that no hazards, nuisances, or traffic safety problems are created.
- c. The duration of such a sale shall not exceed three consecutive days, and shall not commence prior to 8:00 a.m. nor continue after sunset.
- d. Set-up shall be permitted the day before the sale, and clean-up or tear-down shall be completed on the last day of the sale.
- e. Authorization to conduct such activities is issued in writing by the Clerk-Treasurer upon payment of Ten Dollars (\$10.00), and the signed authorization is posted at the sale site.

### Section 101.03

Signs for the yard/garage sale shall be in accordance with the following provisions: Temporary signs advertising home garage sales, yard sales and the like as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:

- a. The sign may be erected only on the property on which the sale is going to be held.
- b. Signs may not be erected on telephone poles or trees.
- c. The area of one side of any such sign shall not exceed four square feet.
- d. Only one such sign may be erected on any one piece of property, unless such property fronts on two streets, in which case one sign is authorized on each street frontage.
- e. No off-premises signs to be displayed.
- f. The sign shall be installed no earlier than one week prior to the sale and shall be removed within one day after the activity.

### Section 101.04

A violation of this chapter shall result in a fine of not less than Fifty Dollars (\$50.00) for the first occurrence and not less than One Hundred Dollars (\$100.00) for each subsequent occurrence. Each day of violation will be considered a separate occurrence. The Town of La Paz, Indiana may request a court injunction to stop violations of this chapter. Nothing in this chapter shall interfere with, replace, change, or amend the Marshall County Zoning Ordinance, its application with the municipal limits of the Town of La Paz, Indiana, or its use in enforcement of commercial activity in areas where commercial activity is prohibited by the Marshall County Zoning Ordinance.

#### SEVERABILITY.

Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

#### EFFECTIVE DATE.

This ordinance shall take effect upon passage by the Town Council.

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