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C O U N C I L    C O M M U N I C A T I O N S

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TO:        THE CITY COUNCIL  
FROM:      THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE  
AUGUST 17, 1988

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SUBJECT: DRAFT AMENDED GARAGE SALE ORDINANCE

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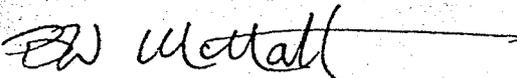
PREPARED BY:                      City Attorney

BACKGROUND INFORMATION: The attached draft of an amended garage sale ordinance has been prepared pursuant to the direction of the Council provided to staff at the Council meeting of August 3, 1988.

As directed, the modified ordinance makes the following changes:

1. All provisions for requiring a permit have been deleted. The provisions of the ordinance are now explicitly limited to residential property only..
2. Addressing the concern over the length of time provided for such sales, persons or groups are now allowed to have two garage sales per year of no more than three days' duration each, or a single garage sale each year for a total of six days' duration.
3. The sign portion of the ordinance has likewise been modified to allow posting at any otherwise legally permissible location (excluding posting of signs on public utility poles, etc. which is a violation of the Penal Code), requires that the dates of the garage sale advertised appear on the face of the sign, and requires that the placement and removal of the sign occur in a prompt fashion.

Respectfully submitted,



BOB McNATT  
City Attorney

BM:vc

att

CCGARAGE/TXTA.01V

ORDINANCE NO. 1431

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING TITLE 9 OF THE LODI MUNICIPAL CODE, BY ADDING THERETO CHAPTER 9.20, REGULATING THE CONDUCT OF GARAGE SALES.

BE IT ORDAINED BY THE LODI CITY COUNCIL:

SECTION 1. Lodi Municipal Code Title 9 - Public Peace, Morals and Welfare - is hereby amended by adding thereto Chapter 9.20 - Regulating The Conduct of Garage Sales - as follows:

9.20.010. Garage sale defined.

"Garage sale" shall mean a yard sale, patio sale, garage sale, *or* any similar sale of merchandise consisting of personal items, by an individual or group, for profit, when the merchandise to be sold is offered to the general public, all of which sales shall be conducted within a building and/or on private property in residential zones. "Garage sale" shall not include items purchased for resale.

9.20.020 Time, place and manner restrictions.

A. Garage sales shall be limited to two per calendar year, of a duration not longer than three consecutive days, or one garage sale per calendar year for a duration of not more than six days for each person, family, group or location.

B. Such garage sales shall not be conducted before 7:00 a.m. or after 7:00 p.m. on the permitted days.

C. Garage sales shall not be restricted as to location because of the zoning regulations, except that such sales may be conducted on private property and shall not be permitted on public sidewalks, alleys, streets, or other public rights of way.

9.20.030

Signs.

Signs advertising a garage sale may be placed or erected at any location where otherwise legally permissible, subject to the following conditions:

A. No such sign shall exceed four square feet in area;

B. No such sign shall be displayed more than twenty four hours prior to, nor more than twenty four hours following the event advertised thereon. All signs posted pursuant to this section shall specify on the face of such sign the dates of the garage sale advertised.

9.20.040

Violation.

Every person who, for himself or herself or as an agent of another, commences, engages in, conducts or carries on any

garage sale in violation of this chapter shall be guilty of an infraction.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this            day of

\_\_\_\_\_  
JAMES W. PINKERTON  
Mayor

Attest:

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1431 was introduced at a regular meeting of the City Council of the City of Lodi held August 17, 1988 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held            by the following vote:

Ayes:            Council Members -  
Noes:            Council Members -  
Absent:          Council Members -  
Abstain:        Council Members -

I further certify that Ordinance No. 1431 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

ORDGARAG/TXTA.01V