

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Lee Withers

**TOWN COUNCIL**  
Brandon Linn  
Rodney Phillips  
Charles Seaford  
Steve Stroud  
Mike Upright

## TOWN OF CHINA GROVE

ORDINANCE NO. 2017-02

### AN ORDINANCE AMENDING CHAPTER 18 ARTICLE II GARAGE SALES

BE IT ORDAINED by the Town Council of the Town of China Grove that the China Grove Code of Ordinance shall be amended as follows:

#### **Sec. 18-25. - Definitions. Modified**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garage sale* means a sale from a residence or residential property of personal property which has been owned or used previously by an individual or resident residing on the premises where the sale is conducted. A yard or patio sale is included within the definition of garage sale. The term "garage sale" does not include the mere incidental sale of one or two items of personal property when such sale is not a part of a general sale of a number of items of personal property.

(Code 1977, § 6-1061; Code 1993, § 10-31)

#### **Sec. 18-26. - Prohibited sales.**

The conduct of general retail sales or commercial activities in residential areas is prohibited, except as otherwise expressly authorized under this Code.

(Code 1977, § 6-1062; Code 1993, § 10-32)

#### **Sec. 18-27. - ~~Conduct.~~ Modified **General Regulations.****

~~Garage sales are permitted only insofar as they are conducted consistent with the following limitations:~~

- ~~(1) *Display area.* Personal property offered for sale at a garage sale may be displayed on a driveway, in a garage or in a rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right of way.~~
- ~~(2) *Signs.* Except as provided in this subsection, signs used in conjunction with garage sales shall be displayed only on the premises upon which the garage sale is conducted. Two offsite directional signs may be permitted by the clerk; provided that the premises upon which the garage sale is conducted is not on a major thoroughfare and written permission to erect the signs is received from the property owners on whose property the signs are to be placed. Signs may be displayed only during the hours the garage sale is actively being conducted, and must be removed at the close of the garage sale activities, or by the end of daylight, whichever first occurs, each day. No signs may be placed in the public right of way.~~
- ~~(3) *Sales by nonprofit organizations.* A nonprofit organization or association of persons may conduct a garage sale at the residence of one or more of its members in conformance with all of the requirements of this article. One such garage sale may be held per year without such sale being deemed one chargeable to the premises in question for purposes of applying the two sales per year limitation.~~
- ~~(4) *Sales including more than one residence or parcel.* No garage sale shall be held so as to include more than one residence or parcel as the site of the sale unless a permit is first obtained from the clerk or his authorized representative. In granting a permit for a garage sale encompassing more than one residence or parcel, the clerk may impose reasonable conditions consistent with the policies of this article.~~

(Code 1977, § 6-1062; Code 1993, § 10-33)

Garage sales shall be permitted on residentially zoned property as defined by the Town's zoning ordinance. No garage sale shall be conducted on a commercially zoned property.

- (a) By having, holding, or conducting a yard sale, the owner or lessee of the property where the sale is conducted authorizes any code enforcement officer of the Town of China Grove to enter upon the property for the purpose of determining that such sale is being conducted in accordance with the provisions of this article.
- (b) All unsold items, trash, and signage shall be cleaned up and/or removed by 8:00 pm or within two (2) hours following the conclusion of the garage sale.

### **Sec. 18-28. – Frequency and Length.**

- (a) No single sale shall be conducted for longer than two (2) consecutive days. Garage sales shall be conducted between the hours of 6:00 am and 6:00 pm.
- (b) It shall be unlawful for residents of residential districts to conduct more than four (4) garage sales in a twelve (12) month period.

### **Sec. 18-29. – Signage.**

No more than two (2) signs shall be placed off site to advertise the garage sale. No sign shall be placed on private property without the property owner's permission. No sign shall be placed in the public right-of-way. Signs shall not be placed on utility poles, NCDOT or Town signs. Signs shall not be displayed more than forty-eight (48) hours prior to the garage sale and shall be removed no more than two (2) hours following the garage sale (or expiration of the permit).

**Sec. 18-30. – Location.**

(a) Garage sales shall only be permitted on private, residentially zoned property. Properties zoned R-S, R-T, R-MH, R-M, R-S CU, and R-M CU are considered residentially zoned properties. Properties zoned C-B, H-B, O-I, C-P, N-C, L-I, H-I and H-B CUP are considered commercially zoned properties. Garage sales are not permitted on commercially zoned property, with the following exception:

- The garage sale will be held upon the property of a church or non-profit entity (proof of non-profit status required) and all proceeds from that sale benefit the church, non-profit entity, or other charitable organization.

(b) No garage sale shall block, in full or partially, any public street, driveway, alleyway, or sidewalk.

**Sec. 18-31. – Penalties.**

The violation of any provision of this article shall subject the violator to a civil penalty of \$50.00 for the first violation and \$100.00 per violation for subsequent violations in any one calendar year. Notice of penalties so issued may be delivered in person to the violator, or they may be mailed to the violator if he cannot readily be found.

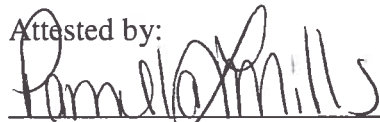
This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this 7<sup>th</sup> day of March, 2017.



Lee Withers, Mayor

Attested by:



Pamela L. Mills, Town Clerk