

ORDINANCE NO.: 97- 5

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, RELATING TO GARAGE SALES; PROVIDING FOR AUTHORITY, PURPOSE AND AREAS OF APPLICABILITY; PROVIDING FOR A DEFINITION; PROVIDING FOR TIMES AND LOCATIONS; PROVIDING FOR SIGNS; PROVIDING FOR PARKING; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

APR 23 1 05 PM '97

FILED

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. AUTHORITY, PURPOSE, AREA OF APPLICABILITY.

This ordinance is enacted under the home rule power of the county for the purpose of providing the necessary regulations of garage sales in the county in the interest of public health, safety and welfare of the citizens and residents of the county. This ordinance shall apply and be in force in all residential districts of the county not within the boundaries of any municipality.

SECTION 2. DEFINITION.

Garage sale shall mean and include all sales entitled "garage sale," "lawn sale," "yard sale," "apartment sale," "house sale," "carport sale," "tag sale," "moving sale," or any other similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

SECTION 3. TIMES AND LOCATIONS.

A) Garage sales shall be conducted on any improved residential lot, parcel, or tract of land in any area within the unincorporated areas of Hernando County, Florida.

B) Garage sales may be conducted to include up to four (4) families on said premises when such sale items are owned by those families.

C) Garage sales shall be limited to four (4) times in a calender year, for a maximum of three (3) consecutive days in each period. This limitation of four (4) times a year applies to the location of the garage sale.

D) Garage sales shall be held only between the hours of 8:00 a.m. and 4:00 p.m.

E) At the conclusion of the garage sale each day, all unsold articles shall be removed or packed in such a manner so as not to be visible from any public street or abutting property.

SECTION 4. SIGNS.

A) Only one (1) sign not exceeding four (4) square feet in size shall be displayed on the premises where such sale is being conducted.

B) Such sign shall not be erected or placed closer than five (5) feet to the front or side property lines.

C) It shall be unlawful to place garage sale signs in any manner upon public rights-of-way including utility poles.

D) All signs shall be removed at the end of each sale day or by 5:00 p.m.

E) It shall be unlawful for signs to remain after 5:00 p.m.

F) Persons placing signs on public rights-of-way shall be subject to the issuance of a Citation.

G) It shall be prima facie evidence of a violation of this section if signs of any kind are placed in a manner other than outlined in this section and can be established as having originated with a particular person and such person having allowed such sign to be placed upon county rights-of-way.

SECTION 5. PARKING.

A) Each person or persons conducting a garage sale shall provide for the control of parking vehicles so as not to create a hazard, unsafe condition, or any congestion on public streets adjacent to the premises upon which the sale is being conducted.

B) All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances.

SECTION 6. PERSONS AND SALES EXCEPTED.

The provisions of this ordinance shall not apply to or affect the following persons or sales:

A) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

B) Not-For-Profit Organizations.

SECTION 7. ENFORCEMENT.

All civil infractions of the Hernando County garage sale ordinance shall be enforced through County Court pursuant to Chapter 162.21, Florida Statutes.

SECTION 8. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION 9. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining sections of this ordinance.

SECTION 10. EFFECTIVE DATE.

This ordinance shall become effective upon the filing with the Department of State.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO

COUNTY, FLORIDA in Regular Session this 15th day of April, 1997 A.D.

(SEAL)

BOARD OF COUNTY COMMISSIONERS

HERNANDO COUNTY, FLORIDA.

ATTEST:

KAREN NICOLAI,

Clerk of the Circuit Court

BY:

RAYMOND A LOSSING,

Chairman