

**ORDINANCE 2011-07**

**AN ORDINANCE TO REGULATE YARD SALES AND PROVIDING  
PENALTIES FOR THE VIOLATION THEREOF**

**WHEREAS**, the Town Council of the Town of Morris has determined that it is the interest of the public peace, health, safety, and welfare to authorize regulations governing the conduct of Yard Sales so as to ensure that such Yard Sales are conducted in compliance with the Town's zoning regulations and in a manner that will not adversely affect vehicular traffic conditions in the vicinity of such Yard Sales.

**NOW THEREFORE BE IT ORDAINED** by the Town Council of the Town of Morris, Alabama, while in regular session on the 23<sup>rd</sup> day of August, 2011 at 6:00p.m.,as follows:

**SECTION 1. DEFINITIONS**

As used in this Ordinance, the following words and terms shall have the meanings respectively ascribed:

- **Advertise** is hereby defined, for the purpose of this article, to be any notice or offer published in any newspaper, magazine, brochure, mail out, computer display, computer e-mail, handout, handbill; or any notice or offer published by placement of signs along or adjacent to streets within the Town or otherwise erected in such a manner to be noticeable to the general public.
- **Town** is defined as the Town of Morris, Alabama.
- **Official Sign** is hereby defined as any sign or signal, including support posts, erected by the Town, Jefferson County, or the State of Alabama including but not limited to stop signs, speed limit signs, neighborhood watch signs, caution signs, and street signs.
- **Utility Pole** is hereby defined as any pole or support structure owned or used by any public utility, including but not limited to power poles and telephone poles.
- **Yard Sale** is hereby defined to include garage sales, moving sales, cleanout sales, seasonal sales, neighborhood sales, and/or any other offer made to the general public to sell multiple items from a location that is zoned residential within the Town limits or from a Residence located on property zoned agricultural within the Town limits.

**SECTION 2. REGULATIONS.**

- **Yard Sales** shall be permitted in the Town of Morris subject to the following regulations:

1. A maximum of three (3) Yard Sales may be held at the sale address during any calendar year. Each sale requires a separate Yard Sale permit. One or more items offered for sale shall constitute a Yard Sale. If one or more items are offered for sale, this shall constitute one of the permitted sales during the calendar year.
2. Each Yard Sale shall be permitted for no more than (2) consecutive days.
3. Yard Sales shall be permitted during the hours of 7:00a.m. Until 4:00p.m.
4. It shall be unlawful for any person to conduct a Yard Sale in a place or manner which blocks or obstructs vehicular traffic or in any way causes or creates a hazardous driving condition.
5. Vehicle parking in the vicinity of any Yard Sale shall be conducted in compliance with all applicable laws and regulations. The person or persons conducting any Yard Sale shall not permit vehicles to impede the passage or traffic on any public roadway.
6. An Application for a Yard Sale permit must be obtained by the owner, resident, or corporate officer in charge of the property proposed as a location for the Yard Sale, during regular business hours at the Town Hall no more than three days in advance of the proposed Yard Sale, and each Yard Sale permit shall be valid for a period not to exceed 48hours and must state the times and dates of the proposed sale. The permit application shall contain name, location address, and telephone number of the property owner, resident, or corporate officer who is holding the Yard Sale along with the names, addresses, and telephone numbers of any nonresident persons who are contributing items for sale.
7. Signs of any kind advertising any Yard Sale within the Town must comply with the requirements of the Town's separate sign ordinance and other ordinances of the Town.
8. The following sign prohibitions shall apply:
  - (a) No Yard Sale sign may be placed on the state right-of-way or in medians along U.S. Highway 31 within the Town limits.
  - (b) No Yard Sale sign may be affixed to or attached in any manner to any Official Sign or utility pole within the Town limits.
  - (c) No Yard Sale sign should be made from a erected box within the Town limits.
  - (d) All Yard Sale signs erected anywhere within the Town, that are visible to any member of the general public, must be removed from public view no later than sunset on the expiration date of the Yard Sale permit, by the person who was issued the permit or his designated agent. Removal of all Yard Sale signs is hereby made the express responsibility of the person to whom the Yard Sale permit was issued. Failure to remove any Yard Sale sign as required by any provision of this article shall subject the holder of the Yard Sale permit to criminal penalties as hereinafter provided.
  - (e) All Yard Sale signs must have address printed on the sign itself.

### **SECTION 3. ENFORCEMENT.**

The provisions of this Ordinance are enforceable by any duly sworn police officer or by any appropriate representative of the Inspections Services department of the Town of Morris or by any other Town employee or agent as allowed by law for prosecution of offenses. Said enforcement officials shall have the authority to cease the operation of any Yard Sale which blocks or obstructs vehicular traffic; or, creates conditions which are detrimental to the public peace, health, safety, or welfare; or is otherwise conducted in violation of this Ordinance.

Violations of any of the provisions of this article are hereby declared to be a misdemeanor and, upon conviction, are punishable by fine of not less than \$100.00 nor more than \$500.00 and/or up to 60 days in the Town Jail. Each day a violation continues shall be considered a separate offense.

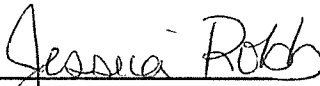
**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective on August 31, 2011.

This Ordinance supersedes any prior Ordinances pertaining this matter.

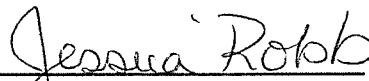
ADOPTED AND APPROVED on this the 23<sup>rd</sup> day of August, 2011.

APPROVED:   
Craig Drummonds, Mayor

ATTEST:   
Jessica Robb, City Clerk

**CERTIFICATION**

I, Jessica Robb, City Clerk of the City of Morris, Alabama, do hereby certify that the Above is a true and correct copy of an Ordinance adopted by the Town Council of the Town of Morris, Alabama, while in a regular session on the 23rd day of August.

  
Jessica Robb, City Clerk