

ORDINANCE NO. 2006-001

AN ORDINANCE TO REQUIRE PERSONS OR ENTITIES CONDUCTING GARAGE SALES, AND CARPORT SALES WITHIN THE CORPORATE LIMITS OF THE CITY OF MOULTON TO FIRST ACQUIRE A PERMIT; TO ESTABLISH A FEE FOR THE ISSUANCE OF SUCH PERMIT; TO ESTABLISH CONDITIONS FOR ISSUANCE OF SUCH PERMIT; TO CLARIFY THE DEFINITION OF GARAGE OR CARPORT SALES; TO DECLARE IT A MISDEMEANOR TO VIOLATE THIS SECTION; AND TO ESTABLISH PENALTIES FOR VIOLATIONS.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Moulton, Alabama as follows, to-wit:

SECTION 1. It shall be unlawful for any person or entity to conduct a garage sale or carport sale for a period of time in excess of two (2) consecutive days and it shall be unlawful for any person to conduct in excess of two (2) such sales at the same location in any single calendar year.

SECTION 2. The term “garage sale” or “carport sale” as used in this section shall refer to and shall mean the sale by any person from any residence or curtilage thereof for which no license for the conduct of retail or wholesale sales of merchandise is held of miscellaneous items of used household furniture, furnishings, appliances, clothing and other such items as shall customarily from time to time be included in such sales, which are also sometimes commonly referred to as “yard sales”

SECTION 3. It shall be unlawful for any person or entity to conduct any garage or carport sale without first obtaining a permit for such purpose from the Moulton City Clerk, who shall issue such permit upon request and payment of the fee specified elsewhere herein, but only if the applicant has not yet conducted two (2) such sales or received two (2) such permits in the same calendar year as for which such application for a permit is made and, provided further, that the applicant and no other person(s) or entity(ies) have conducted two (2) such sales at the residence.

SECTION 4. The permit issued by the City Clerk shall specify the period of time for which it is valid, the name of the person(s) or entity(ies) receiving said permit and the address or location of the residence at which the same is to be held. It shall be unlawful for any person(s) or entity(ies) conducting such sale or for such sale to be conducted at any location not specified in the permit or any time not so specified.

SECTION 5. The City Clerk shall charge a fee of Five Dollars (\$5.00) for each permit issued pursuant to this Section. No permit shall include more than one proposed location for any garage or carport sale and a separate permit shall be required for each location at which same is proposed to be held.

SECTION 6. Any person or entity violating the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fines of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 7. If any portion of this ordinance is, for any reason, held to be unconstitutional, such shall not affect the validity of the remaining portions of this ordinance.

SECTION 8. This Ordinance shall become effective immediately upon its adoption and publication according to law.

ADOPTED and **APPROVED** this ____ day of _____, 2006

Ray Alexander, Mayor
City of Moulton

ATTEST:_____