

Bill # 2008-44

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE TITLE 20, "MISCELLANEOUS," BY AMENDING CHAPTER 7, BY REPEALING ORDINANCE 689 AND ORDINANCE 711 AND SUBSTITUTING THE HERE IN CONTAINED ORDINANCE THEREFOR.

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 20, Chapter 7, "Yard Sales" by the repeal of Ordinance 689 and Ordinance 711 and amending Chapter 7 as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS;

The City of Fairview, Tennessee Ordinance 689 and Ordinance 711 are hereby repealed.

Title 20, Chapter 7, "Yard Sales," of the City of Fairview, Tennessee, Municipal Code is hereby amended as follows:

20 - 701 **Residential Properties**. For residential properties, there shall be a limit of four (4) yard sales permitted per calendar year without a permit process. Residential yard sale signs located off-premises from the sale must be Commercial Grade Signs and cannot be homemade. Only directional signs may be placed on highway 100 or highway 96, if the sale is located on one of these highways one sign may be placed in the yard made from whatever material chosen by the maker of the sign. Signs must be printed on an 18-inch X 24-inch Coroplast medium with a directional arrow only (no addresses). Signs must be placed on a wire H stand. More than four (4) yard sales per year (calendar year) shall constitute a Home Based Business that shall be regulated by **Article 3-105.1, Subparagraph 6, and Article 3 – 105.2 Subparagraph 6, entitled Minor and Major Home Occupations** of the City of Fairview Zoning Ordinance.

20 – 702 **Commercial Properties.** For Commercial businesses there shall be a limit of three (3) yard sales permitted per year without a permit process. More than three (3) yard sales in a one year period shall constitute a violation of this Ordinance and shall be subject to the violation provisions contained in this Ordinance.

20 – 703 **Time Limit for Yard Sales.** All yard sales are limited to three (3) consecutive days, sales running longer than three (3) consecutive days shall constitute a Home Based Business that shall be regulated by, **Article 3-105.1, Subparagraph 6, and Article 3 – 105.2 Subparagraph 6, entitled Minor and Major Home Occupations** of the City of Fairview Zoning Ordinance.

20 – 704 **Items to be removed within twenty-four hours of sale.** All items utilized in the yard sale shall be promptly removed from the sale site and from areas that are viewable by the public within twenty-four (24) hours of the termination of the sale. These items shall include but not be limited to any and all signs, tables, support structure utilized for the yard sale.

20 – 705. **Violations.** Any person or entity who shall violate any of the provisions of this chapter, or who shall fail or refuses to obey any notice issued by the department of health, superintendent of the refuse collection department or the codes department with reference to the storage, accumulation, or disposal of refuse as described in 17-101, shall be subject to a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation is allowed to continue shall constitute a separate and distinct offense.

BE IT FURTHER ORDAINED, if any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.