

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1248

AN ORDINANCE REGULATING RESIDENTIAL SALES,
GARAGE SALES, YARD SALES, AND THE LIKE.

WHEREAS, it has come to the attention of the Town Council of the Town of St. John, Lake County, Indiana, that it has no specific ordinance addressing residential sales, garage sales, yard sales, and sales of used or unwanted items in force in the Town of St. John, Lake County, Indiana; and

WHEREAS, the Town Council has received complaints about garage sales concerning traffic, signs posted advertising garage sales, and the business sale of merchandise from residences; and

WHEREAS, the Town Council has reviewed its present nuisance ordinance, and determines that the public will best be served by instituting regulations regarding residential sales, garage sales, yard sales, and sales of used or unwanted items; and

WHEREAS, the Town Council now finds that the health, safety, and general welfare of the residents of the Town of St. John would best be served by promulgating regulations governing residential sales, garage sales, yard sales, and sales of used or unwanted items and the like.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana, that pursuant to the Home Rule provisions of Indiana law, the same being I.C. 36-1-3-1, et seq., there shall now be promulgated regulations governing residential sales, garage sales, yard sales, and sales of used or unwanted items and the like as follows, to-wit:

SECTION 1. DEFINITIONS. For purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. Merchandise. Items normally found in a residential household.
- B. Residential Sale. Includes sales of goods in a residentially-zoned district in the Town of St. John, conducted from a private residence, under whatever name including, but not limited to, residential sales, garage sales, patio sales, rummage sales, porch sales, yard sales, and sales of used or unwanted items where the sale is advertised and open to the general public.

SECTION 2. REGULATIONS CONCERNING SALES. Residential sales shall be permitted in residentially-zoned districts of the Town of St. John, provided the following conditions are met.

- a. No merchandise other than that normally found in a residential household may be sold.
- b. Each sale shall not exceed three (3) days or parts thereof.
- c. Not more than two (2) residential sales per year shall be allowed at any one location.
- d. Each sale is restricted to, and is the responsibility of, the owner or occupant of the premises upon which the sale is conducted.

- e. A permit is required and issued by the office of the Clerk-Treasurer of the Town of St. John at least (5) days prior to the residential sale at a cost of \$5.00 to the person conducting the sale.
- f. The permit shall be posted in a location readily visible from the street during the entire sale.
- g. All signs advertising the residential sale must be removed immediately after the sale period has ended.

SECTION 3. PERMIT FEE. Each applicant for a residential sale permit shall pay the sum of \$5.00 for a permit. Permits shall be issued by the office of the ~~Building & Planning Department~~ of the Town of St. John after the fee has been paid. *Clerk-Treasurer*

SECTION 4. PENALTY. A violation of any provision of this ordinance shall be punishable by a fine of a minimum of \$25.00 but no more than \$100.00. Each day or part of a day upon which a violation occurs shall be considered a separate violation.

BE IT FURTHER ORDAINED that all existing ordinances, or parts thereof, in conflict with the provisions of this ordinance, are hereby deemed null, void, and of no legal affect, and are specifically repealed.

BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this ordinance.

BE IT FURTHER ORDAINED that this ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, after publication, pursuant to law.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 28th day of March, 2002.

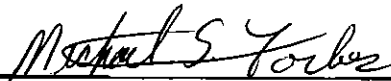
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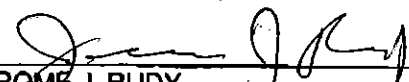
TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

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ATTEST:


JUDITH L. COMPANIK
Clerk-Treasurer