

**ORDINANCE 1063**

**AN ORDINANCE OF THE CITY OF DAVENPORT, AMENDING DAVENPORT MUNICIPAL CODE TO ADD SECTION 5.06 YARD SALES**

WHEREAS, the City of Davenport has always encouraged urban commerce by allowing solicitors and private sales in town, and

WHEREAS, the City Council of the City of Davenport has determined that a new chapter is required in the municipal code to better administer private sales conducted throughout the city, and their potential effects on the citizens of Davenport, and

WHEREAS, language has been inserted to give the reader a better understanding of what is expected of a private sales.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT AS FOLLOWS:

Section I. There is hereby added to the Davenport Municipal Code Chapter 5.06 Yard Sales.

**Chapter 5.06  
YARD SALES**

Sections:

- 3.06.010 Yard Sale definition
- 3.06.020 Goods or Merchandise
- 3.06.030 Frequency and Hours of Sales
- 3.06.040 Signs
- 3.06.050 Violation – Penalty

3.06.010 Yard Sale Definition.

The term “Yard Sale” or “Sale” as used in this chapter, shall mean and include all general sales, open to the public, conducted on residential premises whether or not the residence is located in a residential or commercial zone. These sales are conducted on residential premises for the purpose of disposing of personal and household property, including, but not limited to, all sales entitled “garage,” “lawn,” “porch,” “flea market,” “yard,” “estate,” or “moving” sale.

3.06.020 Goods or Merchandise.

Goods or merchandise offered for sale at such sales must consist of goods or merchandise owned by the individual(s) conducting the sales, and shall be of a type and quantity usually found within a residential setting. No goods or merchandise may be brought to and/or sold

from the site of such sales which have been purchased or acquired from another source for the purpose of resale at the site of such sales event. Conducting business as a secondhand dealer for the resale of new or used goods or merchandise on a residential premises is a violation of this chapter. All goods or merchandise shall not be visible from the street 48 hours before or after the sale.

#### 3.06.030 Frequency and Hours of Sales.

Sales are limited to four (4) sales per calendar year per location, not including any city wide sales. Individuals may not participate in more than four (4) sales, whether acting alone or as part of a group, in a calendar year, not including any city-wide sales. Sales are limited to a period of three (3) consecutive days and shall be held no earlier than 7:00 a.m. and no later than 8:00 p.m. with set up and take down allowed one hour before opening and one hour after close.

#### 3.06.040 Signs.

Signs may be displayed only on the days of the sale and must be removed at the end of the sale. Signs must be freestanding (A-frame, sandwich board, etc.), and may not be affixed to any public structures, utility poles, traffic control devices or trees, and may not obstruct vehicular or pedestrian movement or visibility, or pose a safety hazard. Signs posted on private property must have the owner's permission. Signs displayed in violation of these regulations may be confiscated by the City of Davenport, and/or the person responsible for the violation may be cited.

#### 3.06.050 Violation - Penalty

Violation of any provision herein shall be punishable in accordance with the general penalty provisions detailed in DMC 1.04 General Penalty.

## Section II

That this Ordinance shall be effective five (5) days after passage and publication.

Approved this 8<sup>th</sup> day of August, 2012.