

4984

ORDINANCE NO. F-1890

ORDINANCE AMENDING CHAPTER 42 "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE I, "IN GENERAL," OF THE WHEATON CITY CODE WITH THE ADDITION OF SECTION 42-33, "GARAGE SALES"

WHEREAS, the Corporate Authorities of the City of Wheaton, have determined that it is in the best interest of the public health, safety and welfare to continue to promote the beneficial qualities and character of residential neighborhoods and residences within the City of Wheaton; and

WHEREAS, multiple garage sales, bartering, trading, and/or give aways undermine the residential character of residential zoning districts and neighborhoods and create quasi-commercial activities inconsistent with residential living.

NOW THEREFORE BE IT ORDAINED by the Mayor and the City Council, the City of Wheaton, pursuant to its home rule authority that Chapter 42 "Offenses and Miscellaneous Provisions," Article I "In General" of the Wheaton City Code, is hereby amended by the addition of a new Section 42-33 to be entitled "Garage Sales" which shall read as follows:

SECTION 1:

Section 42-33. Garage Sales.

(a) Definitions. The following words, terms and phrases when used in this Section should have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Any one location: shall mean a single street address, or contiguous properties, under unified control or ownership, located in a residential zoning district or within other zoning districts containing residential residences contiguous to the location of a garage sale.

Garage sales: shall mean sales, bartering, trading, and/or give aways, conducted outdoors or partially outdoors, at any one location, of any combination of new or used items, including, but not limited to, rummage, clothing, crafts, household goods or wears, appliances, toys, recreational equipment, lawn care equipment, bicycles, furniture, antiques and other similar items, including but not limited to all sales described as "garage," "estate," "hoarder," "lawn," "yard," "attic," "porch," "room," "backyard," "patio" or "rummage." This definition shall not include the sale of single major items such as automobile, bicycle, refrigerator, television, or washer/dryer. Garage sales shall also not include outdoor sales as set forth in Chapter 10, Article IX, Special Events.

(b) Prohibited. It shall be unlawful for any person or entity to sponsor, conduct or have or operate Garage Sales at any one location:

- (1) Before 8 am or after 5 pm.
- (2) On more than two (2) consecutive days.
- (3) More than two (2) times in any calendar year.
- (4) On the public right-of-way.

(c) Signs. Only the following signs may be displayed in relation to a Garage Sale:

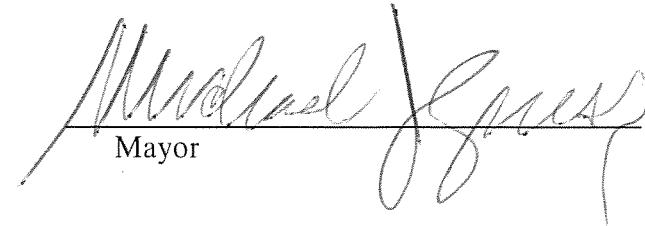
- (1) One sign of not more than three square feet at a single location.
- (2) Two directional signs of not more than three square feet each, provided permission to erect said signs is received from the property owners upon whose property such signs are to be posted.
- (3) No sign or other form of advertisement shall be exhibited for more than two days prior to the day such garage sale is to commence.
- (4) Signs shall be on the final day of the garage sale.
- (5) Signs shall not be located on the public right of way.

(d) Penalty. Any person violating any provision of this section shall be fined in accordance with Sec. 1-8 - General penalty for violation of Code; continuing violations; judicial enforcement of Code upon conviction.

SECTION 2: If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

SECTION 3: Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

SECTION 4: This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Michael J. Fries
Mayor

ATTEST:



Karen Bennett Hagan
City Clerk

Roll Call Vote:
Ayes: Councilman Scalzo
Councilman Suess
Councilwoman Fitch
Councilman Prendiville
Councilman Rutledge
Councilman Saline
Mayor Gresk

Nays: None
Absent: None

Motion Carried Unanimously

Passed: October 19, 2015
Published: October 20, 2015

