

Draft – Proposed ordinance change

Double-underlined text is an addition to the current ordinance. Strike-out is deletion to the current ordinance. (addition; ~~deletion~~)

Chapter 28 – ZONING

ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 3. ACCESSORY STRUCTURE AND USES

Sec. 28-931. Estate sales.

- (a) For the purposes of this section and section 28-932, an "estate sale" is the sale of all or substantially all of a person's tangible personal property due a person's death, mental or physical incapacity.
- (b) Estate sales will be permitted in the R-1 district through R-3 district and in other districts where primary use of the property is residential.
- (c) Estate sales are permitted under the following conditions:
 - ~~(1) No person shall have an estate sale within the city limits without first obtaining a permit.~~
 - ~~(2) Any person desiring to have an estate sale shall make application with the city for a permit. The application shall include the name of the person, address of the person, location of the sale, and the dates of the sale.~~
 - ~~(3) The applicant shall pay the permit fee established by the city council before the permit is issued.~~
 - ~~(4) A copy of the permit shall be posted in a conspicuous place during the time and at the place where the sale is being held.~~
 - (1) Only tangible personal property may be sold at the estate sale.
 - (2) No property acquired solely for the purpose of resale shall be sold at an estate sale.
 - (3) An estate sale may not be conducted by persons who habitually engage or holds themselves out as engaging in the business of selling tangible personal property unless they collect and report sales tax on the items sold in the manner prescribed by state law.
 - (4) There shall not be more than one estate sale by the same property owner or tenant at the same location during any 12-month period.
 - (5) All sales shall be confined to the house and garage of the premises.
 - (6) The duration of any estate sale shall not exceed three consecutive calendar days.

(Ord. No. 1999-27, § 2, 1-4-00)