

ORDINANCE OF THE MAYOR AND BOARD OF ALDERPERSONS OF THE CITY OF
ABERDEEN, MISSISSIPPI REGULATING GARAGE SALES

WHEREAS, the City of Aberdeen Mayor and Board of Alderpersons have the authority, pursuant to the Special Charter of the City of Aberdeen; Miss. Code Ann. Section 21-19-1 to adopt ordinances necessary for the preservation of good order and general health of the municipality and to regulate nuisance conditions, and

WHEREAS, the Mayor and Board of Alderpersons find as fact that unregulated garage sales are deleterious to the good order and peace of the municipality, and left unregulated, could produce nuisance conditions, and

WHEREAS, the Mayor and Board of Alderpersons find as fact that garage sales should be regulated as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Alderpersons of the City of Aberdeen, Mississippi as follows, to wit:

Section 1. Definitions for the Purpose of this Ordinance

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Estate Sale means a sale, liquidation, or auction of personal property and goods from the estate of a living or deceased person. An estate sale shall be conducted at the residence of the person for whose estate the sale is being conducted. In the case of a deceased person, a death certificate or other proof of death of the individual for whose estate the sale is being conducted must be attached to the permit application unless said estate sale is conducted by a designated business possessing a privilege license for conducting such sales issued by the City of Aberdeen.
2. Garage Sale: For purposes of this ordinance shall also mean *yard sale, rummage sale, tag sale, attic sale, home sale, barn sale or junk sale*. A garage sale is a sale conducted by individuals in their homes, garages and yards or on commercial, industrial or property of another, for the purpose of disposing of personal property no longer needed by the individual. Garage sales may at times be conducted by a combination of residents at a single location; provided all material or goods sold are the personal property of one of the persons conducting the sale, acquired by the person prior to resale without the intent to resale.
3. Goods shall mean and include any goods, warehouse merchandise, or other tangible, personal property capable of being the object of a sale as regulated hereunder.
4. Person shall mean and include a firm, group, organization, association, partnership, trust, company, or corporation, and any other entities, as well as an individual.

5. "Transient vendor" means any person who transacts transient business in this state either in one locality or by traveling from place to place in this state. The term includes a vendor who for the purposes of carrying on such business hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property. This term means to include the term "pop shop" or "pop-up sales".

Section 2. Permit Required; Fee

No person shall conduct what is known as a garage sale or rummage sale within the City limits without first filing with the City Clerk an application containing the information hereinafter specified and obtaining from the City Clerk a permit to do so. The application filed with the City Clerk pursuant to this Ordinance shall contain the following information:

- (1) The name of the person, firm, group, corporation, association, or organization conducting the sale.
- (2) The name of the owner of the property upon which said sale is to be conducted.
- (3) The location at which the sale is to be conducted.
- (4) The proposed date of the sale.
- (5) A sworn statement or affirmation by the person signing the application that the information provided therein is complete and known to him to be accurate.

At the time of filing the application, the applicant shall pay to the City Clerk the non-refundable sum of \$25.00 Dollars, for which the official permit will be issued.

A permit shall be obtained by each individual, business or other entity desiring to conduct such sales, rather than a single permit for each location, from the City Clerk's office during normal business hours, and no garage, yard, rummage or home sale may be conducted without such permit.

Any person who shall conduct a garage or rummage sale within the City limits without having procured a permit shall be punished as a misdemeanor fine.

Section 3. Duration of Sale

A permit shall authorize the sale for a period not to exceed three (3) days. All sales shall be conducted only between the hours of 6:00 a.m. and 6:00 p.m. during the dates authorized on the permit, except sales held on Sunday, which shall be conducted only between the hours of 12:00 noon and 6:00 p.m.

Section 4. Frequency of Sales

Individuals, businesses or other entities may conduct a garage, yard, rummage, or other similar outdoor sales within the city limits of the City of Aberdeen, regardless of zoning type of the land on which the sale is to be held.

Sales shall not be conducted more frequently than one (1) every 182 days.

If such sale is to occur on any commercial or industrial property, no such sale shall occur without the express written consent of the owner.

Section 5. Restrictions

All garage or rummage sales shall be held no closer than 25 feet from the front lot line of the premises covered in the permit.

There shall be no overnight outside storage of the goods or merchandise held for purchase in such garage sales.

No signs or advertising a garage sale shall be placed upon any public right-a-way, light pole, or any public property without authorization. Within 24 hours of the conclusion of a garage sale, all such advertising signs shall be removed.

Section 6. Penalties

Any person, association, partnership, group, or corporation conducting a garage sale without having secured the proper permit therefore, or who shall otherwise violate the terms and provisions of this Ordinance, shall, upon conviction, be fined not more than Two Hundred and Fifty Dollars (\$250.00), and in the case of continuing violations without reasonable effort on the part of the defendant to correct the same, each individual citation shall be considered a separate offense.

Any violation of this ordinance shall be issued a written citation by a City of Aberdeen Police Department officer, or any officer appointed and authorized by the Mayor and the Board of Alderpersons.

The citation for the first offense will direct the offender to secure a permit on the first business day following the date of the violation and to pay the prescribed fee for said permit.

Official Warning:	\$ 0.00
First Offense:	\$25.00
Second Offense:	\$50.00
Third Offense:	\$100.00
Fourth Offense:	\$250.00

A violator who receives four (4) citations in one (1) calendar year will be prohibited for holding a garage sale or other home sale for a period of twelve (12) months following the fourth citation.

A violator under this ordinance who does not pay a fine or secure the permit as provided herein shall be subject to a hearing before the municipal court for further action and for disposition.

In addition to the penalties hereinabove authorized and established, the City shall have the right to take such other actions at law or in equity as may be required to enjoin such violations through a Court of competent jurisdiction.

Section 7. Enforcement

The provisions of this Ordinance may be enforced by the City Building Official, or his/her designee, the City Code Enforcement Officer, or any Police Officer of the City of Aberdeen, Mississippi.

This Ordinance shall be published as required by law and shall take effect one month after passage.

Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this the 5th day of DECEMBER, 2023.


MAYOR

ATTEST:


CITY CLERK

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Cain, and seconded by Alderman Holliday, with the following results:

Alderman Holliday
Alderwoman Garth



Alderman Haynes
Alderwoman Odom
Alderman Cain

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