



Legislation Text

File #: 980596, Version: 2

980596
SUBSTITUTE 2

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A substitute ordinance requiring a permit for rummage sales and limiting the number, hours and signage for these sales.

81-103.1 cr

92-2.5 cr

- Analysis -

This substitute ordinance requires a \$5 permit for rummage sales, limits the number of sales to 4 per year (except for a 5th sale prior to moving), limits the sales to Fridays, Saturdays and Sundays between the hours of 9 a.m. and 6 p.m. and limits signs to the property on which the sale is held. Permits shall be issued by the police department and are valid for 3 consecutive days only. Sale items may be displayed in the garage, driveway, side or rear yard or cover no more than half the front lawn. Nonprofit organizations are exempt from the requirement that they only sell personal goods, but must comply with all other provisions.

Whereas, Residents who hold numerous rummage sales on their residential property increase traffic, litter and noise; and

Whereas, Residential neighborhoods are not designed to be used for business purposes; now, therefore,

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-103.1 of the code is created to read:

81-103.1. Rummage Sale Permit. The fee for each rummage sale permit shall be \$5. (See s. 92-2.5.)

Part 2. Section 92-2.5 of the code is created to read:

92-2.5. Rummage Sales.

1. DEFINITIONS. In this section:

a. "Dwelling" means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

b. "Dwelling unit" means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking and eating of meals.

c. "Personal Property" means property which is owned, utilized and maintained and acquired in the normal course of living or maintaining a residence, including handcrafted items made by an individual living at the residence. It does not include merchandise which is purchased for resale or obtained on consignment.

d. "Rummage sale" means all general sales open to the public, conducted from or on the residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled garage, lawn, yard, porch, room, backyard or patio sale.

2. NONPROFIT, PHILANTHROPIC AND CIVIC ORGANIZATIONS; PARTIAL EXEMPTION. Nonprofit, philanthropic and civic organizations are exempt from the provision in sub. 1-d requiring that items for sale be personal property, but in no case shall sales become outlets for wholesale or retail commercial sales. All other provisions of this section apply to nonprofit, philanthropic and civic organizations.

3. PERMIT REQUIRED. It shall be unlawful to conduct a rummage sale without a permit.

a. Rummage sale permits shall be valid for the dates indicated on the permit.

b. Permits shall be obtained at the police district station in which district the sale shall be held. See s. 81-103.1 for the required fee.

c. Permits shall be prominently displayed in a first-floor window of the dwelling unit in the area of the sale during the hours of the sale.

4. TIME LIMITATIONS.

a. Rummage sales may be held only on Fridays, Saturdays or Sundays.

b. No rummage sale may last longer than 3 consecutive days.

c. Rummage sales may not be conducted before 9 a.m. or after 6 p.m.

d. No sale items may be left outside during non-sale hours.

5. LOCATION. Sale items may be displayed in the garage, driveway, side or rear yard, or cover no more than half of the front lawn. No sale items may be displayed in the area between the sidewalk and the street.

6. NUMBER LIMITED. No dwelling unit may hold more than 4 rummage sales within a calendar year. A fifth sale may be held upon presenting proof that the homeowner is moving.

7. SIGNS.

a. No rummage sale signs may be attached to utility poles, public property or placed in the public right-of-way.

b. A single rummage sale sign may be displayed on the seller's property the day of the sale.

c. Rummage sale signs may not have an area more than 4 square feet with a maximum of 2 faces.

8. PENALTY. Any person violating any of the provisions in this section shall, upon conviction, forfeit not less than \$50 nor more than \$250, together with the costs of prosecution; and, in default of payment, shall be imprisoned in the house of correction or the county jail not to exceed 10 days, or until such forfeiture costs are paid.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB98233.3

lme

8/20/98