

STATE OF GEORGIA  
CITY OF MCDONOUGH

ORDINANCE NO. 19-03-18 (A)

AN ORDINANCE AMENDING TITLE 5 OF THE CODE OF ORDINANCES, CITY OF MCDONOUGH, GEORGIA; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION I.

Title 5, Business Licenses and Regulations of the Code of Ordinances of the City of McDonough, Georgia is hereby amended by deleting the existing Chapter 5.16 in its entirety, and inserting the following new Chapter 5.16 Community Sales - Estate, Garage and Yard to read as follows:

**CHAPTER 5.16 Community Sales - Estate, Garage, and Yard**

**5.16.10 – Definitions.**

As used in this Chapter:

**Community Sales** means all general sale, open to the public, conducted from or on noncommercial property, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "attic", "backyard sale", "estate", "flea market", "garage sale", "lawn sale", "patio", "porch sale", "rummage sale", or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is, or can be made aware of, the sale. As used in this chapter, the term "Community Sale" shall include all of the above described sales.

**Merchandise** is meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this Chapter.

**Person** means and includes individuals, partnerships, corporations, and non-profit organizations. Nonprofit organizations shall include but not be limited to fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, churches, church auxiliary organizations, student groups and parent-teacher organizations.

**Residence, as defined by this Chapter, refers to any single-family or multi-family dwellings as specified in the zoning ordinance**

**5.16.20 – Permit required and License fees**

**It is unlawful for any person to conduct a Community Sale, as defined herein in Section 5.16.010 Definitions, within the municipal city limits without first filling the information in this Chapter and obtaining from the City a permit to do so, along with payment of a non-refundable License fee that shall be twenty-five dollars (\$25.00). No permits shall be issued to any person that is not a resident of the city.**

**5.16.30 – Permitting and Licensing**

- A. Such permit shall be issued to any one (1) person and location only three (3) times within a twelve (12) month period, and no such permit shall be issued for no more than two (2) consecutive calendar days during any calendar month.**
- B. All applications for permit shall be submitted to the Community Development Department of the City at least forty-eight (48) hours prior to the requested date of such Community Sale in order to allow processing of required permit(s).**
- C. Each permit issued under this Chapter must be promptly displayed on the premises upon which, as well as throughout the entire time period, the Community Sale is conducted.**

**5.16.40 – Information to be filed**

**The information to be filed with the Community Development Department of the City shall be as follows:**

- A. Name of person, firm, group, corporation, association or organization conducting the Community Sale;**
- B. Name of owner of the property on which the Community Sale is to be conducted, and consent of owner if Applicant is other than the owner;**
- C. Location at which the Community Sale is to be conducted;**
- D. Number of days of Community Sale;**
- E. Date, nature of any past Community Sale;**
- F. Relationship or connection to Applicant may have had with any other person, firm, group, organization, association or corporation conducting the Community Sale and the date or dates of such sale;**

- G. Whether or not Applicant has been issued any other vendor's license by any Local, State or Federal Agency;
- H. Sworn statement or affirmation by the person signing that the information therein is true and accurate and known to that person to be so.

#### **5.16.050 – Permitted use and restrictions for commercial and public property**

- A. Community sales shall be allowed only within RA-200, R-100, R-85, R-75, R-50, RM-75 and RCD zoning districts per reference to Code Section 17.108.080, charts a & c.
- B. No community sale shall be conducted on commercial property.
- C. No community sale shall be conducted on public property without consent of approval by the Mayor & City Council.

#### **5.16.060 – General Provisions**

The following general provisions shall apply for a Community Sale:

- A. Parking – The individual Applicant in charge of and/or conducting the Community Sale shall be responsible for control of vehicles and parking of patrons so as to avoid congestion and hazardous conditions. Any traffic congestion or hazardous conditions created by a garage sale may, upon such determination, solely in the discretion of the City Administrator and/or Police Chief, shall result in an immediate termination and dissolution of said sale with respect to Public Safety.
- B. Days and Hours – Community Sales shall be conducted as follows:
  - 1. Monday through Friday 8:00 A.M. to 5:00 P.M.
  - 2. Saturday 8:00 A.M. to 4:00 P.M.
  - 3. Sunday 10:00 A.M. to 2:00 P.M.
- C. All merchandise shall be displayed on premises only and not allowed within any right-of-way abutting premises, potentially obstructing site distance or creating distractions for motorists, on which Community Sale is conducted with respect to Public Safety.

#### **5.16.070 – Signage Allowed**

Community sale signs allowed and exempt from permitting shall be as follows:

- A. Located out of right-of-way, no farther than one mile away from location of sale, and on private property with the owner's consent.

- B. Do not exceed one square foot in area for directional, within one mile as noted in B., and three square feet for signage, maximum four stakes signs, on premises of property for which Community Sale is being conducted per reference to Code Section 17.108.080, Chart a.
- C. Removed within one day following the Community Sale.

#### **5.16.080 – Persons and sales excepted**

The provisions of this Chapter shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order or process of a court or competent jurisdiction;
- B. Persons acting in accordance with their powers and duties as public officials;
- C. Persons who offer for sale five (5) items or less of personal property at a Community Sale.

#### **5.16.090 – Violation**

Any person, association or corporation conducting any such Community Sale without being properly permitted therefor or who shall violate any of the other term and regulations of this Chapter, shall, upon conviction, be fined not less twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), or be imprisoned for period not to exceed ten days for each violation.

#### **SECTION 2.**

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

#### **SECTION 3.**

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4.

This ordinance shall become effective immediately upon adoption.

So ordained this 18 day of March, 2019.

CITY OF MCDONOUGH, GEORGIA

Billy Copeland  
BILLY COPELAND, MAYOR

ATTEST:

APPROVED AS TO FORM:

Janis Price  
JANIS PRICE, CITY CLERK

ATTORNEY