

CHAPTER 14

YARD SALES

SECTION

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5-1401. Definitions. The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning. The word “shall” is always mandatory and not merely directory.

- (1) **Yard sale** means and includes all general sales, open to the public, conducted from or on any premises in any residential or non-residential area for the purpose of disposing of personal property, including but not limited to all sales entitled “yard”, “garage”, “lawn”, “attic”, “porch”, “room”, “backyard”, “patio”, “flea market”, “rummage”, or any other similar type worded sale. This definition does not include the operation of any business carried on, on a regular day to day basis, at a fixed location, in a Business District allowed and regulated by the City of Paris Zoning Ordinance as is set out in Chapter 11 of the Paris Municipal Code where such business has a business license, sales tax number, and meets all building and code requirements.
- (2) **Person** shall include individuals, neighborhood associations, and non-profit organizations as classified by the internal revenue service. Recognized clubs and organizations of schools, churches, and civic service organizations shall be considered a person for the purposes of this Ordinance. Final determination of the status of such clubs and organizations, in the event of a dispute, shall be made by the City Manager.
- (3) **Personal property** means property that is owned, utilized, and maintained by an individual or members of an individual’s residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise purchased for resale or obtained on consignment. Such personal property includes goods, wares, merchandise, household articles, utensils, jewelry, clothing, furniture, and other articles of this kind acquired as a function of daily living and not acquired for the purpose of inclusion in a yard sale.

5-1402. Registration required. Registration is required for each yard sale that lasts more than three consecutive days, or for any yard sale location that has personal property for sale more than 16 total days in any calendar year. Registration may be accomplished by calling the City Business Office at 731/641-1402 or by appearing in person at the Paris City Hall, 100 North Caldwell Street, Paris, Tennessee. Registration may also be completed by sending the name of the person conducting the yard sale, the street address, and the start and end date of the yard sale together with the registrant’s e-mail address to the City of Paris website at www.paristn.gov. There shall be no charge for registration and conducting a yard sale that complies with the provisions of this Chapter.

5-1403. Right of entry. A City of Paris police officer or any other City of Paris employee designated by the City Manager shall be authorized to make inspections of any yard sale governed by this Ordinance. Any such police officer or the City Manager's designee shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement and inspection and to ensure that the provisions of this ordinance are complied with. A City of Paris Police Officer may arrest or issue a citation in lieu of arrest to any person who violates the provision of this Chapter.

5-1404. Property permitted to be sold. It shall be unlawful for any person to sell or offer for sale, under authority granted by this Chapter, property other than personal property, and/or property for which a separate license or permit is required or any personal property which is prohibited for sale by this Chapter, and Ordinance, or State or Federal law or where a separate permit or license is required.

5-1405. Duration and hours of sale. Any yard sale properly registered as provided in 5-1402 shall be allowed subject to the following limitations:

- (1) For a period not greater than four consecutive days.
- (2) Each property address shall be limited to four (4) yard sales per calendar year. Any person conducting yard sales more frequently than four (4) yard sales per calendar year shall be presumed to be operating a home occupation in violation of the Zoning Ordinance if the yard sale is conducted in a residential area, or will be subject to Business License requirements from the Commissioner of Finance and Revenue under the Business Tax Act and shall be subject to sales tax collection and reporting requirements. Any person in violation of this Section shall be required to keep an inventory of items for sale for inspection by the Commissioner of Finance and Revenue or his authorized agent.
- (3) The hour of operation of any such yard sale shall be from 7:00 a.m. to 6:00 p.m.

5-1406. Display of property. Personal property offered for sale pursuant to this Chapter may be displayed in the front, side, or rear yard of the registered property and/or in a garage, carport, or driveway area of the registered premises but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way. Any vehicles offered for sale may be displayed on a permanently constructed driveway within the front or side yard of the registered property. All tables, racks, or other displays shall maintain a minimum of three (3) foot clearance from all property lines. Any such personal property offered for sale pursuant to this Chapter may not be placed on display for sale more than 24 hours prior to the date of sale and all such personal property offered for sale must be removed from display for sale and out of public sight from the street right-of-way in front of the registered premises within 24 hours of the last authorized date of sale.

5-1407. Signs. Signs are permitted to advertise the yard sale, but only as specified hereafter, notwithstanding the provisions of any other section of the Paris Municipal Code. Only the following specified signs may be displayed in relation to a pending yard sale; provided, however, that such signs shall be applicable to all other provisions of the Sign Ordinance of the City of Paris relating to the placement of signs:

- (1) Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the registered site where the yard sale is being conducted.
- (2) Directional signs of not more than two (2) square feet each are permitted, provided that the registered site on which the yard sale is conducted is not on a major

thoroughfare, in which case, no directional signs shall be allowed. Written permission must be obtained from any property owner where off site directional signs are placed.

- (3) Under no circumstances are any signs allowed to be placed on telephone poles, utility poles, traffic or road signs or public right-of-ways. Any such signs so placed shall be removed by City employees.
- (4) No signs or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence. All signs must be removed within 24 hours of the termination of the yard sale.

5-1408. Responsibility for maintaining order. The registrant of the premises on which the yard sale is conducted shall be responsible for maintenance of good order and decorum on the premises during all hours of such yard sale. No registrant shall permit any loud or boisterous conduct on the yard sale premises or permit any vehicles to impede the passage of traffic on any road or streets adjacent to the registered location. All registrants shall obey the reasonable orders of any member of the Paris Police Department or Paris Fire Department in order to maintain the public health, safety, or welfare.

Registrants under this Chapter shall maintain the property where the yard sale is being conducted in a manner such as to minimize the accumulation of trash, litter, and other unsightly conditions. At the conclusion of the yard sale, all debris, signs, tables, and/or any unsold items must be removed from the site as stated hereinabove. Failure to properly maintain or clean up the yard sale site may result in denial of future permits together with all other enforcement provisions provided under this Ordinance.

5-1409. Parking. All parking of vehicles at yard sales regulated under this Chapter shall be conducted in compliance with all applicable traffic laws, ordinances, and statutes. The City of Paris Police Department may enforce such temporary controls as are necessary to alleviate any special hazards or congestion created by any yard sale.

5-1410. Penalties for violation. Any person found in violation of any provision of this Chapter shall be subject to punishment by fine of not less than nor more than fifty dollars (\$50.00) per day. Every article sold and every day a sale is conducted in violation of this Chapter shall constitute a separate offense. The fine provided for in this section may not be waived, suspended, reduced, or forgiven. (Ord.# 1146, 10/04/2012)