

**ORDINANCE NO. 16 - 1137**

**AN ORDINANCE TO AMEND CHAPTER 721 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF RUSSELLS POINT REGARDING HOUSE SALES IN THE VILLAGE OF RUSSELLS POINT, OHIO**

**WHEREAS**, the Codified Ordinances of the Village of Russells Point provide parameters for Village residents to hold home sales; and

**WHEREAS**, the Codified Ordinances of the Village must be updated from time to time; and

**WHEREAS**, the Codified Ordinances need updated regarding home sales in the Village;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSSELLS POINT, STATE OF OHIO, THAT:**

**SECTION I.** That Chapter 721 of the Codified Ordinances be amended to read as follows:

**CHAPTER 721**  
**Yard Home Sales**

**721.01 DEFINITIONS.**

~~House~~ A Home sales is any sale of personal property to the general public conducted on any portion of a residence property within an R1, R2 or R3 residential zoning district as described in the zoning regulations of this Village, to include but not to be limited to garage sales, patio sales, yard sales, carport sales, basement sales, porch sales and driveway sales.

**721.02 PERMIT; FEE.**

(A) No person, firm or corporation shall conduct home sales within any residential zoning district, as defined by the Village zoning regulation, in the Village, without first obtaining a permit from the Mayor; said permit shall be obtained from the Mayor or the Mayor's office: a five dollar (\$5.00) fee shall be charged for each permit.

(B) Only three home sale permits shall be issued for a single address in any 12-month period, and are only valid for three consecutive days, including permit fee free weekends.

(C) There shall be no permit fee for a garage sale permit on the following weekends:

1. The weekend preceding Memorial Day, including Monday;
2. Independence Day weekend which is defined as three consecutive days, one of which is Independence Day, regardless of whether or not Independence Day occurs on a weekend;
3. The weekend preceding Labor Day, including Monday.

(D) A permit shall be required to conduct a home sale on a permit fee free weekend.

(E) A permit fee free holiday home sale permit shall count toward the limit of three yard sales annually per single address.

**721.03 RESTRICTIONS.**

No person, firm or corporation who has obtained a permit shall violate any of the provisions of this section:

(a) No ~~home~~ sale shall be conducted by more than one resident at a single address ~~without the consent of the Mayor.~~

(a) ~~(b)~~ No person shall offer any merchandise for sale at a home sale that has been purchased for the purposes of re-sale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence of such purchase for re-sale.

(b) ~~(c)~~ No home sale shall be conducted during hours other than between 9:00 a.m. and 8:00 p.m. ~~and in no event shall a home sale last more than three consecutive days and not to exceed twice per year per residence.~~

(c) ~~(d)~~ No person shall post or erect a sign for a home sale in violation of any Village ordinance regulating signs and advertisement.

(d) ~~(e)~~ Every person conducting a home sale shall post his permit in a prominent place on the sale premises for inspection purposes and shall exhibit same upon request.

**721.99 PENALTY.** Whosoever violates or fails to comply with the provisions of this chapter shall be fined as a first offense ~~but~~ not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) and whoever violates or fails to comply with the provisions of this regulation shall be fined for a second or later offense not more than one hundred dollars (\$100.00).

**SECTION II.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

**SECTION III.** That this ordinance shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

\_\_\_\_\_  
John Huffman  
President Pro Tem of Council

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Robin Reames  
Mayor

Attested: \_\_\_\_\_  
Jeff Weidner  
Fiscal Officer

Approved as to Form:  
Robert N. Eshenbaugh Jr.  
Village Solicitor