

**Ordinance 2017-10**  
**Amending Ordinance 1995-4**  
**CONCERNING NUISANCES AND DEFINING YARD AND GARAGE**  
**SALES**

WHEREAS, the Town of Cloverdale has determined that the continuous operation of yard or garage sales in residential districts interferes with the ordinary use and enjoyment of property and constitutes a nuisance; and

WHEREAS, it is in the interest of the Town of Cloverdale to provide for the regulation and control of yard and garage sales in residential areas.

NOW THEREFORE BE IT DEFINED

Per Ordinance 2014-26 Section 4, (D) page 54

1. **Definition of garage/yard sale** 6 (six) items or more defines a garage or yard sale (see page 15 in the 2014-26 Ordinance).
2. **Location and Duration.** A garage or yard sale may be conducted two (2) times in any one calendar year on any premises located in and R-1, R-1A, R-2, District but no such sale shall be conducted for more than three (3) consecutive days.  
NO YARD, GARAGE SALE IN BUSINESS DISTRICT (SEE CANVASSERS AND PEDDLER ORDINANCE 2017-13)
3. **Hours of Operations.** A garage or yard sale shall only be conducted during the hours from sunrise to sunset.
4. **Property for Sale.** All items of personal property sold at a garage or yard sale shall be owned by the owner or occupier of the premises or be participant at the sale. Personal property for sale must not be property that has been acquired by the owner expressly for the purpose of resale
5. **Removal of Sale Items and Signs.** All personal property exhibited for sale outside any structure during a garage or yard sale shall be removed from the outside and placed within a building immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.
6. **Requirements for a Permit.** No garage or yard sale shall be held without the owner or occupier of the premises having first obtained a permit for the sale. The permit shall be obtained through application to the Administrator who shall issue such permit without charge. The permit shall specify the address and date of the sale, and the permit must be clearly displayed at the site of the garage sale at all times.
7. **Number of Permits Required.** Garage or Yard Sales that are organized and conducted by Home Owners Association "HOA" within the subdivision where the HOA is based only requires one (1) Permit.

**Violation of this Ordinance shall be consider a Nuisance.** See Ordinance 1994-10

Section III. Inspection of Premises

For the purpose of carrying the provision of this ordinance into effect, it is the duty of all officers and employees of the Town to report the existence of the nuisance to the Town Marshal.

For the purpose of this Ordinance, the Town Marshal, or other personnel designated by the Town council shall be permitted to visit or enter into or on any building, lot, grounds, or premises with the Town to ascertain and discover any such nuisances and to make examination thereof.

Section IV. Procedure.

- (a) Any person may complain to the Town Council, Town Clerk, Town Manager or Town Marshal of a nuisance. The Town Marshal shall investigate each nuisance complaint and make a preliminary determination of whether a nuisance exists.
- (b) If the Town Marshal's preliminary determination is that a nuisance does exist, the Town Marshal or Deputy Town Marshal shall issue a "notice to abate" by either a letter or other notice sent by certified mail or delivered in person to the person responsible for the nuisance including the following:
  - (1). The Town Marshal has made a preliminary determination that a nuisance exists, and;
  - (2) The person responsible for a nuisances shall abate it upon the order of the Town Council of Cloverdale, Ind.
  - (3) Failure to abate the nuisance describe within the time specified (no less than 10 days from the date of notice) shall constitute a violation of the Ordinance.

Section V. Enforcement

- (a) Any person, firm or corporation, or anyone acting in behalf thereof, who is found to be in violation of this ordinance shall be fined in an amount of twenty-five dollars (\$25.00) for the first violation and Fifty Dollars (\$50.00) for a second instance of the same violation within any calendar year.
- (b) Each day that a violation exists, or is permitted to exist, shall constitute a separate violation
- (c) The Town of Cloverdale, Indiana may seek and be granted, in any court of competent jurisdiction, injunctive relief to enforce this ordinance.

- (d) In the event of a violation, after ten (10) day notification of its intent to do so, all necessary officers, agents and employees of the town of Cloverdale, Indiana may enter onto the property upon which such nuisance exists, take any and all appropriate, necessary and convenient action to abate said nuisance. Any and all expense incurred by said Town of Cloverdale, Indiana in any way connected with the abatement of such nuisances shall be immediately payable to said Town by the person responsible for the nuisance and shall be a lien against the property, including the entire lot, parcel or tract of real estate, upon which said nuisance existed.

Section VI. Effective Date

This Ordinance shall be in full force and effect from and after its publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Cloverdale, Indiana this 12<sup>th</sup> day of Sept 2017

  
\_\_\_\_\_  
Coweta Patton, President Town Council

  
\_\_\_\_\_  
Larry Fidler, Vice President Town Council

Attest  
  
\_\_\_\_\_  
Cheryl Galloway, Clerk Treasurer

I affirm, under penalties, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

This document was prepared by Cheryl Galloway Clerk Treasurer.