

CITY OF JONESBORO, ILLINOIS
A Municipal Corporation

ORDINANCE NO. 2019-01

Passed and Approved
March 18, 2019

An Ordinance of the City Council of Jonesboro, Illinois,
Regulating Yard Sales Held Within the Municipal
Limits of the City of Jonesboro, Illinois

ORDINANCE NO. 2019-01

THE CITY OF JONESBORO, A MUNICIPAL CORPORATION

AN ORDINANCE OF THE JONESBORO CITY COUNCIL,
REGULATING YARD SALES WITHIN THE MUNICIPAL
LIMITS OF THE CITY OF JONESBORO, ILLINOIS

THAT WHEREAS, the State of Illinois has previously granted Illinois municipalities the authority to adopt and enact such Ordinances as are determined to be necessary to protect the public health, safety and welfare of their citizens; and

WHEREAS, the City of Jonesboro has determined that it is necessary to adopt a uniform set of rules and regulations for conducting and operating yard sales within its municipal limits so as to protect homeowner property values, the quality of life in its neighborhoods, and generally protect the safety and welfare of its citizens.

NOW THEREFORE, BE IT HEREBY ORDAINED AS FOLLOWS:

SECTION 1 - DEFINITIONS

- A. **“Yard Sale”** - shall mean any display of merchandise or any display or arrangement of property, for sale or barter, at a non-commercial location. Events commonly known as “garage sales”, “tailgate sales”, “flea markets”, “house sales”, “moving sales” or any similar designation shall be included in the definition of “yard sales” and shall be subject to the rules and regulations set forth in this Ordinance. “Yard Sale” shall also include any display of merchandise or any display or arrangement of property, either for sale or barter, at a commercial location whose primary business is not the sale of the property being offered for sale or barter.
- B. **“Charitable Organization”** - means any not-for-profit organization or institution organized and operated to benefit the public.
- C. **“Educational Institution”** - means any organization or institution, organized and operated to provide systematic instruction and learning methods common to schools and other learning institutions which compare favorably to the course of study presented in tax-supported, public schools.

- D. “Fraternal Organization” - means any organization of persons having a common interest which interest promotes both the welfare of its members and assistance to the general public, lessening the burdens of government by caring for those that may or may not be cared for by the government.
- E. “Religious Organization” - means any church, congregation, society, or organization founded for the purpose of religious worship.
- F. “Veteran Organization” - means an organization or association comprised of members, substantially all of whom are veterans, veterans spouses, widows or widowers of veterans, whose primary purpose is to promote the welfare of its members and provide assistance to the general public in such a way or manner as to confer a public benefit.

SECTION 2 - WHO MAY HAVE YARD SALES

- A. Residents of the City of Jonesboro may have yard sales on property which they own and/or are legal residents.
- B. Bona fide charitable, educational, fraternal, non-for-profit, religious or veteran’s organizations who own and/or maintain a location within the municipal limits of the City of Jonesboro.
- C. Upon such terms and conditions as the City Council, in its sole discretion, deems appropriate and approves, “special event” yard sales may be held within the municipal limits.

SECTION 3 - LOCATION OF YARD SALES

- A. Individual Residents - Yard sales shall only be held on the premises of the Jonesboro resident conducting the sale.
- B. Organizations - Yard sales shall only be held on the premises where the organization is situated and/or located within the municipal limits, provided however, that upon written request, the City Council may, within its sole discretion, allow an organization to conduct a yard sale at an off-site location.
- C. Special Event Yard Sales - Special Event Yard Sales may be permitted at such times as the City Council, in their sole discretion, approves.

SECTION 4 - WHEN YARD SALES MAY BE CONDUCTED

- A. Individual Residents - Yard sales shall be permitted twice per calendar year, per residence. Yard sales shall not be operated earlier than 6:00 a.m. on Thursday, nor later than 5:00 p.m. on the immediately-following Sunday, at which time said yard items and material shall be immediately removed and/or cleaned-up. There shall be no yard sales in the City between 5:00 p.m. on Sunday and 6:00 a.m. on the following Thursday.
- B. Organizations - Yard sales for organizations shall be subject to the same rules, regulations and limitations as to the dates and times when they may be held and/or conducted, except as otherwise approved, in its sole discretion, by the City Council.
- C. Special Event Yard Sales - Special Event Yard Sales shall be permitted at such times as the City Council, in its sole discretion, approves.

SECTION 5 - LIMITATIONS

- A. It shall be unlawful for anyone to conduct or operate a retail business as a yard sale, or to engage in any sales other than of their own used property, junk, antiques or other discarded items of property. The resale of any property other than discarded items of personal property is expressly prohibited.
- B. No booths or concession stands shall be incorporated into any permitted yard sale except as approved upon written request by the City Council, in its sole discretion.
- C. Yard sale signs shall not exceed four (4) square feet, shall be erected not more than three (3) days prior to the scheduled yard sale, and shall be removed immediately following the event, not later than twelve (12) hours after the conclusion of the permitted sale.
- D. No yard sale signs shall be posted on utility poles or any City or State owned stop signs, speed restriction signs, no parking signs, street signs, etc.

SECTION 6 - PENALTIES and PROTESTS

- A. Any person or organization violating any of the terms, conditions or provisions of this Ordinance shall be fined not less than ONE HUNDRED

FIFTY DOLLARS (\$150.00) for each provision violated. Violations at subsequent yard sales shall result in additional fines, per yard sale, as provided in this Ordinance. Fines for violations of this Ordinance shall be placed on the resident's/organization's next monthly City utility bill. Any fines not paid at the time for payment of the utility bill shall result in utility disconnection by the City, which utilities shall remain disconnected until said fine and any utility bill is paid-in-full.

- B. Fines and disconnection of utility services for violations of this Ordinance may be protested and appealed by filing a written protest/appeal and request for hearing at the Jonesboro City Hall during regular business hours. Upon receipt of a written protest, appeal and request for hearing, filed PRIOR TO the disconnection of utility services, a hearing shall be scheduled before the City Council at its next regularly-scheduled City Council meeting. Said hearing shall be presided over by the Mayor or his designee and by majority vote of the City Council, said fine shall be sustained and/or denied. Should said fine be upheld, disconnection of utility services shall proceed in the manner as provided by City policies and/or City Ordinances.

SECTION 7 - EFFECTIVE DATE

This Ordinance shall become effective upon its passage and adoption by the City of Jonesboro and any and all parts of the Revised Code of Ordinances of the City of Jonesboro of 2014 not otherwise revoked, amended and/or superceded shall remain in full force and effect.

PASSED and ADOPTED: March 18, 2019.

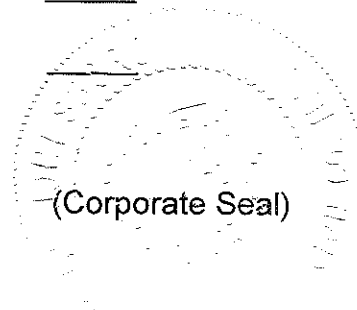


KEN BLANDFORD - Mayor

<u>RECORD OF VOTE:</u>	<u>YEA</u>	<u>NAY</u>
ALDERMAN CARLSON	<u>✓</u>	_____
ALDERMAN HILEMAN	_____	_____
ALDERMAN HALDEMAN	<u>x</u>	_____
ALDERMAN HUNTER	<u>x</u>	_____
ALDERMAN STEGLE	<u>x</u>	_____
ALDERMAN WATKINS	<u>x</u>	_____

ATTEST:

Barbara Casper
BARBARA CASPER, City Clerk



FILED FOR RECORD ON March 19, 2019.