

TITLE 20

MISCELLANEOUS

CHAPTER

1. REGULATIONS FOR USE OF PAVILION.
2. GARAGE SALES.
3. FALSE ALARM ORDINANCE.

CHAPTER 1

REGULATIONS FOR USE OF PAVILION

SECTION

20-101. Regulations.

20-101. Regulations. (1) Upon application to use the Bluff City pavilion the applicant must make a twenty dollar (\$20.00) deposit with the Town of Bluff City prior to use and/or issuing keys for the rest rooms.

(2) Upon return of the rest room keys, the town shall inspect the rest rooms at the pavilion and if they are in the same condition as they were upon issuance of keys to the applicant the twenty dollar (\$20.00) deposit shall be refunded.

(3) If the rest rooms are not in the same condition as when the keys were issued, the twenty dollar (\$20.00) deposit shall not be refunded and the applicant shall be held liable for any damages thereto. (Ord. #98-010, Aug. 1998)

CHAPTER 2

GARAGE SALES

SECTION

- 20-201. Intent and purpose.
- 20-202. Definitions.
- 20-203. Property permitted to be sold.
- 20-204. Permit required.
- 20-205. Written statement required.
- 20-206. Permit fee.
- 20-207. Permit issuance - conditions.
- 20-208. Hours of operation.
- 20-209. Display of sale property.
- 20-210. Display of permit.
- 20-211. Advertising signs.
- 20-212. Public nuisance.
- 20-213. Inspection - arrest authority of inspection.
- 20-214. Parking.
- 20-215. Relocation and refusal of permit.
- 20-216. Persons exempted.
- 20-217. Separate violations.
- 20-218. Penalty.

20-201. Intent and purpose. The Board of Mayor and Aldermen of the Town of Bluff City find and declare that:

(1) The intrusion of nonregulated garage sales is causing annoyance to the citizens of the Town of Bluff City and congestion of the streets in areas of the Town of Bluff City.

(2) The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area;

(3) The provisions of this chapter are designed to control the operation of garage sales conducted in non-residential areas also; and

(4) The provisions and prohibitions hereinafter contained are enacted not to prevent garage sales, but to regulate garage sales for the safety and welfare of the citizens of the Town of Bluff City, Tennessee. (as added by Ord. #2004-012, Nov. 2004)

20-202. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words

in the singular number the plural number. The word "shall" is always mandatory and not merely directory:

(1) "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises and any residential or non-residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," or "rummage" sale; and

(2) "Personal property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchases for resale or obtained on consignment. (as added by Ord. #2004-012, Nov. 2004)

20-203. 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. (as added by Ord. #2004-012, Nov. 2004)

20-204. Permit required. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the Town of Bluff City. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. Permits may be obtained for any non-residential location. (as added by Ord. #2004-012, Nov. 2004)

20-205. Written statement required. Prior to issuance of any garage sale permit, the individuals conducting such sales shall file a written statement with the city recorder, setting forth the following information:

(1) Full name and address of applicant;

(2) The location at which the proposed garage sale is to be held;

(3) The date, or dates upon which the sale shall be held. The date, or dates of any other garage sales within the current calendar year.

(4) An affirmative statement that the property to be sold has been owned by the applicant as his own personal property for a minimum of sixty (60) days preceding the filing of the written statement and was neither acquired nor consigned for the purpose of resale; and

(5) An affirmative statement that the applicant will fully comply with this and all other applicable chapters and laws. (as added by Ord. #2004-012, Nov. 2004)

20-206. Permit fee. There shall be an administrative processing fee of one dollar (\$1.00) for the issuance of such permit. (as added by Ord. #2004-012, Nov. 2004)

20-207. Permit issuance-conditions. Upon the applicant complying with the terms of this chapter, the city recorder shall issue a permit. The permit shall set forth and restrict the time and location of such garage sale. No more than four (4) such permits may be issued to one non-residential location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all such residences. (as added by Ord. #2004-012, Nov. 2004)

20-208. Hours of operation. Such garage sales shall be limited in time to no more than 9:00 a.m. to 6:00 p.m. on three (3) consecutive days. (as added by Ord. #2004-012, Nov. 2004)

20-209. Display of sale property. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. A vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yard. (as added by Ord. #2004-012, Nov. 2004)

20-210. Display of permit. Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public. (as added by Ord. #2004-012, Nov. 2004)

20-211. Advertising signs. (1) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(a) One sign permitted. One of not more than four square feet shall be permitted to be displayed on the property of the residence or non-residential site where the garage sale is being conducted.

(b) Directional signs. Two signs of not more than two square feet each are permitted, provided that the premises on which the garage sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners on whose property such signs are to be placed and no signs shall be placed on public rights-of-way or easements.

(2) Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

(3) Removal of signs. Signs must be removed by 8:00 p.m. on the final day of the garage sale. (as added by Ord. #2004-012, Nov. 2004)

20-212. Public nuisance. The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No

such individual shall permit any loud or boisterous conduct on said premises, nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the Town of Bluff City in order to maintain the public health, safety and welfare. (as added by Ord. #2004-012, Nov. 2004)

20-213. Inspection - arrest authority of inspector. A police officer may make inspections under the licensing or regulating chapter or to enforce the same, shall have the right of entry to any premises showing evidence of garage sale for the purpose of enforcement or inspection and may close the premises from such a sale or cite any individual who violates the provisions of this chapter. (as added by Ord. #2004-012, Nov. 2004)

20-214. Parking. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale. (as added by Ord. #2004-012, Nov. 2004)

20-215. Relocation and refusal of permit. (1) False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the city recorder if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statements.

(2) Conviction of violation. If any individual is convicted of an offense under this chapter, the city recorder is instructed to cancel any existing garage sale permit held by the individual convicted and not issue such individual another garage sale permit for a period of two (2) years from the time of the conviction. (as added by Ord. #2004-012, Nov. 2004)

20-216. Persons exempted. The provisions of this chapter shall not apply to or affect the following:

(1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officials;

(3) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day to day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the Town of Bluff City or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vender in which sale would be conducted from property zoned premises and not otherwise prohibited by other ordinances; and

(4) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organizations with charitable and the goods or articles are not sold on a consignment basis. (as added by Ord. #2004-012, Nov. 2004)

20-217. Separate violations. Every article sold and every day sale is conducted in violation of this chapter shall constitute a separate offense. (as added by Ord. #2004-012, Nov. 2004)

20-218. Penalty. Any person found guilty of violating the terms of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. (as added by Ord. #2004-012, Nov. 2004)

CHAPTER 3

FALSE ALARM ORDINANCE

SECTION

20-301. False alarms regulated.

20-301. False alarms regulated. (1) Whenever an alarm is activated in the Town of Bluff City, Tennessee, thereby requiring an emergency response to the location by authority personnel, a police officer and/or fireman on the scene of the activated alarm shall determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) If the police officer or fireman at the scene of the activated alarm system determines the alarm to be false and no emergency exists, then such officer shall submit a report of the false alarm to the chief of police. A written notification of emergency response and determination of the response shall be mailed or delivered to the alarm user.

(3) It is hereby found and determined that more than five (5) false alarms are excessive and constitute a public nuisance. Whenever an alarm system has produced five (5) false alarms within a twelve (12) month period, the alarm user shall be guilty of a violation of this article for each subsequent false alarm, each violation of this article shall be punishable by a fine of \$50.00.

(4) There shall be provided to the alarm user a ten-day grace period during the initial installation of the alarm system. The penalty provisions in this article will not apply for false alarms activated during the grace period.

(5) Any alarm business testing or servicing any alarm system shall notify the chief of police and inform him of the location and time of such testing and servicing and upon completion of the test or service. This subsection shall apply to any testing period after the initial installation period has ceased. The provisions of this section regarding false alarms will not apply to the alarm used if prior notice of such testing has been made to the chief of police. (as added by Ord. #2003-008, Jan. 2004)