



Yard / Garage Sale Permits

Newark City Hall
40 West Main Street

- Permits are sold on the 1st Floor in the Tax office
- Permits are sold at the following times:
Monday, Tuesday, Thursday and Friday from 8:00 a.m. to 4:30 p.m.
Wednesday 11:30 a.m. to 4:30 p.m.
- Permits must be purchased in person.
Cash (exact change please)
Checks are acceptable form of payment (payable to City of Newark)

Home Sale - \$5
Street Sale - \$10
- For questions, please call (740) 670-7580

The cost, the amount of days and type of permit are all detailed in the ordinance on the following pages

BY _____

AN ORDINANCE TRANSFERRING ADMINISTRATIVE RESPONSIBILITIES FOR HOME SALE PERMIT ISSUANCE FROM THE DIRECTOR OF PUBLIC SAFETY TO THE DIRECTOR OF PUBLIC SERVICE.

WHEREAS, the Office of the Director of Public Safety possesses insufficient staff to efficiently process the issuance of home sale permits; and

WHEREAS, the Office of the Director of Public Service has agreed to assume the administrative responsibilities therefore,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING, AND THE STATE OF OHIO, THAT:

Section 1: Chapter 836 of the Codified Ordinances of the City of Newark, Ohio, is hereby amended to read as follows:

CHAPTER 836

Home Sales

- 836.01 Definitions.
- 836.02 Intent.
- 836.03 Permit required.
- 836.04 Permit application.
- 836.05 Permit fee and issuance; effective period.
- 836.06 Advertising and promoting.
- 836.07 Hours and merchandise permitted.
- 836.08 Display of permit.
- 836.09 Constructive knowledge of law.
- 836.10 Revocation or non-issuance of permit.
- 836.11 Appeals; time limitations.
- 836.99 Penalty.

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65

Falsification - see GEN. OFF. 606.10

Billposting in public places - see GEN. OFF. 642.23

License and permit issuance and revocation - see B. R. & T. Ch. 804

Advertising - see B. R. & T. Ch. 808

836.01 DEFINITIONS.

As used in this chapter:

(a) "Residential property" means any real property which is used, either temporarily or permanently as a dwelling for one or more persons. The use of the property as a dwelling shall be determinative of whether or not it is subject to the provisions of this chapter, regardless of whether or not such property is located in a district zoned for residential uses in the City.

(b) "Home sale" means a sale of tangible personal property to the public conducted on any portion of any residential property in the City and includes, but is not limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like.

(c) "Neighborhood sale" means multiple street sales within the same geographical and/or traditional neighborhood.

(d) "Street sale" means home sales taking place at multiple homes on one street.

836.02 INTENT.

It is the intent of this chapter to regulate, restrict and control home sales conducted in any location in the City. This chapter shall not apply to sales conducted by businesses, even though located in residential areas, and shall not apply to auction sales as set forth in Chapter 816.

836.03 PERMIT REQUIRED.

No person shall conduct a home sale in the City without first obtaining a permit therefore from the Director of Public Service or his or her designee. No person shall conduct a street sale without first obtaining a street sale permit, either personally or by a designate, from the Director of Public Service or his or her designee. All the participating addresses on a particular street that are participating in the street sale must be listed on the permit.

836.04 PERMIT APPLICATION.

The application for the permit required by Section 836.03 shall contain the name and residence address of the applicant, the address where the personal property is to be offered for sale, the dates on which the sale shall be conducted, and a general description of all the tangible personal property to be included in the sale. In addition, the application shall contain a space for written acknowledgment by the applicant that he or she is fully aware of the provisions of this chapter, that he or she agrees to abide by such requirements and that he or she understands that he or she may be penalized under the provisions of Section 836.99 for failure to comply with this chapter. In the case of a street sale, the applicant's signature serves as acknowledgment that the applicant will inform the street sale participants of the requirements of this chapter.

836.05 PERMIT FEE AND ISSUANCE; EFFECTIVE PERIOD.

(a) A fee of five dollars (\$5.00) shall be charged for each home sale permit. Each home sale permit shall be valid for not more than five consecutive calendar days and shall be issued only to an adult person residing at the location of the sale, or in the case of an estate sale, to the personal representative or an adult heir of the decedent. No permit shall be issued for any one location more than twice in any 365-day period. This includes both home sale permits and participation in a street sale. No home sale may be conducted on any other property than that at which the applicant resides.

(b) A fee of ten dollars (\$10.00) shall be charged for each street sale permit. Each street sale permit shall be valid for not more than two consecutive calendar days and shall be issued only to an adult person who lives on the street or who is helping to organize a neighborhood sale.

836.06 ADVERTISING AND PROMOTING.

(a) No person shall place or display, or permit another to place or display, any tangible personal property to be sold at a home sale in front of the building set-back line of the location upon which such property is to be or is being sold. The building set-back line shall be determined from the zoning laws in force at the time of the sale.

(b) No person shall place, erect or display, or permit another to place, or display, any sign, placard or other advertising which promotes or gives directions to a home sale, or street sale, unless all of the following are complied with:

(1) The sign, placard or other advertising shall be placed, erected or displayed only on the property upon which the home sale or street sale is taking place, or, if on property other than that upon which the home sale or street sale is taking place, only with the prior written consent of the owner or owners of such other property.

(2) The sign, placard or other advertising shall not be placed in a public right of way or attached to any pole, building or other temporary or permanent structure, device, tree or other object within the public right of way.

(3) The sign, placard or other advertising shall be first erected not earlier than 9:00 a.m. on the beginning date of the home sale or street sale and shall be removed not later than 8:00 p.m. on the last date of such home sale or street sale, as authorized under the permit issued in accordance with this chapter.

836.07 HOURS AND MERCHANDISE PERMITTED.

No home sale shall be conducted during hours other than those prescribed by the Director of Public Service, and in no event shall any home sale be commenced earlier than 9:00 a.m. or last later than 8:00 p.m. on each day during the period for which the permit is issued. No home sale shall offer any merchandise for sale that has been purchased for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence of merchandise purchased for resale at such home sale.

836.08 DISPLAY OF PERMIT.

The permit required by Section 836.03 shall be kept posted in a prominent place upon the premises set forth therein during the entire duration of the sale.

836.09 CONSTRUCTIVE KNOWLEDGE OF LAW.

Each person who conducts or attempts to conduct a home sale or street sale is deemed to have constructive knowledge of the requirements and prohibitions of this chapter.

836.10 REVOCATION OR NONISSUANCE OF PERMIT.

(a) The Director of Public Safety shall revoke any home sale or street sale permit issued pursuant to this chapter upon determining that the permittee has falsified an application for a home sale or street sale permit or has otherwise knowingly violated any of the provisions of Section 836.06 or 836.07.

(b) The Director of Public Safety may revoke any home sale or street sale permit issued pursuant to this chapter upon determining that the permittee has violated any of the provisions of this chapter, excluding Sections 836.06 and 836.07.

(c) The Director of Public Service may refuse to issue a permit to any person who has previously violated any provision of this chapter.

836.11 APPEALS; TIME LIMITATION.

Any person who is aggrieved by a decision under Section 836.10, may appeal to an Appeals Board which shall consist of the Mayor, the Building Code Administrator and a member of the Safety Committee of Council, or any representative appointed by a designated member of the Board to hear a particular appeal. The aggrieved person may appear before the Board and present evidence, information and arguments to support his or her appeal. The Director shall also appear for the purpose of advising the Board of the basis of his or her findings and to provide additional information if necessary. The Board shall then determine whether to uphold, modify or set aside the findings and action of the Director, and the decision of the Board shall be final. No appeal may be taken to the Board after the expiration of ten days, excluding Saturdays, Sundays and holidays, from the date that the aggrieved person receives notification of the adverse action of the Director.

836.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for a first offense. For each subsequent offense, such person is guilty, of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 2: Existing Chapter 836 of the Codified Ordinances of the City of Newark is hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted this 16th day of January 2007.

/s/ Marc D. Guthrie
President of Council

Attest:

/s/ Diana L. Hufford
Clerk of Council

Date filed with Mayor:

January 17, 2007

Date approved by Mayor:

January 17, 2007

/s/ Bruce Bain
Mayor

Approved as to form:

/s/ Douglas E. Sassen
Director of Law

9

10



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