

ORDINANCE NO. 2013-08

AN ORDINANCE REPEALING ORDINANCE NO. 456; SETTING REQUIREMENTS ON YARD SALES, USE OF SIGNS TO ADVERTISE YARD SALES, PENALTIES FOR VIOLATIONS AND FOR OTHER PURPOSES.

WHEREAS, Ordinance No. 456 was passed on August 22, 1991 which set out the requirements for conducting yard sales and the fees that were assessed, and

WHEREAS, the number of yard sales and the signs advertising said sales has increased over the last several years, and

WHEREAS, the increase has led to the practice of ongoing or perpetual yard sales as well as abandoned signs both of which creates unsafe driving conditions as well as unsanitary and unsightly articles around the City of Pocahontas.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF POCAHONTAS, ARKANSAS:

SECTION I: Yard sales

Every residence shall be able to conduct one (1) yard sale per year without the assessment of privilege tax provided that the party holding the sale notifies the City Clerk twenty-four (24) hours prior to the date of the sale of their intentions to hold a yard/carport sale.

Any residence conducting more than one (1) yard sale in any one calendar year shall be assessed a privilege tax in the amount of \$25.00 per additional yard sale. No residence shall be allowed to have more than one (1) yard sale per month and no more than a total of three (3) per year.

Further, no yard/carport sale shall be extended by any residence at any location in excess of three (3) days. Any violations of this Section will result in a fine of \$50 for the first offense and \$100 for each subsequent offense.

SECTION II: Permits

Every person, firm, corporation, association or household conducting a yard/carport sale, shall obtain a permit from the City Clerk twenty-four (24) hours prior to the date of the sale. Said permit must be on display at all times and clearly visible from the road. All merchandise must be removed out of yard, carport, etc., to be out of public view within twelve (12) hours after said yard/carport sale has ended. A violation of this Section will result in a fine of \$25.00 for the first violation and \$50 for each subsequent offense.

SECTION III: Signs

All signs advertising said yard/carport sale shall be no larger than six (6) square feet, placed on a single or double stake or other freestanding manner. The name and address of the person who obtained the permit shall be located on the sign. A violation of this Section will result in a fine of \$25.00 for the first violation and \$50 for each subsequent offense.

SECTION IV: Location of signs

The location of signs advertising said yard/carport shall be as follows: One (1) sign at the location of the sale for each street frontage on that property. One (1) pointer sign per sale may be placed in any intersection under the following conditions. No yard/carport sale sign shall be placed, tied, affixed, stapled, glued, taped to any utility pole, street sign, tree, stop sign, fence, etc. No yard/carport sale sign shall be placed in any public right-of-way. A violation of this Section will result in a fine of \$25.00 for the first violation and \$50 for each subsequent offense.

SECTION V: Time limit for advertising

No yard/carport sale signs shall be placed on public property any earlier than 12:01 P.M. the day before the sale and must be picked up by ten (10:00) A.M. the day after the sale is over.

A violation of this Section will result in a fine of \$25.00 for the first violation and \$50 for each subsequent offense

SECTION VI: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF August, 2013.

Frank Bigger  
Mayor Frank Bigger

ATTEST:

Suzanne Hawkins  
Suzanne Hawkins, Clerk/Treasurer