

ORDINANCE NUMBER 124

THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO, DO HEREBY ORDAIN TO REGULATE AND LIMIT THE NUMBER OF YARD OR GARAGE SALES THAT CAN BE HELD AT ANY ONE LOCATION OVER THE PERIOD OF ONE YEAR

Whereas, the Town of Arriba, (hereinafter referred to as the "Town"), in the County of Lincoln and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, Colorado Revised Statutes 31-15-401 and 31-15-501 give to the governing body of each municipality the power and authority to pass and enforce all necessary police ordinances for the general welfare of the Town residents, including ordinances designed to prevent and suppress nuisances and to regulate business or similar activity when in the best interests of the Town residents; and

Whereas, the Board of Trustees of the Town of Arriba (hereinafter referred to as the "Board"), has determined that frequent yard or garage sales may unreasonable interfere with a resident's use or enjoyment of his or her property or may be designed to avoid applicable municipal regulations or licensing requirements; and

Whereas, The Board deems that it is both preferable and appropriate to limit and regulate the number of yard or garage sales that can be held at any one locations within the Town boundaries over a year's time;

NOW, THEREFOR, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO AS FOLLOWS:

SECTION 1. - PURPOSE OF ORDINANCE.

PURPOSE: The purpose of this Ordinance is to limit and regulate the number of yard or garage sales that can be held at any one location during a period of one year in a residential district within the Town of Arriba.

SECTION 2. - DEFINITIONS.

For the purpose of this ordinance, the meanings of words herein contained shall be as follows:

"Yard Sale" or "Garage Sale" shall refer to the offering for sale of new or used items of personalty, for gain, by a person, persons, or other entity, form the yard, driveway, garage, or any other portion of a subject location in a residential area. "Yard Sale" or "Garage Sale" shall not refer to a sidewalk or other similar outdoor site owned or

operated by an established business in a commercial or industrial district, and used for the sale of retail goods.

"Location" shall mean any part of the physical address given by the Town of Arriba to a site wherein a yard or garage sale is held.

SECTION 3. - LIMITATIONS CONCERNING YARD OR GARAGE SALES.

No person, persons, or other entity shall be allowed to conduct, hold, operate, or allow the conducting, holding, or operation of a yard or garage sale at a location more than twelve (12) times over a period of Three Hundred Sixty Five (365) consecutive days. Should a yard or garage sale carry over into subsequent days, each day shall be counted toward the twelve (12) day allowed maximum. The Board, may at its discretion, allow additional days for the holding of a yard or garage sale upon written request from the applicant and for good cause shown.

SECTION 4. - NOTIFICATION TO TOWN CLERK.

No later than forty-eight (48) hours prior to the holding of a yard or garage sale, the owner of the subject location shall provide notice to the Town Clerk of such sale and the Town Clerk will register such sale date, with a permit, for purposes of compliance with this Chapter. The first four (4) permits issued to an individual resident shall be free of charge. The next eight (8) permits issued to an individual resident at the charge of \$25.00 per permit. The Town of Arriba reserves the right to deny any permit without cause.

SECTION 5. - PENALTY.

Any person convicted of violating the provisions of this Ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado, be assessed according to the following schedule of fines:

- 5.1 The first offense, a fine of not less than ten (10) dollars nor more than fifty (50) dollars.
- 5.2 The second offense within any consecutive 365 day period, a fine not less than twenty (20) dollars nor more than one hundred (100) dollars.
- 5.3 The third offense within any consecutive 365 day period, a fine not less than forty (40) dollars nor more than two hundred (200) dollars.
- 5.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of fifty (50) dollars for each violation.

5.5 The minimum fines prescribed herein for violations of any of the provisions of this Ordinance shall be mandatory and no Court shall grant a suspension thereof in whole or in part.

SECTION 6. - SEVERABILITY

If any one or more sections or subsections of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

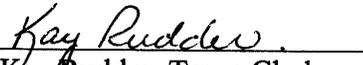
SECTION 7. - REPEALER.

All acts, order, resolutions, ordinances, or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

Adopted and Approved this 9th day of November, 1998.

Signed: 
Ida Johnson, Mayor

(SEAL)

Attest: 
Kay Rudder, Town Clerk