



ORDINANCE 707

AN ORDINANCE OF THE CITY OF THE VILLAGE AMENDING THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE; REVISING CHAPTER 11 BY ADDING A NEW ARTICLE XII, DIVISION 3, SECTIONS 11-266 TO SECTION 278; PERTAINING TO AUCTIONS AND ESTATE SALES IN THE A-1 SINGLE FAMILY ZONING DISTRICT; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE

Section 1. That Chapter 11 of The Village City Code is hereby amended by adding a new Article XII, Division 3 to read as follows:

“DIV 3. AUCTIONS/ESTATE SALES

Sec. 11-266. Auctions/estate sales defined.

As used in this article, the term auction/estate sale shall mean an event involving the sale of personal property through the process of bidding.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-267. Interval between auctions/estate sales.

No person, firm or organization shall hold, conduct, engage in or participate in any manner or allow an auction/estate sale to be held or conducted on-premises under his control or ownership more than one (1) time in any twelve-month period.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-268. Signs.

Signs advertising the auction/estate sale are permitted. Signs may be no larger than two (2) square feet in area and shall be limited in number to two (2) signs on the property involved and two (2) signs off the premises. Off-premises signs shall be allowed on the City right-of-way. All signs must be at least twelve feet from the curb and be removed within twenty-four (24) hours of the completion of the auction/estate sale. (Ord. No 707, § 1, 07-21-2015)



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Sec. 11-269. Locations.

The provisions of this article shall apply only to those events being conducted in residentially zoned areas. In residentially zoned areas, the auction/estate sale shall be confined to the premises for which the permit has been issued.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-270. Violations.

Every date an auction/estate sale is conducted in violation of this article shall constitute a separate offense.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-271. Accessory activities prohibited.

No sale of food or beverages shall be permitted in conjunction with an auction or estate sale.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-272. Exemptions.

The provisions of the article shall not apply to or affect the following:

- (1) Nonprofit organizations; and
- (2) Charitable organizations or persons when all gross sales from the sale are used directly for charitable purposes and the goods or articles are not sold on a consignment basis.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-273. Permit required.

No person shall hold, conduct, engage in or participate in any manner in an auction/estate sale without a permit for same. A separate permit shall be required for each location at which an auction/estate sale is to be held and no



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location shall be eligible for more than one (1) permit in any twelve-month period.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-274. Permit fee.

The fee for an auction/estate sale permit shall be fifteen dollars (\$15.00).

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-275. Application for permit.

An applicant for a permit required by this article shall furnish the city clerk with the following information:

- (1) Full name and address of applicant;
- (2) The location at which the proposed auction/estate sale is to be held;
- (3) The date or dates upon which the sale shall be held; and

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-276. Issuance of permit.

- (a) The city clerk is hereby authorized to grant a permit for an auction/estate sale for a period from 8:00 a.m. to 5:00 p.m. on three (3) consecutive days to any person applying who otherwise complies with the requirements of this Code.
- (b) If an auction/estate sale is not held on the date for which the permit is issued or is terminated because of inclement weather conditions and an affidavit by the permittee to this effect is submitted, the city clerk may issue another permit to the applicant for an auction/estate sale to be conducted at the same location within thirty (30) days from the date when the first auction/estate sale was to be held. The permittee shall advise the city clerk of the new date.
- (c) Before issuing a permit, the city clerk may conduct such investigation as may reasonably be necessary to determine if there is compliance with this Code.

(Ord. No 707, § 1, 07-21-2015)



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Sec. 11-277. Refusal to issue permit; revocation.

- (a) Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the city clerk if the application submitted by the applicant contains any false, fraudulent or misleading statement.
- (b) If any person is convicted of an offense under this article, the person may have their existing auction/estate sale permit cancelled and not be issued another auction/estate sale permit for a period of two (2) years from the date of conviction.

(Ord. No 707, § 1, 07-21-2015)

Sec. 11-278. Compliance with other ordinances.

The issuance of a permit under the provisions of this article shall not exempt such persons from the terms and provisions of other ordinances.

(Ord. No 707, § 1, 07-21-2015)

Section 2. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

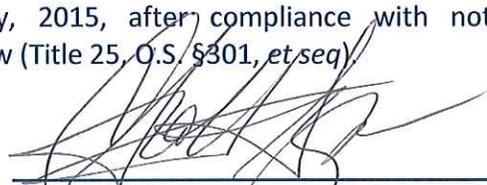
Section 3. Severability Clause. If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.



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Section 4. Emergency. WHEREAS, it being necessary for the preservation of the peace, health, safety, and public good of The City of The Village and the inhabitants thereof, an emergency is hereby declared to exist, and by reason whereof, this ordinance shall take full force from and after its passage, as provided by law.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 21st day of July, 2015, after compliance with notice requirements of the Open Meeting Law (Title 25, O.S. §301, *et seq*)

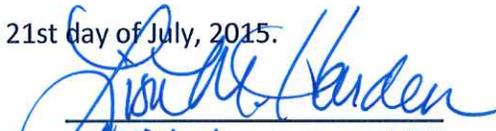


C. SCOTT SYMES, MAYOR

ATTEST:


City Clerk

APPROVED as to form and legality this 21st day of July, 2015.



Assistant CITY ATTORNEY