

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 096

By: Mr. Schonhut

AN ORDINANCE AMENDING CHAPTER 822 OF TITLE TWO OF PART EIGHT OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE REGARDING REGULATION OF HOME SALES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Chapter 822 of Title Two of Part Eight of the Codified Ordinances of the City of Strongsville be and is hereby amended in order that it shall read in its entirety as follows:

**CHAPTER 822
Home Sales**

822.01	Home sale defined.
822.02	Intent; scope.
822.03	Permit required; compliance; maximum number of sales; permitted length of sale.
822.04	Permit application; fee; display.
822.05	Hours and merchandise permitted.
822.06	Advertising signs.
822.99	Penalty.

CROSS REFERENCES

Sale of animals – See GEN. OFF. 618.06
Sale of drug paraphernalia – see GEN. OFF. 624.12
Merchandise displays – see GEN. OFF. 660.08
Sale of weapons and explosives – see GEN. OFF. 672.07 et seq.
Canvassers and solicitors – see B.R. & T. Ch. 806
Distress merchandise sales – see B.R. & T. Ch. 810
Street vending – see B.R. & T. Ch. 860

822.01 HOME SALE DEFINED.

As used in this chapter, “home sale” means a sale of personal property to the general public conducted on any portion of a resident’s property within a Residential Zoning District, including, but not limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like.

(Ord. 1978-13. Passed 2-21-78.)

822.02 INTENT; SCOPE.

(a) It is the intent of this eChapter to regulate, restrict and control home sales conducted on premises within Residential Zoning Districts.

(b) This eChapter shall not apply to:

- (1) Nonprofit corporations, churches, temples or recognized fraternities, sororities, clubs or lodges conducting home sales, provided that such nonprofit corporations, churches, temples or recognized fraternities, sororities, clubs or lodges conduct their sales on real estate owned and/or occupied by such organizations; or
- (2) Sales conducted by nonconforming businesses located in Residential Zoning Districts.

~~(Ord. 1978-13. Passed 2-21-78.)~~

822.03 PERMIT REQUIRED; COMPLIANCE; MAXIMUM NUMBER OF SALES; *PERMITTED LENGTH OF SALE.*

(a) No person shall conduct a home sale within a Residential Zoning District or in or upon a residential use in any other zoning district in the City without first obtaining a permit from the Commissioner of Buildings.

(b) No person who has obtained a permit shall violate any of the provisions of this eChapter.

(c) No home sale shall be conducted by the same resident or a member of the family of such resident on such resident's property or on another resident's property more than twice each twelve-month period.

(d) **No permitted home sale shall last more than three consecutive days.**

~~(Ord. 1978-13. Passed 2-21-78.)~~

822.04 PERMIT APPLICATION; FEE; DISPLAY.

(a) The Commissioner of Buildings shall provide applications for permits for home sales. Such an application shall include the name of the applicant, who shall be a resident of the City, his address, telephone number and ~~length of residence in the City~~, the nature of the merchandise to be offered for sale, the date of the sale and the duration of the sale.

~~_____ (b) The applicant shall apply for such permit ten days before the date of the sale. The Commissioner may issue such permit seven days before such sale.~~

~~_____ (c) The application for such a permit shall be submitted by the Commissioner to the Police Chief. The Chief may approve the application and shall regulate the hours of such sale as provided in Section 822.05(a).~~

~~(d)~~**(b)** An applicant for such a permit shall pay to the Commissioner a fee of two dollars (\$2.00) for such permit. **There shall be no fees assessed for such a permit.**

~~(e)~~**(c)** Every permittee conducting a home sale shall keep posted in a prominent place, upon the licensed premises, the permit certificate and shall exhibit the same upon request.

~~(Ord. 1978-13. Passed 2-21-78.)~~

822.05 HOURS AND MERCHANDISE PERMITTED.

(a) No person shall conduct a home sale except between the hours of 8:00 a.m. and 7:00 p. m., or as regulated by the Police Chief or a person designated by him, because of traffic or weather conditions. ~~No home sale shall last more than three consecutive days.~~

(b) No person shall offer any merchandise for sale that has been purchased by or for, given to, or placed with, the resident for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence of merchandise purchased by the resident for resale at such home sale.

~~(Ord. 2012-112. Passed 7-2-12.)~~

822.06 ADVERTISING SIGNS.

Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in Chapter 1272 of the Zoning Code; ~~except one directional sign not to exceed four and one half (4 ½) square feet in area posted in the City right-of-way at the corner of the street where the sale is to be conducted is also permitted.~~

~~(Ord. 2009-155. Passed 11-16-09.)~~

822.99 PENALTY.

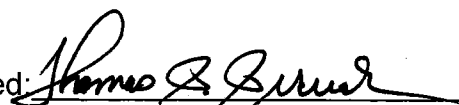
Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Section 2. That all other Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to simplify and facilitate the process of obtaining permits for those residents conducting certain types of sales at their homes, and to establish amended regulations before the summer season for such sales. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



President of Council

Approved: 
Mayor

Date Passed: May 5, 2014

Date Approved: May 6, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	<u> </u>
Daymut	<u>✓</u>	<u> </u>
DeMio	<u>✓</u>	<u> </u>
Dooner	<u>✓</u>	<u> </u>
Maloney	<u>✓</u>	<u> </u>
Schonhut	<u>✓</u>	<u> </u>
Southworth	<u>✓</u>	<u> </u>

Attest: 
Clerk of Council

ORD. No. 2014-096 Amended:
1st Rdg. 05-05-14 Ref:
2nd Rdg. Suspended Ref:
3rd Rdg. Suspended Ref:

Pub Hrg. Ref:
Adopted: 05-05-14 Defeated: