

ORDINANCE NO. 2018-05

AN ORDINANCE AMENDING ARTICLE II, CHAPTER 62, SECTION 62-31 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING GARAGE SALES

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of Village residents; and

WHEREAS, the Village currently regulates house, garage, rummage, attic and basement sales (collectively, "Garage Sales"); and

WHEREAS, the Corporate Authorities recognize the need to update the Garage Sale regulations (the "Regulations") from time to time; and

WHEREAS, among other updates to the Regulations, the Corporate Authorities wish to designate the last Saturday and Sunday of July annually as a Village-wide Garage Sale; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Article II, Chapter 62, Section 62-31 of the Municipal Code, Village Of Stickney, Illinois (the "Village Code") as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Article II, Chapter 62, Section 62-31 of the Village Code regulating Garage Sales within the Village and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF ARTICLE II, CHAPTER 62, SECTION 62-31 OF THE MUNICIPAL CODE,
VILLAGE OF STICKNEY, ILLINOIS**

SECTION 3.0. AMENDMENT OF ARTICLE II, CHAPTER 62, SECTION 62-31.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Article II, Chapter 62, Section 62-31 as follows:

ARTICLE II. - HOUSE SALES, GARAGE SALES, RUMMAGE SALES, ATTIC SALES, BASEMENT SALES

Sec. 62-31. - Permit.

(a) *Required.* No person shall engage in or conduct a garage, rummage, attic, basement or house sale from any residence, store, structure, or lot, in the village without first having obtained a special permit for such sale from the village clerk. No permit shall be issued unless application therefor is made no less than 14 days prior to the date of the proposed sale.

(b) *Terms and conditions for issuance.* No special permit will be issued unless there is full compliance with the following terms and conditions:

(1) The applicant-permittee must be the owner of the premises where such sale is to be held.

(2) The sale will involve only the personal property items owned by the applicant-permittee or members of the household.

(3) No such sale has been conducted by the same applicant or from the same premises during the preceding 12-month period. Such permit shall be valid only for the particular sale and premises designated thereon and shall be nontransferable.

(4) No sale items shall be located and no sales activities shall be conducted ~~in the front yard area of any premises, or on any public sidewalk, parkway area, or other public property.~~

(5) ~~All s~~Signs advertising such sale shall ~~shall~~ may be located in the front yard area of the premises, and no such sale signs, handbills or other advertising matter shall be located or posted ~~in or upon any public parkway, building, utility post, lamppost, or public property in the village.~~ Notwithstanding the foregoing, signs may be posted on public parkways for not more than forty-eight (48) hours.

(6) The sale shall be limited to a consecutive period of not more than two days and shall be conducted only during the hours of 9:00 a.m. and 5:00 p.m.

(7) The sale shall be conducted without the use of outdoor loud speakers or other amplification equipment.

(8) The sale shall be conducted in accordance with all other laws or ordinances in effect in the village.

~~(9) Such permit shall be valid only for the particular sale and premises designated thereon and shall be posted in the front yard area so as to be easily seen by the public and shall be nontransferable.~~

~~(10) No such permit shall be issued and no such person or premises shall be eligible for such permit to conduct a sale of personal items more than once during any 12-month period.~~

(11) There shall be no fee charge for this special permit.

~~(12) For any one calendar day, no more than two such sales shall be permitted along any street within any one block distance between two other streets. Permits for such sales shall be issued on a first-come, first-served basis.~~

(c) The last Saturday and Sunday of July are hereby designated annually as a village-wide garage sale. No permits shall be required. All other provisions of this section shall apply.

(ed) *Penalty.* Any person found to have violated the provisions of this section shall be fined not less than \$25.00 nor more than \$100.00, and a separate violation shall be deemed committed on each day upon which a violation occurs or continues. Failure to remove signs from public or private property shall constitute a violation of this section, and violators shall be subject to a \$50.00 minimum fine.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage and approval.

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PASSED this 20th day of February, 2018.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 20th day of February, 2018.

Jeff Walik, President

ATTESTED AND FILED in my
office this 21st day of February, 2018.

Audrey McAdams, Village Clerk