

AN ORDINANCE REGULATING THE GARAGE SALES, YARD SALES AND ANY OTHER SALES FROM RESIDENCES OR PROPERTY LOCATED WITHIN THE CITY LIMITS OF FOLEY, MISSOURI

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

Section 1: That Cities of the fourth class, Foley being such, have the power under RSMo. Section 79.410 through Section 79.450, as amended, to regulate activities within the city.

Section 2: It shall be a violation of this ordinance for any person to conduct a yard sale, garage sale, or any other type of sale from a residence or property or real estate which sale exceeds three (3) consecutive days.

Section 3: Upon notice of any condition violating the definitions and standards of this ordinance, the Chief of Police, or in his absence, the Mayor, shall authorize and investigation of the condition or order an initial assessment to be made and if said condition exists, shall cause a notice to be served upon the owner of the property by forwarding the same to the owner's last residence by certified mail, return receipt requested, or by personal service or a posting of notice on the property where the condition exists. The notice shall require the owner to terminate and stop the sale within twenty-four (24) hours of receiving notice, or of posting.

Section 4: The notice shall direct the complete termination of the sale within twenty-four (24) hours from the receipt of notice or the posting of the notice. The person to whom the notice is directed may file a written request for hearing in front of the Board of Aldermen and said request for hearing must be filed within five (5) days of receipt of the notice, or of posting.

Section 5: The hearing shall be held at the next regularly scheduled Board of Aldermen meeting. The Chief of Police or the Mayor in his absence, shall present evidence to the Board as to the condition and the reason for termination thereof. The Board shall make a finding in writing of whether the owner held and conducted the sale in excess of three (3) days.

Section 6: Any person who violates this section upon conviction may be punished by a fine not to exceed Five Hundred Dollars (\$500.00).

Section 7: This ordinance shall take effect immediately upon its enactment and approval.