

**ORDINANCE NO. 995**

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TITLE 5, CHAPTERS 5.08 AND 5.16 RELATING TO BUSINESS LICENSES, PERMITS, REGULATIONS AND VIOLATIONS; AND, GARAGE SALE REGULATIONS.**

WHEREAS, the City of Stayton's Municipal Code regulates garage sales;

WHEREAS, the City of Stayton currently requires persons who host garage sales to have a permit to do so;

WHEREAS, the City of Stayton desires to update the Stayton Municipal Code (SMC) Title 5.08 to eliminate the requirement of a garage sale permit;

WHEREAS, the City of Stayton desires to update the SMC Title 5.16 to amend regulations in regards to garage sales.

NOW THEREFORE, the City of Stayton ordains:

**SECTION 1.** SMC Section 5.08.010 is amended to read as: (additions are underlined; deletions appear as ~~strikethroughs~~):

**5.08.010 LICENSE/PERMIT REQUIRED**

1. No person shall engage in any of the following businesses or activities within the City limits without first obtaining a license or permit as provided in this Title, except as otherwise exempted herein:
  - a. Carnival, amusement park, amusement concessionaire;
  - ~~b. Garage Sales;~~
  - c. Junk dealer;
  - d. Secondhand Dealer;
  - e. Pawn Broker;
  - f. Promotional event;
  - g. Solicitor; or
  - h. Marijuana Dispensary

**SECTION 2.** SMC Chapter 5.16 is amended to read as: (additions are underlined; deletions appear as ~~strikethroughs~~):

**5.16.010410 ~~PERMIT ISSUANCE~~REGULATIONS**

1. No more than four (4) garage sales are allowed at any one location per year.
2. A single garage sale at any one location may not last more than 72 consecutive hours.
3. Items sold at garage sales must be the personal property of those participating in the garage sale. Exception: If the garage sale is a fund

raiser for a Stayton based civic or nonprofit group fundraising for their organization or cause, the items sold may be donated items from individuals other than those who are participating in the event.

4. Items sold at a garage sale may not be items that are purchased for the purpose of resale as second hand items as defined in SMC 5.32.

~~The Administrator shall issue a permit for a garage sale upon application from any person and receipt of the required fee, without formal investigation as provided herein, if it appears from the application that the applicant will comply with the terms and provisions of this Chapter.~~

5.16.020420 ~~PERMIT DURATION~~ PENALTY

A violation of this Chapter is punishable by a fine set by Council resolution.

- ~~1. Permits issued for garage sales shall be valid for such period of times as the permit states, but in no event shall a permit be issued for a period of time exceeding seventy two (72) consecutive hours.~~
- ~~2. No more than four (4) permits per year shall be issued for any person or for any one location.~~

5.16.4030 ~~CONDUCT~~

~~All garage sales shall be conducted wholly upon the premises of the permittee, unless otherwise specified in the permit.~~

5.16.4040 [repealed]

5.16.4050 [repealed]

**SECTION 3.** Upon enactment by the Stayton City Council and the Mayor's signature, the Ordinance shall become effective 30 days after enactment.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 21st DAY OF MARCH, 2016.

CITY OF STAYTON

Dated 3/21/16  
Signed: Henry A. Porter

By: Henry A. Porter  
Henry A. Porter, Mayor

Signed: 3/21/16

ATTEST  
By: Keith D. Campbell  
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney