

ORDINANCE NO. 2024-11
Introduced by William Biddlecombe

AN ORDINANCE REPEALING AND AMENDING AND RESTATING CHAPTER 741 (HOME SALES) OF THE HURON CODIFIED ORDINANCES.

WHEREAS, this Council hereby determined the changes and amendments set forth within this Ordinance are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 741 (Home Sales) of the Codified Ordinances of the City of Huron, Ohio, which currently reads as follows (see Exhibit A attached hereto and incorporated herein by reference) shall be and hereby is repealed in its entirety.

SECTION 2. That a new revised and restated Chapter 741 (Garage Sales) of the Codified Ordinances of the City of Huron, Ohio, shall be amended to read as follows (see Exhibit "B" attached hereto and incorporated hereby by reference) shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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, including O.R.C. §121.22.

SECTION 4. In accordance with Section 3.06 of the Charter of the City of Huron, Ohio, this Ordinance shall take effect thirty (30) days following its adoption.

ATTEST: *Jenni Welkener*
Clerk of Council

Monty Tapp
Monty Tapp, Mayor

ADOPTED: 23 APR 2024



CHAPTER 741

Home Sales

741.01 DEFINITIONS.

"Home sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like. (Ord. 1974-38. Passed 8-26-74.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control home sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting home sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.

It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts. (Ord. 1974-38. Passed 8-26-74.)

741.03 PROHIBITIONS.

(a) No person, firm or corporation shall conduct home sales within any residential zoning district in the City without first obtaining a permit from the Building Official.

(b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.

(c) No home sale shall be conducted by more than one resident.

(d) No home sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than once each six month period.

(e) No home sale shall be conducted during hours other than between the hours of 9:00 a.m. and 9:00 p.m. and in no event shall a home sale last more than three consecutive days.

(f) No home sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such home sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such home sale.

(g) A sign, not greater in size than three feet by three feet, may be installed on the property where the sale is being conducted and one sign of the same dimensions may be located off the premises. The signs shall be displayed only during the sale and shall be promptly removed after the sale.

(h) Prior to and during the conduct of a home sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above. (Ord. 1974-38. Passed 8-26-74.)

741.04 APPLICATION; PERMIT; FEE; DISPLAY.

(a) The City Manager, or his designee, shall provide application for permits and permit licenses for home sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, length of residence within the City, nature of merchandise to be offered for sale, date of sale and hours and duration of the sale.

(b) The City Manager, or his designee, shall approve the application and shall regulate the hours of the home sale issued to the resident applicant, except no home sale shall be commenced earlier than 9:00 a.m. nor shall such sale last later than 9:00 p.m.

(c) The City Manager, or his designee, shall charge a fee of two dollars (\$2.00) to the applicant.

(d) Every licensee conducting a home sale shall keep posted in a prominent place, upon the licensed premises, the permit certificate and shall exhibit same upon request.

(Ord. 2004-6. Passed 5-10-04.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.

751.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.

(a) It shall be the duty of the operator of a medical marijuana dispensary to:

- (1) Initiate and enforce a no loitering policy within the external boundaries of the parcel of real property upon which the medical marijuana dispensary is located;
- (2) Post conspicuous signs stating that no loitering is permitted on such property;
- (3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property by use of video cameras and monitors; and
- (4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering.

The video cameras and monitors shall operate continuously at all times that the premises is open for business.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

(Ord. 2018-16. Passed 6-26-18.)

751.17 INJUNCTION.

Any person who operates or causes to be operated a medical marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City. (Ord. 2018-16. Passed 6-26-18.)

751.18 EFFECT OF PARTIAL INVALIDITY.

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected. (Ord. 2018-16. Passed 6-26-18.)

751.19 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any medical marijuana dispensary license, the applicant or licensee shall promptly notify the City Manager in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the medical marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur. (Ord. 2018-16. Passed 6-26-18.)

751.99 PENALTY.

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Huron.

(b) Each day that a medical marijuana dispensary operates in violation of this chapter is a separate offense or violation.

(Ord. 2018-16. Passed 6-26-18.)

**CHAPTER 741
Garage Sales**

- 41.1 Definitions.**
- 741.2 Intent.**
- 741.3 Prohibitions**
- 741.4 Application; Permit; Fee; Display.**
- 741.99 Penalty.**

CROSS REFERENCES

Secondhand dealers – see Ohio R.C. Ch. 4737
Receiving stolen property – see GEN. OFF. 545.18
Temporary Stores – see BUS. REG. Ch. 731
Signage Regulations – see Chap 1129

741.01 DEFINITIONS.

"Garage Sale" means a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales and the like.
(Ordinance No. 2024-11. Passed 4-23-24.)

741.02 INTENT.

It is the intent of this chapter to regulate, restrict and control garage sales conducted on residence premises within residential zoning districts. It is not the intent of this chapter to prevent corporations not for profit, churches, temples or recognized fraternities, sororities, clubs or lodges from conducting garage sales, provided such corporations not for profit, churches, temples, recognized fraternities, sororities, clubs or lodges conduct their sale on real estate owned and/or occupied by such organization.
It is further not the intent of this chapter to prohibit sales conducted by nonconforming businesses located in residential zoning districts.
(Ord. 2024-11. Passed 4-13-24.)

741.03 PROHIBITIONS.

- (a) No person, firm or corporation shall conduct garage sales within any residential zoning district in the City without first obtaining a permit from the City.
- (b) No person, firm or corporation who has obtained a permit shall violate the rules and regulations as provided within this chapter.
- (c) No garage sale shall be conducted by more than one resident.
- (d) No garage sale shall be conducted by the same resident or member of his or her family and/or on the same residential property more than four (4) times per calendar year.
- (e) No garage sale shall be conducted during hours other than between the hours of 8:00 a.m. and 9:00 p.m. and in no event shall a garage sale last more than three (3) consecutive days.

(f) No garage sale shall offer any merchandise for sale that has been purchased by the resident for purposes of resale at such garage sale. Any new merchandise offered for sale shall be prima-facie evidence as merchandise purchased by the resident for resale at such garage sale.

(g) Refer to Chapter 1129 Sign Regulations for signage regulations.

(h) Prior to and during the conduct of a garage sale, as permitted by this chapter, no person shall place or display any of such property in front of the building setback line and no person shall place or permit any signs advertising, promoting or giving directions to such sale, at any location other than set forth above.

(Ord. 2024-11. Passed 4-23-24.)

741.04 APPLICATION; PERMIT; FEE; DISPLAY.

(a) The City shall provide an application for permits and permit licenses for garage sales. Such application for permit shall include the name of the applicant, who shall be a resident of the City, address, telephone number, date of sale and hours and duration of the sale.

(b) The City shall approve the application and shall regulate the hours of the garage sale license issued to the resident applicant, except no garage sale shall be commenced earlier than 8:00 a.m. nor shall such sale last later than 9:00 p.m.

(c) There is no fee for garage sale permits.

(d) Every licensee conducting a garage sale shall keep the permit certificate posted in a prominent place upon the licensed premise and shall exhibit same upon request.

(Ord. 2024-11. Passed 4-23-24.)

741.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for each subsequent offense.