Secs. 62-3—62-50. Reserved.

ARTICLE II. YARD SALES*

Sec. 62-51. Definitions.

The following words, terms and phrases, when used in this article, shall meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Goods shall mean and include any goods, warehouse merchandise or other property capable of being the object of sale regulated under this article.

Yard sales shall mean and include all sales entitled "garage sale," "yard sale," "attic sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.
(Ord. of 7-8-96)

Sec. 62-52. Permit required.

It shall be unlawful for any person to conduct a yard sale in the city without first filing with the police department the information specified and obtaining from the police department a permit to do so, to be known as a "yard sale permit." There will be no charge for the yard sale permit.
(Ord. of 7-8-96)

Sec. 62-53. Issuance of permit.

A permit shall be issued under this article to any one person only twice within a 12-month period and no such license shall be issued for more than three consecutive calendar days. Each license issued under this article must be prominently displayed on the premises upon which the yard sale is conducted throughout the entire period of the permit sale. Items for sale must be moved inside at dusk.
(Ord. of 7-8-96)

Sec. 62-54. Information to be filed.

The information to be filed with the police department pursuant to this article shall be as follows:

(1) Name of person conducting the sale.

(2) Name and owner of the property on which the sale is to be conducted, and consent of owner if applicant is other than the owner.

***Editor's note**—An ordinance of July 8, 1996, did not specifically amend the Code; hence, inclusion of its provisions as a new art. II, §§ 62-51—62-56, of this chapter was at the discretion of the editor.

(3) Location at which the sale is to be conducted.

(4) Number of days of sale.

(5) Date and nature of any past sale.

(6) Relationship or connection applicant may have had with any other person conducting the sale and the date of or dates of such sale.

(7) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.

(8) Sworn statement or affirmation by the person signing that the information therein given is full and true and known by him to be so.

(Ord. of 7-8-96)

Sec. 62-55. Exceptions.

The provisions of this article shall not apply to or affect the following person or sales:

(1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any person selling or advertising for sale an item or items of personal property which are specified named or described in the advertisement and which separate items do not exceed five in number.

(Ord. of 7-8-96)

Sec. 62-56. Penalties.

(a) Any person conducting a yard sale without being properly licensed therefor or who shall have violated any of the other terms and regulations of this article shall, upon conviction, be punished as provided.

(b) Penalties for conducting yard sale without a permit:

(1) First offense, written warning.

(2) Second offense, $100.00 fine.

(3) Third offense, $250.00 fine.

(4) Summons for court appearance.

(Ord. of 7-8-96)

ordinance in an effort to determine that the sign being inspected meets the requirements set forth in this ordinance and is maintained in conformance with all applicable codes of the City of Bremen and the provisions of this ordinance.

b) *If Regulated by this Ordinance, No Sign Shall:*

1) Be erected which blocks from view any traffic or street sign, signal or public service sign as viewed from the right-of-way, or which simulates an official traffic control or warning sign or hides from view any traffic or street sign, signal or public service sign, or otherwise interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.

2) Obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; nor shall any sign be attached in any form, shape, or manner to a fire escape.

3) Be erected, painted, or drawn on any tree, rock, or other natural surface.

4) Be located on any building, fence or other property belonging to another person without the express written consent of the owner.

5) Be located on utility poles or within the right-of-way of any street or public roadway.

6) Emit or utilize in any manner any sound capable of being detected on any adjacent roadway or highway by a person with normal hearing.

7) Give off light which glares, blinds, or has any other such adverse effect on traffic. The light from an Illuminated Sign shall be established in such a way that adjacent properties and roadways are not adversely illuminated or affected.

c) ***If the regulated Sign is to be Located Within Twenty-five (25) of the intersection of two public rights of way, as extended, of two intersecting streets, or of a street intersection with a railroad right-of-way:***

1) The Sign Face shall not be erected to a height greater than three (3) feet, or in the alternative, a sign support not more than ten (10) inches in diameter may be located within the required corner visibility area if all other requirements of this ordinance are met and the lowest elevation of the Sign Face is at least ten (10) feet above the ground level, so as to not block driver visibility. The purpose of this provision is to assure a visual opening for drivers between three and ten feet in height at intersections.

Section 402. ***Regulations & Restrictions Applying to Signs in Residential Districts.*** Except as otherwise provided within this Article, no signage other than house number, historic marker, original house designation, street identification number, real estate sign, security identification sign, yard sale sign, Political sign, temporary construction sign, or sign not otherwise regulated shall be allowed on any residential property in the city. No sign with the total area of each sign face greater than four (4) square feet shall be allowed on any residential property in the city.

a) The following types of signs are permitted within a Residential District:

1) ***Residential Subdivision Development or Project.*** Two (2) free-standing, or wall signs are permitted per entrance. Each sign face shall not exceed a maximum area of twenty (20) square feet. A double-faced sign shall count as two (2) signs.

2) ***Real Estate Sale Sign.*** One (1) real estate sign per single-family residential lot not exceeding four (4) square feet is permitted. This sign may be two sided. Any literature packets or notices such as "under contract", "reduced price", "new price", or other ancillary information on real estate signs must be displayed within the prescribed four (4) square feet allowed for each sign face area.

3) ***Individual Residential Unit Signs.*** In all residential zoning districts, one (1) wall and one (1) free-standing Residential Unit Sign per Lot is allowed. These signs shall only identify the name of the home owner/occupant, the address and a welcoming/warning message. When located on a Lot containing a single Residential unit, such signs shall not exceed four (4) square feet maximum size per sign. In the event that more than one residential unit occupies any one Lot (multi-family), each such residential unit shall be allowed one (1) wall or one (1) free standing sign that shall identify home occupancy and address and each such sign shall not exceed one and one-half (1½) square feet maximum size.

4) ***Yard Sale Sign.*** Yard Sale Signs shall be limited in number and shall be permitted as follows:

A) One (1) single side, or double side, yard sale sign, the face of which shall not exceed four (4) square feet, may be displayed on the residential lot where a yard sale is being held. The sign shall be permitted to remain on the premises for a period of time not to exceed forty-eight hours prior to the day of the sale and twenty-four hours after the completion of the sale. So long as, the yard sale is limited to a period of time of less than forty-eight (48) hours, the governing authority shall consider said yard sale and the yard sale sign to be a part of the incidental activities occurring on residential property and not commercial activity under this article. However, in the event, a yard sale is extended into three or more days, or takes place on the same premises more often than two (2) times in any one calendar year, said yard sale may be considered commercial activity subject to regulation by business codes and zoning ordinances of the City.

B) One (1) single side, or double side, yard sale directional sign, the face of which shall not exceed four (4) square feet, may be displayed at the intersection of the secondary street, upon which the yard sale is taking place, with the primary or major street off of which the secondary street flows. Said sign shall not be placed on the public right of way and shall comply with the time periods and frequency of display as set out in subsection 4(A) above.

b) ***Residential Signs Shall Conform.*** Unless otherwise provided within this section all signs permitted within a residential area shall conform to the following:

1) No Sign in any Residential District shall exceed five (5') feet in height.

2) Signs containing commercial messages (other than to indicate location of a permitted home-based business or office of a multi-family complex) are not permitted on any residential property in the city.

3) There shall be at least a distance of 15 feet between the location of the sign and the sides of the lot on which the sign is located, provided however, any lot that is less than 60 feet wide shall be allowed one sign for that lot to be placed no closer than ten feet from the side of the lot.

Section 403. ***Regulations & Restrictions Applying to Signs in Non-Residential Districts.*** The following signs are permitted in all non-residential zoning districts, subject to size and display restrictions, as follows:

a) ***On-Premise Free-Standing Sign.*** With the exception of a fifty (50') foot wide corridor adjacent to the north and south rights-of-way of Interstate-20, wherein a Rear Lot Sign may be permitted, no more than one (1) On-Premise Free-Standing Sign shall be allowed per Lot. This type of sign will generally be for the purpose of directing the attention of the viewer to an activity or service that takes place on the property upon which the sign is located, or to a product being produced, manufactured, or for sale on said property. This sign shall be mounted perpendicular to the street adjacent to the property upon which the sign is located, and shall contain the street identification number. Engineering plans for said signs shall be submitted to the community development department for approval prior to erection.

1) ***Property In Non-Residential Zoning Districts, Not Adjacent to I-20; Front Sign Lot Only.*** On a Lot which is: a) located in a Non-Residential Zoning District, and b) does not have frontage on the limited access rights-of-way of Interstate 20, only one (1) Free-Standing Sign shall be permitted. The Sign height of the permitted Sign shall not exceed thirty-five (35') feet and the Face of the Sign shall not exceed eighty (80) square feet (one hundred sixty square feet for a two-sided sign). The sign shall be set back a minimum of ten feet (10') from the right of way of the public street or road adjacent to the Lot on which said sign is located, or five feet (from the outer edge of the sidewalk, where applicable).