

## ORDINANCE NUMBER 2009-121

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2007(8)  
AND TO ESTABLISH A PERMIT REQUIREMENT AND OTHER REGULATIONS OF GARAGE,  
CARPORT, YARD, OR RUMMAGE SALES WITHIN THE CITY LIMITS OF PETAL, MISSISSIPPI

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF PETAL, MISSISSIPPI:

## SECTION I: ORDINANCE REPEALED

Ordinance 2007(8) is hereby repealed.

## SECTION II. SALES PERMITTED UNDER CERTAIN CONDITIONS

Garage, carport, yard, rummage sales, or similar sales, will be permitted within the City of Petal, Mississippi, provided the terms and provisions of this Ordinance are met, in any areas zoned commercial, rural fringe, low density residential, low to medium density residential, medium density residential, and high density residential.

## SECTION III. APPLICATION FOR PERMIT

Any person, business, firm, or corporation desiring to carry on a garage, carport, yard, rummage sale, or similar sale, must be the occupant or legal owner of the property where the sale is held if the sale is to occur in a residential zone, or have written permission from the occupant, manager, or legal owner of the property where the sale is held if the sale is to occur in a commercial zone, and shall first make application for such privilege. Such permit when issued shall authorize the sale for a period not to exceed two consecutive days, and no sales shall be allowed on Sunday; no permit shall be valid for a period of more than two (2) weeks. The application, in addition to such other information as the Tax Collector of the City of Petal may require, shall provide the following information:

- (1) Name;
- (2) Address of place of residence;
- (3) Address of sale, if other than address of place of residence;
- (4) Phone number, and;
- (5) Letter granting permission from the commercial business owner or manager if sale is to be held in a commercial zone.

## SECTION IV. POST PERMIT IN A VISIBLE PLACE

Each permit shall be posted in a visible place at the site of the garage, carport, yard, rummage sale, or similar sale. Any officer of the law shall have the right to demand that any person exhibit the permit to him, and failure of the person to so exhibit the permit shall be prima facie evidence that the permit has not been procured.

## SECTION V. ADDITIONAL SALES

No permit for a garage, carport, yard, rummage sale, or similar sale, shall be issued for any one location in the City of Petal nor to any one person, firm, corporation, or organization, regardless of the location, for more than one (1) such sale during any two (2) month period; or for more than four (4) such sales during any twelve (12) month period. The fee for a permit shall be a sum of \$5.00 for each permit. No garage, carport, yard, rummage sale, or similar sale shall start before 8:00 A.M.

## SECTION VI. PENALTIES

Any person, firm, corporation, or organization violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$300.00 for each violation.

## SECTION VII. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days from and after its passage.

## SECTION VIII. CONSTITUTIONALITY PROVISION

If any part or provision of this Ordinance is found to be unlawful, or unconstitutional, it will not affect any of the remaining portions or provisions of this Ordinance.

The above and foregoing Ordinance, having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, and then as a whole, with the following results:

Those present and voting "AYE" and in favor of the passage, adoption, and approval of Section I through Section VIII of the foregoing Ordinance:

Alderman David Clayton  
Alderman Tony Ducker  
Alderman Willie Hinton  
Alderman James Runnels  
Alderman Steve Stringer

Those present and voting "NAY" or against the adoption of any Section of the foregoing Ordinance:

NONE

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman David Clayton  
Alderman Tony Ducker  
Alderman Willie Hinton  
Alderman James Runnels  
Alderman Steve Stringer

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted, and approved, on this the 15 day of December, A. D., 2009.

\_\_\_\_\_  
HAL MARX, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
Melissa Martin, CITY CLERK