

VILLAGE OF LODI
P.O. BOX 95
LODI, OHIO 44254
330-948-2040 or Fax: 330-948-3017

YARD SALE PERMIT

Permit No. _____

Issued on: _____

The following person(s) have secured a permit to conduct an Organized Private Sale within the Village of Lodi.

Name: _____

Other Person(s) Participating: _____

Location: _____

Date(s) of Sale: _____
(2 Yard Sales Are Allowed in 1 Year. 3 Days Are Allowed For Each Sale, No 2 Sales Can be Back to Back)

I agree to abide by all ordinances and provisions of the Village of Lodi Planning and Zoning Code relating to the aforementioned Organized Private Sale, or Garage or Yard Sale.

Printed Name

Signature

APPROVED BY:

_____ First Sale _____ Last Sale

RECORD OF ORDINANCES

Ordinance No. 2965-11

Passed 9-12-11

AN ORDINANCE OF COUNCIL FOR THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, AMENDING THE LODI PLANNING AND ZONING CODE RELATING TO GENERAL REGULATIONS FOR YARDS, AND REPEALING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith.

WHEREAS, the Council of the Village of Lodi has authority to consider Amendments to the Planning and Zoning Code after approval of a motion by the Zoning Committee pursuant to Section 1246.02(a) of the Planning and Zoning Code; and

WHEREAS, the Council of the Village of Lodi believes that it is necessary to amend the Planning and Zoning Code of the Village of Lodi to amend and update provisions relating to General Regulations within the Village of Lodi; and

WHEREAS, the Council of the Village of Lodi transmitted a proposed Ordinance relating to the same to the Planning Commission for review; and

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution grants municipal corporations the legal authority to adopt land use and control measures to promote the health, safety, and general welfare of its citizens; and

WHEREAS, the Council of the Village of Lodi finds that Ordinance promotes the public health, safety, convenience, comfort, prosperity, and general welfare of the citizens of the Village of Lodi; and

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF LODI, MEDINA COUNTY, OHIO, HEREBY RESOLVES AND ORDAINS THAT TITLE SIX, CHAPTER 1250 OF THE PLANNING AND ZONING CODE WILL BE AMENDED TO ADD SECTION 1250.16 Yard Sales, AS FOLLOWS:

1250.16 YARD SALES

(a) The purpose of this Section is to promote and protect the public health, welfare and safety by regulating yard, garage, and porch sales that occur in areas zoned Residential and Multi-Use Districts. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to eliminate distractions and obstructions that may contribute to traffic accidents, and enhance community development in these areas.

(b) Definitions. As used in this section:

(1) " Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(2) " Multiple Dwelling Unit Property" means any single parcel or jointly owned contiguous parcels of property that contain more than one dwelling units on that property. Multiple Dwelling Unit Properties include but are not limited to: multi-family homes, duplexes, apartment units, or manufactured home communities.

(3) " Organized Private Sale" or " OPS" means any garage, porch, or yard sale, or any sale of goods by an individual person organized to occur on a person's private property, residential premises, or dwelling unit. An OPS does not include retail or commercial sales of goods that occur at a business or commercial property that is in compliance with the Zoning Code.

(4) " Permit" means the permit required for an OPS event, by each residential premises or dwelling unit participating in the sale of goods at the OPS. Each Permit shall comply with the form on file with the Clerk/Treasurer of the Village of Lodi, in order to be valid.

(5) " Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use by a single family to reside. This definition does not include a unit, structure, or facility for the use by the owner or of tenants solely for commercial or business activity.

(6) " Sign" means any structure, vehicle, or natural object, such as a tree, rock, bush or the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any Organized Private Sale, or which is in the nature of, an announcement, direction or advertisement for an OPS event or events.

(7) The word " shall" is mandatory, and the word " may" is permissive.

(c) Limitations. The following limitations shall apply to any OPS or any Sign within the territorial limits of the Village of Lodi.

(1) No Organized Private Sale shall be permitted in any area zoned Commercial, Industrial, or Parks and Recreation Districts.

(2) An Organized Private Sale may be permitted only in areas zoned Residential or Multi-Use Districts, so long as each Organized Private Sale complies with Section 1250.16.

(3) No Organized Private Sale shall be permitted unless the Permit from the Village of Lodi is obtained at least seven (7) days before the start of each Organized Private Sale event, and the Organized Private Sale shall:

(A) Not exceed a maximum duration of three (3) consecutive days per OPS event;

(B) Not take place on lots, parcels, or properties not specified in the Permit;

- (C) Not be staffed by or operated by a person or persons who are not identified by name and residential address in the Permit;
- (D) Not permit vehicle parking that does not comply with Section 1250.04 of the Planning and Zoning Code, or other standards contained in other Sections herein;
- (E) Not negatively affect neighboring properties by excessive trash, refuse, or parking that impedes the flow of traffic on nearby streets;
- (F) Be limited to a maximum of two (2) OPS events each calendar year, per residential premises or dwelling unit;
- (G) Be limited to a maximum of two (2) OPS events each calendar year, per Multiple Dwelling Unit Property;
- (H) Post the Permit in a location on the Residential Premises, Multiple Dwelling Unit Property, or individual dwelling unit that is visible from the public right-of-way during the OPS event.

(4) No Signs relating to an OPS shall be placed, erected, affixed, or overhung in any public right of way or supported, braced or guyed from or to a public sidewalk, street, alley or public thoroughfare, to traffic control, directional, or public right of way identification signs, to the surface of a public mailbox located in a public right of way, or to the property of publicly owned utilities.

(A) No Signs directing and guiding traffic and parking onto private property for an OPS event shall be placed, erected, affixed, or overhung on public property.

(B) No Signs relating to an OPS event shall be placed, erected, affixed, or overhung that exceed three (3) square feet in area.

(C) No Signs relating to an OPS event shall be placed, erected, affixed, or overhung that violate the provisions of Chapter 1276 of the Planning and Zoning Code.

(5) Any Sign relating to an OPS event shall only be placed, erected, affixed, or overhung on private property with the written permission of the true property owner where the sign is located.

(A) Any person who obtains written permission pursuant to this Section shall maintain a copy of any written authorization, and disclose the any written authorization to the Village Zoning Inspector upon request.

(B) No Sign relating to an OPS event shall be placed, erected, affixed, or overhung more than forty-eight (48) hours before the first day of the OPS event. Any person responsible for a Sign relating to an OPS event shall remove any such Signs within twenty-four (24) hours after the conclusion of the OPS event.

(6) Any property manager for a Multiple Dwelling Unit Property, that is participating in the operation of an OPS, shall obtain the Permit, and each

participating dwelling unit shall also obtain the Permit, pursuant to Sections 1250.16(c)(3), (4), and (5).

(A) There shall be one permit requested for the Multiple Dwelling Unit Property and one additional permit for the persons conducting the OPS from a dwelling unit contained therein for each OPS event.

(B) Both applicants to whom the Permits are issued shall be jointly and severally responsible for maintaining the OPS and Signs therewith pursuant to Sections 1250.16(c)(3), (4), and (5).

(7) Any member of another residential premises or another dwelling unit who participates in the operation of an OPS at another residential premises or another dwelling unit, shall also obtain the Permit pursuant to Sections 1250.16(c)(3), (4), and (5), in order to participate at an OPS event that occurs at a location that is not his or her residential premises or dwelling unit.

(A) Both applicants to whom the Permits are issued shall be jointly and severally responsible for maintaining the OPS and Signs therewith pursuant to Sections 1250.16(c)(3), (4), and (5).

(d) Exceptions. The provisions of Section 1250.16(c)(3) shall not apply to the annual Village of Lodi yard, garage, and porch sales that occur in June of each calendar year.

(e) Violations.

(1) Any person who violates any provision of this Section shall be fined not more than One Hundred Dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues to occur.

(A) Any non-compliant Signs are subject to immediate removal.

(2) This Section shall be enforced by the Village Zoning Inspector.


Daniel Goodrow, Mayor

ATTEST:

Annette Geissman

Annette Geissman
Clerk-Treasurer

Irving B. Sugerman
Village Solicitor

Initiated from Zoning Committee on June 27, 2011

1st Reading: 7-11-11

2nd Reading: 7-25-11

Public Hearing: 9-12-11

3rd Reading: 9-12-11