



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: February 14, 2017

From: Lori Lamson, Assistant Town Manager Item No: 13

Subject: DISCUSSION REGARDING MODIFYING EXISTING REGULATIONS
FOR GARAGE/YARD SALES

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

It is recommended that the Town Council:

1. Receive and file.
2. Provide direction to staff.

SUMMARY:

At the January 10, 2017 discussion regarding yard sales, the Town Council provided direction for staff to bring back information on possible modifications to existing regulations as it relates to yard sales. Ideally modifications would improve the efficiency of time required to enforce the regulations and still allow the community the ability to have ample opportunities to conduct yard sales.

Staff believes the best option for maintaining some level of yard sale enforcement, reducing sign blight, and dramatically reducing staff time spent on yard sales is to have designated yard sale dates on a quarterly basis such as:

- Allowing Garage/yard sales on the third weekend of January, April, July, and October.

Additionally, to help prevent abuse of the Council's intent of a garage/yard sale, the following rules may be placed in an ordinance:

- Garage/yard sales may occur on Saturday and/or Sunday of the designated weekends.
- Garage/yard sale hours are from 7:00 am - 7:00 pm.
- No permits are required to have a garage/yard sale.
- Signs are prohibited except on the property where the garage/yard sale is being conducted (Signs posted illegally will be removed and a fine may be issued to the responsible party).
- Items sold may not be displayed on the public sidewalks, parkways, streets or alleys.
- Items sold must be used goods, from your household, and not purchased for resale.
- The property owner must consent to operate a garage/yard sale on the property.
- Only property owned by the owner or occupant of the site of the garage/yard sale may be offered for sale.

Town staff can create a public information element to this ordinance to assist in the announcement of "garage/yard sale weekends in the Town of Apple Valley with the intent to attract additional garage/yard sales shoppers to the Town on designated weekends. By enacting these guidelines for garage/yard sales, Code Enforcement staff will only be dealing with signage issues 4 times per year instead of 52 times per year, dramatically reducing staff time. Because there would be no permits required, administrative time will be eliminated. Having this program also prevents abuse of excessive yard sales as it will be clear when someone is operating in violation of the designated dates.

Residents are getting the benefit of one additional garage/yard sale per year and the whole high desert will know it is yard sale weekend in Apple Valley, creating more business for their sale.

Implementation of these modified regulations would require public outreach and education to the community to let them know of the new regulations. This would consist of handing out flyers as yard sales are being conducted, publicizing it in the Our Town Newsletter, posting it on social media, the Town's website, etc. In speaking with other cities, the education process can take up to one year.

BACKGROUND:

This discussion item was originally requested by Mayor Pro Tem Bishop at the July 12, 2016 Town Council meeting.

Staff has done research of regulations in other cities to find their best practices and practical solutions for yard sale enforcement. Staff found one particularly interesting way to handle yard sales that a couple of cities have implemented, which is completely different from anything Apple Valley has done. These cities stated that due to regulations requiring many hours enforcing yard sale rules and removing signs, a radical change was made from permits being required and strict enforcement, to no permits being required and no proactive enforcement. They still have Municipal Codes stating how many yard sales are allowed and where signs can be placed, they just no longer address any yard sale issues unless there is a complaint. San Clemente, CA has a group of volunteers similar to the COPS who remove yard sale signs on Monday mornings. Doing this has cut back staff time for this city from 18 hours per week (936 per year) to zero hours. Staff believes the best option for maintaining some level of yard sale enforcement, reducing sign blight, and dramatically reducing staff time spent on yard sales is to have designated yard sale dates on a quarterly basis as stated above. Attached is the January 10, 2017 report.

ATTACHMENT:

January 10, 2017 staff report



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** January 10, 2017

From: Jim Andersen, Manager **Item No:** _____
Code Enforcement

Subject: GARAGE/YARD SALES

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

1. Receive and file.
2. Provide direction to staff.

SUMMARY:

At the July 12, 2016 Town Council Meeting, Council Member Bishop requested a report on yard sales, enforcement and what options are available for regulations. The current regulations state:

- Any resident wishing to operate a garage-yard sale shall, prior to the garage-yard sale, register with the Finance Department of the Town of Apple Valley the date and time on which the garage-yard sale is to take place.
- The maximum number of garage-yard sales permitted under this Chapter for any single-family residence is three (3) per calendar year, with each sale not to exceed three (3) consecutive days.
- The maximum number of garage-yard sales permitted under this Chapter for any multi-family residence is one (1) per calendar year per occupied unit. The tenant of the multi-family residence shall receive written permission from the owner of the property prior to obtaining the garage-yard sale permit and shall submit this written authorization at the time of registration with the Finance Department. Only the

occupant of the multi-family residential unit shall be permitted to apply for and obtain the garage-yard sale permit.

- Any signs advertising a garage-yard sale on any public street, alley or right-of-way or on any publicly-owned property are prohibited.

BACKGROUND:

Yard sale permits are free to the public and are available at Town Hall or on the Town's website. Once a yard sale permit is on file with the Town, the resident may phone in their second and third sales (single family residences) and their permit will be updated. In order to track yard sales in the Town, Code Enforcement maintains an annual yard sale permit database. The annual permit database is updated weekly as permits are obtained. The database is available to Code Enforcement Officers in the field.

Code Enforcement Officers are responsible to enforce yard sale regulations to ensure residents have a permit.

Code Enforcement has one (1) Code Enforcement Officer who works every Saturday. One of the weekend Officer's primary functions is to sweep the Town for yard sale signs and to look for residents who are conducting multiple yard sales (in excess of three). The Officer ensures the residents conducting yard sales have a permit and if they don't, he will issue them a permit. Every Saturday staff removes approximately 100 yard sale signs from intersections, telephone poles, street signs and stop signs. Some of these signs create a hazard as they block views of oncoming traffic at intersections or obscure stop signs. Additionally, throughout the week, Code Enforcement Officers remove yard sale signs. Code Enforcement Officers spend approximately 1000 hours annually related to removing yard sale signs and issuing yard sale permits. In calendar year 2016, 373 yard sale cases related to unpermitted or excessive yard sales were handled by Code Enforcement.

One of the more recent problems Code Enforcement has encountered is a few residents are paying money to property owners along Highway in exchange for them hosting a yard sale and allowing these people onto their property to sell their items. They were doing this weekly at different addresses along Highway 18. Some of these folks who are approaching residents to use their property to have a yard sale, purchase storage lockers at auction and then sell the items at multiple yard sales. They are essentially running a business without a business license.