

# MEMORANDUM

Agenda Item No. 6(N)

---

**TO:** Hon. Chairperson and Members  
Board of County Commissioners

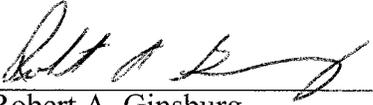
**DATE:** (Second Reading 6-3-03)  
May 6, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to garage  
sales

---

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



## MEMORANDUM

---

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** June 3, 2003

**FROM:** Steve Shiver  
County Manager

**SUBJECT:** Ordinance relating to  
garage sales

---

The proposed ordinance relating to garage sales in residential areas will have minimal, if any, impact on Miami-Dade County because Team Metro already enforces these items.



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** June 3, 2003

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6 (N)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 6(N)

Veto \_\_\_\_\_

6-3-03

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO GARAGE SALES IN RESIDENTIAL DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-19.2 of the Code of Miami-Dade County, Florida is hereby created as follows:<sup>1</sup>

**>>Sec. 33-19.2 Garage Sales in Residential Districts**

**(a) Definitions**

For the purpose of this section of the chapter, the following definitions for terms used herein shall apply to all sub-sections of this section unless the context clearly indicates otherwise:

- (1) Family. Persons living together as a single housekeeping unit whose permanent address is at the place of residence where a particular garage sale is located.
- (2) Front yard. An open area extending the full width of the lot upon which the residence is located between the main residence and the front property line.
- (3) Business entity. An association, corporation, trust, religious, charitable or public institution, estate, partnership, limited partnership or joint stock association; except that condominium associations, homeowners associations and cooperative apartment associations shall

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

not be considered business entities for purposes of this section.

- (4) Garage sale. A sale at which tangible personal property is sold at a place of residence. The term shall include but not be limited to: “moving sale,” “yard sale,” “attic sale,” “rummage sale,” “flea market sale” or “estate sale.”
- (5) Multifamily residence building. A building legally occupied by two or more families living separately with separate cooking facilities in each unit. The term shall include “town-homes,” “duplex,” “triplex,” “apartment building,” “condominium building” and “cooperative apartment building.” Single family and townhouse residences not under a condominium form of ownership shall be excluded from this definition.
- (6) Property owner. The person or entity having title to the real property in question, or the manager of the property when the property owner has authorized the manager to maintain and operate the property and has so informed the city's code compliance department in writing. For condominium buildings the term property owner shall mean the condominium association. For rental apartments the term property owner shall be the owner of the building or his agent.

**(b) Limit of Two Garage Sales Per Calendar Year; Prohibition of Sale by Persons Not in Occupancy of the Property**

- (1) It shall be unlawful to conduct more than two garage sales per calendar year on any residential property. Each day of a garage sale shall constitute one calendar day.
- (2) It shall be unlawful for anyone other than the legal property occupant to hold a garage sale. The legal property occupant shall be defined as the individual who has title to the residential property or who can demonstrate through a valid lease that they are in possession of the residential property at the time of the garage sale.

**(c) Business Entities or Third Parties Prohibited from Conducting Garage Sale**

No business entity shall conduct a garage sale within Unincorporated Miami-Dade County. All property sold at a garage sale must be used property owned by the property occupant. Multiple quantities of identical of items or new and unused, wrapped or boxed merchandise shall be prima facie evidence of a violation of this section.

**(d) Garage Sale Hours; Display of Merchandise**

Garage sales shall be held only between the hours of 7:00 AM and sunset. At no time shall merchandise be displayed on a public right-of-way or swale area. All items used or displayed at a garage sale shall be removed from yard area at the end of each garage sale day.

**(e) Signs in Right-of-Way or Swale Area Prohibited; Number of Permitted Signs Advertising Garage Sale; Prima Facie Evidence of Garage Sale**

(1) Signs advertising a garage sale shall not be displayed until the first day of the sale and shall be removed at the end of the last day of the sale. No such signs shall be displayed on any public property or right-of-way. No more than two signs advertising a garage sale shall be permitted. Such signs shall not be larger than 22 inches by 28 inches.

(2) All garage sale signs must include the address of the garage sale location. The posting of a garage sale sign bearing no address within a four block radius of a garage sale shall be assumed to benefit the garage sale holder within the 4-block radius.

(3) Garage Sale signs posted on private property or the Right-of-Way shall be prima facie evidence of a garage sale event and shall be counted toward the two-event limitation.

**(f) Enforcement and Penalties**

The legal property occupant holding a garage sale shall be subject to a penalty as provided by Section 8CC-10 of the Miami-Dade County Code of Ordinances for failure to comply with any of the provisions of this article.

(1) During the hours of the garage sale, Miami-Dade County code enforcement inspectors shall have the authority to enter upon the property for the purpose of determining that such sale is being conducted in accordance with the provisions of this section.

(2) Upon observing a garage sale or finding prima-facie evidence that a sale was advertised, the Code Enforcement Officer shall check County records for prior garage sale activity. In the case of legal property occupants who have not exceeded the limit of two garage sales per calendar year, the officer shall issue an advisory notice explaining

the regulation and the penalties for infractions of this section.

- (3) In the event that there is documented activity that more than two garage sales events have occurred upon a property, the property owner and legal occupant, if different, shall be issued a fine of \$100.
- (4) A second violation shall result in a \$250 fine and any subsequent repeat violation shall be increased in accordance with Section 8CC-4(d) of this Code.
- (5) The use of residential property within Unincorporated Miami-Dade County by a business to sell merchandise; the sale of property belong to a business entity; the commercial use of residential property to sell new merchandise; or the sale of new merchandise in the conduct of a garage sale on residential property shall result in a \$500 penalty.
- (6) All other violations of this section shall result in a \$250 civil violation penalty.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
<u>&gt;&gt;33-19.2(f)(3)</u>	<u>Having more than two garage sales events in a calendar year (first violation)</u>	<u>100.00</u>
<u>33-19.2(f)(4)</u>	<u>Having more than two garage sales events in a calendar year (second violation)</u>	<u>250.00</u>
<u>33-19.2(f)(5)</u>	<u>Use of residential property by a business to sell new merchandise; commercial use of residential property</u>	<u>500.00</u>
<u>33-19.2(f)(5)</u>	<u>Sale of new merchandise in the conduct of a garage sale on residential property</u>	<u>\$500.00</u>
<u>33-19.2(f)(6)</u>	<u>Any other violation of Section 33-19.2</u>	<u>250.00 &lt;&lt;</u>

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAG

Prepared by:

RAP

Rashmi Airan-Pace

Sponsored by Senator Javier D. Souto