

**ORDINANCE NO. 2018-6**

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**AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA, ILLINOIS  
CONCERNING THE REGULATION OF YARD SALES  
WITHIN THE CITY OF ANNA'S CORPORATE LIMITS**

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**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANNA**

**APRIL 17, 2018**

**ORDINANCE NO. 2018-6**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA, ILLINOIS  
CONCERNING THE REGULATION OF YARD SALES WITHIN THE CITY OF ANNA'S  
CORPORATE LIMITS

**WHEREAS**, the City Council of the City of Anna, Illinois is authorized by the Illinois Municipal Code to enact such ordinances as it deems necessary for the public health, safety and welfare of the citizens of the City of Anna, Illinois; and

**WHEREAS**, the City Council deems it necessary and appropriate to adopt a uniform set of rules and regulations for yard sales conducted within It's corporate limits;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ANNA, UNION COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION ONE: NAME AND EFFECTIVE DATE**

- A. This Ordinance shall be known and shall be cited as "THE REVISED YARD SALE ORDINANCE FOR THE CITY OF ANNA-2018-6."
- B. This Ordinance shall be in full force and effect, and shall apply to all "Yard Sales" within the Anna, Illinois City limits, upon it passage.
- C. This Ordinance shall be published in pamphlet form within ten (10) days of passage.

**SECTION TWO: REPEALER**

- A. Whereas the City Council did previously adopt Ordinance 2017-5 to regulate "Yard Sales," that Ordinance is repealed effective with the enactment of this Ordinance No. 2018-6.
- B. All other Ordinances, Resolutions, Motions, Orders, or parts thereof, which conflict with the provisions of this Ordinance No. 2018-6 are, to the extent of such conflict, hereby repealed.

**SECTION THREE: DEFINITIONS:**

- A. "Yard Sale"; The term "yard sale" shall mean any display of merchandise/property for sale or barter at a non-commercial location. Events commonly known as "garage sales",

“tailgate sales”, “flea markets”, “house sales”, “moving sales”, or similar designations, shall be defined as “yard sales” and be subject to this Ordinance.

- B. “Charitable Organization”: means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit to the public.
- C. “Educational Organization”: means an organization or institution organized and operated to provide systematic instruction in useful branches of learning methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.
- D. “Fraternal Organization”: means an organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.
- E. “Nonprofit Organization”: means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
- F. “Religious Organization”: means any church, congregation, society, or organization founded for the purpose of religious worship.
- G. “Veteran Organization”: means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

SECTION FOUR: WHO MAY HAVE YARD SALES People who are residents of the City of Anna, Illinois. Additionally, bone fide charitable, educational, fraternal, nonprofit, religious, and veteran’s organizations that maintain a location within the corporate limits of the City of Anna, and which operate without profit to their members. Finally, the City Council may, upon written request, permit “special event” yard sales such as the “River to River Yard Sale”, upon such terms and conditions as the Council, in it’s sole discretion, deems appropriate.

SECTION FIVE: LOCATION OF YARD SALES

- A. Individual Residents: Yard sales shall be held on the premises of the individual Anna resident conducting the sale.

- B. Organizations: Yard sales shall be held on the premises where the organization is located in the City of Anna. Provided however, the City Council may, upon written request, and at its sole discretion, allow an organization to conduct a yard sale at an off-site location.
- C. Special Event Yard Sales: Shall be held at locations approved by the City Council.

SECTION SIX: WHEN YARD SALES MAY BE CONDUCTED

- A. Individual Residents: Yard sales shall be permitted one time monthly per residence. Each yard sale can be set up as early as 6:00 am Thursday, and shall be taken down/cleaned up no later than 5:00 p.m. on the immediately following Sunday. There shall be no yard sales between 5:00 p.m. Sunday and noon Thursday.
- B. Organizations: Yard sales shall be permitted one time monthly at the organization's location in Anna, or at the alternate location approved by the Anna City Council. Each yard sale can be set up as early as 6:00 a.m. Thursday, and shall be taken down/cleaned up no later than 5:00 p.m. on the immediately following Sunday. There shall be no yard sales between 5:00 p.m. Sunday and noon Thursday.
- C. Special Event Yard Sales: Special Event Yard Sales shall be permitted at such times as the Anna City Council, in its sole discretion, approves.

SECTION SEVEN: LIMITATIONS

- A. It shall be unlawful for anyone to conduct a retail selling business as a yard sale, or to engage in any sales other than of their own used property, junk, antiques or other discarded items of property.
- B. No booths or concession stands shall be incorporated into any permitted yard sale except as approved by the Anna City Council upon written request, and at the Council's sole discretion.
- C. Yard sale signs shall not exceed four (4) square feet, shall not be erected more than five (5) days prior to the scheduled yard sale, and shall be removed immediately following the event. In no event may a yard sale sign remain posted more than twelve hours after the conclusion of the permitted yard sale.
- D. No yard sale signs shall be posted on utility poles or City owned poles (i.e., stop signs, speed restriction signs, no parking signs, street signs, etc.).


SECTION EIGHT: PENALTIES: Any person or organization violating any of the provisions of the City of Anna, Illinois' Yard Sale Ordinance shall be fined not less than \$120.00 for each

provision violated, but not to exceed a total of \$1,200.00 for violations in a single yard sale. Violations at subsequent yard sales shall result in additional fines, per yard sale, in conformity with the provisions of this Ordinance. Fines for violations of this Ordinance shall be placed on the residents/organizations next monthly utility bill. If the fine(s) is/are not paid at the time of payment of the utility bill it shall result in utility disconnection in the same manner as provided in Section 8 of Anna City Ordinance 2012-02.

SECTION NINE: PROCEDURE FOR PROTEST

- A. Fines and disconnection of utility service for Yard Sale Ordinance violations may be protested by delivering and filing a written protest and request for hearing at the Anna City Hall during regular business hours. The written protest and request for hearing must be filed PRIOR to disconnection of utility services, and shall set out the reasons why the disconnection of utility service is unjustified, erroneous or arbitrary.
- B. Upon receipt of a timely filed protest a hearing will be scheduled before the Anna City Council at it's next regularly scheduled meeting. Disconnection of utility services will be delayed pending final determination by the Anna City Council.
- C. The Mayor, or the Mayor's designee, shall preside over the hearing. The Mayor, or the mayor's designee, and the City Council shall consider the protest, afford minimal due process, and issue it's decision. By majority vote the protest will either be sustained and the fine(s) abated, or the protest will be denied and the fine(s) will be upheld. Should the fine(s) be upheld disconnection of utility services shall proceed in the manner as provided hereinabove.

**PASSED AND ADOPTED this 17<sup>th</sup> day of April, 2018**

  
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STEVE HARTLINE, MAYOR

**RECORD OF VOTE:**

**YEA**

**NEA**

MAYOR HARTLINE

X

\_\_\_\_\_

COMMISSIONER BIERSTADT

X

\_\_\_\_\_

COMMISSIONER ISOM - Absent

\_\_\_\_\_

\_\_\_\_\_

COMMISSIONER KAMP

X

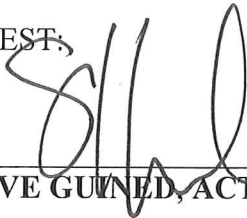
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COMMISSIONER WEBB

X

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ATTEST:



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STEVE GUINED, ACTING CITY CLERK

(Corporate Seal)

FILED FOR RECORD ON 4-18, 2018