

**CITY OF PALMETTO  
CITY COMMISSION WORKSHOP MEETING  
April 20, 2015  
4:30 PM**

*PLEDGE OF PUBLIC CONDUCT  
We may disagree, but we will be respectful to one another.  
We will direct all comments to issues.  
We will avoid personal attacks.*

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516 8<sup>th</sup> Avenue West  
Palmetto, Florida 34221

(941) 723-4570  
<http://www.palmettofl.org>

**Shirley Groover Bryant, Mayor**

**Commission Members**

**Brian Williams, Vice Mayor, Commissioner, Ward 3  
Tamara Cornwell, Commissioner-at-Large 2  
Jonathan Davis, Commissioner-at-Large 1  
Harold Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2**

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**1. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PRESENTATION (J. Freeman)**

Mr. Freeman will give a brief presentation on the FY 2013/2014 CAFR. Mauldin & Jenkins will also be in attendance to review the Management's Discussion and Analysis (MD&A).

**2. ORDINANCE NO. 2015-05 SALES-LIQUIDATION AND GARAGE (M. Barnebey/J. Freeman) (TAB 1)**

Staff has reviewed and revised Chapter 24 of the City's Code of Ordinances.

If any person desires to appeal any decision of the City Commission, CRA Board, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS §286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on forty-eight hours notice (FS §286.26). Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk by telephone at 941-723-4570, fax 941-723-4576 or e-mail [jfreeman@palmettofl.org](mailto:jfreeman@palmettofl.org) or [afoley@palmettofl.org](mailto:afoley@palmettofl.org).

POSTED: April 15, 2015

## CHANGES MADE TO CHAPTER 24, LIQUIDATION AND GARAGE SALES:

### ARTICLE II. LIQUIDATION SALES

Section 24-26 Exceptions: Same.

Section 24-27. Items offered for sale, restricted, records: Removed this section entirely and reserved it.

Sections 24-28 through 24-45. Reserved: Same; however, added 24-27 into Reserved status.

Section 24-46. Required: Re-wrote the entire section which now includes a reference to Florida Statute Chapter 559 Part III that regulates Fire and Going out of Business Sales (attached in your agenda packet).

Section 24-47. Inventory affidavit removed and reserved

Section 24-48. Classification of applicants has been removed and reserved

Section 24-49. Duration restricted has been removed and reserved

Section 24-50. Fees has been removed and reserved

Sections 24-51 through 24-65 reserved, kept same but added section 24-47 through 50 to reserved status too.

### ARTICLE II. GARAGE AND RUMMAGE SALES

Section 24-66. Definitions. Redefined garage sale and added a definition for personal property

Section 24-67. Permit-Required is now new Section 24-70. New Section 24-67 is Exemptions and is a new section altogether.

Section 24-68. Same-Public display required is now Section 24-73 and a new Section 24-68 was created titled Separate Violations.

Section 24-69. Location was deleted and replaced with a new Section 24-69 titled Property permitted to be sold.

Section 24-70. Time limitations is now a new Section 24-71. Section 24-70 is now Permit-Required; changes made include:

- Identifying that a Permit is to be obtained from the City Clerk's Office

- Outlining what information shall be provided to the City to obtain a Permit which now includes the time of the garage sale as well as the date.

Section 24-71. Advertising is now Section 24-75. Section 24-71 is now Time Limitations; and the only change was that garage sales are prohibited Monday through Thursday

Section 24-72. Conduct of sale was retitled as General conduct; decorum and order and is now Section 24-76. Section 24-72 is now a new Section titled Revocation or denial of permit.

Section 24-73. Sales by charitable or religious organizations, has been incorporated into Section 24-67 Exemptions.

Section 24-73 is now Permit display required (old 24-68) and now states that the Permit shall be made available, not posted as previously stated.

Section 24-74 is new and is Postponement of sale because of inclement weather.

Section 24-75 is Advertising (old 24-71) and now outlines the types of signs allowed, how many, where they can be placed, where they are not allowed, and when they are to be picked up. Also, it states that directional signs are not allowed if your garage sale is located on an arterial roadway (as defined in the City's Comprehensive Plan); I have attached how the Comp Plan defines that type of roadway.

Section 24-76 is General conduct; decorum and order (old 24-72) and has been re-written altogether.

Section 24-77 Parking is a completely new section.

# Current Code

## Chapter 24 - SALES

### FOOTNOTE(S):

--- (1) ---

**Cross reference**— Administration, Ch. 2; advertising and signs, Ch. 3; buildings and building regulations, Ch. 7; junked, wrecked, abandoned property, Ch. 18; licenses and business regulations, Ch. 19; streets, sidewalks and other public places, Ch. 25.

**State Law reference**— Fire and going-out-of-business sales and auctions, F.S. § 559.20 et seq.

### ARTICLE I. - IN GENERAL

Secs. 24-1—24-25. - Reserved.

### ARTICLE II. - LIQUIDATION SALES

#### DIVISION 1. - GENERALLY

Sec. 24-26. - Exceptions.

Nothing contained in this article shall apply to judicial sales or sales conducted by order of any court, or to sales made by wholesalers, jobbers or manufacturers when made in the regular course of their business as such.

*(Code 1975, § 23-13)*

Sec. 24-27. - Items offered for sale restricted, records.

- (a) During the progress of any sale regulated by this article, it shall be unlawful for the person conducting such sale to offer for sale any goods, wares or merchandise other than those shown by the original inventory filed with the city at the time of making application for the license, and it shall be unlawful for such person to make any replenishments or additions to such stock of goods, wares or merchandise during the continuance of the sale.
- (b) The person conducting the sale shall keep an accurate record of all articles or things sold. This record shall be available at all reasonable hours for inspection by the city clerk.

*(Code 1975, § 23-19)*

Secs. 24-28—24-45. - Reserved.

#### DIVISION 2. - LICENSE

### FOOTNOTE(S):

--- (2) ---

**Cross reference**— Licenses and business regulations, Ch. 19.

Sec. 24-46. - Required.

It shall be unlawful for any person within the city to advertise or conduct any sale of goods, wares or merchandise that is represented as a bankrupt, trustee, receivership, insolvent, insurance, fire, water damaged, closing-out, closing stock, manufacturer's, manufacturer's outlet, executor's, administrator's, jobber's, wholesaler's, adjuster's, liquidation, removal, distressed or other similar sale, or any other sale wherein by representation or advertisement it is intended to lead the public to

believe that the person so conducting such sale is selling the goods, wares and merchandise so offered for sale at less than the current or going retail price thereof, without first obtaining a license to do so from the city clerk.

*(Code 1975, § 23-14)*

Sec. 24-47. - Inventory, affidavit.

- (a) At the time of applying for a license required by this division, the applicant shall file an inventory containing a complete and accurate list of all of the goods, wares and merchandise to be offered for sale at the sale, together with the wholesale price thereof. This inventory shall be signed by the person seeking the license if an individual, and by a member of the firm seeking the license if the license is sought by a firm, and by an officer of the corporation if the license is sought by a corporation.
- (b) The person signing the inventory shall execute an affidavit to the effect that the inventory contains a full, true and accurate list of the goods, wares and merchandise to be offered for sale, that the wholesale price stated in the inventory is the true and current wholesale price of the goods, whether the applicant for the license has been engaged in the sale of goods, wares and merchandise at the same location where the sale is proposed to be held, and the length of time during which the applicant has been engaged in business at such location prior to applying for the license.

*(Code 1975, § 23-15)*

Sec. 24-48. - Classification of applicants.

Applicants for licenses required by this division shall be classified as itinerants and nonitinerants. Itinerants shall be those persons who have not been engaged in business at the location where the sale is proposed to be held for at least one (1) year immediately preceding the making of the application for the license, and nonitinerants shall be those persons who have been engaged in business at the location where the sale is proposed to be held for one (1) year or more immediately preceding the making of the application for such license.

*(Code 1975, § 23-16)*

Sec. 24-49. - Duration restricted.

No license shall be issued pursuant to this division to any person to conduct a sale for periods of less than ten (10) days or more than sixty (60) days.

*(Code 1975, § 23-17)*

Sec. 24-50. - Fees.

- (a) The fees for a license issued pursuant to this division shall be as follows:
  - (1) First ten (10) days, per day .....\$25.00
  - (2) Each additional day .....10.00
- (b) Such fees shall be paid before the license is issued.

*(Code 1975, § 23-18)*

Secs. 24-51—24-65. - Reserved.

ARTICLE III. - GARAGE AND RUMMAGE SALES

Sec. 24-66. - Definition.

Garage sales and rummage sales are sales by residents of the city of personal property items, which may be conducted only from the premises of single-family residences or duplexes; provided, no nonparticipating resident of the premises objects to the sale being conducted.

*(Code 1975, § 23-35)*

Sec. 24-67. - Permit—Required.

No garage sale or rummage sale shall be conducted without first obtaining a permit from the city. A resident seeking to conduct a garage sale or rummage sale shall file an application for a permit with the city clerk upon forms to be supplied by the clerk, which application shall include the following information:

- (1) The exact dates and location of the place where the sale is sought to be conducted;
- (2) The full name of the applicant seeking the permit to conduct the sale who must have a personal interest in the real property where the sale is sought to be conducted, and also in the personal property to be sold;
- (3) That none of the personal property for sale has been consigned to the persons conducting the sale by any merchant or other commercial entity which is licensed by any government agency within the territory of the United States;
- (4) That the applicant consents that the city shall have the right to send its representative upon the premises described in the application to investigate matters stated in the application at any time during the progress of the sale for which a permit has been granted, when the premises are open for the purposes of that sale, to determine if a violation of this article exists.

*(Code 1975, § 23-37)*

**Cross reference—** Exemption, § 24-73.

Sec. 24-68. - Same—Public display required.

No garage sale or rummage sale shall be conducted unless a copy of the permit issued by the city pursuant to this article shall be publicly displayed at the entrance of the premises where the sale is to be conducted.

*(Code 1975, § 23-39)*

Sec. 24-69. - Location.

It shall be unlawful for any person or organization to hold a garage or a rummage sale within the city, unless the same is held on the private property of the person holding such sale.

*(Code 1975, § 23-1)*

Sec. 24-70. - Time limitations.

The total period of the garage sale or rummage sale must not exceed forty-eight (48) consecutive hours, and must be conducted only during the daylight hours between sunrise and sunset. A garage sale or a rummage sale may not be conducted more often than once every six (6) months from the same premises, unless title to the real property upon which the sale is to be conducted has been transferred to other residents who otherwise qualify under this article to conduct such a sale.

*(Code 1975, § 23-36)*

Sec. 24-71. - Advertising.

Advertising of a garage sale or rummage sale shall be limited to three (3) signs, each of which shall not exceed nine (9) square feet in area, which may be placed by the resident at any convenient location on private property, but shall not be placed on the public right-of-way.

*(Code 1975, § 23-40)*

Sec. 24-72. - Conduct of sale.

The applicant shall agree to conduct the garage sale or rummage sale in such a manner that city ordinances relating to the safety, health, and welfare of other persons in the general area of the sale are not violated.

*(Code 1975, § 23-38)*

Sec. 24-73. - Sales by charitable or religious organizations.

- (a) Rummage or similar type sales conducted by charitable or religious organizations shall not be considered to be within the definition of a garage sale when conducted from premises which are zoned other than residential.
- (b) When such sales are proposed to be conducted from residentially zoned property, the city may waive the personal interest in the real and personal property requirement of this article.

*(Code 1975, § 23-41)*

## ORDINANCE 2015-05

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR A NEW CHAPTER 24, CITY OF PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF LIQUIDATION SALES AND GARAGE/YARD SALES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

**WHEREAS**, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

**WHEREAS**, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

**WHEREAS**, the City Commission has held at least one discussion on the issue of liquidation sales and garage/yard sales; and,

**WHEREAS**, the City Commission desires regulation of liquidation sales and garage/yard sales within the City; and,

**WHEREAS**, the City Commission finds that liquidation sales and garage/yard sales within the City can cause safety hazards and blight upon neighborhoods, commercial areas and locations; and,

**WHEREAS**, consistent with the findings stated above, the City Commission has determined that adoption of this ordinances is in the best interest of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:**

**Section 1.** Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

**Section 2.** ARTICLE II "Sections 24-26 through 24-50", and ARTICLE III, "Sections 24-66 through 24-73" of Chapter 24 of the Palmetto Code of Ordinances is hereby repealed in its entirety.

**Section 3.** A new Chapter 24, Sales, ARTICLE II "Sections 24-26 through 24-65", and ARTICLE III, "Sections 24-66 through 24-77", is hereby created of the Palmetto Code of Ordinances.

## ARTICLE II. LIQUIDATION SALES

### DIVISION 1. GENERALLY

#### **Section 24-26. Exceptions**

Nothing contained in this Article shall apply to judicial sales or sales conducted by order of any court, or to sales made by wholesalers, jobbers or manufacturers, when made in the regular course of their business as such.

#### **Sections 24-27 through 24-45 Reserved.**

#### **Section 24-46. Required.**

No person shall engage in or conduct a liquidation, fire, going-out-of business sale, or similar sale without first having obtained a permit from the Manatee County Tax Collector as stated in F.S. Ch. 559 pt. III. All such permits as referenced shall be posted as required by Florida State Law.

#### **Sections 24-47 through 24-65 Reserved.**

## ARTICLE III. GARAGE AND RUMMAGE SALES

#### **Section 24-66 Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning"

*Garage sale* means and includes all general sales, open to the public, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", or "rummage" sales. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisements of such sale specifically name those items to be sold.

*Personal property* means property which is owned, utilized and maintained by an individual or other residents of his or her place of residence, and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

#### **Section 24-67 Exemptions.**

The provisions of this chapter shall not apply to or affect the following:

- (a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (b) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale is permitted by the zoning regulations

of the City or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor and which sale is conducted from properly zoned premises and not otherwise prohibited in other ordinances.

- (c) Any sale by a charitable, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for the institution's or organization's purposes and the goods or articles are not sold on a consignment basis.

**Section 24-68 Separate Violations.**

Every day a sale is conducted in violation of this Article shall constitute a separate offense and subject to enforcement pursuant to Chapter 2 of the City's Code of Ordinances.

**Section 24-69 Property permitted to be sold.**

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Article, property other than personal property.

**Section 24-70 Permit-Required.**

No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the City Clerk's office. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them. Prior to the issuance of any garage sale permit, the individual(s) conducting such sale shall file a written statement with the City Clerk, or designee, setting forth the following:

- (a) Full name and address of the applicant.
- (b) The location at which the proposed garage sale will be held.
- (c) The date or dates and time upon which the sale will be held.
- (d) The date or dates of any other garage sales by the same person or at the same residence within the current calendar year.
- (e) An affirmative statement that the property to be sold was owned by the applicant as his or her own personal property and was neither acquired nor consigned for the purposes of resale.
- (f) That the applicant consents that the City shall have the right to send its representative upon the premises described in the application to investigate matters stated in the permit at any time during the progress of the sale to determine if a violation of this article exists.

**Section 24-71 Time limitations.**

The total period of the garage sale must not exceed forty-eight (48) consecutive hours, and must be conducted only during the daylight hours between sunrise and sunset. Garage sales are prohibited Mondays through Thursdays. A garage sale may not be conducted more often than once every six (6) months from the same premises, unless title to the real property upon which the sale is to be conducted has been transferred to other residents who otherwise qualify under this article to conduct such a sale.

**Section 24-72 Revocation or denial of permit.**

- (a) *False information.* Any permit issued under this Article may be revoked or any application for issuance of a permit may be denied by the City Clerk, after notice to the applicant, if the application submitted by the applicant or permit holder contains any

false, fraudulent, or misleading statement(s). An appeal of such action may be filed with the City Commission.

- (b) *Violation.* If any individual's permit is revoked under this Article, the City Clerk shall cancel any existing garage sale permit held by the individual and shall not issue such individual another garage sale permit for a period of two (2) years from the time of the violation. An appeal of such action may be filed with the City Commission.

**Section 24-73 Permit display required.**

Any permit issued pursuant to this Article shall be available and exhibited for inspection upon request of any officer authorized to enforce this Article.

**Section 24-74 Postponement of sale because of inclement weather.**

If a garage sale is not held on the date(s) for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the City Clerk, or designee, may void the old permit and issue another permit to the applicant for a garage sale to be conducted at the same location.

**Section 24-75 Advertising.**

Advertising of a garage sale is allowed under the following conditions:

- (a) *On-premises signs.* Two (2) signs of not more than four (4) square feet each shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.
- (b) *Directional signs.* Two (2) signs of not more than four (4) square feet each are permitted away from the property of the residence where the garage sale is being conducted, provided that the premises upon which the garage sale is conducted are not on an arterial roadway as defined in the City's Comprehensive Plan, and written permission to erect the signs is received from the property owner upon whose property such signs are to be placed.
- (c) *Permit number.* Each sign advertising a garage sale shall show the permit number in figures at least four (4) inches in height.
- (d) *Not allowed.* No sign permitted by this Article shall be attached to a utility pole nor shall be placed on the public right-of-way or any City property.
- (e) *Time limit.* No sign or other form of advertisement for a garage sale shall be exhibited for more than one (1) day prior to the day such sale is to commence.
- (f) *Removal of signs.* Garage sale signs shall be removed at the close of the garage sale activities. Failure to remove signs will result in enforcement pursuant to Chapter 2 of the City's Code of Ordinances.

**Section 24-76 General conduct; decorum and order.**

The individual to whom a garage sale permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct, as defined in Chapter 5 of the City's Code of Ordinances, on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises.

**Section 24-77 Parking.**

All parking of vehicles at a garage sale shall be conducted in compliance with all applicable laws and ordinances.

**Section 4. Repeal of Ordinances in Conflict.**

This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

**Section 5. Severability.**

It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

**Section 6. Effective Date.**

This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

**FIRST READING:**

**PUBLICATION DATE:**

**SECOND READING:**

**PASSED AN DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this \_\_\_\_ day of \_\_\_\_\_, 2015.**

CITY OF PALMETTO, FLORIDA BY AND THROUGH THE CITY COMMISSION OF THE CITY OF PALMETTO

BY: \_\_\_\_\_

SHIRLEY GROOVER BRYANT, MAYOR

ATTEST:

BY: \_\_\_\_\_  
JAMES R. FREEMAN, CITY CLERK

Tax collector permit

Tax collector permit

APPLICATION FOR PERMIT FOR FIRE OR GOING OUT OF BUSINESS SALE PER FLORIDA STATUTE - CHAPTER 559 PART III

TO THE TAX COLLECTOR OF MANATEE COUNTY, FLORIDA

I hereby make application for the following permit:

Going Out of Business Closing Sale Other Fire Sale

Date sale to begin: Date sale will end:

In support of this application, I submit the following information:

Place of Sale

Nature of Occupancy e.g. lease, sub-lease:

Date of Termination of Occupancy:

This sale will be advertised by means of:

Each such advertisement will contain the words " Sale held pursuant to Manatee County Permit for type of sale Permit # granted the day of

Beginning Ending No extensions once the permit has been issued per FL. Statute 559.21a.

A complete inventory of the goods, wares, and merchandise to be offered for sale is attached to and made a part of this application. I understand that only items as appear on this inventory may be advertised, offered for sale or sold.

To further support this application, I agree to keep an itemized list of all sales as they are made, to summarize the list daily, and to enter the summarized figures at the close of each day's business on a copy of the inventory in such a manner as to provide the following information:

- 1. The inventory at the beginning date of the sale.
2. At the close of business each day the stock list attached to the application shall be revised and those items disposed of during such day shall be so marked thereon.
3. The quantity of each item remaining unsold at the close of each day's business and at the closing date of the sale.

In addition, suitable books and records as prescribed by the Tax Collector shall be kept by the permittee and shall be made available during business hours to the Sheriff upon request.

I agree to surrender to the Tax Collector for cancellation the following business licenses:

Type of License: LicenseNumber: Issued By:

Type of License: LicenseNumber: Issued By:

Type of License: LicenseNumber: Issued By:

I understand and will abide by the provisions of Florida Statutes, Chapter 559, Part III

Date: Signed By: Title

If approved, the Permit Number is: THIS PERMIT EXPIRES ON, WHICH IS THE 60TH CONSECUTIVE DAY FOLLOWING THE DAY OF ISSUANCE WHICH INCLUDES SUNDAYS AND LEGAL HOLIDAYS per FL Statute 559.21 (a) Any permit herein provided for shall not be assignable to transferable..

Application has been approved by (Ken Burton, Jr., Manatee County Tax Collector) Field Deputy

Date Approved:

Permit Fee Paid Yes

**PART III  
FIRE AND GOING-OUT-OF-BUSINESS  
SALES AND AUCTIONS**

*Florida  
Statute*

- 559.20 Definitions.
- 559.21 Regulation of sales.
- 559.22 Duties of permittee.
- 559.23 Fees.
- 559.24 Enforcement.
- 559.25 Exemptions.
- 559.26 Violations.
- 559.27 Tag required reflecting value of item offered for sale at auction.

**559.20 Definitions.**—In construing this part, and each and every word, phrase or part thereof, where the context will permit, the definitions contained in s. 1.01, shall be applicable, and:

(1) “Fire and other altered goods sale” is a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged or altered by fire, smoke, water, or other means.

(2) “Going-out-of-business sale” is a sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: Adjusters, adjustment, alteration, assignees, bankrupt, benefit of administrators, benefit of creditors, benefit of trustees, building coming down, closing, creditor’s committee, creditors, end, executors, final days, forced out of business, insolvents, last days, lease expires, liquidation, loss of lease, mortgage sale, receiver’s, trustees, quitting business, removal. Any sale using any of the foregoing words or words of similar import, at the conclusion of which sale the business will not cease and be discontinued, and not publishing that fact or the qualified nature of said sale with equal prominence with each advertisement of such sale, shall be deemed to be a going-out-of-business sale.

(3) “Goods” is meant to include any goods, wares, merchandise, or other property capable of being the object of a sale regulated hereunder.

(4) “Person” is any person, firm, partnership, association, corporation, company, or organization of any kind.

(5) The words “publish,” “publishing,” “advertising” and “advertisement” shall include any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by written notice, by printed display, by billboard display, by poster, by radio announcement, and any and all means including oral, written, or printed.

(6) The word “shall” is always mandatory and not merely directory.

History.—s. 1, ch. 59-292.

**559.21 Regulation of sales.**—

(1) A person may not publish or conduct any sale of the type herein defined without a permit therefor. Such permit shall be issued by the tax collector, upon written application and verified by the person who, or by an officer of the corporation which intends to conduct such sale. Such application shall contain a description of the place where such sale is to be held, the nature of the occupancy, and whether by lease or sublease and the effective date of termination of such occupancy, the means to be

employed in publishing such sale. Such application shall further contain, as part thereof, an itemized list of the goods, wares, and merchandise to be offered for sale.

(2) Upon receipt of such application and payment of the fee prescribed in s. 559.23, the tax collector shall examine the same, and may make such investigation as she or he may deem proper. The tax collector shall determine if the person or corporation that intends to conduct the sale owes any taxes with respect to the goods to be offered for sale. The tax collector may not issue a permit to such person or corporation until all delinquent taxes on such goods have been paid. If after such investigation she or he is satisfied as to the truth of the statements contained in such application, the tax collector may issue a license permitting the publication and conduct of such sale on the following terms:

(a) The permit shall authorize the sale described in the application for a period of not more than 60 consecutive days, counting Sundays and legal holidays following the issuance thereof.

(b) The permit shall authorize only the one type of sale described in the application at the location named therein.

(c) The permit shall authorize only the sale of goods described in the inventory attached to the application.

(d) Upon being issued a permit hereunder for a going-out-of-business sale, the permittee shall surrender to the tax collector all other business licenses she or he may hold at that time applicable to the location and goods covered by the application for a permit under this part, which license or licenses shall be transmitted by the tax collector to the licensing authority for cancellation.

(e) Any permit herein provided for shall not be assignable or transferable.

History.—s. 2, ch. 59-292; ss. 12, 35, ch. 69-106; s. 198, ch. 77-104; s. 1, ch. 93-82; s. 37, ch. 95-312; s. 811, ch. 97-103.

**559.22 Duties of permittee.**—A permittee under this part shall:

(1) Make no additions whatsoever, during the period of authorized sale, to the stock of goods set forth in the inventory attached to the application for permit.

(2) Specify the registration or permit number of the permit issued by the tax collector within any advertising of the sale.

(3) Refrain from employing any untrue, deceptive or misleading advertising.

(4) Conduct the authorized sale in strict conformity with any advertising or holding out incident thereto.

History.—s. 2, ch. 59-292; s. 2, ch. 93-82.

**559.23 Fees.**—Upon filing an application for a permit to advertise and conduct a sale, or special sale, the applicant shall pay to the tax collector a fee in the sum of \$50 which shall be deemed income of his or her office. If an application is disapproved, such payment shall be retained as and for the cost of investigating the statements contained in such application, and the applicant.

History.—s. 3, ch. 59-292; s. 11, ch. 83-255; s. 3, ch. 93-82; s. 812, ch. 97-103.

**559.24 Enforcement.**—

(1) Upon commencement of a sale, the permit issued shall be prominently displayed near the entrance to the premises. Duplicate originals of the application, the stock list pursuant to which the permit was issued, and the permit shall be forwarded to the tax collector, who may examine all merchandise in the premises for comparison with the stock list.

(2) All advertisements or advertising and the language contained therein must be in accordance with the purpose of the sale as stated in the application pursuant to which a permit was issued, and the wording of such advertisements may not vary from the wording as indicated in the application. Such advertising must contain a statement in these words and no others:

Sale held pursuant to County, sale No. granted the day of , (in such blank spaces shall be indicated the type of sale, the permit number and the requisite dates.)

(3) Suitable books and records as prescribed by the tax collector shall be kept by the permittee and shall during business hours be available to the sheriff. At the close of business each day the stock list attached to the application shall be revised and those items disposed of during such day shall be so marked thereon.

History.—s. 4, ch. 59-292; ss. 12, 35, ch. 69-106; s. 4, ch. 93-82; s. 38, ch. 95-312.

**559.25 Exemptions.**—The provisions of this part shall not apply to or affect the following persons:

- (1) Persons acting pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officers such as sheriffs and marshals, and similar public officers.
- (3) Duly licensed auctioneers, selling at auction.
- (4) Persons holding licenses or permits duly issued to conduct such sales by municipalities having municipal ordinances similar to this part.

History.—s. 5, ch. 59-292.

**559.26 Violations.**—

(1) Any person who violates this part is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who publishes an advertisement for a fire and other altered goods sale or going-out-of-business sale, which advertisement does not conform to the requirements specified in s. 559.24, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 59-292; s. 554, ch. 71-136; s. 5, ch. 93-82.

**559.27 Tag required reflecting value of item offered for sale at auction.**—

(1) At all auctions of goods at public outcry, the auctioneer or her or his agent shall place or cause to be placed upon each item to be offered at auction a tag showing the value attributed to the item at the time it is offered. Such tag shall remain affixed to the item and shall be delivered to the buyer along with the item at the time of sale.

(2) The provisions of this section shall not apply:

- (a) To agricultural commodities, livestock, agricultural equipment, automobiles, or other items of goods which are most commonly marketed at auction;
- (b) When a value is not expressed by the auctioneer as a guide to the bidder; or
- (c) To auctions held as a result of court action.

(3) Violation of this section shall be a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 1, 2, 3, ch. 70-151; s. 555, ch. 71-136; s. 813, ch. 97-103.

#### PART IV BUYING SERVICES

559.3901 Short title.

559.3902 Definitions.

559.3903 Contracts of membership; right of cancellation; how exercised; entitlement to refund; right not waivable.

559.3904 Contracts of membership; requirements; notice; effect of noncompliance.

# camp plan definition

## II. DEFINITIONS

**ABUT** - To physically touch or border upon; or to share all or part of a common lot line or parcel of land.

**ACCESSORY UNIT/GRANNY FLAT** - A detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith.

**ACCORD** - A joint agreement created in 2002, between the Manatee County School Board, Manatee County and the cities of Palmetto and Bradenton to jointly deal with long-term growth management issues.

**ADJACENT** - A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. Adjacent shall also include any property separated by a public or private right-of-way.

**AFFORDABLE HOUSING** - Housing units where the occupant is paying no more than 30 percent of gross income for housing costs, including taxes, utilities and insurance.

**ANNEXATION** - The incorporation of a land area into an existing municipality with a resulting change in the boundaries of the City.

**ARTERIAL ROAD** - A roadway designated by the City providing service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

**ATTAINABLE HOUSING** - Housing units that are affordable to households earning between 80% and 120% of the median income.

**BICYCLE AND PEDESTRIAN WAYS** - Any road, path or way that is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

**BLIGHTED AREA** - An area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- A. Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

camp plan

TABLE 2-1

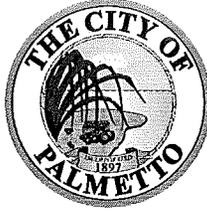
FLORIDA DEPARTMENT OF TRANSPORTATION

NAME	FUNCTIONAL CLASSIFICATION	NUMBER OF LANES	MAINTENANCE RESPONSIBILITY
10 <sup>th</sup> Street West	<u>Arterial</u>	2	County
24 <sup>th</sup> Avenue West	Collector	2	City
17 <sup>th</sup> Street West	<u>Arterial</u>	2	City
17 <sup>th</sup> Street East	<u>Arterial</u>	2	County
23 <sup>rd</sup> Street West (Relocated)	Collector	2	City
20 <sup>th</sup> Avenue West	Collector	2	City
4 <sup>th</sup> Street West	Collector	2	City
7 <sup>th</sup> Street West	Collector	2	County
10 <sup>th</sup> Avenue West	Minor Arterial	2	City
8 <sup>th</sup> Avenue West	<u>Undivided Arterial</u>	4	FDOT
US 41	<u>Divided Arterial</u>	4	FDOT
US 301	<u>Divided Arterial</u>	4	FDOT
Haben Boulevard	<u>Divided Arterial</u>	4	City
7 <sup>th</sup> Street West Extension	Collector	2	City
10 <sup>th</sup> Avenue West Extension	Collector	2	City
16 <sup>th</sup> Avenue East	Minor Arterial	2	City

SOURCE: City of Palmetto, 2010

DATE: \_\_\_\_\_

PERMIT NO.: \_\_\_\_\_



## GARAGE SALE

# PERMIT

Name of Applicant: \_\_\_\_\_

Sale Location, Address: \_\_\_\_\_

Date of Sale: **Only allowed for 48 consecutive hours during sunrise to sunset and prohibited Monday through Thursday.**

From \_\_\_\_\_  
Month / Day / Year

Time: \_\_\_\_\_  
Start/End

To \_\_\_\_\_  
Month / Day / Year

Time: \_\_\_\_\_  
Start/End

Have you had a sale in the previous year, if so when? \_\_\_\_\_

**Garage sales can only be held once every six months.**

I, the undersigned applicant, do hereby agree to abide by the regulations of the City Code of Ordinances, Chapter 24, Section 24-66 through Sec. 24-77, regulating garage sales in the City of Palmetto, Florida. I do state that the goods to be sold have not been consigned by any merchant or other commercial entity and agree to allow the City the right to inspect the premises during the progress of the sale. Contact the City Clerk's office at 723-4570 with any questions concerning the permit. I acknowledge receipt of a copy of the regulations as set forth in said ordinance.

Advertising of a garage sale or rummage sale shall be limited to two (2) signs on premise and two (2) directional signs, each of which shall not exceed four (4) square feet in area and are to include the Permit No. on each sign, which may be placed by the resident at any convenient location on private property, but shall not be placed on the public right-of-way, utility poles, or City property. Please contact Public Works at 723-4580 to determine what constitutes the public right-of-way for your area. Failure to comply may result in the removal of your sign. All signs must be removed immediately after the sale.

\_\_\_\_\_  
Signature of Applicant

City Approval: \_\_\_\_\_  
City Clerk or Representative

THIS PERMIT MUST BE AVAILABLE FOR INSPECTION IF REQUESTED BY A CODE ENFORCEMENT OFFICER OR LAW ENFORCEMENT OFFICER FOR THE CITY OF PALMETTO.