



Ordinance

No. 436

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING AND RESTATING THE SAN LUIS CITY CODE § 5.05.090 (B) AND ADDING § 5.05.090(C) ON GARAGE SALE BUSINESS REGULATION, REMOVING THE YEARLY LIMITATION; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND IMPOSING A PENALTY.

WHEREAS, on September 20, 1979, City Council first established business regulation by Ordinance No. 5; and

WHEREAS, on May 11, 2005, City Council allowed Garage Sales three (3) times per year per residential location by Ordinance No. 229; and

WHEREAS, on November 12, 2014, City Council removed a fee requirement for registering Garage Sales by Resolution No. 1077; and

WHEREAS, on November 24, 2014, City Council increased the number of Garage Sales to four (4) times per year per residential location by Ordinance No. 332; and

WHEREAS, the above Ordinances are now integrated into the San Luis City Code ("SLCC");

WHEREAS, the City desires to remove the yearly requirement while still regulating the activity to prevent nuisances or commercial activities in residential neighborhoods;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: SLCC § 5.05.090(B) is amended and restated to read:

Garage Sales. A residential location may conduct a Garage Sale from one (1) day up to four (4) days in a week on Thursday, Friday, Saturday, and Sunday. Garage Sales are prohibited on Mondays, Tuesdays, and Wednesdays. Garage Sales at a residential location must be registered with the City under SLCC §§ 5.05.10 through 5.05.060. Registration is valid until the end of the calendar year, expiring on December 31, no matter when during the year the resident registers. Garage Sales under the City Code are for the occasional sale of used or unwanted items, not a retail sales business or

home occupation. Those wishing to create a business or home occupation must comply with the zoning code regulations, apply for a business license, and comply with all laws. Garage Sales must be conducted lawfully so as not to disturb the peace, cause blockage of neighboring driveways, block traffic, and in all ways abide by the law.

Section 2: SLCC § 5.05.090 is appended to add a subsection (C) to read:

Violation of City Code § 5.05.090(B) is penalized by the immediate suspension of the Garage Sale registrant's ability to conduct a Garage Sale for six (6) months, in addition to the penalty for violations described in § 5.05.990.

Section 3: In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 4: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction or operation of controlling legislation, such decision or law shall not affect the validity of the remaining portions of this ordinance.

APPROVED, PASSED, and ADOPTED by the Mayor and City Council of the City of San Luis, Arizona, this ____ day of January 2023.

Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney