

ORDINANCE NO. 2017-10-064

**AN ORDINANCE REPEALING URBANA CITY CODE CHAPTER 17 AND
AMENDING CHAPTER 15 REGARDING GARAGE SALES**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore enacted Urbana City Code Chapter 17 to regulate peddlers, solicitors, and transient merchants in the City; and

WHEREAS, the First Amendment to the United States Constitution prohibits the government from restricting free expression because of its message, ideas, subject matter, or content; and

WHEREAS, the restrictions Chapter 17 places upon free speech are contrary to the rights protected by the First Amendment; and

WHEREAS, the City Council, after due consideration, finds that repealing Chapter 17 is necessary to comply with the First Amendment; and

WHEREAS, the City Council further finds that amending Urbana City Code Chapter 15 to regulate garage sales in the City, as herein provided, will protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1. Urbana City Code Chapter 17, “Peddlers, Solicitors and Transient Merchants,” is hereby repealed upon the effective date of this Ordinance.

Section 2. Urbana City Code Chapter 15, “Miscellaneous Offenses and Provisions,” Article I, “In General,” is hereby amended by the addition thereto of a new section to be known and designated as Section 15-6, “Garage sales,” and to read as follows:

Sec. 15-6. - Garage sales.

- (a) For the purposes of this section, a “garage sale” is any occasion in which tangible personal property is offered for sale to the public on or from a residential premises, including without limitation all sales entitled “garage,” “yard,” “tag,” “lawn,” “attic,” “basement,” “rummage,” “estate,” “flea market,” or any similar casual sale of tangible personal property.
- (b) No person, shall operate, conduct, manage, allow, or permit to be conducted more than six (6) garage sales on any such premises within a twelve (12) month period or any garage sale exceeding three (3) consecutive calendar days. No person, shall operate, conduct, manage, allow, or permit to be conducted a garage sale except as permitted by this section.

(c) This section does not apply to persons selling tangible personal property pursuant to process or order of a proper court of competent jurisdiction.

Secs. 15-7—15-15. - Reserved.

Section 3. Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4. This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

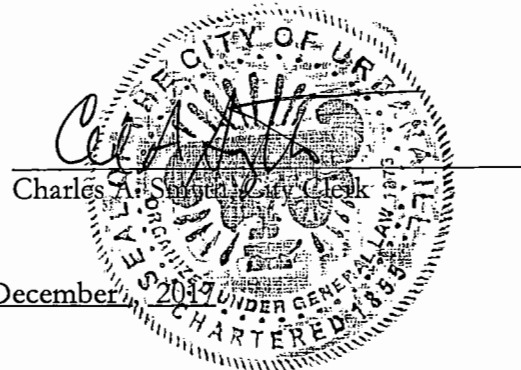
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 18th day of December, 2017.

AYES: Ammons, Brown, Hazen, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:



APPROVED BY THE MAYOR this 19th day of December, 2017

Diane Wolfe Martin
Diane Wolfe Martin, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 18th day of December 2017, the City Council of the City of Urbana passed and approved Ordinance No. 2017-10-064, entitled:

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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2017-10-064 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 19th day of December, 2017, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 19th day of December, 2017.





Charles A. Smyth, City Clerk