

**ORDINANCE NO. 3538 C.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY**

**ADDING MONTEREY CITY CODE SECTION 22-10 TO REGULATE GARAGE SALES**

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, it is the policy of the City of Monterey to preserve and protect the unique character of its residential neighborhoods;

WHEREAS, the City of Monterey recognizes the desire of its residents to hold and sell personal property;

WHEREAS, it is recognized that garage sales and the sale of property from residential estates are an accepted part of community life; provided, that such sales do not become commercialized and degrade the residential character of the community;

WHEREAS, the City of Monterey General Plan and Zoning Code provide a common scheme and plan distinguishing between the different residential and commercial character of geographic areas and for designating different uses that are permitted in each;

WHEREAS, commercial uses are not permitted in residential neighborhoods with the exception of licensed home occupation businesses that are strictly regulated for vehicular and pedestrian traffic;

WHEREAS, noise, traffic and activity associated with garage sales with characteristics of a commercial nature constitute a use inconsistent with quiet, peaceful enjoyment of residential neighborhoods

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

WHEREAS, the City Council of the City of Monterey is the decision-making body for this

proposed urgency ordinance and it has read, considered, and approved the CEQA determination before taking any approval actions on this proposed ordinance.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: The foregoing recitals are true and correct and are hereby adopted by the City Council as findings representing the Council's intent.

SECTION 3: Monterey City Code, Chapter 22, Section 22-10 is hereby added to read as follows:

"A. Definitions For the purposes of this Chapter, the words listed in this section are defined as follows:

1. Commercial Garage Sale:

- a) Occurs more than four times in 12 consecutive months at the same residential property and conducted by the same occupants; or
- b) Operates for more than two consecutive days; or
- c) Operates earlier than 7:00 a.m. or later than 7:00 p.m.

2. Garage Sale: The display and sale of personal property or goods belonging to an individual or group of individuals to the general public, but not necessarily limited to sales or offerings of household items. "Garage sale" shall be broadly construed to include such similar terms as yard sale, lawn sale, moving sale, patio sale, trunk sale, closet sale, rummage sale, occasional sale, household sale other terms with like meaning.

3. Estate Sale: The sale to the public of the personal property or goods of an individual who has died within the past 24 months, or 6 months after the closing of Probate of the Estate whichever occurs sooner.

B. Regulation of Garage Sales

- 1. It shall be unlawful to conduct any garage sale in violation of this or any other applicable law or regulation.
- 2. No commercial garage sale is permitted in any residential zone.

C. Exemptions Estate Sales shall be exempt from the provisions of this Section.

D. Penalties Every person who violates any provisions of this Section shall be subject to administrative citations under City Code Sections 1-9 through 1-9.12, which is in addition to all other civil remedies that may be pursued by the City to address any violations of this code.

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption."

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 1st day of March, 2016, by the following vote:


AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



\_\_\_\_\_  
Mayor of said City

  
\_\_\_\_\_  
City Clerk thereof