



**Issue:** **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING NIXA'S CODE OF ORDINANCES ARTICLE IV-GARAGE SALES, SEC. 12-84-LIMIT ON NUMBER OF SALES**

**Date:** August 10, 2022

**Submitted By:** Cindy Robbins, Assistant City Administrator

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### Background

Each year the City of Nixa allows for a city-wide garage sale weekend held on Mother's Day weekend in May. This event is highly anticipated and brings people in from all over the area and even from out-of-state. This influx of people generates economic activity for the restaurants, retail shops, and gas stations.

After receiving several requests from citizens, Nixa Chamber has approached the City with the idea of having a City-Wide Fall Garage Sale to be held the last weekend of September. This event would provide a way for our residents to make some money and stimulate our local economy.

### Analysis

After reviewing the current City Code, it was determined that a code amendment was needed to Article IV-Garage Sales, Sec. 12-84-Limit on number of sales, to exclude both the spring city-wide garage sale held over Mother's Day weekend in May and for the fall city-wide garage sale held the last weekend in September from the limit on the number of sales allowed on the same premises within a 12-month period. Currently, residents are limited to two (2) sales per year.

Nixa Chamber plans to promote this event like they do with the spring city-wide garage sale. They plan to provide online digital maps of the sales, marketing materials for the event and press releases.

Nixa Chamber also spoke with the Nixa Police Department to see if it would cause issues for the department and were told this would not be a problem. This event is also not in competitions with other local events in the area.

### Recommendation

Staff recommends approval of the amendment to Nixa's Code to allow for City-Wide Garage Sales in May and September and exclude those two (2) weekends from the limit on the number of sales allowed on the same premises in a twelve-month period.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**  
2 **12, ARTICLE IV, OF THE NIXA CITY CODE BY ADDING THERETO A NEW SECTION,**  
3 **SECTION 12-85, TO ALLOW FOR CITY-WIDE GARAGE SALES.**  
4

5  
6 **WHEREAS** City Council desires to modify provisions of the Nixa City Code to allow  
7 for an additional city-wide garage sale; and  
8

9 **WHEREAS** the City Council, after considering the amendments contained herein,  
10 desires to approve and adopt this Council Bill.  
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12 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
13 **NIXA, AS FOLLOWS, THAT:**  
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15 **SECTION 1:** Chapter 12, Article IV, of the Nixa City Code is hereby amended by  
16 adding thereto a new section 12-85, which said section shall read as follows:  
17

18 (Note: Language to be added is indicated by being underlined. Language to be removed  
19 is indicated by being ~~stricken~~.)  
20

21 Sec. 12-85. – City-wide garage sale – Authorized.  
22

23 Notwithstanding the provisions of this Article to the contrary, persons are  
24 authorized to conduct, carry on or permit any garage, patio, yard or other similar sale  
25 upon the grounds of or within any dwelling or accessory structure to a dwelling located in  
26 a residential district, without providing written notice as required by Section 12-83 of the  
27 Nixa City Code for sales occurring on the second Friday, Saturday and Sunday of May  
28 and occurring on the last consecutive Friday, Saturday and Sunday occurring in  
29 September. Additionally, sales occurring during the periods described herein shall not  
30 count against the limits established in Section 12-84 of the Nixa City Code.  
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32 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is  
33 authorized to provide for different section numbers, subsection numbers, and different  
34 internal citation references than those provided herein when such section numbers,  
35 subsection numbers, or internal citation references are in error or are contrary to the intent  
36 of this Ordinance.  
37

38 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to  
39 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
40 incurred nor any cause or causes of action occurred or existing, under any act or  
41 ordinance repealed hereby.  
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43 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or  
44 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect  
45 the validity of the remaining portions of this Ordinance. The Council hereby declares that  
46 it would have adopted the Ordinance and each section, subsection, sentence, clause, or

47 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
48 sentences, clauses, or phrases be declared invalid.

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50 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
51 passage by the City Council and after its approval by the Mayor, subject to the provisions  
52 of section 3.11(g) of the City Charter.  
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55 **ADOPTED BY THE COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.**

56  
57 ATTEST:  
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59 \_\_\_\_\_  
60 PRESIDING OFFICER CITY CLERK

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62  
63 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.**

64  
65 ATTEST:  
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67 \_\_\_\_\_  
68 MAYOR CITY CLERK

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71 APPROVED AS TO FORM:  
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73 \_\_\_\_\_  
74 CITY ATTORNEY