

4-5 GARAGE SALES. 4-5.1 Definitions.

As used in this section: **Garage Sales** shall mean and include all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale" or "flea market," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

Goods shall mean and include any goods, warehouse merchandise or other tangible personal property capable of being the object of a sale regulated hereunder.

Person shall mean and include individuals, partnerships, voluntary associations and corporations.

(Ord. No. 415 § 1)

IS 4-5.2 Permits and Fees. It shall be unlawful for any person to conduct a garage sale in the Borough without first filing with the Police Department the information hereinafter specified and obtaining from the Police Department a license to be known as a "Garage Sale License." The fee for such license shall be ten (**\$10.00**) dollars. (Ord. No. 415 § 2: New) **4-5.3**

Licensing. A Garage Sale License shall be issued to any one person only once within a twelve (12) month period and no such license shall be issued for more than three (3) consecutive calendar days.

Each license issued pursuant to this section must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale. (Ord. No. 415 § 3)

4-5.4 Information to Be Filed. The information to be filed with the Police Department, pursuant to this section shall be as follows:

- a. Name of person, firm, group, corporation, association or organization conducting the sale.
- b. Name of owner of the property on which such sale is to be conducted, and consent of owner if applicant is other than owner.
- c. Location at which sale is to be conducted.
- d. Number of days of sale.
- e. Date and nature of any past sale.
- f. Sworn statement or affirmation by the person signing that the information therein given full and true and known to him to be so.

(Ord. No. 415 § 4)

4-5.5 Limitations. All garage sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m. only, except that no garage sale shall be conducted on a Sunday or legal holiday. (Ord. No. 415 § 5)

4-5.6 Signs. No more than one (1) sign, not exceeding six (6) square feet in area shall be permitted for the purpose of advertising such garage sale. The sign shall have a space allotted thereon upon which shall be prominently endorsed the name and address of the person conducting the sale. If such a sign is used it shall be posted only upon the premises on which the sale is conducted and shall be removed within twenty-four (24) hours after completion of the sale. (Ord. No. 415 § 6)

4-5.7 Persons and Sales Excepted. The provisions of this section shall not apply to or affect the following persons or sales:

- a. Persons selling goods pursuant to an order or process of a Court of competent jurisdiction.
- b. Persons acting in accordance with their powers and duties as public officials.

c. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement in which separate items do not exceed five (5) in number.

d. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the Zoning Regulations of the Borough or under the protection of the Nonconforming Use Section thereof or any other sale conducted by a manufacturer, dealer or vendor, which sale is conducted on properly zoned premises and not otherwise prohibited by any other ordinance or statute.

e. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

(Ord. No. 415 § 7)

4-5.8 Enforcement by the Police Department. This section shall be enforced by the Police Department, the Code Enforcement Officer, Zoning Officer or other official authorized by the Borough. It shall be the duty of members of the Police Department to investigate any violations of this section coming to their attention, whether by complaint or arising from their own personal knowledge, and if a violation is found to exist, they shall prosecute a complaint before the local Municipal Court pursuant to the provisions of this section. It shall be the duty of the Police Department to bring further investigation and prosecution of any violations of this section of which the Police Department becomes aware during the course of its normal duties. (Ord. No. 415 § 8; New)

4-5.9 Maintenance of Good Order and Traffic Flow. The person to whom such license 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 person shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any roads or streets within the area and neighborhood of such premises. All such persons shall obey the reasonable orders of any member of the Police or Fire Departments of the Borough in order to maintain the public health, safety and welfare. (Ord. No. 415 § 9)

4-5.10 Penalty. Any person conducting a garage sale without being properly licensed therefor or who shall violate any of the other terms and regulations of this section, shall upon conviction be liable to the penalty stated in Chapter I, Section 1-5. Each day that such sale shall continue without being duly licensed shall constitute a separate violation. (Ord. No. 415 § 10; New)