

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ~~County~~
- ~~City~~ of Blooming Grove
- Town _____
- ~~Village~~

Local Law No. 3 of the year 20 00

A local law entitled "GARAGE AND YARD SALES"
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

- ~~County~~
- ~~City~~ of Blooming Grove
- Town _____ as follows:

Section 1. The Code of the Town of Blooming Grove is hereby amended by adopting A new chapter, designated Chapter 141 and entitled "Garage and Yard Sales," to read as follows:

**Chapter 141
GARAGE AND YARD SALES**

- §141-1. Purpose.
- §141-2. Definitions.
- §141-3. Permit required; fee; conditions for sales.
- §141-4. Applications requirements.
- §141-5. Exemptions.
- §141-6. Conduct.
- §141-7. Signs.
- §141-8. Enforcement; penalties.

§141-1 Purpose.

This law is intended to control and restrict garage and yard sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences in order to help maintain the character of residential neighborhoods. The intent of this chapter is to eliminate repeated, perpetual, prolonged and extended garage and yard sales in residential areas. Such sales, if continued without limit, tend to or may become retail businesses in residential areas, create a nuisance and violate the Town zoning regulations. The provisions of

this chapter arise from the need to limit and regulate garage and yard sales. It is not the intent of this chapter to amend any other chapter of the Town Code.

§141-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GARAGE SALE:

- A. The sale or offering for sale of new, used or secondhand items of personal property at one (1) or more residential premises at any one (1) time.
- B. Includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property.

GOODS - Any items, goods, warehouse merchandise or other personal property capable of being the object of a garage sale.

PERSONS - Individuals, partnerships, family groups, voluntary associations and corporations.

§141-3. Permit required; fee; conditions for sales.

- A. It shall be unlawful for any person to conduct a garage sale within the Town of Blooming Grove without first obtaining a garage sale permit from the Town Clerk after filing an application containing the information specified in §141-4.
- B. No person may participate in more than four (4) garage sales in any one (1) calendar year.
- C. Not more than four (4) garage sale permits shall be issued to a person in any one (1) calendar year. A permit shall be deemed issued to all persons selling goods in the garage sale.
- D. Not more than four (4) garage sale permits shall be issued for any one (1) premises in any one (1) calendar year. A permit shall be deemed issued to all premises used for the garage sale.
- E. No premises may be used and no person may participate in a garage sale held on more than two (2) consecutive weekends (or other two (2) day period).
- F. The maximum duration of a garage sale is two (2) consecutive days.

- G. No goods shall be placed or stored outside except during the permitted duration of the garage sale.
- H. A garage sale may be held during the daylight hours only.
- I. The garage sale permit must be posted at a visible location to the traveling public for the duration of the sale.
- J. Each permit application shall be accompanied by a fee if and as may be set from time to time by resolution of the Town Board.

§141-4. Application requirements.

Prior to issuance of any garage sale permit, the persons conducting such sale shall file a written application form with the Town Clerk at least five (5) business days in advance of the proposed sale. The application form shall require at least the following information:

- A. Full name(s) and address(es) of the applicant(s).
- B. The location of all premises where the garage sale will be held.
- C. The date(s) when the garage sale will be held.
- D. The date(s) of any other garage sales held by any of the same persons and premises within the current calendar year.
- E. An affirmative statement that the property to be sold is owned by the applicant(s) as the applicant(s)' own personal property and was neither acquired nor consigned for the purpose of resale.

The Town Board may by resolution require the inclusion of additional information on the application form.

§141-5. Exemptions.

This chapter shall not be applicable to:

- A. Persons selling goods pursuant to an order of process or of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any sale conducted by any lawful and legitimate business or commercial or industrial establishment or any sale conducted by any other vendor or dealer in a time, place and manner not otherwise prohibited by state or local laws.

- D. Any public auction having a duration of no more than two (2) days and conducted by an auctioneer licensed by the State of New York.

§141-6. Conduct.

- A. The persons to whom a garage sale permit is issued, the persons participating in the sale, and the owner, tenant or occupant of the premises where the sale is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during the hours of the sale.
- B. No person shall permit any loud or boisterous conduct on the premises or permit persons or vehicles to impede the passage of traffic on any streets in the area of the premises where the sale is being conducted.
- C. In the event of an emergency, all persons shall obey any orders made by the Building Inspector and by any police, fire or other emergency service personnel.

§141-7. Signs.

- A. All signs must be removed no later than one (1) day after the sale.

§141-8. Enforcement; penalties.

- A. This chapter shall be enforced by the Building Inspector, any police officer, and any other person so authorized by resolution of the Town Board.
- B. Any person who or which violates any provision of this chapter or any lawful order made pursuant to this chapter shall be subject to the payment of a fine. Such persons include, but are not limited to, the person(s) who applied for the garage sale permit, the owner and occupant of the premises specified on the garage sale permit application form, and all persons participating in and all premises used for the garage sale. For a first violation, the amount of said fine shall not exceed \$100.00, and for a second and each subsequent violation, said fine shall not exceed \$250.00 per violation. Each day that a violation continues shall constitute a separate and distinct violation.

The enforcement officer may, in his discretion, issue a warning notice for a first violation.