

Borough of North Plainfield Code

4-11 GARAGE SALES

4-11.1 Definitions.

As used in this Section:

Garage Sale shall mean and include all sales of goods consisting of five (5) or more items from residential premises, whether the sale be conducted indoors and outdoors, and which such sale is designed to attract customers to the place of sale and is typically entitled "garage sale," "lawn sale," "yard sale," "attic sale," "rummage sale," "flea market sale," or other similar name, whether or not the same be advertised in any manner.

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. #668, S 1)

4-11.2 Permit Required; Fee.

a. No person, individually or in any combination with other persons, shall conduct a garage sale within the Borough without first having obtained a **Garage Sale Permit** from the Borough Clerk. The **Garage Sale Permit** shall be issued in the names of all persons conducting the sale for which the permit is sought and for the address at which the sale is to be conducted and for the specific dates on which the sale is to be conducted.

b. The fee for a Garage Sale Permit shall be and the same is hereby fixed at Ten Dollars (\$10.00). Charitable and religious organizations, which will apply the entire proceeds of the garage sale to the charitable or religious purposes of the organization, shall be exempt from the payment of the fee.

c. Any neighborhood crime watch association certified by the Chief of Police as currently and actively involved with the Police Department of the Borough of North Plainfield as a crime prevention organization may apply for and obtain one (1) Garage Sale Permit in addition to the three (3) Garage Sale Permits otherwise allowed by subsection 4-11.3a. The Police Chief's Certification shall be submitted with the completed application. The Garage Sale Permit shall be issued in the name of the neighborhood crime watch association and in the names of all the persons conducting the sale for which the permit is sought, for the address(es) at which the sale is to be conducted and for the specific dates on which the sale is to be conducted. Any such Garage Sale Permit issued to a neighborhood crime watch association shall permit all individuals and residences within the designated area to conduct a garage sale on the dates specified; however, only one (1) Ten Dollar (\$10.00) fee shall apply to this neighborhood crime watch association Garage Sale Permit.

4-11.3 Restrictions; Display

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a. Except as otherwise provided in subsection 4-11.2c, no person, individually or in combination with other persons, shall apply for a Garage Sale Permit or conduct a garage sale more frequently than three (3) times within any calendar year. Except as otherwise provided in subsection 4-11.2c, no garage sale shall be conducted at any one (1) location more frequently than three (3) times within any calendar year. No garage sale shall be conducted for a period longer than two (2) consecutive calendar days; each additional day beyond two (2) consecutive calendar days shall require another Permit.

b. Each Garage Sale Permit issued under this Section shall be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

c. Whenever as a result of inclement weather a garage sale has not been conducted on a day for which a Garage Sale Permit has been issued, the permittee may apply to the Clerk for a replacement date which shall be no later than seven (7) days following the cancelled date.

(Ord. #668, S 3; Ord. #668A-85-37, S 2; Ord. #668B-86-8, S 1; Ord. #96-02, S 2)

4-11.4 Application Information.

All persons intending to conduct a garage sale shall file an application for a Garage Sale Permit with the Borough Clerk containing the following information:

- a. Names and addresses of all persons who are conducting the sale.
- b. Name and address of owner of the property on which the sale is to be conducted and written consent of owner if he is not an applicant.
- c. Location at which sale is to be conducted.
- d. Dates on which sale is to be conducted.
- e. Dates and locations of sales conducted by any of the applicants within the twelve (12) month period immediately preceding the date of the proposed garage sale.
- f. Dates of any other garage sales conducted at the same location within the same calendar year as the date of the proposed sale and the names of the persons to whom permits were issued for said sales.
- g. Description of any other valid vendor's license or permit issued to any of the applicants by a local, State or Federal authority.
- h. Sworn statements or affirmations by all applicants, based upon personal knowledge, that the information contained in the application is true and complete.

(Ord. #668, S 4; Ord. #668A-85-37, S 3)

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4-11.5 Hours of Sale

No garage sale shall be conducted at any time prior to 8:00 a.m. or after 6:00 p.m.

4-11.6 Sign.

Each sign advertising a garage sale shall have a space allotted thereon upon which shall be placed the name and address of the persons to whom the permit has been issued. No sign advertising any sale shall be posted on any place other than the premises upon which the sale is to be conducted. The sign is not to exceed four (4) square feet in size and shall not be placed on the premises earlier than one week prior to the sale and shall be removed within twenty-four (24) hours after the sale has terminated. (Ord. #668, S 6)

4-11.7 Exceptions to Provisions.

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.
(Ord. #668, S 7)

4-11.8 Enforcement.

This Section shall be enforced by the Police Department and/or Construction Official of the Borough. It shall be the duty of the Police Department and/or Construction Official to investigate any violation of this Section. (Ord. #668, S 8)

Section 1-5, the general penalty clause, applicable to the entire Revision or any other ordinance has been revised to agree with State Statutes. In subsection 1-5.1, a maximum penalty of one or more of the following: One Thousand (\$1,000.00) Dollars fine, or 90 days imprisonment, or 90 days community service, is established to agree with State Statutes. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2 states that each and every day a violation exists is deemed a separate violation. Subsection 1-5.3 provides that the amount of any particular penalty is at the discretion of the adjudicating authority, and subsection 1-5.4 provides that a minimum penalty may be established for the violation of a particular ordinance. Throughout the Revision, penalty provisions have been revised to agree with the provisions of this section.

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(current as of 29 March 2010, inclusive of Ordinance No. 10-03)