

# CHAPTER 14. YARD AND/OR GARAGE SALES

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## Chapter 14. Yard and/or Garage Sales

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### **14.101 PURPOSE**

These Rules and regulations are designed 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 only. The intent of this chapter is to eliminate perpetual, prolonged and extended garage and yard sales within the jurisdiction of the Town of Campobello. The provisions of this chapter arise from the need to limit, regulate and control garage and yard sales.

### **14.102 DEFINITIONS**

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

#### *Yard /Garage Sale*

- A. The sale or offering for sale of new, used or secondhand items of personal property at any one (1) 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", or any similar casual sale of tangible personal property. Any goods, warehouse

merchandise or other personal property capable of being the object of a sale regulated hereunder.

*Residential*

Any dwelling or structure that is used as a single-family dwelling rather than for business or commercial purposes.

*Municipality*

All residential dwellings located within any type of zone, zoned area, zoning district, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of the Town of Campobello.

*Persons*

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

*Personal Property*

Property which is owned, utilized and maintained by an individual or members of the residence and acquired in the normal course of living in or maintaining residence. It does not include merchandise which was purchased for resale or obtained on consignment.

**14.103 PROPERTY PERMITTED TO BE SOLD**

Property which is owned, utilized and maintained by an individual or members of the residence and acquired in the normal course of living in or maintaining residence. It does not include merchandise which was purchased for resale or obtained on consignment. It shall be unlawful for any individual to sell or offer for sale, under the authority granted by this chapter property other than personal property or handmade items.

**14.104 PERMITTED NUMBER OF YARD SALES PER MONTH**

It shall be unlawful for any resident and/or family household to conduct more than two (2) yard sales during any one (1) calendar month. If members of more than one residence and or family household join in the operation of a garage sale, it shall be considered as a garage sale for each and all such residences and/or family households.

**14.105 HOURS OF OPERATION**

Such yard/garage sales shall be limited in time to no more than the daylight hours of two consecutive days.

**14.106 NOTIFICATION**

Persons planning to hold a yard/garage sale shall notify the proper town officials of the location and date.

#### **14.107 DISPLAY OF PROPERTY FOR SALE**

Personal property offered for sale may be displayed within the residence, in a garage, in a carport or in a yard, but only such areas. No personal property offered for sale shall be displayed in any public right of way.

#### **14.108 PARKING; TEMPORARY CONTROLS**

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any yard/garage sale.

#### **14.109 DUTY TO REMOVE GOODS FROM VIEW**

It shall be the duty and obligation of any person conducting a yard sale or garage sale defined herein to remove all articles and goods offered for sale, from the public view, by sundown on the last day said sale is held. In no event shall any yard sale or garage sale be conducted for more than two consecutive days.

#### **14.110 RESPONSIBILITIES**

The individual(s), owner(s) or tenant(s) 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 individual(s) shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads, streets or sidewalks in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Department of the Town of Campobello in order to maintain the public health, safety and welfare.

#### **14.111 SIGNS**

- A. Signs Permitted. Only the following specified signs maybe displayed in relation to a pending yard/garage sale:
  - 1. Two (2) signs permitted. Two (2) signs of not more than four (4) square feet each shall be permitted on the property of the residence where the yard/garage sale is being conducted.
  - 2. Two (2) directional signs permitted. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises upon which the yard/garage sale is conducted has given permission to erect such signs on their property.

3. All signs placed on the right of way of any thoroughfare, light pole, driveway or intersection must not interfere with the view of motorists and pedestrians or impede the safe flow of traffic.
- B. Time limitations. No sign or other form of advertisement shall be exhibited for more than twelve (12) hours prior to the commencement of such a sale.
- C. Removal of Signs. All signs must be removed immediately upon the conclusion of the sale.

#### **14.112 INSPECTIONS – ARREST AUTHORITY OF INSPECTOR**

A Campobello Police Officer , or any other official designated by the Police Chief, shall have the right of entry upon any premises showing evidence of a yard sale or garage sale, for the purpose of enforcement of the Ordinance and shall make inspections to enforce the same and shall have the right to issue citations for violations of this Ordinance.

#### **14.113 EXEMPTIONS**

- 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 sale conducted by any merchant or other business establishment from or at a place of business having a current Town of Campobello Business License permitted by Zoning Ordinances not otherwise prohibited in other ordinances.
- D. Any bona fide charitable, educational, cultural, or governmental institution or organization, when the proceeds from the sale are used directly for the organization's charitable purposes and the good or articles are not sold on consignment basis.

#### **14.114 ENFORCEMENT; COMPLAINTS**

- A. This chapter shall be enforced by the Campobello Police Department, and it shall be its duty to investigate and prosecute any violation of this chapter.
- B. If, after an investigation, a violation is found to exist, the Police Department shall prosecute a complaint before Campobello Magistrate Court pursuant to the provisions of this chapter.

#### **14.115 SEPARATE OFFENSES**

Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

#### **14.116 PENALTIES**

Any person found guilty of violating the terms of this chapter shall be fined not less than \$50.00 nor more than \$400.00 plus all fees and assessments for each offense and/or be imprisoned up to 20 consecutive days.