

PART 3

GARAGE/YARD SALES

§13-301. Title.

This Part shall be known as the "Part Regulating and Restricting Garage Sale."

(Ord. 361, 4/8/1986)

§13-302. Purpose.

Such rules and regulations as set up in this Part designed to control and restrict garage sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only in keeping with the character of the neighborhood where this activity is carried on and with the zoning Part of the Borough of Wormleysburg. The intent of this Part is to eliminate perpetual, prolonged and extended garage sales in residential areas. Such sales if carried indefinitely tend to become retail businesses in residential areas and zones, create a nuisance and usually violate the zoning regulations of the Borough. The provisions of this Part arise from the need to limit, regulate, restrict and control garage sales. It is not the intent of this Part to change or amend the zoning laws, transient business laws and/or any other laws or Parts of the Borough.

(Ord. 361, 4/8/1986)

§13-303. Definitions.

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

BOROUGH—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 Borough of Wormleysburg.

GARAGE SALES—

- A. The sale or offering for sale of ten or more new, used or secondhand items of personal property at any one residential premises at any one time.
- B. Includes all sales in residential areas entitled "garage sales," "yard sales," "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 goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

PERSONS—individuals, partnerships, family groups, voluntary associations and corporations.

(Ord. 361, 4/8/1986)

§13-304. Permit Required; Fee; Conditions for Sales.

1. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of the Borough without first obtaining a garage sale license from the Borough after filing an application containing the information hereinafter specified.
2. The first garage sale license issued to any one person or for any one premises within one 12 month period shall be issued without charge. For the second such license issued in any 12 month period, there shall be a nonrefundable fee as established by resolution of Borough Council.
3. No person shall have more than three garage sales in 1 calendar year.

(Ord. 361, 4/8/1986)

§13-305. Exemptions.

This Part shall not be applicable to:

- A. Persons selling goods pursuant to an order of 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 is specifically named or described in the advertisement and which separate items do not exceed nine in number. Notwithstanding any provisions of this Part, any person may sell up to nine secondhand articles without being subject to the provisions of this Part.
- D. Any publisher of a newspaper, magazine or other publication or other communications media who publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Part have not been met.
- E. Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned under the zoning regulations of the Borough with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by laws of the Commonwealth of Pennsylvania and Parts of the Borough including this Part.

- F. Sales by a bona fide charitable, eleemosynary, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.
- G. Any public auction having a duration of no more than 2 days and conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania.

(Ord. 361, 4/8/1986)

§13-306. Enforcement.

1. This local law shall be enforced by the Police Department. It shall be the duty of the Police Department to investigate any violation of this Part.
2. If after an investigation, a violation is found to exist, the Police Department shall prosecute a complaint before a District Justice pursuant to the provisions of this Part.
3. The person to whom the garage sale license was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.
 - A. No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.
 - B. In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police Department or the Fire Department in order to maintain the public health, safety and convenience.

(Ord. 361, 4/8/1986)

§13-307. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days.

(Ord. 361, 4/8/1986)