

Chapter 229

GARAGE AND YARD SALES

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[HISTORY: Adopted by the Borough Council of the Borough of Paxtang 4-21-1998 by Ord. No. 555 (Part 6, Ch. 2, Art. E, of the 1994 Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 425.

§ 229-1. Short title; purpose.

- A. Short title. The short title of this chapter shall be the "Paxtang Borough Garage and Yard Sales Ordinance."
- B. Purpose. Such rules and regulations as set up in this chapter are 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 laws of the Borough of Paxtang. The intent of this chapter is to eliminate perpetual, prolonged and extended garage sales in residential areas. Such sales, if carried on indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and usually violate the zoning regulations of the Borough of Paxtang. The provisions of this chapter arise from the need to limit, regulate, restrict and control garage sales.

§ 229-2. Definitions.

Unless otherwise expressly stated, the following terms shall, for purposes of this chapter, have the meanings herein indicated:

BOROUGH OF PAXTANG — Includes all residential dwellings located within any type of zone, zoned areas, zoning districts, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of the Borough of Paxtang.

GARAGE SALES —

- A. Shall mean the sale or offering for sale of 10 or more new, used or secondhand items of personal property at any one residential premises at any one time.
- B. Shall mean and include 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 — Includes any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSONS — Includes individuals, partnerships, family groups, voluntary associations, owners, lessees and occupants of residences, commercial or institutional establishments, corporations.

§ 229-3. Permit required; fee; conditions for sales.

- A. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of the Borough of Paxtang without first obtaining a garage sale permit from the Borough Office after filing an application containing the information hereinafter specified.
- B. The nonrefundable fee for each such permit shall be as set by resolution of the Borough Council.¹
- C. Such permit shall be issued to one person or for one specific premises or location only one time within a two-week period. No more than two permits for garage sales shall be issued for the same premises or to the same person in any twelve-month period.
- D. No permit shall be issued for a garage sale for longer than two consecutive days.
- E. Each permit issued under this chapter must be prominently displayed on the garage sale premises throughout the entire period of the permitted sale and must be exhibited to any Borough officer or policeman upon request.

§ 229-4. Contents of application.

An application for a garage sale permit pursuant to this chapter shall include the following information:

- A. The name of the person, persons, firm, group, corporation, association or organization conducting the sale.
- B. The name of the owner and the occupant or tenant of the property on which the sale is to be conducted.
- C. The consent of the owner and/or occupant to hold the sale if the applicant is other than the owner or occupant.
- D. The location, street address, etc., of the premises where the sale is to be conducted.
- E. The number of days of the sale, limited to two consecutive days, and the date or dates of such sale.
- F. The date and nature of any past sales held by the same applicant or on the same premises in the last twelve-month period.
- G. The relationship or connection the applicant may have with any person, etc., conducting such sale.
- H. The application shall contain an affirmative or sworn statement by the applicant or person securing the application that the information given is full and complete and known by the applicant to the best of his knowledge to be so.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 229-5. Hours of sale.

All garage sales held pursuant to these provisions shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., only on the day or days for which the permit was issued or not required, as provided in § 229-7H.

§ 229-6. Advertisement.

- A. Garage sales may be advertised through the newspapers or other media.
- B. A sign no larger in size than two feet by two feet may be installed on the property where the sale is being conducted. In addition, no more than two other directional signs no larger in size than two feet by two feet may be installed on private property with the permission of said property owner. The signs may be displayed no longer than 72 hours prior to the date of the sale and shall be removed within 72 hours after the sale is concluded.
- C. No sign or other display advertising the sale shall be placed on the public right-of-way which shall impede traffic. No lighted or illuminated signs shall be used. No signs shall be permitted which are pasted, stapled, nailed, or otherwise permanently attached to public utility poles or trees within the right-of-way of any street.

§ 229-7. Exemptions.

This chapter 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 are specifically named or described in the advertisement and which separate items do not exceed nine in number. Notwithstanding any provisions of this chapter, any person may sell up to nine secondhand articles without being subject to the provisions of this chapter.
- 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 chapter have not been complied with.
- E. Any sale conducted by any legitimate business or commercial or industrial establishment, properly zoned under the zoning regulations of the Borough of Paxtang, and any other sale conducted by a business or commercial or industrial establishment under the protection of the nonconforming use section of the zoning laws, or by any other vendor, dealer, etc., when the sale is conducted in a properly zoned area and not otherwise prohibited by the laws and ordinances of the Borough of Paxtang and Commonwealth of Pennsylvania or this chapter.
- 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 of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.
- G. Any public auction conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania, having a duration of no more than two days.
- H. Persons conducting garage sales during designated annual community garage and yard sale events

throughout the Borough of Paxtang, as authorized by Borough Council and provided herein, who shall be then exempt only from the requirements of §§ 229-3 and 229-4 for purposes of such designated sales. The Borough of Paxtang annually may authorize and designate the date(s) of one or more community garage and yard sale(s) to take place throughout the Borough of Paxtang, each garage and yard sale having a duration not to exceed two days, for persons to engage in garage and yard sales as otherwise set forth in this chapter. [Amended 8-15-2000 by Ord. No. 572]

§ 229-8. Enforcement.

- A. This chapter shall be enforced by the Police Department.
- B. It shall be the duty of the Police Department to investigate any violation of this chapter coming to its attention, whether by complaint or arising from its own personal knowledge.
- C. If after investigation a violation is found to exist, the Police Department shall prosecute a complaint before a Magisterial District Judge pursuant to the provisions of this chapter.
- D. The person to whom the garage sale permit 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.
 - (1) 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.
 - (2) 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.

§ 229-9. Violations and penalties.²

Any person, firm, association, corporation or other entity conducting any such sale or similar activity without being properly permitted therefor, or who shall violate or fail to comply with any provisions adopted pursuant to this chapter or any other rules, terms, regulations or provisions adopted pursuant to this chapter, or making any false statement on any application provided for herein, shall be deemed to be in violation, and the violator(s) shall be liable for a fine of not more than \$600 and costs of prosecution and, in default of payment of fine and costs, to imprisonment for not more than 30 days, and each day that such sale or violation continues without being duly permitted shall be considered and shall constitute a separate violation.

§ 229-10. Miscellaneous.

Construal of provisions. It is not the intention of this chapter to change or amend the zoning laws, hawking and peddling laws and/or any other laws or ordinances of the Borough of Paxtang.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).