

## YARD SALE ORDINANCE

### SECTION 1. INTENT AND PURPOSE.

The provisions contained in this Ordinance are intended to prohibit the infringement of any businesses in any area of the Town of Wayne by regulating the term and frequency of yard sales, so as not to disturb or disrupt the residential environment of the area.

### SECTION 2. DEFINITIONS.

For the purpose of interpreting the provisions of this Ordinance the following terms shall have the meaning given herein:

A. Personal Property shall mean and include property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living or maintaining a residence. It does not include merchandise which was purchased for resale.

B. Yard Sale shall mean and include all general sales, open to the public, conducted from or on any residential premise for the purpose of disposing of personal property including but not limited to all sales entitled "garage," "lawn," "attic," "porch," "barn," "flea market," or "rummage sale."

C. Donated Personal Property shall mean the personal property of persons other than those residing on or owning the premises where the sale is to take place, such personal property being donated to, or being conducted by, a tax exempt religious, charitable, or civic organization, and the entire proceeds of the sale being donated to, or retained by, the sponsoring religious, charitable or civic organization.

D. Residential Premises shall mean any lot of land along with any buildings thereon within the Town of Wayne.

### SECTION 3. PERMITTED SALES.

A. No person shall sell or offer for sale personal property from any residential premises, as defined herein, except as permitted by this SubSection. Only the sale of donated personal property or personal property, as defined herein, shall be permitted to be sold from residential premises, and only after issuance to the seller of a permit for such purposes, as follows:

(1). A permit shall be issued by the Code Enforcement Officer, or Town Office personnel designated by the Selectmen, upon application by the owner of the premises on which the sale is to take place at the Wayne Town Office or other location designated by the Selectmen. Said application shall be made prior to the date of the sale, and show the date(s) of the sale, location, and person(s) conducting the sale. A fee of \$1.00 shall be paid upon application. The permit must be available for inspection by the Code Enforcement Officer during the sale. The seller or owner of the premises on which the sale is to be conducted may include personal property owned by others in the sale.

(2). No permit shall be issued for sales of personal property upon residential premises for a period of more than three (3) consecutive days, and no more than two (2) permits shall be issued for such sales upon a residential premises in any one calendar year. Unsold articles shall be

removed from public view within six (6) hours following the sale:

**SECTION 4. SIGNS:**

One two faced sign of not more than four (4) square feet may be placed at the location of the sale for the duration of the sale only. Any directional signs placed to direct traffic to the sale will be removed immediately at the close of the sale.

**SECTION 5. EXCEPTIONS.**

Occasional exposure for sale of not more than three (3) items of personal property is exempt from the permit requirements of this Ordinance unless such exposure for sale shall be considered to be intending to avoid the provisions of this or the Wayne Zoning Ordinance. Such exposure shall be considered to be intending to avoid the provisions of the Ordinances if the exposure is frequent and/or continuous and involves changing items, or items not owned by the person on whose property they are exposed for sale. The burden shall be on the property owner on whose property the items are exposed for sale to provide, if requested by the Code Enforcement Officer, information which clearly substantiates that no intention to avoid the provisions of the Ordinance exists. Failure to do so shall cause the requirements of this Ordinance to apply and the items removed per the provisions of Section 6.

**SECTION 6. VIOLATIONS AND ENFORCEMENT.**

Property owners conducting or permitting sales of personal property regulated by this Ordinance on their property without the necessary permits shall be in violation of the Ordinance. Such person (s) shall be notified by the Code Enforcement Officer in writing to remove from public view all signs and articles for sale, and to cease sale activities at the premises within six (6) hours of notification. Persons so notified and failing to do so shall be subject to a fine of not more than \$100.00.

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GIVEN OUR HANDS ON THIS 15th DAY OF JUNE 1987

TOWN OF WAYNE BOARD OF SELECTMEN

\_\_\_\_\_  
Donald D. Gatti, Chairman

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Joan A. Hazzard

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Robert D. Ault

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RETURN

I, Sherwood Mullen, do certify that I have warned and notified the inhabitants of the Town of Wayne of the date, time and purpose of the within warrant by posting copies of this warrant at the Wayne General Store, Wayne Post Office, Wayne Corner Store, and Wayne Town Office on June \_\_\_\_\_, 1987

ATTEST:

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Sherwood Mullen, Resident of Wayne