

## Chapter 155

### GARAGE SALES

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[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville 3-11-1986 by L.L. No. 3-1986. Amendments noted where applicable.]

#### GENERAL REFERENCES

Auctions — See Ch. 92.

Peddling and soliciting— See Ch. 177.

#### § 155-1. Purpose.

The occasional conduct of sales of personal property in residential areas of the Village known as "garage sale," "lawn sale," "attic sale," "yard sale" or by any other similar designation, has proliferated and in some cases created traffic congestion problems. Such sales have often continued for extended periods of time resulting in ongoing retail operation to the detriment and degradation of the character of residential neighborhoods. The purpose of this chapter therefore is to regulate and restrict the conduct of such garage sales in residential areas in order to protect the safety, health and welfare of the Village residents and to preserve the character of such neighborhoods.

#### § 155-2. Definitions.

As used in this chapter, the following terms shall have the meaning ascribed to them herein:

##### GARAGE SALE —

- A. The sale or offering for sale of new, used or secondhand items of tangible personal property from any one residential premises;
- B. The sale of tangible personal property from residential premises entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market" or any similar casual or occasional sale advertised to the public at large as such.

**PERSON** — An individual, partnership, family group, an unincorporated association and a corporation.

**RESIDENTIAL PREMISES** — A single- or multiple-family dwelling unit used for residential purposes which is not located in an area of the Village zoned for commercial, industrial, business, manufacturing or mercantile uses.

**§ 155-3. Permit required; fee.**

- A. Except as provided in § 155-8 hereof, it shall be unlawful after the effective date of this chapter for any person to conduct a garage sale from residential premises in the Village without first obtaining a license therefor from the Village Clerk. Such license may be issued to one person or for one specific residential premises or location only once within a six-month period. No more than two licenses for a garage sale shall be issued for the same premises or to the same person in any one twelve-consecutive-month period. Such a license shall not be issued for longer than two consecutive weeks with the dates of such garage sale entered thereon. The license issued pursuant to this chapter shall be prominently displayed on the residential premises on which the garage sale is conducted throughout the entire period of the licensed sale and shall be available at all times to inspection by any person.
- B. The fee for such license shall be and the same hereby is fixed at \$5 and shall be paid by the applicant to the Village Clerk at the time the license application is filed. Said application form may be obtained at the office of the Village Clerk.<sup>1</sup>

**§ 155-4. Application for license.**

A person desiring to obtain a license for a garage sale shall file a written application therefor with the Village Clerk containing the following information, statements, and requirements:

- A. Name of applicant and name of all persons who will conduct the garage sale; or sell merchandise;
- B. Is applicant the owner or occupant of the premises;
- C. Location and street address of the residential premises;
- D. Date(s) of the garage sale;
- E. Do you have the consent of the owner of the residential premises for this sale;
- F. State the date and nature of any garage sale conducted by this applicant or on these premises within the preceding 12 months;
- G. Has applicant been issued any vendor's license to hold such sale by any federal, state or local government or agency thereof;
- H. Is off-street parking available to prevent traffic congestion;
- I. Any other information required by resolution adopted by Village Board;

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

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- J. An affirmation or sworn statement by applicant that the information given is true and complete and known by applicant to be so.

**§ 155-5. Hours of sale.**

Garage sales pursuant to this chapter shall be conducted between the hours of 9:00 a.m. and 6:00 p.m., only on the days for which the license was issued.

**§ 155-6. Advertising signs.**

An advertising sign no greater in size than two feet by two feet may be installed on the premises on which the garage sale will be conducted. Such sign shall be displayed only during the hours of sale and shall be removed within 24 hours after the sale is concluded. No sign or other display advertising the sale shall be placed on any public place or right-of-way of the Village, and no illuminated or lighted sign may be used to advertise a garage sale.

**§ 155-7. Additional requirements.**

The licensee for a garage sale shall be responsible for the maintenance of good order and decorum on the premises during the hours of the garage sale, and shall not permit the parking of motor vehicles on or about the public streets or such premises which would impede the flow of vehicular traffic, and shall not obstruct or impede pedestrian traffic on the sidewalks of the Village.

**§ 155-8. Exemptions.**

This chapter shall not apply to:

- A. A person selling personal property pursuant to an order or process of a court of competent jurisdiction, or to any public official acting pursuant to and within the scope of his authority;
- B. Any person advertising in a publication of general circulation the sale of tangible personal property not displayed to the public, for a period not to exceed two weeks in any continual six-month period;
- C. Any sale of personal property authorized or licensed to do so pursuant to any state statute or any other local law, ordinance, rule or regulation; or
- D. Any charitable, educational, cultural, fraternal, religious corporation, association, or institution, civic group, service club, voluntary associations or not-for-profit corporations.

**§ 155-9. Enforcement.**

This chapter shall be enforced by the Zoning Enforcement Officer of the Village. It shall be his duty to investigate any violation of this chapter coming to his attention. If he determines that a violation appears to exist, then he shall sign a complaint at the Police Department and

shall assist in prosecuting the same by appearing and testifying on the return day before the Town Justice of the Town of St. Johnsville. A violation of this chapter shall constitute an offense. It shall also be the duty of a Village police officer to report any alleged violations of this chapter to the enforcement officer.

**§ 155-10. Penalties for offenses. <sup>2</sup>**

Any person who shall violate the provisions of this chapter shall be guilty of a violation and upon conviction thereof shall be punished by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day that such violation continues shall be considered and constitute a separate violation.

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