

BOROUGH OF AVALON
YARD SALE RULES AND REGULATIONS

Chapter 10; Section 13 Adopted 11-30-79 as Ord. No. 19-79 revised 1-16-01, 12-3-01, 4-1-02

DEFINITION OF A YARD SALE

As used in this chapter, the term "yard sale" shall mean: all general sales open to the public conducted from or on a premises for the purpose of disposing of personal property, including but not limited to all sales entitled yard, lawn, garage, attic, porch, room, flea market, demolition or rummage sale. Official, governmental or charitable sales are excluded.

CONFORMANCE REQUIRED

No yard sale shall be conducted except in conformance with the provisions of this chapter.

PERMIT REQUIRED

No yard sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefore from the Zoning Official.

WRITTEN STATEMENT

Prior to the issuance of any yard sale permit, the individuals conducting such a sale shall file a written statement with the Zoning Official at least five (5) days in advance of the proposed sale setting forth the following information:

- Full name and address of the applicant
- The location at which the proposed yard sale is to be held
- The date or dates upon which the sale shall be held
- The date or dates of any other yard sales within the current calendar year
- An affirmative statement that the property to be sold was owned by the applicant as his or her own personal property and was neither acquired nor consigned for the purposes of resale

PERMIT FEE

There shall be an administrative processing fee of ten dollars (\$10.00) for the issuance of such permit. The fee may be waived for any sale or combination of sales conducted by or for any organization the proceeds of which shall be used for charitable, educational or philanthropic purposes.

PERMIT CONDITIONS

The permit shall set forth and restrict the time and location of such yard sale. No more than two (2) such permits may be issued to one (1) residence during any calendar year, nor in less than thirty (30) days. No permit shall be issued for more than two (2) consecutive days.

DISPLAY OF PERMIT

Any permit in possession of the holder of a yard sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Zoning Official.

SIGNS

One sign, located on the sale premises, no greater than three (3) square feet is permitted. Directional signs may be posted in accordance with this subsection only if the Sponsor has a current permit for the Temporary Sale. Balloons are not permitted. Temporary Sale directional signs and Temporary Sale signs shall have a face no greater than three (3) square feet and a height no greater than three (3) feet and must be constructed of materials that will collapse or crush easily to avoid injury if a person contacts it. A maximum of one (1) sign per intersection to a maximum of two (2) signs total may be posted at nearby intersections and within the public right-of-way (between the curb and the sidewalk). Temporary Sale signs and Temporary Sale Directional signs shall be posted only during those times when the Temporary Sale is operating and a representative of the sponsor is present on the premises and must be removed promptly when the sale is over. Temporary sales at a premise may not be conducted more that twice in any calendar year.

RESPONSIBILITY OF THE PERMIT HOLDER AND OWNER OF PREMISES

The individual to who such permit is issued and the owner or tenant of the premises on which such sale 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. No individual shall permit any loud or boisterous conduct on said premises or permit vehicles to impede the passage of traffic on any streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police Department or Fire Department of the Borough of Avalon in order to maintain the public health, safety and welfare.

VIOLATIONS AND PENALTIES*

Any person conducting any such sale or other similar activity without being properly licensed therefore or who shall violate any of the other terms of this chapter shall, upon conviction, be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars or be imprisoned for a period not to exceed five (5) days for each violation.

* This is your warning. Any violations after your application is issued will result in the issuance of a summons.