

ARTICLE 337
Yard, Garage or Similar Sales

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337.01 PURPOSE.

These requirements are designed to control and restrict garage and yard and other similar 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 in compliance with Part 13, Planning and Zoning Code. The intent of this chapter is to eliminate perpetual, prolonged and extended garage, yard and similar sales in residential areas. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and often violate the zoning regulations of the City. The provisions of this chapter arise from the need to limit, regulate, restrict and control garage and yard sales. It is not the intent of this chapter to change or amend Part 13, Planning and Zoning Code and/or any other ordinances of the City. The provisions of this chapter do not seek control of sales by individuals selling a few of their household or personal items. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the City's citizens. (Ord. 15-2010. Passed 4-20-10.)

337.02 TYPE OF SALES REGULATED UNDER THIS ARTICLE.

Sales regulated under this article include all sales entitled or commonly known as "garage sales," "yard sale," "tag sales," "porch sales," "lawn sales," "attic sales," "basement sales," "rummage sales," "flea market sales" or any similar casual sale of tangible personal property. (Ord. 15-2010. Passed 4-20-10.)

337.03 DEFINITIONS.

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

- (a) "Yard, garage or similar sale" means the sale or offering for sale of new, used or secondhand items of personal property, including but not limited to goods, wares, merchandise and clothing, at any one or several premises in a one block area of a neighborhood at any one time. Such sales can occur on the lawn, yard, porch, patio or in the garage, residence or other out-building of the person or persons who obtain a permit for such sale as provided by this article.
- (b) "Person" means any natural person or persons, association, partnership, firm, corporation or other entity.
- (c) "Physical address" means the United States Postal Service assigned numerical address or the property structure and shall not include the subdividing into multiple addresses or units.

The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 15-2010. Passed 4-20-10.)

337.04 PERMITS.

No person shall cause or permit any lawn, yard, garage or tag sale to take place upon any property owned, rented or otherwise used by such person without first having obtained a permit therefor. Application for such permit shall be made to the Office of Permits, Planning & Zoning of the City by the person at whose residence or other location such sale shall be held and such application shall state the name of the applicant, the United States Postal Service address of the proposed sale, the day or days on which the sale is to be held and the names and resident addresses of all other persons of premises in a block who are to contribute personal property to the sale or are participating in the sale. Such permit shall be issued by the Office of Permits, Planning & Zoning upon the filing of an application together with payment of a fee as set by resolution by the Council of the City of York.

(Ord. 15-2010. Passed 4-20-10.)

337.05 FEES.

The fee for each sale shall be as follows:

- (a) First sale within a calendar year shall be free.
- (b) Each subsequent sale up to a maximum of nine per calendar year, shall be charged a fee of twenty dollars (\$20.00).

(Ord. 15-2010. Passed 4-20-10.)

337.06 PERMIT CONDITIONS.

Every permit shall be issued under the following conditions, and failure to comply with any condition shall constitute a violation of this article and shall entitle the Office of Permits, Planning & Zoning, to declare the permit revoked, without refund of any part of the permit fee to the holder:

- (a) The sale shall be held at the location or locations stated in the application and on the permit;
- (b) The permit shall be valid for two consecutive days as stated on the permit except that the permit may specify one or two alternate "rain dates" in cases of inclement weather on one or two, as the case may be, of the dates first specified on the permit;
- (c) No sale shall commence before 7:00 a.m. and shall conclude no later than 6:00 p.m. prevailing time, on any day;

- (d) No music, games or other entertainment or activities may be conducted at the time when and the place where the sale is held;
- (e) The owner, tenant or occupant of the premise and/or 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. No such person shall permit any loud or boisterous conduct or other excessive noise to occur on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premise or premises where the sale is being conducted.
- (f) Permits are issued for the United States Postal Service address of the physical address of the structure, excluding individual units, apartments, or rooms --- not a person. Example: Single family residences - maximum nine yard sales per year. Multiple tenant occupied properties maximum nine yard sales per year.
(Ord. 15-2010. Passed 4-20-10.)

337.07 NO EMPLOYMENT ALLOWED AT YARD SALES.

Because the sale is temporary in nature and permissible in residential districts where commercial activities are not permitted, such sale shall be limited to possessions of the holder of the permit (and the other families and householders referred to in this article). It shall be unlawful to engage or employ any individual, organization or other entity to plan, arrange, conduct, promote, or supervise the sale.
(Ord. 15-2010. Passed 4-20-10.)

337.08 DISPLAY OF PERMIT.

The permit holder must exhibit the permit at the time of sale in full view of the public at all times.
(Ord. 15-2010. Passed 4-20-10.)

337.09 ADVERTISEMENTS OR POSTINGS.

No notice, advertisement or directional sign pertaining to such sale shall be placed or posted:

- (a) On any post or pole used for traffic signs or signals or electrical poles;
- (b) On the surface of any street, curb, or sidewalk; or on any City property;
- (c) Without permission of the owner or occupant of the property, anywhere on private property.

Upon conclusion of the time stated in the permit for the holding of such sale, the holder of the permit shall remove and take away all such notices, advertisements and directional signs not previously removed and taken away.
(Ord. 15-2010. Passed 4-20-10.)

337.10 OBJECTS OFFERED FOR SALE.

None of the following may be sold or offered for sale:

- (a) Anything for which a separate license is required by law or by any federal, state or municipal regulation;
- (b) Anything of an explosive, poisonous or dangerous nature.
- (c) Any type of food.
(Ord. 15-2010. Passed 4-20-10.)

337.11 PARKING; TEMPORARY CONTROLS.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage or yard sale.
(Ord. 15-2010. Passed 4-20-10.)

337.12 ENFORCEMENT; COMPLAINTS.

This chapter shall be enforced by the Permits, Planning & Zoning Office, but may be enforced by the Police Department, Department of Fire and Rescue, by any Code Enforcement Officer or any other official designated by any City ordinance to make inspections under a licensing or regulating ordinance or to enforce the same. All those authorized to enforce this article shall have the right of entry onto any premises showing evidence of a yard or garage sale for the purpose of enforcement or inspection and may close the premises from such a sale.

(Ord. 15-2010. Passed 4-20-10.)

337.99 VIOLATIONS; PENALTY.

(a) Violations. Any person who shall violate or fail to comply with any of the provisions of this article shall, upon conviction thereof in a summary proceeding before any District Justice within the City, be sentenced to pay a fine of not more than \$50 for a first offense, \$100 for a second offense and up to the maximum amount allowed by law for a third or subsequent offense and the costs of prosecution, and in default of payment of such fine shall be sentenced to imprisonment for not more than thirty days; provided, however, that each day's violation of any of the provisions of this article shall constitute a separate offense.

(b) Conviction of Violation. If any individual is convicted of an offense under this article, the Permits, Planning & Zoning Office is instructed to cancel any existing yard or garage sale permit held by the individual or individuals convicted.

(Ord. 15-2010. Passed 4-20-10.)