

Chapter 156

YARD SALES

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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 3-19-2007 by Ord. No. 421. Amendments noted where applicable.]

§ 156-1. Title.

This chapter shall be known and cited as "Yard Sale Permit Ordinance."

§ 156-2. Purpose.

These rules and regulations are designed to control and restrict yard sales in order to protect the public health, safety and convenience and 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 in compliance with the Zoning Ordinance of the Borough of Montoursville. The intent of this chapter is to eliminate perpetual, prolonged and extended yard sales in residential areas.

§ 156-3. Definitions.

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

PARCEL — The entire area of land within the boundary lines set forth in a deed and upon which is located one or more residences.

PERSON — Any natural person or persons, association, partnership, firm, volunteer association, corporation or other entity. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

YARD SALE — A sale, open to the public, of new, used or previously owned personal property at a residence whether held in the residence, on the lawn, yard, porch, patio, garage, driveway or outbuilding. This definition shall include, but not be limited to, those sales commonly referred to as "yard sale," "garage sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale" or "flea market."

§ 156-4. Permit required; fee; conditions for sales.

A. No person shall cause or permit any yard sale to take place upon any residential property owned or leased by such person without first having obtained a permit. Application for

such permit shall be made to the Borough by the person at whose residence such sale shall be held, and such application shall state the name of the applicant, the location of the proposed sale, and the day or days on which the sale is to be held. Such permit shall be issued by the Borough upon the filing of the application together with a payment of a fee in an amount to be set by Council from time to time by resolution. Not more than two yard sale permits shall be issued for any one parcel in any one calendar year regardless of the number of residences located on the parcel.

- B. It shall be unlawful for any person to cause or permit any yard sale upon any property owned or leased by such person without having secured a permit. No more than two yard sale permits shall be issued for any one parcel in any one calendar year.
- C. It shall be unlawful to conduct any yard sale for a duration exceeding two consecutive days.
- D. It shall be unlawful to commence any yard sale before 7:00 a.m. or continue the yard sale after 7:00 p.m., prevailing time, on any day.
- E. It shall be unlawful for the person who is granted a yard sale permit to erect, place or post, or to permit the erection, placing or posting of, any advertisement, notice or directional sign at any place in the Borough other than on the parcel where the yard sale is held.

§ 156-5. Exemptions.

This chapter shall not be applicable to:

- A. Any person selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement.
- C. Any sale conducted by a legitimate business or commercial or industrial establishment on property zoned under the zoning regulations, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited by the laws of the Commonwealth of Pennsylvania and the ordinances of the Borough.
- D. Any public auction having a duration of no more than two days and conducted by an auctioneer licensed by the Commonwealth of Pennsylvania.
- E. Sales by a bona fide charitable, 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 to establish the exemption under this subsection shall be on the organization or institution claiming such exemption. Such exemption or exception must be proved to the satisfaction of the Borough prior to conducting the sale.

§ 156-6. Violations and penalties.

Any person who violates any of the provisions of this chapter or offers or permits the same to be done on his behalf shall, upon conviction thereof, be subject to a fine of \$25 for the first offense, \$50 for the second offense, and \$150 for the third and each subsequent offense plus costs of prosecution and, in default of payment of such fines and costs, imprisonment for a period not exceeding 30 days. Each day that a violation continues shall constitute a separate offense.

