

ORDINANCE NO. 124

AN ORDINANCE OF THE TOWNSHIP OF PYMATUNING, MERCER COUNTY,  
PENNSYLVANIA, REGULATING AND RESTRICTING GARAGE SALES.

NOW, THEREFORE, it is hereby ordained and enacted as follows:

ARTICLE I. Purpose. The rules and regulations as set up in this Ordinance are designed to control and restrict garage 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 and with the Zoning Ordinance of the Township of Pymatuning, Mercer County, Pennsylvania. The intent of this Ordinance is to eliminate perpetual, prolonged and extended garage sales in residential areas. Such sales, if carried on indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance, and may violate the Zoning regulations of the Township of Pymatuning. The provisions of the Ordinance arise from the need to limit, regulate, restrict, and control garage sales.

ARTICLE II. Definitions: The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

(a) Garage Sales:

- (1) The sale or offering for sale of five (5) or more new, used, or second-hand items of personal property at any one (1) residential premises at any one (1) time.
- (2) Includes all sales in residential areas commonly known as "garage sales", "yard sales", "tag sales", "porch sales", "lawn sales", "attic sales", "basement sales", "rummage sales", "flea market sales", or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

(b) Goods:

Includes any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

(c) Person:

Includes individuals, partnership, family groups, voluntary associations, and corporations. Any reference to a particular gender in this Ordinance, shall be construed to include both males and female.

(d) Township of Pymatuning:

Includes all residential dwellings located within any type of zone, zoned areas, zoning districts, whether or not said areas or zones are residential, business or otherwise, within the geographical boundaries of the Township of Pymatuning.

ARTICLE III. Permit Required; Limitations; Fees.

(a) It shall be unlawful for any person to conduct a garage sale within the geographical boundaries of the Township of Pymatuning without first obtaining a garage sale license from the Pymatuning Township Chief of Police or his designee, after filing an application containing the information hereinafter specified.

(b) This fee for such license shall be and the same is hereby fixed at \$1.00.

(c) Such license shall be issued to one (1) person or for one (1) specific premises or location only once within a two (2) week period. No more than two (2) licenses for garage sales shall be issued for the same premises or to the same persons in any twelve (12) month period.

(d) No license shall be issued for a garage sale for longer than three (3) consecutive days.

(e) Each license issued under this Ordinance must be prominently displayed on the garage sale premises throughout the entire period of the licensed sale.

(f) If for any reason, the scheduled garage sale cannot be held on the date or dates so designated in the application for garage sale license, another license shall be issued by the Township Chief of Police or his designee, to the one (1) person or the one (1) specific premises at no additional cost and under the same rules and regulations as the original license. It shall be the responsibility of the person obtaining the original license to request from the Township Chief of Police or his designee, an additional license due to the prior cancellation of the previously designated garage sale. Only one (1) such license for a rescheduled garage sale shall be granted during any twelve (12) month period.

(g) In the case of Township residents who sell their homes or are in the process of selling their homes, extensions for garage sales will be granted upon application to the Township Chief of Police or his designee, and subject to approval of the Board of Supervisors of the Township of Pymatuning. In general, an extension for garage sales for a period not to exceed two (2) weeks will be granted.

ARTICLE IV. Contents of Application. An application for a garage sale license permit pursuant to this Ordinance shall include the following information:

(a) The name and address of the person, persons, firm, group, corporation, association or organization conducting the sale.

(b) The name of the owner and the occupant or tenant of the property on which the sale is to be conducted.

(c) The consent of the owner and/or occupant to hold the sale if the applicant is other than owner or occupant.

(d) The location, street address, etc., of the premises where the sale is to be conducted.

(e) The number of days of the sale, limited to three (3) consecutive days and the date or dates of such sale.

(f) The date and nature of any past sales held by the same applicant or on the same premises in the last twelve (12) month period.

(g) The relationship or connection the applicant may have with any person, conducting such sale.

(h) The application shall contain an affirmation or verification by the applicant or person securing the application that the information given is full and complete and known by the applicant to be so.

ARTICLE V. Hours of Sale. All garage sales held pursuant to these provisions shall be conducted between the hours of 9:00 A.M. and 6:00 P.M., only on the day or days for which the license was issued.

ARTICLE VI. Advertisement.

(a) Garage sales may be advertised through the newspapers or other media.

(b) A sign no larger in size than two feet by two feet (2' x 2') may be erected. The sign shall be displayed only during the sale and shall be removed within twenty-four (24) hours after the sale is concluded.

(c) No sign or other display advertising the sale shall be placed on the public right-of-way or on private property other than where the sale is conducted. No lighted or illuminated signs shall be used.

ARTICLE VII. Exemptions. This Ordinance shall not be applicable to:

(a) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

(b) Persons acting in accordance with their powers and duties as public officials.

(c) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed nine (9) in number. Notwithstanding any provisions of this Ordinance, any person may sell up to nine (9) secondhand articles without being subject to the provisions of this local law.

(d) Any publisher of a newspaper, magazine or other publication or other communications media who publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Ordinance have not been complied with.

(e) Any sale conducted by any legitimate business or commercial or industrial establishment, properly zoned under the zoning regulations of the Township of Pymatuning and any other sale conducted by a business or commercial or industrial establishment under the protection of the non-conforming use section of the zoning laws, or by any other vendor, dealer, etc.; when the sale is conducted in a properly zoned area and not otherwise prohibited by the laws and ordinances of the Township of Pymatuning and the State of Pennsylvania or this Ordinance.

(f) Sales by a bona fide charitable, eleemosynary, 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 of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

#### ARTICLE VIII. Enforcement.

(a) This Ordinance shall be enforced by the Police Department of the Township of Pymatuning, Mercer County, Pennsylvania.

(b) It shall be the duty of any police officer of Pymatuning Township to investigate any violation of this Ordinance coming to his attention, whether by complaint or arising from his own personal knowledge, or during the course of his normal duties.

(c) If after investigation, a violation is found to exist, the police officer shall prosecute a complaint before the Magistrate for the Township of Pymatuning, pursuant to the provisions of this Ordinance.

(d) The person to whom the garage sale license was issued, and the person conducting the sale, and the owner, tenant or occupant of the 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.

(e) No such person shall permit any loud or boisterous conduct on said premises, or permit vehicles to impede the passage of traffic on any roads or streets in the area of the premises where the sale is being conducted.

(f) All such persons shall obey reasonable orders from any member of the Pymatuning Township Police Department or Fire Department, in order to maintain the public health, safety and convenience.

ARTICLE IX. Penalties for Offenses: Any person, firm, association, corporation or other entity conducting any such sale or similar activity without being properly licensed therefor, or who shall violate or fail to comply with any provisions adopted pursuant to this Ordinance shall be deemed to be in violation and the violator(s) shall be liable for a fine not less than twenty-five dollars (\$25.00) nor more than one hundred (\$100.00) dollars and each day that such sale or violation continues without being duly licensed shall be considered and shall constitute a separate violation.

ARTICLE X. When Effective: This Ordinance shall become effective five (5) days after duly adopted by the Pymatuning Township Board of Supervisors.

ARTICLE XI. The provisions of this Ordinance are severable and if any section, part of section or provision thereof shall be held to be illegal or otherwise involved by a Court of competent jurisdiction, such decision shall not affect the vailidity of any of the remaining sections, part of sections or provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such illegal or otherwise invalid provision not been a part thereof.

ARTICLE XII. All other Ordinances of the Township of Pymatuning not inconsistent herewith shall remain in full force and effect, and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDAINED AND ENACTED into law by the Township of Pymatuning, Mercer County, PA, this 9<sup>TH</sup> day of JUNE, 1983.

ATTEST:

TOWNSHIP OF PYMATUNING

*Spida Lukman*  
Township Secretary

By *William C. Blak*  
*Harry A. Unangst*  
Supervisors