

## **ORDINANCE NO. 178**

### **AN ORDINANCE RELATING TO GARAGE, YARD, BASEMENT AND RUMMAGE SALES**

#### **The Village of Otisville ordains:**

##### **Section 1. Definition.**

As used in this ordinance, "garage sale", "yard sale" and "rummage sale" including similar terms such as "attic sale," "lawn sale," "flea market sale," ect., means any sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in these ordinances, advertised by any means whereby the public at large is or can be aware of such sale.

##### **Section 2. Intent**

It is the intent of this ordinance to regulate the term and frequency of personal property sales in residential areas, or commercial zoned areas used as residential, so that the residential environment of such areas is not disturbed or disrupted, and to prohibit the infringement of any business into such established areas.

##### **Section 3. Permitted Locations.**

An owner, tenant or lessee of a residence or charitable institution, including churches, schools and hospitals, may conduct a sale described in this chapter upon the premises of his or her residence or upon the premises of such charitable institution, as provided.

##### **Section 4. Permit Required.**

No owner, tenant or lessee of a residence or charitable institution shall conduct, advertise or promote a sale as regulated in this ordinance without first obtaining a permit therefore as provided in this section.

- (a) A written application shall be filed with the Village Clerk, on form prescribed by the clerk, containing the following:
  - (1) The name and address of the person conducting the sale;
  - (2) The location at which the sale is to be conducted;
  - (3) The number of days which the sale is to be conducted within the limits prescribed in this ordinance;
  - (4) A description of the items proposed to be sold; and
  - (5) The date, nature and location of any past sale conducted by the applicant.

##### **Section 5. Limitations on Permit Issuance; Display**

- (a) Any sale as described in this ordinance shall not be conducted for longer than five (5) consecutive days, unless the event shall be delayed by rain or other inclement weather, then an extension to a maximum of five sale days shall be granted. The Village Clerk shall not issue more than three permits per calendar year, per location or residence, for any sale described in this ordinance. There must be a thirty (30) day period between issuance of permits.
- (b) The permit authorizing such sale shall be displayed in a front window or other prominent place, clearly visible from the street, at each location where a sale is being conducted.

- (c) The items offered for sale shall not be displayed on the right-of-way or outside the property owned by the applicant.

**Section 6. Signs**

- (a) Signs advertising a sale regulated by this ordinance may be erected or placed on the premises of the sale beginning on the first day of the sale and shall be removed immediately at the end of the sale.
- (b) No sign may be placed on the right-of-way of the State Highway or Village Streets or between the sidewalk and the curb.
- (c) No sign shall be in excess of six square feet and no sign shall be illuminated in any manner whatsoever, except incidentally by street lights, house or yard lights.
- (d) The posting of a garage sale, yard sale or basement sale sign is not considered to be display advertising, as otherwise defined in other ordinances of the Village of Otisville.

**Section 7. Community Sales**

- (a) The Village Council may at its discretion designate a day or several days as "Community Yard Sale Days", which shall be exempt from this ordinance. All sales during the designated day(s) will not be counted in the allocated days for private sales.

**Section 8. Penalties.**

Any person or persons violating any provisions of this ordinance shall, upon conviction thereof before a court of competent jurisdiction, be punished by a fine not exceeding One Hundred (\$100.00) Dollars or imprisonment in the County Jail of Genesee County, for a period not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court who shall try such offender.

**Section 9. Severability.**

This ordinance is deemed to be severable and if any part shall be declared invalid by any court, such judgment or decree shall affect only that part directly involved in the controversy.

**Section 10. Approval**

This ordinance was approved by a vote of the Village Council, a Quorum being present of the 17th day of February, 2004 and ordered published in three public places in the Village within (10) days after its adoption

**Section 11. Posting of Ordinance.**

This ordinance shall take effect and be in full force and effect on 10th day of March, 2004.

  
Tom Bess, Village President

  
Andrea Barden, Village Clerk

Effective Date Posting of Ordinance: February 24, 2004