

ORDINANCE 125

AN ORDINANCE RELATING TO AND PROVIDING FOR THE LICENSING AND REGULATION OF GARAGE SALES AND SIMILAR TYPE SALES IN THE VILLAGE OF LOCH ARBOUR, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

Be It Ordained By the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and state of New Jersey, as follows:

SECTION 1. Prohibition.

No person shall conduct a “garage sale”, as hereinafter defined, or any activity of like nature, except upon compliance with the provisions of this Ordinance and upon first obtaining a license therefore as required by this Ordinance.

SECTION 2. Definitions.

- (a) Garage Sales shall mean and include all sales entitled “garage sale”, “lawn sale”, “attic sale”, “rummage sale”, or “flea market sale”, 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 said sale.
- (b) “Goods” is meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.
- (c) Person shall mean and include individuals, partnerships, voluntary associations, and corporations.

SECTION 3. Permits and Fees.

- (a) It shall be unlawful for any person to conduct a garage sale in the Village of Loch Arbour without first filing with the Village Clerk the information hereinafter specified and obtaining from such Clerk a license to do so, to be known as a “Garage Sale License”. The fee for such license shall be, and the same is fixed hereby at two (\$2.00) dollars.
- (b) Only two such licenses shall be issued to any one person within a twelve-month period and no such license shall be issued for more than two (2) consecutive calendar days.
- (c) Each license issued under this Ordinance must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.
- (d) The person to whom such license is issued and the owner or tenant of the premises on which the sale or activity 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 or activity. No person shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such persons shall obey the reasonable orders of the police or fire departments in order to maintain the public health, safety and welfare.
- (e) Personal property offered for sale at a garage sale may be displayed in a driveway, or in a garage, or in the rear yard or lawns of the owner to tenant of the premises. No

- personal property offered for sale at a garage sale shall be displayed on any sidewalk, road, highway, street or public right-of-way.
- (f) Signs used in conjunction with the said garage sale shall be displayed only on the premises upon which the garage sale is conducted. Said signs shall be limited in size to two feet by two feet and shall be displayed only during the hours the garage sale is actively being conducted and twenty-four hours previous thereto, and must be removed at the close of the activities as provided by time limitations set herein.

SECTION 4. Hours of Sale.

All garage sales shall be conducted between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon.

SECTION 5. Information to be Filed.

Pursuant to the within Ordinance the following information shall be filed with the Village Clerk:

- (a) Name of person, firm, group, corporation, association or organization conducting sale.
- (b) Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than owner.
- (c) Location at which sale is to be conducted.
- (d) Number of days of sale.
- (e) Date, nature of any past sales.
- (f) Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.
- (g) Whether or not applicant has been issued any other Vendor's license by any local, State or Federal Agency.
- (h) Sworn statement of affirmation by the person signing that the information therein given is full and true and known to him to be so.

SECTION 6. Persons and Sale Excepted.

The provisions of this Ordinance shall not apply to or affect the following persons or sales:

- (a) Persons selling goods pursuant to an order or 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 five in number.
- (d) Any bonafide charitable, eleemosynary, educational, cultural or governmental institution or organization who receives an exemption in writing from any or all of the terms of this Ordinance from the Board of Trustees of the Village of Loch Arbour by appropriate resolution.

SECTION 7. Enforcement.

This Ordinance shall be enforced by the Building Inspector. It shall be the duty of the Police department to bring to the attention of the Building Inspector for further investigation any violation of this Ordinance of which it may become aware during the course of its normal duties.

SECTION 8. Penalties.

Any person conducting any such sale or similar activity without first applying for and obtaining a permit or who shall violate any of the other regulations of this Ordinance, shall upon conviction, be fined not less than \$25.00 nor more than \$100.00 or be imprisoned for a period not to exceed ten (10) days for each violation. Each day that such sale shall continue without the required permit shall be considered a separate violation.

SECTION 9. Effective Date.

This Ordinance shall take effect upon final passage and publication in accordance with law.