



**Application for Garage & Yard Sales**  
**Fee: \$5.00 per day to be paid upon application**  
 (Please Print Clearly)

<b>Date(s) of Proposed Sale:</b>		<b>Address where sale is to be conducted:</b>	
<b>Name of person conducting sale</b>		<b>Name of owner of property where sale is to be conducted</b>	
<b>Address &amp; Telephone of person conducting sale</b>		<b>Address &amp; Telephone of owner of property where sale is to be conducted</b>	
Number and Street	County	Number and Street	County
Municipality	State	Municipality	State
Zip Code	Telephone Number	Zip Code	Telephone Number

Has applicant been issued any other vendor's license by any other governmental agency? Yes \_\_\_\_\_ No \_\_\_\_\_

By signing this application, I affirm and swear that all information given on this application is complete and truthful and I have read and understand the rules governing yard and garage sales under the Borough Code, Chapter 2, Section 2.136 (attached).

Signed \_\_\_\_\_  
 In the event of inclement weather,

Printed name: \_\_\_\_\_  
 Date: \_\_\_\_\_

.....  
 (TO BE COMPLETED BY BOROUGH OFFICIAL)

Date Received \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Date of Issuance \_\_\_\_\_

Payment \_\_\_\_\_  
 License # Issued \_\_\_\_\_  
 Disapproved \_\_\_\_\_

COPY: Englishtown Borough Police Department  
 Englishtown Borough Code Enforcement

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE CODE OF THE BOROUGH OF ENGLISHTOWN ADDING NEW SECTION 2.136 "GARAGE AND YARD SALES IN THE BOROUGH OF ENGLISHTOWN"

Be it Hereby Ordained by the Mayor and Council of the Borough of Englishtown that Chapter 2 is hereby amended as follows:

ARTICLE I

(New Section) 2.136 GARAGE AND YARD SALES

**LEGISLATIVE FINDINGS:** The Mayor and Council of the Borough of Englishtown hereby find and declare that problems created by garage and yard sales, blocking sidewalks and obstructing the normal flow of traffic, and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to enact such guiding principles whereas the aforementioned potential problems may be prevented and avoided.

**SECTION 1- PURPOSE:** The purpose of this Section is to establish controls and regulations directed toward the safe and expeditious movement of pedestrian and vehicular traffic throughout the Borough of Englishtown and to provide for the safety of the general public.

ARTICLE II

A. **DEFINITIONS:** As used in this chapter, the following terms shall have the meanings indicated.

"Garage Sale" means and includes all sales entitled "garage sale", "lawn sale", "yard sale", "attic sale", "rummage sale", or any similar casual sale of tangible personal property that is advertised by any means whereby the public at large is or can be made aware of the sale. Such sales are on occasion whereby used items owned by the resident of the premises are offered for sale on the premises.

"Goods" means and includes any goods, or other property capable of being the object of a sale regulated hereunder.

"Person" means and includes individuals, groups, partnerships, corporations and other voluntary associations.

ARTICLE III

A. Licenses Required.

It shall not be lawful for any person to carry on or conduct a garage sale without first having obtained a license to do so from the Borough Clerk.

## B. Application for license.

The person making application for a garage sale shall file a completed application with the Borough Clerk at least two (2) days prior to the first day of the proposed sale in order to provide adequate time for the processing of the license. As application for a license shall be made on the forms provided by the Borough Clerk and shall be accompanied by a payment of the required license fee. The information submitted with the license shall include the following items:

1. The name, address and telephone number of the person conducting the sale;
2. The name, address and telephone number of the owner of the property on which the sale is to be conducted;
3. The location at which the sale is to be conducted;
4. The dates of the proposed sale and the hours of the sale;
5. Whether or not applicant has been issued any other vendor's license by any other governmental agency;
6. Such other information as the Clerk deems necessary to properly process the application;
7. An affirmation or sworn statement by the person signing the application that the information as given is complete and truthful.

## C. FEES.

The fee for the issuance of a license for a garage sale shall be \$5.00 per day payable to the Borough of Englishtown and delivered to the Clerk with the application.

## D. DESIGNATED HOURS OF SALE.

No garage sale shall be conducted before eight a.m. nor after six p.m.

## E. LICENSE RESTRICTIONS.

1. The license shall be issued only to the premises upon which a residential dwelling is located, it being the intention to prohibit garage sales on vacant lots and further to limit the issuance of licenses to specified premises rather than to any individual. The license may be issued to any premises only twice within any (12) month period, and the license shall be issued for no more than two consecutive calendar days except with the approval of mayor and council, the license may be issued for three (3) consecutive calendar days. Furthermore, no person shall directly or indirectly conduct a garage sale at any premises within the Borough more than twice in any twelve month period.

2. Nonprofit charitable, religious, educational and other civic organizations may be allowed more than two licenses within any twelve month period with the approval of the Mayor and Council and for good cause shown.

3. Any person to whom a license is granted shall be required to exhibit such license whenever called upon to do so.

## F. REGULATIONS.

1. No display of items for sale and any garage sale shall be displayed on the sidewalk, between the sidewalk and curb; or within (10) feet of the sidewalk on the applicant's property; provided, however, the Clerk in writing may waive this requirement upon a showing by the applicant that (a) space for the display of items is not otherwise reasonably available; and (b) that the granting of the waiver will not create any potential safety problem.
2. Every license for a garage sale shall be valid and remain in effect for the day or dates issued and shall apply only to the person to whom granted and shall not be transferable.

## G. SIGNS.

- A. All persons are prohibited from making, causing to be made or erecting any signs to be used in conjunction with any sale under this chapter other than as authorized herein.
- B. No sign concerning the proposed sale shall be displayed more than five (5) days prior to the proposed sale.
- C. No signs shall be posted or permitted on public or utility poles, on trees, located off the premises licensed for the sale nor at any location that will create any potential safety problem.
- D. Any sign concerning the sale shall be removed within twelve (12) hours of the conclusion of the sale.

## H. EXCEPTIONS.

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

- A. Persons selling goods according to an order or process of a court;
- B. Persons acting in accordance with their duties and powers as public officials;
- C. Persons selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which items do not exceed five in number.

## I. ENFORCEMENT.

A. This chapter shall be enforced by the police department and code enforcement office of the Borough. It shall be the duty of the Chief of Police and the Code Enforcement office, or their designated agent, to investigate any violation of this chapter.

B. The persons to whom a license is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during the sale.

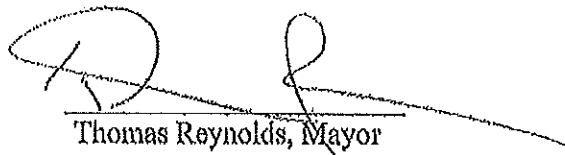
hours. No such person shall permit any loud or boisterous conduct on the premises during the sale hours. No such person shall permit any loud or boisterous conduct on the premises nor permit vehicles to impeded the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks in the area of such premises. In order to maintain the public health safety and welfare all such persons shall obey the orders of any member of the police department, including orders to terminate the sale.

#### J. PENALTIES.

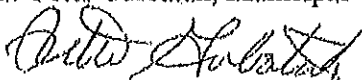
Any person convicted of violating any provision of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor exceeding five hundred dollars (\$500.00) for each violation. Each day that such violation shall continue shall be considered a separate violation.

This Ordinance shall take effect immediately upon final passage, adoption and publication according to law.

Date: 12/21/2020

  
Thomas Reynolds, Mayor

Attested: Peter Gorbatak, Municipal Clerk



Introduction: 11/16/2020

Adopted: 12/21/2020