

ORDINANCE NUMBER 2011-03

Ordinance of the Borough of Kulpmont regarding Yard Sales

AN ORDINANCE REGULATING LAWN, YARD GARAGE AND TAG SALES INDOORS OR OUTDOORS IN THE BOROUGH OF KULPMONT, COUNTY OF NORTHUMBERLAND AND COMMONWEALTH OF PENNSYLVANIA, REQUIRING A PERMIT THEREFORE AND PRESCRIBING PENALTIES FOR VIOLATIONS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Kulpmont, Northumberland County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same:

SECTION I

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated in this Section.

"Lawn, yard, garage and tag sales" shall mean a sale, open to the public, of new used or previously owned personal property; including but not limited to goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage, residence or other out-building of the person who obtains a permit for such sale as provided by this Ordinance.

"Person" shall mean any natural person or persons, association, partnership, firm, corporation or other entity. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION II

No person shall cause or permit any lawn, yard, garage or tag sale to take place upon any property owned by such person without first having obtained a permit therefore. Application for such permit shall be made to the Secretary of 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, the day or days on which the sale is to be held and the names and resident addresses of all other persons who are to contribute personal property to the sale. Such permit shall be issued by the Borough Secretary upon the filing of an application, which will carry no fee.

SECTION III

Not more than four (4) permits shall be issued under this Ordinance to the same person in any one calendar year and not more than four (4) sales shall be held from any one location in any one calendar year.

SECTION IV

Every permit shall be issued under the following conditions, and failure to comply with any condition shall constitute a violation of this Ordinance and shall entitle the Borough Secretary to declare the permit revoked:

- a.) the sale shall be held at the location stated in the application and on the permit;
- b.) the permit shall be valid for two (2) consecutive days as stated on the permit except that the permit may specify one or two alternate "rain dates" in case of inclement weather on one or two, as the case may be, of the dates first specified on the permit;
- c.) no more than three (3) families or householders may participate in the sale by furnishing personal property for sale and/or by engaging in the sale of personal property;
- d.) no sale shall commence before 8:00 o'clock A.M. or after 3:00 o'clock P.M., prevailing time, on any day;
- e.) no music, games or other entertainment or activities may be conducted at the time when and the place where the sale is held and there shall be no unnecessary or excessive noise.

SECTION V

Because the sale is temporary in nature such sale shall be limited to possessions of the holder of the permit (and the other families and householders referred to in this Ordinance), It shall be unlawful to engage or employ any individual, organization or other entity to plan, arrange, conduct, promote or supervise the sale.

SECTION VI

The permit holder must exhibit the Permit at the time of sale in full view of the public at

all times.

SECTION VII

No notice, advertisement or directional sign pertaining to such sale shall be placed or posted:

a) on any post or pole used for traffic signs or signals;

b) on the surface of any street, curb or sidewalk; or

C) without permission of the owner or occupant of the property, anywhere on private property. Upon conclusion of the time stated in the permit for the holding of such sale, the holder of the permit shall remove and take away all such notices, advertisements and directional signs not previously removed and taken away.

SECTION VIII

None of the following may be sold or offered for sale:

a) anything for which a separate license is required by law or by any federal, state or municipal regulation;

b) anything of an explosive, poisonous or dangerous nature.

SECTION IX

Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction there of in a summary proceeding before any District Magistrate in the County of Northumberland, be sentenced to pay a fine of not more than One Hundred Fifty (\$150.00) Dollars and the costs of prosecution, and in default of payment of such fine shall be sentenced to imprisonment in the County Jail for not more than thirty (30) days; provided, however, that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION X

The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

ADOPTED THIS 13th DAY OF December , 2011

ATTEST:

Bruno Varano

President of Council

Myron Turlis

Mayor

Rhonda Wilk, Secretary