Chapter 113

GARAGE, SIDEWALK AND YARD SALES

[HISTORY: Adopted by the Board of Trustees of the Village of Vernon 5-19-2003 by L.L. No. 1-2003. Amendments noted where applicable.]

§ 113-1. Permit required; sale requirements; issuance of permit; number of permits; signs.

A. Any person conducting a garage sale, sidewalk sale and/or yard sale must apply for a permit therefor from the Village Clerk of the Village of Vernon. Applicants for said sale must be conducting said sale on residential property, and merchandise to be sold at said sale must be used; or more strictly, not purchased specifically to be sold at said sale; and more generally, of the type of used

merchandise considered expendable as a result of spring cleaning or moving from said residence. Applicants for permits must give the following information:

(1) Name of person conducting said sale.

(2) Address or location of said sale. (Section, lot and block numbers shall be verified.)

B. A permit for said sale shall be issued upon the receipt of the application, for a term of not more than three consecutive days between the hours of 9:00 a.m. and 6:00 p.m. daily.

C. Each household shall be granted a permit for not more than two such sales within a calendar year.

D. Each and every sign erected in violation of the provisions of this chapter shall be treated as a separate and distinct offense under the provisions of § 113-12, entitled "Penalties."

E. Posting of signs and advertisements. No person shall attach to or place upon any telegraph pole, telephone pole or poles used for the support of electric wires in the streets and parks any bill, notice, poster, sign or advertisement whatsoever.

§ 113-2. Hours of operation.

Garage sales pursuant to this chapter shall be conducted between the hours of 9:00 a.m. and 6:00 p.m only on the days for which the license was issued.

§ 113-3. Advertising signs.

An advertising sign no greater in size than two feet by two feet may be installed on the premises on which the garage sate will be conducted, or any other private premises with the permission of the owner. Such sign shall be displayed only during the hours of sale and shall be removed within 24 hours

after the sale is concluded. No sign or other display advertising the sale shall be placed on any public place or right-of-way of the village, and no illuminated or lighted sign may be used to advertise a garage sale.

§ 113-4. Flea markets, sidewalk sales and auction sales.

Any person conducting a flea market and/or sidewalk sale and/or auction sale shall apply for a permit for said sale from the Village Clerk of the Village of Vernon. The applicant must be conducting said sale on nonresidential property and must give the following information:

A. Name and address of the person conducting said sale.

B. Location of said sale and the owner of said location.

C. An affirmation or sworn statement by the applicant that the information given is full and complete and known by the applicant to be so.

§ 113-5. Exemptions.

This chapter shall not apply to:

A. A person selling personal property pursuant to an order or process of a court of competent jurisdiction or to any public official acting pursuant to and within the scope of his authority.

B. Any person advertising in a publication of general circulation the sale of tangible personal property, and not displayed to the public.

C. Any sale of personal property authorized or licensed to do so pursuant to any state statute or any other local law, ordinance, rule or regulation.

D. Any charitable, educational, cultural, religious corporation, association or institution, civic group, service club, associations or not-for-profit corporations.

§ 113-6. Additional requirements.

The licensee for a garage sale shall be responsible for the maintenance of good order and decorum on the premises during the hours of the garage sale and shall not permit the parking of motor vehicles on or about the public streets or such premises which would impede the flow of vehicular traffic and shall not obstruct or impede pedestrian traffic on the sidewalks of the Village.

§ 113-7. Enforcement.

This chapter shall be enforced by any peace officer or any police officer of the village. It shall be the duty of any such officer to investigate any violation of this chapter coming to his attention and to prosecute the same before the Village Justice of the Village of Vernon.

§ 113-8. Permits not transferable.

No person other than the one to whom it was issued shall use no license and/or permit issued under the provisions of this chapter at any time.

§ 113-9. Display of license or permit.

The license or permit is required to be exhibited by enclosing same in a glassine or plastic transparent frame and affixing same to the cart, table or shelf from which merchandise is vended or sold so that same is visible to the public. Where impractical to affix said license or permit, it must be carried by the licensee, who shall be required to exhibit it at the request of any citizen.

§ 113-10. Revocation of license or permit.

A. Permits and licenses issued under the provisions of this chapter may be revoked by the Village Board of Vernon

after notice and public hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for a license or permit.

(2) Fraud, misrepresentation or false statement made in the course of carrying on any business or event licensed under this chapter.

(3) Any violation of this chapter.

(4) Conducting any business or events licensed or permitted under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at the last known address at least five days prior to the date set for the hearing.

§ 113-11. Penalties for offenses.

Any person violating any of the provisions of this chapter shall be guilty of a violation and punishable by a fine of not less than $5 nor more than $250 or by imprisonment of not less than one day nor more than 15 days, or by a combination of fine and imprisonment. The continuation of an offense against any provision of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.