

****ADOPTED JULY 14, 2014****

**TOWNSHIP OF DELANCO
ORDINANCE 2014-9**

**AMENDING THE TOWNSHIP CODE
TO CREATE CHAPTER 183
GOVERNING “GARAGE AND YARD SALES”**

WHEREAS, the Township Committee desires to regulate garage and yard sales in the interests of the health, safety and welfare of the Township residents and the public in general.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Code of the Township of Delanco be amended to create the following Chapter:

SECTION ONE.

Chapter 183, governing “Garage and Yard Sales” is hereby amended to add the following subsection:

§183-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Garage/Yard Sale – The sale of new or used household items from a private residence in a residential zone.

§183-2. Registration required.

No person shall conduct a garage/yard sale without first registering at least 24 hours in advance with the Township Clerk as provided herein.

§183-3. Required information.

Each applicant for a garage/yard sale shall provide the Township Clerk, in writing, his or her name, address and other data as may be required to identify him or her. The applicant shall also give the proposed hours and dates of the garage/yard sale.

§183-4. Issuance of permit; posting.

Each registrant, upon being registered shall be issued a permit by the Township Clerk upon which shall be affixed the dates, hours and location of the proposed garage/yard sale. Such permit shall be prominently posted on the premises on which the garage/yard sale is to be conducted.

§183-5. Hours of sale limited.

No garage/yard sale shall be conducted or carried on before 9:00 a.m. or later than 7:00 p.m. of any day, including Sundays.

§183-6. Number of garage sales limited.

No person shall conduct more than 2 garage/yard sales within any calendar year in addition to the town-wide garage/yard sales. No permit shall be issued if the applicant shall have had 2 previous garage/yard sales within the calendar year. A garage/yard sale, for the purpose of this registration may consist of up to a maximum of two consecutive days to be counted as one garage/yard sale.

§183-6. Fees.

No fee shall be charged for a garage/yard sale permit.

§183-7. Signs.

A sign shall not be greater in size than four square feet. It may be installed on the property where the sale is being conducted. No sign shall be placed on the public right of way or on property other than the property where the sale is being conducted.

§183-8. Violations and penalties.

Any person violating any provision of this ordinance shall, upon conviction, be subject to the general penalty provisions set forth in § 1-14 of the Delanco Township Code. Each and every day that any provision of this Ordinance is violated will be considered a separate offense.

§183-9. Enforcement.

This Ordinance shall be enforced by the Zoning Officer/and or Police Department. It shall be the duty of the enforcing officer to investigate any violation of this chapter coming to his or her attention, and if a violation is found to exist, he or she shall prosecute a complaint before the Municipal Court.

§183-10. Exceptions.

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

- A. Person selling goods pursuant to an order or process of a court of competent jurisdiction.

- B. Any person selling or advertising for sale an item or items or personal property which are specifically named or described in the advertisement and which separate items do not exceed four (4) in number.
- C. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Township.

SECTION TWO: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION THREE: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR: This ordinance shall take effect immediately upon final passage and publication according to law.