

Borough of Honesdale, PA

Tuesday, May 17, 2016

## Chapter 114. Garage Sales

[HISTORY: Adopted by the Borough Council of the Borough of Honesdale 9-8-1997 by Ord. No. 558.  
Amendments noted where applicable.]

### **GENERAL REFERENCES**

Peddling and soliciting — See Ch. 152.

### § 114-1. Definitions.

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given herein:

#### **GARAGE SALE**

Any general sale open to the public, conducted from or on a residential premises for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage sale." This definition shall not include a situation where no more than five specific items are held out for sale and where all advertisement of such sale specifically names those items to be sold.

#### **PERSONAL PROPERTY**

Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

#### **RESIDENTIAL PREMISES**

A lot on which a building for a residential occupancy only is located.

### § 114-2. Sale of other than personal property prohibited.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property.

### § 114-3. Permit required.

No garage sale shall be conducted unless and until the individual(s) desiring to conduct such sale shall obtain a permit therefor from the Honesdale Borough office. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

### § 114-4. Fees.

[Amended 7-11-2011 by Ord. No. 645-A]

Fees shall be as set forth from time to time by resolution of the Borough Council. The current fee schedule can be found on file in the Borough offices.

## § 114-5. Permit conditions.

The permit shall set forth and restrict the time and location of such garage sale. No more than four such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

## § 114-6. Hours.

Such garage sales shall be limited in time to no more than daylight hours of three consecutive days.

## § 114-7. Inclement weather.

If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the Borough office may issue another permit to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee is required.

## § 114-8. Display of property in permitted areas only.

Personal property offered for sale may be displayed within the residence, in a garage, in a carport or in a yard but only in such areas. No personal property offered for sale shall be displayed in any public right-of-way.

## § 114-9. Display of permit.

Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Honesdale Borough police.

## § 114-10. Signs.

- A. Signs permitted. The permit number is to be prominently displayed on the sign. Only the following specified signs may be displayed in relation to a pending garage sale:
  - (1) Two signs permitted. Two signs are permitted to be displayed on the property of the residence where the garage sale is being conducted.
  - (2) Directional signs. Two signs of not more than two square feet each are permitted, provided that written permission to erect said signs is received from the property owners upon whose property such signs are to be posted.
- B. Time limitations. No signs or other form of advertisement shall be exhibit more than two days prior to the day such sale is to commence.
- C. Removal of signs. Signs must be removed at the close of the garage sale activities.
- D. No garage or yard sale signs can be posted on trees, poles, shrubs, vehicles, dwellings or structures. No signs are to be attached to Borough street poles, PP&L poles, or state route signs.

## § 114-11. Responsibilities of permit holder and owner.

The individual to whom such permit 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 all hours of such sale or activity. No such individual 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 individuals shall obey the reasonable orders of any member of the Police or Fire Department of the Borough of Honesdale in order to maintain the public health, safety and welfare.

## § 114-12. Right of entry for enforcement and inspection.

A police officer or code compliance officer may make inspections under the licensing or regulating ordinance or enforce the same. He or she shall have the right of entry on to the lands, but not into any building thereon, showing evidence of a garage sale for the purpose of enforcement or inspection and may close the premises from such sale or issue a citation.

## § 114-13. Parking; temporary controls.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

## § 114-14. Revocation and refusal of permit.

- A. False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the Borough of Honesdale if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- B. Conviction of violation. If any individual is convicted of an offense under this chapter, the Borough Secretary shall cancel any existing garage sale permit held by the individual convicted and not issue such individual another garage sale permit for a period of two years from the time of conviction.

## § 114-15. Exemptions.

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

- A. Person(s) selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Any bona fide charitable, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

## § 114-16. Separate offenses.

Every day or part thereof that a sale is conducted in violation of this chapter shall constitute a separate offense.

## § 114-17. Penalties for offenses.

Any person found guilty of violating the terms of this chapter shall be fined not less than \$50 nor more than \$250 for each offense or be imprisoned not exceeding 15 days, or both.