
ARTICLE IV, Garage Sales [Added 11-12-1991 by Ord. No. 91-26]

§ 71-30. Definitions.

For the purposes of this article, the following definitions shall apply:

GARAGE SALE -- The casual sale of items of tangible personal property from premises used and occupied as a residence or located in a residential zone district as set forth in the zoning ordinances of the Borough of Garwood, and includes sales commonly known as "garage sales," "attic sales," "rummage sales" and other similar casual sales of tangible personal property.

PERSON -- Individuals, groups, partnerships, voluntary associations, corporations or other legal entities.

§ 71-31. Garage sales regulated.

Except as provided in this article, no person shall conduct or operate a garage sale, or allow the operation of a garage sale at or on premises owned, leased or controlled by such person. The conducting of a garage sale on premises owned, leased or controlled by any person shall give rise to a rebuttable presumption that such person allowed the conducting or operating of the garage sale.

§ 71-32. Permit required.

No person shall conduct or operate a garage sale or permit a garage sale to be operated or conducted in the Borough of Garwood unless a permit for same shall have been obtained and shall be displayed in a prominent place at all times at the garage sale.

§ 71-33. Permit rules and regulations. [Amended 1-26-1993 by Ord. No. 93-03; 10-10-1995 by Ord. No. 95-14]

A. The following regulations shall apply to all permits and applications therefor:

- (1) A permit may be issued for any residential premises no more than four times in any one calendar year.
- (2) The application shall be submitted to and the permit issued by the Borough Clerk.
- (3) A garage sale may be of no more than three days' duration. All garage sales may be

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conducted between the hours of 8:00 a.m. and 6:00 p.m. only.

- (4) Signs advertising the sales may be erected in the Borough of Garwood, including the premises where the sale is to be held. No such signs shall exceed 18 inches in height or 18 inches in width. All such signs shall be removed within 24 hours after completion of the sale. All such signs shall contain:
 - (a) The address of the location at which the sale is to be conducted;
 - (b) The date or dates of the sale;
 - (c) The hours of the sale; and
 - (d) The permit number issued.
- (5) Permits shall be issued only upon written application, which shall include the following:
 - (a) The name of the person conducting the sale.
 - (b) The name of the owner of the property where the sale is to be conducted.
 - (c) The address of the location at which the sale is to be conducted.
 - (d) The date or dates of the sale.
 - (e) The date or dates of any prior garage sales at the same premises.
 - (f) The date of the application and the signature of the applicant.

B. Intentional misstatements in the applications shall constitute a violation of this article.

§ 71-34. Fee for permit.

No permit shall be issued except upon payment of the required fee, which shall be \$4.

§ 71-35. Construction and application.

- A. Nothing contained in this article shall be construed to permit any activity otherwise prohibited under this code or other law.
- B. The provisions of this article shall not apply to or affect the following persons:
 - (1) Any person selling goods pursuant to an order or process of a court of competent jurisdiction.
 - (2) Any person acting in accordance with the powers and duties of such person as a public

official.

- (3) Any person selling or advertising for casual sale an item or items of personal property which are specifically named or described in an advertisement and which separate items do not exceed five in number.
- (4) Any bona fide charitable, religious, educational or other nonprofit organization for which an application has been submitted to and approved of by resolution of the Borough Council.

§ 71-36. Violations and penalties. [Amended 12-10-2002 by Ord. No. 02-28]

Any person violating the terms of this article shall be subject to a fine of not more than \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, and each day on which a violation occurs shall be deemed a separate violation.