

**MILFORD BOROUGH YARD/GARAGE SALE
APPLICATION**

NAME OF APPLICANT: _____

ADDRESS: _____

ARE YOU THE OWNER OF THE PROPERTY? _____

DATE OF SALE: _____

HOW MANY SALES HELD IN THIS CALENDAR YEAR? _____

- DATES OF PREVIOUS SALES: _____

**I CERTIFY THAT THE GOODS I WILL HAVE FOR SALE HAVE NOT BEEN
PURCHASED FOR THE PURPOSE OF RE-SALE, AND THAT ALL OTHER
INFORMATION SET FORTH IS TRUE AND CORRECT.**

SIGNATURE OF APPLICANT _____

() APPROVAL () DENIAL

BOROUGH SECRETARY

Chapter 158. Flea Markets and Garage Sales

[HISTORY: Adopted by the Borough Council of the Borough of Milford 1-6-1991 by Ord. No. 275. Amendments noted where applicable.]

§ 158-1. Definitions.

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

FLEA MARKET

A sale of items of tangible personal property wherein, on one location, there are multiple vendors who have paid a fee or a portion of their proceeds of sales for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal property.

GARAGE SALE

Includes but shall not be limited to lawn sales, attic sales, rummage sales and any similar casual sale of tangible personal property which takes place on lands owned by the person holding the sale and which is advertised by any means whereby the public at large is or can be made aware of said sale. This section shall not apply to the sale of all or substantially all of the contents of a home through an estate sale or similar sale or to the closeout sale of a business.

§ 158-2. Flea markets.

No person, firm or corporation may conduct, organize, sponsor or otherwise manage a flea market other than bona fide charitable, religious, educational or cultural organizations organized not for profit under the laws of the Commonwealth of Pennsylvania, subject, however, to the following requirements:

- A. Each such organizations desiring to conduct a flea market shall at least 30 days prior to such sale, file with the Borough Secretary an application for same on a form provided by the Borough for special events (see Chapter 88, Amusement and Entertainment).
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. The application shall set forth the following:
 - (1) Name of the sponsoring organization.
 - (2) Name of the owner and location of the property upon which the sale is to be held.
 - (3) Written consent of the owner if different from the applicant.
 - (4) Number of days and dates of the sale.
 - (5) Date, if any, of prior sales with the past calendar year by the same applicant(s) or on the same lot or parcel of land.
 - (6) Whether or not the sale will be indoors or outdoors.
 - (7) Adequate provisions for off-street parking for the sale.
 - (8) Sworn statement that the information contained in the application is true and correct.
- C. No fee shall be required of any such organization or participant to be paid to the Borough for the conducting of the sale.
- D. No more than three permits shall be issued to any one such organization for any such sales within the calendar year.
- E. Flea market sales shall be limited to a two-consecutive-day period and shall be conducted only between the hours of 9:00 a.m. and 8:00 p.m. Permittees shall be permitted two rain days provided the sale is not open for business at all on the day(s) affected by rain.
- F. The permit for the conducting of such sale must be prominently displayed upon the premises upon which the sale is held throughout the entire period of the sale.

§ 158-3. Garage sales.

Any person, partnership, corporation or other entity may conduct a garage sale, as defined herein, under the following terms and conditions:

- A. An application shall be filed with the Borough Secretary at least 10 days prior to the commencement of such garage sale and before any public advertising or such sale may commence. The application shall be on a form provided by the Borough and shall set forth the following:
 - (1) Name and address of the applicant.

- (2) Location of the sale.
 - (3) Date of the sale.
 - (4) Date of any other such sales held by the same party within the preceding twelve-month period by the same applicant(s) or on the same lot or parcel of land.
 - (5) Certification that the goods for sale were not purchased by the applicant for purposes of resale.
 - (6) Sworn statement that the information contained in the application is true and correct.
- B. Upon the filing of said application, it shall be reviewed by the Borough Secretary and, if found to be complete and accurate, the Secretary may issue the permit which shall be subject to the following restrictions:
- (1) Hours of sale shall not exceed 9:00 a.m. to 5:00 p.m.
 - (2) Such permit shall be issued to any one person or group of persons or for any one lot or parcel of land only four times within the calendar year and no such permit shall be issued for more than a two-consecutive-day period; provided, however, that where the sale is to be conducted on a Saturday and Sunday and the sale is completely postponed (for either or both days) because of inclement weather, the sale may be held on the same day or days of the following weekend. When the sale is being held during the week and such a weather related postponement occurs, the applicant may hold the sale on the next day with appropriate weather.
 - (3) The permit issued for each such sale must be prominently displayed on the premises upon which the sale is held for the entire period of the sale.
 - (4) All signs advertising the sale shall be posted only on the lot or parcel of land upon which the sale is to be held and no earlier than one week before the sale. Any sign posted in conjunction with the sale shall be removed from public view within 24 hours of completion of the sale.
 - (5) No fee shall be required of any such organization or participant to be paid to the Borough for the conducting of the sale.

§ 158-4. Restoration of premises upon completion of sales.

Immediately upon the conclusion of any sale authorized by this chapter, the permittee shall be required, within 24 hours of completion of the sale, to clean up the sale premises and remove any unsold goods therefrom and restore the site to its original condition prior to the sale.

§ 158-5. Exceptions to provisions.

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

- A. Persons selling goods pursuant to court order on premises of the creditor or debtor.
- B. The sale of an item or items of personal property pursuant to newspaper advertisement wherein such item or items are specifically described in the advertisement, they do not exceed five in number, they are not displayed outside the buildings on the premises and no signs are posted on the premises referring to same.
- C. Garage sales are additionally permitted on the following holiday weekends: Memorial Day; Labor Day; Fourth of July.
[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 158-6. Violations and penalties.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Pike County.

§ 158-7. Enforcement.

Notwithstanding any law to the contrary, this chapter shall be enforced by the Police Department of the Borough of Milford.