

FLEA MARKET YARD/GARAGE SALE

MILFORD BOROUGH APPLICATION

NAME OF APPLICANT: _____

ADDRESS: _____

DATE OF SALE: _____

HOW MANY SALES HELD IN THIS CALENDAR YEAR? _____

DO YOU UNDERSTAND RULES REGARDING YARD SALE? _____

SIGNATURE OF APPLICANT _____

APPROVAL **DENIAL**

BOROUGH SECRETARY

ORDINANCE 275

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MILFORD
BY ADDING CHAPTER 57 RELATING TO FLEA MARKETS AND GARAGE SALES

This Ordinance amends the Code of the Borough of Milford by adding Chapter 57, Regulating Flea Markets and Garage Sales, as follows:

Chapter 57

FLEA MARKETS AND GARAGE SALES

- 57.1 Definitions
- 57.2 Flea markets
- 57.3 Garage sales
- 57.4 Restoration of premises upon completion of sales
- 57.5 Exceptions to provisions
- 57.6 Violations and penalties
- 57.7 Enforcement

Be it ordained by the Mayor and Council of the Borough of Milford, County of Pike and Commonwealth of Pennsylvania:

57.1 Definitions.

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

FLEA MARKET - A sale of items of tangible personal property wherein, on one (1) 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 close out sale of a business.

57.2 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

yard sales
①

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 thirty (30) days prior to such sale file with the Borough Secretary an application for same on a form provided by the Borough.

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 (3) permits shall be issued to any one (1) such organization for any such sales within the calendar year.

E. Flea Markets sales shall be limited to a two (2) consecutive day period and shall be conducted only between the hours of 9:00 AM and 8:00 PM. Permittees shall be permitted two (2) 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.

57.3 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 ten (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 (12) 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 AM to 5:00 PM

(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 (4) times within the calendar year and no such permit shall be issued for more than a two (2) 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 twenty four (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.

57.4 Restoration of premises upon completion of sales.

Immediately upon the conclusion of any sale authorized by this chapter, the permittee shall be required, within twenty four (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.

57.5 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 (5) in number, they are not displayed outside the buildings on the premises and no signs are posted on the premises referring to same.

57.6 Violations and penalties

Any person, association, partnership, corporation or other entity who shall violate any of the provisions of this ordinance is subject to revocation of their permit and shall also, upon conviction of any violation hereof, be subject to a fine not to exceed six hundred (\$600.00) dollars per day for each violation. Each day upon which a violation occurs shall be considered a separate violation.