

Chapter 37A

GARAGE SALES

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HISTORY: Adopted by the Mayor and Borough Council of the Borough of Seaside Park 5-13-1976 as Ordinance No. 734. Amended 7-15-1982 by Ord. No. 847; 12-16-1982 by Ord. No. 857; 11-19-2001 by Ord. No. 1285; 12-20-2001 by Ord. No. 1291.

Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

§37A-1. Purpose.

The purpose of this ordinance is to control garage sales, lawn sales, rummage sales, flea market sales or other casual sales. The ordinance requires the obtaining of a permit to conduct such sales. It also limits the number of permits which may be issued to any one person in a twelve-month period. Restrictions are established as to hours of operation and advertising signs. Certain persons and sales are excepted from the requirements of this ordinance in §37A-8.

§37A-2. Definitions.

Amended 7-15-1982 by Ord. No. 847

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

GARAGE SALE — Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property which is advertised by any means

whereby the public at large is or can be made aware of said sale.

GOODS — Includes used personal property and merchandise capable of being the object of a sale regulated hereunder. This definition also includes objects of personal property which have been previously owned by any person or private as opposed to commercial or retail use.

PERSON — Includes individuals, partnerships, voluntary associations and corporations.

§37A-3. License required; fee.

*Amended 12-16-1982 by Ord. No. 857
11-19-2001 by Ord. No. 1285*

It shall be unlawful for any person to conduct a garage sale in the Borough of Seaside Park without first filing with the Borough Clerk the information hereinafter specified and obtaining from such Clerk a license so to do, to be known as a "garage sale license." The fee for such license shall be and the same is hereby fixed at ten dollars (\$10.).

§37A-4. Issuance and display of license.

- A. Such license shall be issued to any one person only once within a twelve-month period, and no such license shall be issued for more than four (4) consecutive calendar days. Charitable, religious and civic organizations may be allowed more than one (1) license with the approval of the Borough Council.
- B. Each license issued under this ordinance must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

§37A-5. Application information.

The information to be filed with the Borough Clerk, pursuant to this ordinance, shall be as follows:

- A. Name of the person, firm, group, corporation, association or organization conducting such sale.
- B. Name of the owner of the property on which said sale is to be conducted and the consent of owner if the applicant is other than the owner.
- C. Location at which the sale is to be conducted.
- D. Number of days of the sale.
- E. Date and nature of any past sale.
- F. Relationship or connection the applicant may have had with any other person, firm, group, organization association or corporation conducting a past sale and the date or dates of such sale.
- G. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- H. Sworn statement or affirmation by the person signing that the information therein given is full, true and known to him to be so.

§37A-6. Hours of sale.

All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only.

§37A-7. Signs.

Signs posted or handbills advertising a garage sale as herein defined shall be of a size not larger than twelve by twelve (12 x 12) inches and must contain, in addition to the definition of the type of sale being advertised, the name, address and telephone number of the person conducting the sale, the number of the permit issued by the Borough of Seaside Park and the dates for which such permits were issued. All such signs shall be removed within forty-eight (48) hours after the completion of the sale. Newspaper advertisement of such sale shall contain the same information as required in the case of signs.

§37A-8. Persons and sales excepted.

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

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.
- D. Any publisher of a newspaper, magazine, other publication or communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this ordinance have not been complied with.
- E. Any sale conducted by any merchant or other business establishment in a place of business wherein such sale would be permitted by the zoning regulations of the Borough of Seaside Park or under the protection of the nonconforming use section thereof or any sale conducted by a manufacturer, dealer or vendor which sale would be conducted from properly zoned premises and would not otherwise be prohibited in the borough ordinances.
- F. Any bona fide, charitable, eleemosynary, educational, cultural or other organization or association not for profit may be exempted from the four-day limitation fixed by §37A-4 hereof upon demonstrating to the Borough Council its right to such exemption. The production of a certified copy of a certificate of incorporation, pursuant to Title 15 of the Revised Statutes of New Jersey, shall be presumptive evidence of the right of such organization to this exemption.

§37A-9. Enforcement; responsibility of licensee.

- A. This ordinance shall be enforced by the Police Department of the Borough of Seaside Park. It shall be the duty of the Chief of Police, or his designated deputy, to investigate any violation of this ordinance.
- B. The person to whom such license 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 person shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police

Department of the Borough of Seaside Park in order to maintain the public health, safety and welfare.

§37A-10. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

Any person who violates any one (1) or more sections of this ordinance shall be subject to a fine of not more than one thousand (\$1,000.) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days.

§37A-11. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

§37A-12. Severability.

If any section of this ordinance or part thereof shall be declared to be invalid or inoperative, such section, to the extent that it is not invalid or inoperative, shall not be affected thereby and shall be enforced and effectuated.

§37A-13. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.