

**TOWN
OF
FORESTPORT**

GARAGE SALE

LOCAL LAW _____ of 20_____

1st Draft – March 17, 2009
2nd Draft – August 11, 2009
3rd Draft – November 12, 2009

GARAGE SALES

The Town of Forestport feels the need to establish regulations for “garage sales” held within the Town Limits. The Town desires that the residential garage sale concept be preserved, thus requiring that groups or individuals who plan to hold such a sale obtain a license BEFORE it begins. The Town of Forestport recognizes that garage sales are a tradition – they’re a good way to get rid of items you no longer need and to raise funds for worthy causes.

However, they must not be conducted at the expense or inconvenience of neighbors or the community at large.

Forestport’s Garage Sale Ordinance and REQUIRED license are intended to guard against:

- 1) the conducting of such sales as a business enterprise; 2) the creation of a public nuisance.

GARAGE SALES

1. **Definitions**
2. **License Required**
3. **Term and Display of license**
4. **Required licensing information**
5. **Source of merchandise offered for sale**
6. **Hours of sale**
7. **Advertising, Signs and Merchandise**
8. **Exemptions**
9. **Enforcement; responsibility for good order.**
10. **Penalties for offenses**

[**HISTORY: Adopted by the Town Board of the Town of Forestport on _____ as Local Law #_____. Amendments noted where applicable.**]

1. Definitions:

The following terms shall have the meanings indicated:

GARAGE SALE – Includes sales entitled “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale,” “porch sale” or any other casual sale of tangible personal property which is promoted by any means whereby the public at large is or can be made aware of said sale and takes place outside the confines of a retail store.

GOODS – Includes any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON – Includes individuals, partnerships, voluntary associations and corporations. For the purpose of the provisions of this chapter relating to licensing, “person” shall include family or household groups.

2. License Required.

It shall be unlawful for any person to conduct a garage sale in the Town of Forestport without first filing with the Code Enforcement Office the information hereinafter specified and obtaining from such Code Enforcement Office a license to do so, to be known as a “garage sale license”. Such license must be obtained no less than seven (7) days before the proposed garage sale.

3. Term and Display of License.

- A. Such license shall be issued to one (1) person not more than twice within a twelve-month period, and no such license shall be issued for more than three (3) consecutive calendar days.

- B. Each license issued under this chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.
- C. Notwithstanding anything to the contrary herein, no more than two (2) garage sales may be held at any one (1) location or lot within any twelve-month period.

4. Required Licensing Information.

The information to be filed with the Code Enforcement Office pursuant to this chapter shall be as follows:

- A. Name of the person, firm, group, corporation, association or organization conducting said sale.
- B. Name of the owner of the property on which said sale is to be conducted and the written consent of the owner if the applicant is other than the owner.
- C. The location at which the same is to be conducted.
- D. Date(s) on which the sale is to be conducted.
- E. Date(s) and nature of past garage sales conducted by the applicant in the Town of Forestport for a period of one (1) year prior to application for the garage sale license.
- F. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- G. Sworn statement or affirmation by the applicant that the information therein is complete and true and known to him to be so.

5. Source of Merchandise Offered For Sale.

The merchandise offered for sale shall be unwanted items of personal property acquired for normal use by the licensee. This section shall be not interpreted to preclude neighbors from conducting group sales or relatives from pooling their resources. However, in either case, the names of all persons participating shall be included in the license.

6. Hours of Sale.

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

7. Advertising, Signs and Merchandise.

- A. One (1) sign not greater in size than 32' square feet may be installed on the property where the sale is being conducted. If illuminated, the light shall not be directed toward any public highway or adjacent residence. The sign must contain the permit number issued by the Town. The sign shall be displayed only during the sale and shall be removed within twenty-four (24) hours after the completion of the sale. This includes any signs erected on cooperating adjacent properties.
- B. Under no circumstances shall any sign be erected causing a site blockage for traffic lanes.
- C. A deposit of twenty-five dollars (\$25.00) shall be made for the posting of signs off the premises where the sale is to be conducted, said deposit to be refunded if all signs have been removed and all sale merchandise cleared from the premises within twenty-four (24) hours of the expiration of the license.
- D. Signs posted within the Town of Forestport advertising garage sales to be conducted outside the Town of Forestport shall be subject to a permit and a deposit of twenty-five (\$25.00), said deposit to be refunded if all signs have been removed within twenty-four (24) hours after the ending date of the garage sales. The deposit shall be forfeited if the signs have not been removed within twenty-four (24) hours after the ending date of the garage sale.

8. Exemptions.

The provisions of this chapter 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 items of personal property, which items do not exceed three (3) in number
- D. Any publisher or a newspaper, magazine or other publication or other communication media which publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this chapter have been complied with.

9. Enforcement; responsibility for good order.

- A. It shall be the duty of the Code Enforcement Officer of the Town of Forestport to investigate any violations of this chapter brought to its attention by complaint or arising during performance of its normal duties.
- B. The person to whom this license is issued, and the owner of the premises in the case of a license issued to a tenant of the premises on which the 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 loud or boisterous conduct on the said premises or permit vehicles to impede the passage of traffic on any road or streets in the area of such premises. All such persons shall obey the orders of the State Police Department and/or Fire Department of the Town of Forestport, Woodgate and Otter Lake in order to maintain the public health, safety and welfare and shall contact the appropriate authorities should there be a breakdown of order.

10. Penalties for Offenses.

Any person committing an offense against any provision of this local law shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a mandatory fine of one hundred fifty dollars (\$150.00). The continuation of an offense against the provisions of this local law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder punishable by a mandatory fine of one hundred dollars (\$100.00) for each and every day the offense is continued.

TOWN OF FORESTPORT
FORESTPORT, NEW YORK 13338

LICENSE TO CONDUCT LAWN/GARAGE SALE

1. Name of person/ group/organization _____
2. Name of owner of property _____
3. Location _____
4. No. of days of sale _____ Dates of Sale _____
5. Dates and Nature of past sales, if any, in the Town of Forestport:

6. Have you participated in any sales of this type with others or with other organizations in the past 12 months? If so, state with whom and the date(s):

7. Had applicant been issued any other vendor or business license by any local, state or Federal agency? If so, state type and date(s)

I swear that the above information is complete, true and known by me to be so:

Signature of Applicant

Date _____

If signs advertising this sale are to be posted outside of the sale site, a deposit of twenty five dollars (\$25.00) must be made. The deposit will be returned if the signs are removed within twenty four hours (24) of the end of the sale. Otherwise the deposit is forfeited.

\$25.00 deposit received by: _____ Date _____

THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE
AT THE TIME OF THE SALE

Issued by _____ Date _____

Name of Officer _____

Deposit returned: Received by _____

Date _____

GARAGE SALE
PERMIT # _____

Telephone: 315-392-2801 ext. 6 / Fax: 315-392-2496

Website: www.townofforestport.org

