

CITY OF WATERVLIET



PERMIT REQUEST FOR:
GARAGE SALE, FLEA MARKET, YARD SALE
CHAPTER 166 OF CITY CODE

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

DATE OF SALE: _____

I AGREE TO ABIDE WITH ALL CONDITIONS SET FORTH IN CHAPTER
166 OF THE WATERVLIET CODE OF ORDINANCES. (COPY OF
ORDINANCE SUPPLIED WITH PERMIT.) FOR THE YEAR 2007

SIGNATURE: _____

DATE: _____

FOR OFFICE USE ONLY:

DATE REQUEST RECEIVED: _____

DATE OF APPROVAL: _____

PAYMENT: ____ CASH ____ CHECK # _____

RECEIVED BY: _____ DATE: _____

CITY OF WATERVLIET



CHAPTER § 166 OF CITY CODE GARAGE SALES

§ 166-1. Findings and declaration.

The Council of the City of Watervliet, New York, finds and declares that:

- A. The intrusion of nonregulated garage sales is causing annoyance to citizens in residential areas in the city and congestion of the streets in residential areas in the city.
- B. The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales so as not to disturb or disrupt the residential environment of the area.
- C. The provisions of this chapter do not seek control of sales by individuals selling a few of their household or personal items.
- D. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the city's citizens.

§ 166-2. Definitions.

- A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.
- B. As used in this chapter the following terms shall have the meanings indicated:

GARAGE SALE — Includes all general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by Chapter 272, Zoning, for the purpose of disposing of personal property, including, but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," room," "backyard," "patio," "flea market" or "rummage" sales. **[Amended 6-17-2004 by Ord. No. 1751]**

PERSONAL PROPERTY — Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment. :1

§ 166-3. Property permitted to be sold.

It shall be unlawful for any individual, group or organization to sell or offer for sale, under authority granted by this chapter, property other than personal property.

§ 166-4. Permit required.

No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the City Clerk. Members of more than one (1) residence, but not more than five (5) residences, located in the city may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

§ 166-5. Written application and statement required.

Prior to issuance of any garage sale permit, the individuals conducting such sale shall file a written statement with the City Clerk at least five (5) days in advance of the proposed sale (mailed applications must be postmarked at least seven (7) days in advance of the sale), setting forth the following information:

- A. The full name and address of the applicant or applicants.
- B. The location at which the proposed garage sale is to be held.
- C. The date or dates upon which the sale shall be held.
- D. The date or dates of any other garage sales within the current calendar year.
- E. An affirmative statement that the property to be sold was owned by the applicant or applicants as his or their own personal property and was neither acquired nor consigned for the purposes of resale.

§ 166-6. Fees.¹

There shall be an administrative processing fee of ten dollars (\$10.) for the issuance of such permit.

§ 166-7. Permit conditions.

The permit shall set forth and restrict the time and location of such garage sale. No more than two (2) such permits may be issued to one (1) residence and/or family household during any calendar year. If

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

§ 166-8. Hours and days of operation.

Such garage sales shall be limited in time to no more than the daylight hours of three (3) consecutive days or two (2) consecutive weekends (Saturday and Sunday).

§ 166-9. Exceptions.

- A. If sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the City Clerk may issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee is required.
- B. Third sale permitted. A third garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the City Clerk or his duly authorized representative.

§ 166-10. Prepermit investigation.

Before issuing a permit, the City Clerk or his duly authorized representative may conduct such investigation as may reasonably be necessary to determine if there is compliance with this chapter.

§ 166-11. Display of sale property.

Personal property offered for sale may be displayed within the residence, in a garage, carport and/or in a rear yard, but only in such area. No personal property offered for sale at a garage sale shall be displayed in the front or side yard areas of any such premises or in any public right-of-way. However, a vehicle offered for sale may be displayed on a permanently constructed driveway within such front or side yards.

§ 166-12. Display of permit required.

Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to

be seen by the public and the City Clerk or his duly authorized representative.

§ 166-13. Advertising; signs.

A. Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(1) Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(2) Directional signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises upon which the garage sale is conducted is not on a major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.

B. Time limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

C. Removal of signs. Signs must be removed each day at the close of the garage sale activities or by the end of daylight, whichever first occurs.

§ 166-14. Public nuisance.

The individual to whom such permit 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 individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Departments of the city in order to maintain the public, health, safety and welfare.

§ 166-15. Right of entry.

A police officer or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same shall have the right of entry to any premises showing evidence of a garage sale for the purpose of enforcement or

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inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this chapter.

§ 166-16. Parking of vehicles.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/ or congestion created by any garage sale.

§ 166-18. Exemptions.

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

- 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 sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

§ 166-19. Separate violations.

Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

§ 166-20. Penalties for offenses.²

Any person, firm, corporation or other entity violating any provision of this chapter shall be deemed guilty of a violation as defined by § 10.00, Subdivision 3, of the Penal Law of the State of New York and, upon conviction thereof, shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.