

**JERSEY SHORE BOROUGH
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE No. 2015-03

YARD SALE ORDINANCE

AN ORDINANCE REGULATING AND CONTROLLING THE CONDUCT OF CERTAIN SALES OF PERSONAL PROPERTY AND THE ADVERTISING THEREOF, ESTABLISHING STANDARDS FOR USE OF THE COMMUNITY BULLETIN BOARD, ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ORDINANCE 4-94 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, it is common practice for the owners and occupants of real estate situate within the Borough of Jersey Shore to, on an occasional basis, advertise and sell unneeded items of personal property to the general public at sales which are commonly referred to as "yard sales", "garage sales", or "rummage sales";

WHEREAS, in advertising for said sales the common practice has been to post signs throughout the Borough, frequently by affixing said signs to utility poles, telephone poles, or other public property, thereby creating an unsightly and dangerous condition; and

WHEREAS, the Borough Council of the Borough of Jersey Shore wishes to control and restrict such sales in order to protect the public health, safety and convenience, to limit such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood in which the activity is carried on. The intent of this ordinance is to eliminate perpetual, prolonged and extended yard sales in residential area, and to limit and control the advertising of such sales. It is not the intent of this ordinance to change or to amend the zoning ordinance, and no provision in this ordinance shall be construed to change or amend the zoning ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough council of the Borough of Jersey Shore, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: DEFINITIONS.

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

YARD SALE – The sale or offering for sale of ten (10) or more new, used or secondhand items of personal property at any residential premises at any one point in time. It is the intent of this chapter to include all sales known as "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" and other similar sales or offerings for sale of personal property.

PERSON – Includes any person, individual, partnership, corporation, association or other entity.

SECTION 2: CONDUCT OF YARD SALES.

- A. No person shall conduct, nor shall any person in charge, control, possession, occupancy or having an ownership interest in any residential real estate permit a yard sale to be conducted over a period of time in excess of 48 hours.
- B. No person whose conduct is subject to the requirements of Subsection A, above, shall cause or permit any sign advertising a yard sale to be erected, placed, posted or published on any utility pole, telephone pole, street, alley, sidewalk or public property, except as is provided in Section 3 of this Ordinance.

SECTION 3: SIGNS.

The Borough of Jersey Shore has caused a community bulletin board to be erected at 232 Pennsylvania Avenue, and any future address that the Borough Council were to approve as a site, in the Borough of Jersey Shore. It shall be lawful for a person to place one sign advertising any one yard sale, not exceeding 12 inches by 12 inches in dimensions, to be posted on the community bulletin board. Any such sign shall not be posted by using nails, tacks, staples, string or other adhesive or fastening devices. Yard sale signs may be placed on private property in accordance with all other provisions of this Ordinance. No such sign shall be posted more than 72 (seventy-two) hours prior to the commencement of the yard sale. All such signs shall be removed within 24 (twenty-four) hours after the conclusion of the yard sale.

SECTION 4: ENFORCEMENT.

The Code Enforcement Officer of the Borough of Jersey Shore is empowered to enforce the terms of this Ordinance.

SECTION 5: ADMINISTRATIVE FEE.

The Code Enforcement Officer of the Borough of Jersey Shore shall have the authority to remove any sign that does not comply with all of the terms of this Ordinance. In the event of such removal, an administrative fee in the amount of TWENTY DOLLARS (\$20.00), or an amount determined by the Borough at a future date by Resolution, shall be assessed against the person whose conduct is subject to the requirements of Section 2A. Written notice of assessment shall be sent by the Borough to the address at which the yard sale was conducted. Failure to pay the assessment in full within ten (10) days of the date on which the mailing was made shall constitute a violation of the terms of this Ordinance, and shall be punishable as provided in Section 6.

SECTION 6: VIOLATIONS AND PENALTIES.

Any person violating any Section of this ordinance is guilty of a summary offense and shall, upon conviction, be sentenced to a fine of no more than ONE THOUSAND DOLLARS (\$1,000.00) and ninety (90) days imprisonment. In the event that any violation shall be on a continuing nature, each successive calendar day during which the violation continues shall constitute a separate, distinct, and additional violation.

SECTION 7: REPEALER.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent necessary to eliminate inconsistencies. Ordinance 4-94 is hereby repealed and is replaced by this Ordinance.

The provisions of this ordinance are severable. If any sentence, clause or section of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining parts, sentences, clauses, or sections of the ordinance. It is hereby declared to be the intent of the borough that such unconstitutional, invalid or illegal sentence, clause or section not be included in this ordinance.

SECTION 8: EFFECTIVE DATE

This ordinance shall become effective in the shortest time allowable by law.

DULY ENACTED AND ORDAINED, this 14th day of December, 2015, by Jersey Shore Borough, Lycoming County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF JERSEY SHORE:

(SEAL)

By: Marguerite Dyroff
Marguerite Dyroff,
Borough Council President

ATTEST:

Joseph Hamm
Joseph Hamm, Borough Manager

Wm. Dennis Buttorff
Wm. Dennis Buttorff, Mayor