

**West Mead Township
Crawford County, Pennsylvania**

Ordinance No. 2010 - 2

**AN ORDINANCE REGULATING GARAGE OR YARD SALES, PROVIDING
FOR ADMINISTRATION, ENFORCEMENT AND CERTAIN EXEMPTIONS
AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

Be It Ordained and Enacted by the Board of Supervisors of West Mead Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority thereof as follows:

Section 1. *Title.* The title of this Ordinance shall be the “West Mead Township Garage and Yard Sales Ordinance”.

Section 2. *Purpose.* These regulations are enacted pursuant to the authority of Section 702 of the Second Class Township Code, 53 P.S. --65702, *etc.* to control and restrict garage and yard sales in order to protect the public health, safety and convenience, to protect and preserve the character of the neighborhood, to eliminate perpetual, prolonged and extended garage or yard sales which tend to become retail businesses in residential areas and create traffic hazards and nuisances.

Section 3. *Definitions.* For purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them:

Garage or Yard Sales - The sale or offering for sale items or goods on property or premises used principally for residential uses. Includes all sales in residential areas entitled “garage sales”, “yard sales”, “tag sales”, “porch sales”, “lawn sales”, “attic sales”, “basement sales”, “rummage sales”, “flea market sales”, or any similar casual sales of tangible personal property.

Goods - Any goods, merchandise or other personal property, whether new or used, which may be physically displayed and conveyed at the time of sale.

Persons - Individuals, partnerships, family or neighborhood groups, clubs, associations, corporations and any other legal entity.

Property - A single parcel of land.

Owners - Means a person owning, leasing, occupying, in possession of or having charge of any premises within the Township.

Section 4. It shall be unlawful for any person to organize, hold, or conduct a garage or yard sale as defined in West Mead Township, except as permitted, and in accordance with the requirements of this ordinance.

Section 5. *Exceptions.* This Ordinance shall not be applicable to:

- A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction and persons acting in accordance with their powers and duties as public officials.
- B. Any sales conducted by a legitimate business or commercial establishment on property used principally for business or commercial purposes and on which adequate off street parking is provided.
- C. Sales by a bona fide charitable, eleemosynary, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax exempt organization; provided that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.
- D. Any public auction having a duration of no more than three (3) days and conducted by an auctioneer licensed by the Commonwealth of Pennsylvania.
- E. Placement of a single item outdoors for sale on the condition that the item shall not be displayed for sale for more than ten consecutive days.

Section 6. *Standards for Conduct of Garage or Yard Sales.*

The person conducting the sale and the owner of the premises where the sale or activity is conducted shall be jointly or severally responsible for conducting the sale in accordance with the following requirements:

- A. No more than two (2) garage or yard sales may be held on a property per calendar year.
- B. A garage or yard sale on a property shall not exceed three (3) consecutive days.
- C. A minimum of thirty (30) days must elapse between garage or yard sales organized or conducted by any person and, at any site.
- D. Garage or yard sales hours are allowed only during daylight hours.
- E. Good order shall be maintained on the property during the hours of such sale or activity.
- F. When the sale is over the items left unsold shall be kept indoors or stored inside a building so as not to be visible from the roadway or by adjoining property owners. Items may not be left outside, covered by tarps or any other type of temporary structure.
- G. No loud or boisterous disturbances shall be allowed on the premises.
- H. No vehicles shall be permitted to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.
- I. No persons other than the person conducting the sale and the owner shall participate in the sale activity.
- J. No garage or yard sale shall be for the principal purpose of resale of retail goods or items.

Section 7. *Administration and Enforcement.*

- A.** This Ordinance shall be enforced by the West Mead Township Zoning Officer as well as any other Township representative designated by the Township Supervisors.
- B.** In the event it is determined that a garage or yard sales is being organized or conducted in violation of this Ordinance, the owner of the subject premises and persons responsible for the organization or operation of the sale, if known, shall be given a written notice of violation which shall identify the subject property, the owners thereof, the persons conducting the sale, if known, a description of the activity which constitutes the violation and the section of the Ordinance violated thereby.
- C.** The notice shall be served upon the owners of the subject property and the persons organizing and conducting the sale by personal delivery to the person in charge of the premises, or organization conducting the sale, or mailing the notice, certified mail, to the last known address of the persons legally responsible. In the event service is not made in the above manner, the notice may be conspicuously posted on the subject property.
- D.** After notice has been served, no further sale shall or may be conducted on the premises or by the persons responsible for organizing or conducting the sale without correcting the violation and complying with the requirements of this Ordinance.
- E.** The owners of the property on which the sale is conducted as well as the persons organizing and conducting or operating the sale shall all be responsible for assuring compliance with this Ordinance and for any penalties imposed for violation.

Section 8. *Remedies.*

If, after written notice of violation is given in accord with the provisions of this Ordinance, the owner of the premises or persons organizing or conducting a garage or yard sales shall allow or conduct a garage or yard sales without correcting the violation, or without complying with the requirements of this Ordinance, those persons shall be subject to the following actions by the Township:

- A.** A summary proceeding before the District Justice or other court of competent jurisdiction to recover a penalty as provided for in this Ordinance.
- B.** An action in equity or at law in a court of competent jurisdiction to abate the conduct or activity which is in violation and to obtain such other relief as may be lawful and just including the recovery of any fees and costs for enforcement.

Section 9. *Penalties.* Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than five hundred (500) dollars plus costs of prosecution, for each violation and in default of payment, to imprisonment for a term not to exceed ten (10) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

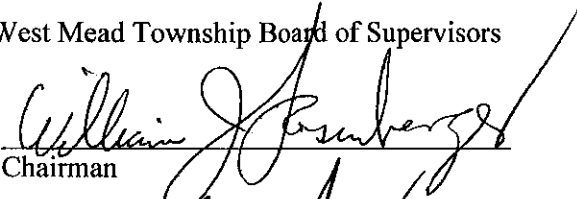
Section 10. *Repealer.* All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.


Section 11. Severability. If any sentence, clause, section, or part 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 provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

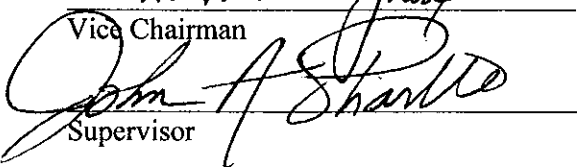
Section 12. Effective Date. This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted as an Ordinance of West Mead Township this 9TH day of November, 2010.

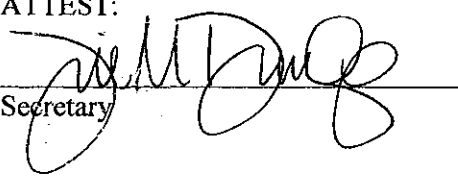
West Mead Township Board of Supervisors


Chairman


Vice Chairman


Supervisor

ATTEST:


Secretary