

A LOCAL LAW providing for the regulation of Garage Sales in the Town of Sweden

BE IT ENACTED by the Town Board of the Town of Sweden, as follows:

Sec. 1. Purpose

The Town Board has determined that the unregulated sales of personal property, through what are commonly known as “garage sales”, “lawn sales” or “rummage sales” or similar types of sales, result in the commercialization of neighborhoods and result in parking and traffic problems as well as introducing commercial activity into residential areas. The Town has also determined that the complete prohibition of such sales would prevent the residents of the Town of Sweden from being able to sell surplus personal property in a reasonable manner without an undue impact on the health, safety and welfare of the community.

Sec. 2. Definitions and Word Usage.

- A. 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 include the plural number. The word “shall” is always mandatory and not merely directory.
- B. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

GARAGE SALE – includes all general sales, open to the public, conducted from or on a residential premises or in any residential zone, as defined in Chapter 175, Zoning, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “garage”, “lawn”, “estate”, “yard”, “attic”, “flea market”, or “rummage sale”. This definition shall not include the sale of up to five (5) household items per calendar year and where all advertisement of such sale specifically names those items to be sold.¹

PERSONAL PROPERTY – includes 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 in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

NEIGHBORHOOD/GROUP GARAGE SALES – Sale where one or more households participate in a joint sale of personal property.

Joint sales that spread among contiguous properties shall be considered to be individual garage sales for the purpose of obtaining a permit.

Sec. 3. Sale of Other Than Personal Property Prohibited.

¹ Amended 10-26-2004 by Local Law 1 of 2004.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property. Notwithstanding the foregoing, members of more than one (1) residence may join together in a single sale held at one (1) of their residences.

Sec. 4. Prohibited Conduct.

- A. No more than two (2) garage sales shall be conducted from any single property during any calendar year.
- B. No garage sale shall be longer than three (3) days in duration.
- C. No garage sale shall open before 9:00 a.m. nor close after 8:00 p.m. local time.

Sec. 5. Third Sale Permitted.

A third garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change of ownership of the real property is first presented to the Code Enforcement Officer.

Sec. 6. Display of Property in Permitted Areas Only.

Personal property offered for sale during a garage sale permitted by the Code may be displayed in the yard. Personal property offered for sale, but not constituting a garage sale as defined in the Code, must be displayed within a residence, garage or carport or on a private driveway located in the rear yard.

Sec 7. Signs.

- A. Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:
 - 1) Two (2) signs permitted. Two (2) signs of not more than six (6) square feet each are 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 six (6) square feet each are permitted on other premises, provided that written permission to erect said signs is received from the property owners upon whose property such signs are to be posted. No signs are allowed on public property or utility property. Locations of these signs shall be disclosed on the permit application.
- 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 by the end of the final day of the sale.

Sec. 8. Responsibilities of Owner or Tenant.

- A. The owner or tenant who wishes to conduct a garage sale shall secure a permit to have such a sale. The permit will be displayed on the premises. There will be a

nonrefundable fee determined annually by the Town Board required for the permit to conduct a garage sale.

- B. The owner or tenant of the premises on which such sale or activity is conducted shall be 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 Department of the town in order to maintain the public health, safety and welfare.
- C. Joint sales must be sponsored or held on one property whose homeowner is responsible for obtaining the permit.

Sec. 9. Parking; Temporary Controls.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Monroe County Sheriff, New York State Police and Code Enforcement Officer may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

Sec. 10. Exemptions.

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

- 1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- 2) Persons acting in accordance with their powers and duties as public officials.
- 3) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

Sec. 11. Responsibility for Good Order.

The person or persons to whom such permit is issued and the fee owner and occupant of the premises on which the sale is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of the sale. No such person or persons shall permit any loud or boisterous conduct on said premises. All such persons shall obey the orders of the Code Enforcement Officer and any other duly authorized official or agency, in order to maintain the public health, safety and welfare.

Sec. 12. Effect on Other Regulations.

It is not the intention of this chapter to change or amend Chapter 175, Zoning.

Sec. 13. Penalties for Offenses.

- A. Any person who violates the provisions of this chapter shall be subject, upon conviction, to a penalty of not more than five hundred dollars (\$500) per day or a term of imprisonment not to exceed fifteen (15) days, or both.
- B. Every day a sale is conducted in violation of this chapter shall constitute a separate offense, and any person allowing or permitting the continuation of the offense may be punished as provided herein for each separate violation.

Sec. 14. Severability.

Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of said law shall not be affected thereby.

Sec. 15. When Effective.

This local law shall be effective upon filing with the Secretary of State of the State of New York.