

ORDINANCE 319

AN ORDINANCE OF THE BOROUGH OF CLYMER, COUNTY OF INDIANA, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE REGULATION AND LICENSING OF GARAGE SALES, PORCH SALES, YARD SALES, AND SUMMER ACTIVITIES WITHIN THE BOROUGH OF CLYMER AND ESTABLISHING PERMIT REQUIREMENTS AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDANED AND ENACTED by the Borough of Council for the Borough of Clymer, Indiana County, Pennsylvania, it is hereby ordained and enacted as follows:

SECTION 1 – DEFINITIONS.

The following definitions shall apply to this ordinance.

- A. Garage Sale. A public sale of goods conducted in a garage.
- B. Porch Sale/Yard Sale. An outdoor public sale of goods on a residential property.
- C. Person. A person shall mean any person, association, partnership, corporation, or other entity.
- D. Applicant. A person who owns or lives at the address for which a permit is requested.

SECTION 2 – PERMIT REQUIRED:

Except as provided herein, it shall be unlawful for any person to hold a garage sale, yard sale, or porch sale without first obtaining a permit from the Borough of Clymer.

SECTION 3 – APPLICATION

Applications for a permit pursuant to this ordinance must be filed with the Borough Secretary an application in writing, on a form provided by the Borough for that purpose, which shall include, but not be limited to, the following information:

- A. Name and address of applicant.
- B. Type of sale.
- C. Types of items to be sold.
- D. Dates of sale.
- E. Statement confirming that the goods to be sold belong to the household where they are being sold and that the goods have not be purchased or obtained solely for the purposes of resale, with the exception of charities and service organizations shall be exempted from this requirement.

#### SECTION 4 – FEES

The permit fee for any sale governed by this ordinance shall be \$5.00 providing, however, for a charitable or service organizations, there shall be no fee.

#### SECTION 5 – ISSUANCE OF A PERMIT

Upon determination of the Borough Secretary that the application meets the requirements for a permit, the Secretary shall issue a permit.

#### SECTION 6 – DURATION OF PERMIT

The permit for a garage, yard, or porch sale shall be valid for two consecutive days. In the event that inclement weather causes postponement of the event, the permit may be extended by the Borough Secretary provided that the Borough Secretary is notified prior to the end of the two days that were originally permitted.

#### SECTION 7 – DISPLAY OF PERMIT

The permit shall be displayed at all times during the days of the sale.

#### SECTION 8 – LIMITATION ON PERMITS

A. No applicant shall be permitted to have more than three permits issued per calendar year for each property.

B. Items sold at the garage, yard, or porch sale must belong solely to the household where the sale is being held. It shall be unlawful to bring in or sell goods belonging to others or to purchase items specifically for the purpose of reselling at a garage, porch, or yard sale providing that charitable or service organizations are exempt from this provision.

#### SECTION 9 – HOURS

Garage, porch, and yard sales shall be held only between the hours of 9 a.m. and 7 p.m.

#### SECTION 10 – SIGNAGE AND REMOVAL OF ADVERTISEMENTS

All signs and advertisements for a garage, yard, and porch sales shall be no more than four square feet and shall only be permitted at the location where the sale is to occur. All signs and advertisements shall be removed within two days after the end of the sale.

#### SECTION 11 – MAINTENANCE

All persons holding a garage, yard, and porch sales must clear the outside of their property of all remaining items within two days after the sale is completed.

SECTION 12 – ENCROACHMENT ON RIGHT-OF-WAY

A permit granted under this ordinance does not permit the encroachment of the sidewalk or street.

SECTION 13 – PENALTY

A. Any person violating any provision of this ordinance shall, upon conviction thereof before a district justice, be sentenced to pay a fine of not less than \$100.00 and no more than \$500.00 together with costs.

B. Each day that a violation occurs shall be considered a separate offense.

SECTION 14 – SEVERANCE CLAUSE

The provisions of this ordinance are hereby declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses, and phrases of this ordinance, but shall remain in effect, it being the intent that this ordinance shall stand notwithstanding the validity of any part that is declared invalid.

SECTION 15 – REPEALER

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and are hereby repealed.

ORDAINED AND ENACTED by the Borough Council of Clymer Borough this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

BOROUGH OF CLYMER

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor