

*Borough of Roseland, NJ
Tuesday, October 29, 2019*

Chapter 4. Licensing and Business Regulations

§ 4-8. GARAGE SALES.

§ 4-8.1. Definitions.

[1973 Code § 5-6.1]
As used in this section:

GARAGE SALE

shall mean and include all general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined in the Land Use Chapter, 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" sale. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

OCCUPANT

shall mean the owner or lessee of the premises.

PERSONAL PROPERTY

shall mean 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 shall not include merchandise which was purchased for resale or obtained on consignment.

§ 4-8.2. Property Permitted to be Sold.

[1973 Code § 5-6.2]
No person shall sell or offer for sale, under authority granted by this section, property other than personal property.

§ 4-8.3. Permit Required.

[1973 Code § 5-6.3]
No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the Borough Clerk. Members of more than one (1) residence may join in obtaining a permit for a garage sale to be conducted at the residence of one (1) of them.

§ 4-8.4. Application Requirements.

[1973 Code § 5-6.4]
Prior to the issuance of any garage sale permit, the individuals conducting such sale shall file a written statement with the Borough Clerk, at least five (5) days in advance of the proposed sale. Mailed applications shall be postmarked at least seven (7) days in advance of the sale. All applications shall set forth the following information:

- a. Full name and address of applicant or applicants.
- b. The location at which the proposed garage sale shall 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. The name of the owner or occupant of the property on which the sale shall be conducted.
- f. An affirmative statement that the property to be sold is owned by the applicant as his own personal property and was neither acquired nor consigned for the purposes of resale, and that such application information given shall be full and true and known to the applicant to be so.

§ 4-8.5. Permit Fee.

[1973 Code § 5-6.5; Ord. No. 13-2004]

There shall be an administrative processing fee of five (\$5.00) dollars for the issuance of such permit.

§ 4-8.6. Permit Conditions.

[1973 Code § 5-6.6]

- a. Restrictions. The permit shall set forth and restrict the time and location of such garage sales. No more than two (2) permits shall be issued to one (1) residence and/or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then the permit shall be considered as having been issued for each and all of such residences.
- b. Display. 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 Police Department and/or any other municipal official.

§ 4-8.7. Postponement of Sale Because of Weather.

[1973 Code § 5-6.7]

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 Borough 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 shall be required.

§ 4-8.8. Hours of Operation.

[1973 Code § 5-6.8]

Garage sales shall be limited in time to 9:00 a.m. to 6:00 p.m. only, of three (3) consecutive days or two (2) consecutive weekends, Saturday and Sunday.

§ 4-8.9. Regulations.

[1973 Code § 5-6.9]

- a. Signs. No signs for advertising or directing customers shall be posted on any place other than the premises longer than three (3) days prior to and including the dates of the sale. The sign shall be removed within twenty-four (24) hours after the sale has been terminated.
- b. 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 areas. 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.
- c. Sale of Mattresses. No person shall offer for sale mattresses, bedsprings, cots, lounges and sofas in any garage sale authorized under the provisions of this section, without first complying with N.J.S.A. 26:10-1 through 26:10-18, with respect to the labeling, sterilizing and disinfecting of mattresses, bedsprings, cots, lounges and sofas.
- d. Parking. 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.

§ 4-8.10. Responsibility for Order.

[1973 Code § 5-6.10]

The person to whom the permit is issued and the owner or tenant of the premises on which the 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 the sale or activity. Neither person shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises; and each shall obey the reasonable orders of any member of the Police or Fire Department of the Borough in order to maintain the public health, safety and welfare. All licensed premises shall at all times be subject to such reasonable rules as may be made from time to time by the Borough Council and shall be subject to inspection at all times by the Police Department, Chief of Police and Fire Chief, or any of their agents or any other duly authorized representative of the Borough. It shall be the responsibility of the applicant to notify the Chief of Police of the date of the sale.

§ 4-8.11. Enforcement.

[1973 Code § 5-6.11]

- a. The provisions of this section shall be enforced by the Police Department. It shall be the duty of the Police Department to investigate any violations of this section coming to his attention, whether by complaint or arising from his own personal knowledge, and if a violation is found to exist, he shall prosecute a complaint before the local Municipal Court pursuant to the provisions of this section.
- b. A Police Officer or any other official designated by any Borough 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 inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this section.

§ 4-8.12. Exceptions.

[1973 Code § 5-6.12]

The provisions of this section shall not apply to nor affect the following persons or sales:

- 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 person selling or advertising for sale, items of personal property which are specifically named or described in the advertisement, and which separate items do not exceed five (5) in number.
- d. 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 Borough or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor which would be conducted from properly zoned premises and not otherwise prohibited under the provisions of this revision.
- e. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization, provided that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

§ 4-8.13. Revocation and Refusal of Permit.

[1973 Code § 5-6.13]

- a. False Information. Any permit issued under this section may be revoked or any application for issuance of a permit may be refused by the Borough Clerk if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- b. Conviction of Violation. If any individual is convicted of an offense under the provisions of this section, the Borough Clerk shall cancel any existing garage sale permit held by the individual convicted and shall not issue such individual another garage sale permit for a period of two (2) years from the time of conviction, nor shall a garage sale be conducted upon the premises where the offense occurred, for a period of two (2) years provided the violator shall be a continuous resident therein.

§ 4-8.14. Violation and Penalty.

[1973 Code § 5-6.14]

Any person conducting any such sale or similar activity without being properly licensed therefor or who shall violate any of the other terms and regulations of this section shall, upon conviction, be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars or be imprisoned for a period not to exceed ten (10) days for each violation. Every article sold and every day a sale is conducted in violation of this section shall constitute a separate offense.