

GREAT BEND TOWNSHIP ORDINANCE # 50

AN ORDINANCE REGULATING AND RESTRICTING "GARAGE SALES" AND "YARD SALES" IN GREAT BEND TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Great Bend Township, Susquehanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1 - TITLE - This local Ordinance shall be known as the "Ordinance Regulating and Restricting Garage Sales and Yard Sales."

SECTION 2 - PURPOSE - Such rules and regulations as set up in this Ordinance designed to control and restrict garage sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only in keeping with the character of the neighborhood where this activity is carried on. The intent of this Ordinance is to eliminate perpetual, prolonged, and extended garage sales in residential areas. Such sales if carried indefinitely tend to become retail businesses in residential areas and create a nuisance.

SECTION 3 - DEFINITIONS - As used in this Ordinance, the following terms shall have the meanings indicated:

1. GARAGE SALES-

- (a) The sale or offering for sale of ten(10) or more new, used, or secondhand items of personal property at any one (1) residential premises at any one (1) time.
 - (b) Includes all sales in residential areas entitled "garage sales", "yard sales", "tag sale", "porch sale", "lawn sale", "attic sale", "basement sale", "rummage sale", "flea market sale", or any similar casual sale of tangible personal property.
2. GOODS: Includes any goods, warehouse merchandise, or other personal property capable of being the object of a sale regulated hereunder.

3. PERSONS: Includes individuals, partnerships, family groups, voluntary associations, and corporations.

SECTION 4 - PERMIT REQUIRED, FEE, AND CONDITIONS FOR SALES

1. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of Great Bend Township without first obtaining a garage sale license from the Township Office after filing an application containing the information hereinafter specified.
2. The first garage sale license issued to any one person or for any one premises within one (1) twelve (12) month period shall be issued without charge. For the second such license issued in any twelve (12) month period, there shall be a non-refundable fee in the amount of ten dollars (\$10.00).
3. No license shall be issued for garage sales longer than four (4) consecutive days.
4. Each license issued under this Ordinance must be prominently displayed on the garage sale premises throughout the entire period of the licensed sale and must be exhibited to any Township Supervisor or Policeman, upon request.

SECTION 5 - ADVERTISEMENT

1. Garage sales may be advertised through the newspapers or other media.
2. A sign no larger in than two by two (2x2) feet may be installed on the property where the sale is being conducted. In addition, no more than two (2) other directional signs, no larger in size than two by two (2x2) feet may be installed on private property with the permission of said property owner. The signs may be displayed only twenty-four (24) hours prior to the date of the sale and shall be removed within twenty-four (24) hours after the completion of the sale.

SECTION 6 - EXEMPTIONS This Ordinance shall not be applicable to:

1. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.

3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed nine (9) in number. Notwithstanding any provisions of this Ordinance, any person may sell up to nine (9) secondhand articles without being subject to the provisions of this Ordinance.
4. Any publisher of a newspaper, magazine, or other publication, or other communications media who publishes or broadcasts anything in good faith without knowledge of its false, deceptive, or misleading character or without knowledge that the provisions of this Ordinance have not been complied with.
5. Sales by a bona fide charitable, educational, cultural, or governmental institution, civic group, service club, religious or fraternal society, or other tax-exempt organization; provided, however, that the burden of proof of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.
6. Any public auction conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania.

SECTION 7 - ENFORCEMENT

1. If after an investigation, a violation is found to exist, the Great Bend Township Supervisors shall prosecute a complaint before a District Justice pursuant to the provisions of this Ordinance.
2. The person to whom the garage sale license was issued and the person conducting the sale and the owner, tenant, or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.
3. No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.

SECTION 8 - PENALTIES FOR OFFENSES Any person, firm, association, corporation, or other entity conducting any such sale or similar activity without being properly licensed therefore, or who shall violate or fail to comply with any provisions adopted pursuant to this Ordinance or any other rules, terms, regulations, or provisions adopted pursuant to this Ordinance, or making any false statement on

any application provided herein shall be deemed to be in violation and the violator(s) shall be liable for a fine not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) and each day that such sale or violation continues without being duly licensed shall be considered and shall constitute a separate violation.

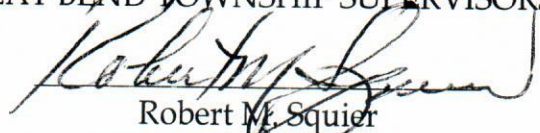
SECTION 9 - CONSTRUAL OF PROVISIONS It is not the intention of this Ordinance to change or amend the peddling laws and/or any other laws of Ordinances of Great Bend Township, Susquehanna County, Pennsylvania.

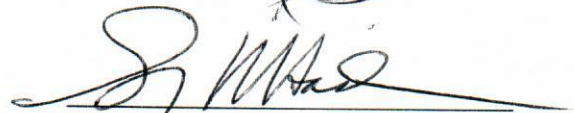
SECTION 10 - SEVERABILITY If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

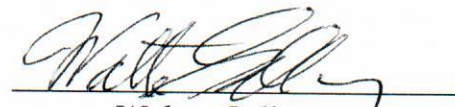
SECTION 11 - EFFECTIVE DATE This Ordinance shall become effective immediately upon adoption.

ENACTED AND ORDAINED THIS 7th DAY OF September, 2004.


GREAT BEND TOWNSHIP SUPERVISORS


Robert M. Squier


George R. Haskins


Walter Galloway

ATTEST:


Sheila Guinan, Secretary