

# Yard Sale Permit

Town of Pinebluff

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Name : \_\_\_\_\_

Street Address : \_\_\_\_\_

Location of Yard Sale : \_\_\_\_\_

Date of Yard Sale : \_\_\_\_\_ Fee - \$ 5.00

Date of Application : \_\_\_\_\_ Telephone # \_\_\_\_\_

Affirmation:

*The property to be sold is owned by myself as my own personal property and was neither acquired nor consigned for the purpose of resale.*

\_\_\_\_\_  
Town Official

\_\_\_\_\_  
Signature of Applicant

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## ARTICLE VI. YARD AND GARAGE SALES<sup>11</sup>

### **Sec. 16-81. Definitions.**

- (a) YARD SALES shall mean any sale open to the public conducted on residential or business premises only for the purpose of disposing of personal property, and shall include all sales entitled Garage, Lawn, Yard, Attic, Porch, Room, Back Yard, Patio or Rummage Sales.
- (b) PERSONAL PROPERTY shall mean property which is owned, utilized and

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<sup>11</sup> **Original ordinance** - "An Ordinance Regulating Yard Sales, Garage Sales or Other Sales of Merchandise on Residential or Business Premises", adopted March 21, 1996.

maintained by an individual or members of his residence and acquired in a normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment; nor does it include items specifically for sale. (Example: No Yard Sale will be allowed for selling crafts only.)

### **Sec. 16-82. Regulations.**

No person shall conduct any "yard sale" or "garage sale" without first obtaining a permit therefore from the Town. All such sales shall be subject to the following rules and regulations:

- (a) **PERMIT REQUIRED:** No sale shall be conducted until a permit has been obtained from the Town Clerk. Prior to issuance of any permit, the individual desiring to conduct the sale shall make a request with the Town Clerk at least one day before the sale, setting forth the following information:
  - (1) Full name and address of applicant;
  - (2) The location of residence or business where the sale will be held;
  - (3) The date of the sale;
  - (4) The dates of any other sales within the current calendar year;
  - (5) The 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 purpose of resale.
- (b) **FEE:** There shall be an administrative processing fee of \$5.00 for the issuance of the permit. No more than four (4) permits shall be issued to one residence or family household during the calendar year. If members of more than one residence join in for a sale, each separate residence must obtain a permit.
- (c) **HOURS OF OPERATION; TIME OF SALE:** Will be limited to daylight hours. If the sale is not held because of inclement weather, no additional permit fee will be charged.
- (d) **DISPLAY OF PERMIT:** The permit shall be posted on the premises where the sale is authorized, where it can be seen from the street by the public.
- (e) **ADVERTISING:** No sign shall be exhibited for more than two (2) days before the sale. No sign shall be on utility poles or other private property. All signs must be removed at the close of the sale, regardless of where located. No more than two signs may be used on the site of the sale. All signs must comply with the Town Zoning Ordinance.
- (f) **REVOCATION OR REFUSAL OF PERMIT:** Any permit issued may be revoked or any application may be refused by the Town Clerk, if the application submitted contains any false or misleading statements. If any individual is convicted of an offense under this Article, the Town Clerk may not issue that individual another sale permit for a period of two years from the date of the conviction.

### **Sec. 16-83. Coverage.**

- (a) **APPLICABILITY.** The provisions of this Article shall not apply to or affect persons selling goods pursuant to an order of Court of competent jurisdiction or persons acting in accordance with their powers and duties as public officials.
- (b) **PUBLIC NUISANCE.** No permit holder shall allow loud or boisterous conduct or allow vehicles to impede the passage of normal traffic. All individuals shall obey the reasonable orders of the Police Department in order to maintain the Public Safety and Welfare<sup>12</sup>.
- (c) **INSPECTIONS; ARREST.** A Police Officer shall have the right of entry to any premises showing evidences of a sale for the purpose of enforcement or inspection. He may stop the sale and take steps as are necessary against any individual who violates the provisions of this chapter.

**Sec. 16-84. Exemptions.**

The following activities are exempt from the requirement for a permit in order to conduct sales of merchandise on residential or business premises:

- (a) Any sale conducted by a church or any duly licensed merchant or other business establishment from or at a place of business, wherein such sale will be permitted by the Zoning regulations of the Town.
- (b) Any church or bona fide charitable or educational organization where the proceeds from the sale are used directly for the organization's charitable purposes, in Business District at said address.

**Sec. 16-85. Penalties.**

- (a) The violation of any provisions of this Article shall constitute a misdemeanor, punishable upon conviction by fine not exceeding \$50.00 or imprisonment not to exceed 30 days, as provided by law.
- (b) Each day a sale is conducted in violation of this Article shall constitute a separate distinct offense.

**Secs. 16-86 - 16-99. Reserved.**

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<sup>12</sup>**Cross reference** - Chapter 13, Article I, § 13-10; Chapter 13, Article II, all §§; Chapter 13, Article V, all §§.