BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY

ORDINANCE NO. 16-13

AN ORDINANCE TO ESTABLISH CHAPTER 134 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED "GARAGE SALES"

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that the following Chapter 134 be adopted and established with the Code of the Borough of Allendale:

CHAPTER 134. GARAGE SALES

§ 134-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EXCEPTIONS

Churches, schools, and quasi-public entities, as approved at the annual reorganization meeting of the Governing Body, are exempt from the regulations governing goods.

GARAGE SALES IN RESIDENTIAL ZONES

Includes all sales entitled "garage sale", "neighborhood garage sales", "lawn sale", "attic sale", "rummage sale", "flea market sale", "neighborhood sale", "estate sale," "yard sale" or any similar casual sale of tangible property which is advertised by any means whereby the public at-large is or can be made aware of said sale. Excluded from the meaning of this term shall be auctions or similar events at which tangible personal property is sold to the highest bidder.

GOODS

Includes any household goods, merchandise or other property capable of being the object of a sale regulated hereunder; provided, however, that such goods, merchandise or other property is not purchased and/or brought onto the premises specifically for the purpose of resale.

PERSON

Includes individuals, partnerships, voluntary associations, organizations and corporations.

§134-2. License required; fee; limitation on number; term; display.

A. It shall be unlawful for any person to conduct a garage sale in the Borough of Allendale without first filing with the Allendale Borough Clerk the information hereinafter specified and obtaining from such Clerk a license to do to, to be known as a "garage sale license". The fee for such license shall be $10.00.

B. Only two such licenses shall be issued for a garage sale at any one particular dwelling or parcel of land within any one calendar year, and no such license shall be issued for more than three consecutive calendar days.

C. Each license issued under this article must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

D. Persons conducting any garage sale in the Borough as part of any Borough-wide garage sale approved in advance by the Borough pursuant to a resolution shall not be required to obtain a license referred to in §134-2(A) hereinabove, but shall be required to comply with all other provisions of this Chapter.

E. Notwithstanding any provision in this Chapter to the contrary, no person shall conduct more than two (2) garage sales at any one particular dwelling or parcel of kind within any one (1) calendar year, inclusive of any garage sales conducted by any such person as part of any Borough wide garage sales referred to in §134-2(D) hereinabove.

§ 134-3. Applications.

Application for a license shall be made, in writing, to the Borough Clerk at least five days prior to the date of commencement of such sale and shall set forth the following:

A. Name of person, firm, group, corporation, association or organization conducting said sale.

B. Name of owners of the property on which said sale is to be conducted and consent of owner if applicant is other than owner.

C. Location at which sale is to be conducted.

D. Date or dates of sale.

E. Date and nature of any prior sale.

F. Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.

G. General description of the type of goods to be sold, including statement as to whether or not any of said merchandise was purchased by the applicant for the purpose of resale.

H. Whether or not sale will be held indoors or outdoors, or both.

§ 134-4. Hours of sale.

Any garage sale authorized under the provisions of this article shall be conducted between the hours of 9:00 a.m. and 7:00 p.m. only.

§ 134-5. Signs.

A. The following shall be the sole signs permitted in connection with garage sales:

(1) One on-premises sign not exceeding three square feet in area posted only on the scheduled sale days, which sign shall be removed immediately after the sale has been concluded.

(2) Two off-premises signs may be posted on a municipal right-of-way and not on private property, provided that such sign shall be freestanding and shall not exceed three square feet in area, which signs shall be removed within 24 hours after the sale has been concluded.

B. The name and address of the licensee shall be posted on the sign.

C. No signs shall be permitted to be posted on such structures as telephone poles, street signs, trees or fences.

§ 134-6. Exceptions.

The provisions of this article shall not apply to or 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 an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five 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 Ordinance of the Borough or under the protection of the nonconforming use provisions thereof, or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from property zoned premises and not otherwise prohibited in the Code.

§ 134-7. Enforcement.

It shall be duty of the Borough Property Maintenance Official and the Police Department to enforce the provisions of this article.

§ 134-8. Violations and penalties.

Except as otherwise provided in this article, any person who violates or refuses to comply with this article shall be liable to a penalty of $100 for each offense.

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
Homan			✓			
McSwiggan		✓	✓			
Sasso	✓		✓			
Strauch			✓			
Wilczynski					✓	
White						

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on April 28, 2016

Anne Dodd, RMC
Municipal Clerk

Mayor Elizabeth White