

**AN ORDINANCE REGULATING YARD SALES
IN THE BOROUGH OF COALDALE:**

BE IT ORDAINED AND ENACTED by the Council of the Borough of Coaldale, it is hereby ordained and enacted by the authority of the same as follows:

YARD SALES

SECTION I DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

“**APPLICANT**”: a person who maintains or lives at an address.

“**GARAGE SALE**”: a public sale of goods conducted in a garage associated with a residence.

“**HOME SALE**”: a public sale of goods conducted in any portion of a structure used as a residence.

“**LAWN SALE**”: an outdoor public sale of any goods in any portion of any property used as a residence.

“**PERSON**”: any individual, firm, association, partnership, corporation or other business entity.

“**YARD SALE**”: an outdoor public sale of any goods on any part of any property used as a residence.

Words in the plural shall include the singular, words in the singular shall include the plural, words used in the present tense shall include the future tense, and the word “shall” as used herein shall be construed to be mandatory and not directory.

SECTION II LICENSE REQUIRED

Except as hereinafter described, it shall be unlawful for any person to hold a garage sale, lawn sale, yard sale or home sale without first obtaining the License required by this Ordinance.

SECTION III APPLICATION

Applicants for the required License shall file with the Borough Secretary an Application

in writing on a form to be furnished by the Borough for that purpose; the form shall contain the following information:

1. The Applicant's name and address, and the address of the sale location.
The type of sale to be conducted.
2. The types of goods to be sold.
3. The date of the sale, and an alternate sale date in the event inclement weather causes postponement of the sale.
4. A statement affirming that the goods to be sold:
belong to the household; and
have not been purchased or obtained solely for the prospective sale.
5. All Applicants shall secure the required License not less than twenty-four (24) hours prior to the date of any sale.

SECTION IV FEES

1. The fee for the License required by this ordinance shall be TWO DOLLARS AND FIFTY CENTS (\$2.50) for each sale day.
2. If any sale regulated by this Ordinance is sponsored by a charitable or service organization, there shall be no fee required for any License; further, any charitable or service organization need not complete that portion of the Application required by Section 503 above.

SECTION V ISSUANCE OF LICENSE

Upon a determination by the Borough Secretary that the Application has been properly completed, and upon payment of the fee required by Section V above, the Secretary shall issued the License.

SECTION VI DURATION OF LICENSE

1. Any license issued pursuant this Ordinance shall be valid for one (1) day only.
2. In the event that inclement weather causes postponement of the sale, the issued License shall be valid for the alternate sale date listed on the Application, pursuant to Section 503(4) above.

SECTION VII DISPLAY OF LICENSE

The License shall be displayed at all times during the day of the sale.

SECTION VIII LIMITATION OF LICENSES AND GOODS TO BE SOLD

1. No more than three (3) Licenses shall be issued per calendar year per residence.
2. All goods to be sold at any sale required to be licensed pursuant to this Ordinance must belong solely to the household where the sale is held; it shall be unlawful to:
 - a. bring in and sell goods belonging to others; and/or
 - b. purchase items specifically for the purpose of conducting any sale regulated hereunder; and/or
 - c. must be items normally found in a residence.
3. The provisions of subsection 2 above shall not apply to sales conducted by or on behalf of a charitable or service organization.

SECTION IX **HOURS OF SALE**

Any sale regulated by this Ordinance shall be held only between the hours of 8:00 a.m. and 8:00 p.m. prevailing time.

SECTION X **ENCROACHMENT OF RIGHT-OF-WAY**

No sale for which a License has been issued shall be conducted within or upon any public right-of-way, including but not limited to a sidewalk, street, alley, etc., or parts thereof.

SECTION XI **PENALTIES**

1. Any person who violates the provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than ONE HUNDRED DOLLARS (\$100.00), together with costs of prosecution.
2. Any violation of this Ordinance, whether such violation occurs more than once during any particular day or on separate days, shall be considered as a separate offense.

SECTION XII **SEVERABILITY**

If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the unconstitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance

other than the one so declared to be unconstitutional, illegal or invalid.

SECTION XIII REPEAL OF CONFLICTING ORDINANCES

All existing Ordinances of the Borough of Coaldale or parts thereof which are inconsistent with the provision of this Ordinance are hereby repealed.

SECTION XIV EFFECTIVE DATE

The provisions of this Ordinance shall become effective September 10, 2001.

ORDAINED AND ENACTED by the Council of the Borough of Coaldale at a public meeting held this 10th day of September, 2001.

COALDALE BOROUGH COUNCIL

By: _____
Clarence Keich, President

Attest:

Patricia M. Knepper, Secretary

Approved this 10th day of September, 2001.

John Radocha, Mayor