

ARTICLE 301

Yard Sales

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301.01 DEFINITIONS.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(a) Yard Sale shall mean and include all general sales, open to the public, conducted from or on a residential premise in any zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "auction," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where no more than two (2) specific items are held out for sale and all advertisements of such sale specifically names those items to be sold.

(b) 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 does not include merchandise which was purchased for resale or obtained on consignment.

301.02 PROPERTY PERMITTED TO BE SOLD.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.

301.03 PERMITTED NUMBER OF YARD SALES PER YEAR.

It shall be unlawful for any residents and/or family household to conduct more than two (2) yard sales during any one (1) calendar year. If members of more than one residence and/or family household join in the operation of a garage sale, it shall be considered as a garage sale for each and all such residences and/or family households.

301.04 HOURS OF OPERATION.

Such yard sales shall be limited in time to no more than the daylight hours of two (2) consecutive days.

301.05 DISPLAY OF SALE PROPERTY.

Personal property offered for sale may be displayed within the residence, porch, in a garage, carport, and/or in any yard, but shall not be permitted within the public right of way.

301.06 ADVERTISING; SIGNS.

(a) Signs Permitted. Only the following specified signs may be displayed in relation to a pending yard sale:

- (1) Two (2) Signs Permitted. Two (2) signs of not more than four (4) square feet each shall be permitted to be displayed on the property of the residence where the yard sale is being conducted.
- (2) Directional Signs. Two (2) signs of not more than two (2) square feet each are permitted, provided that the premises upon which the yard sale is conducted is not on a major thoroughfare, and written permission to erect such signs is received from the property owners upon whose property such signs are to be placed.

(b) Time Limitations. No sign or other form of advertisement shall be exhibited for more than twelve (12) hours prior to the commencement of such a sale.

(c) Removal of Signs. Signs must be removed immediately upon the conclusion of the sale.

301.07 PUBLIC NUISANCE.

Individuals conducting a yard sale and the owner or tenant of the premises on which such 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 such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the City of Bethlehem, in order to maintain the public health, safety and welfare.

301.08 INSPECTION - ARREST AUTHORITY OF INSPECTOR.

The Zoning Officer, a police officer or any other official designated by the Zoning Officer, shall have the right of entry upon any premises showing evidence of a yard sale, for the purpose of enforcement of this Ordinance and shall make inspections to enforce the same and shall have the right to issue citations for violations of this Ordinance.

301.09 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 yard sale.

301.10 PERSONS EXEMPTED FROM ORDINANCE.

The provisions of this Ordinance shall not apply to or affect the following:

(a) Persons selling goods pursuant to an order or process of Court of competent jurisdiction.

(b) Persons acting in accordance with their powers or duties as public officials.

(c) Any sale conducted by any merchant or mercantile or other business establishment, firm or at a place of business wherein such sale would be permitted by the zoning regulations of the City of Bethlehem or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor, and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(d) Persons acting in accordance with their responsibilities as court-appointed decedents' personal representatives.

(e) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution, or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

301.11 SEVERABILITY.

If any court of competent jurisdiction declares any provision to be unconstitutional or invalid, that decision shall only affect the provision so declared. The declaration shall not affect any other portion of this Ordinance, or the Article as a whole.

301.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

- (a) First Violation - A fine of \$100.00, or thirty days imprisonment, or both;
- (b) Second Violation - A fine of \$300.00, or sixty days imprisonment, or both;
- (c) Third and each subsequent violation - A fine of \$600.00, or ninety days imprisonment, or both.

(Ord. 3406. Passed 3/19/91.)