Dunellen Borough Ordinance
2015-04

This Ordinance replaces Dunellen Code Chapter 163

FLEA MARKETS, GARAGE SALES AND YARD SALES

§ 163-1. Title.

This chapter shall be known and cited as "Flea Market, Garage Sale and Yard Sale Permit Ordinance."

§ 163-2. Purpose.

These rules and regulations are designed to control and restrict flea markets, garage sales and yard 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 in compliance with Chapter 115, Zoning, of the Code of the Borough of Dunellen. The intent of this chapter is to eliminate perpetual, prolonged and extended flea markets, garage sales and yard sales in residential areas. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and often violate the zoning regulations of the Borough of Dunellen. The provisions of this chapter arise from the need to limit, regulate, restrict and control flea markets, garage sales and yard sales. It is not the intent of this chapter to change or amend Chapter 115, Zoning, Chapter 211, Peddling and Soliciting, and/or any other ordinances of the Borough of Dunellen.

§ 163-3. Definitions.

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

FLEA MARKET -- a market, often outdoors, consisting of a number of individual stalls selling old or used articles, curios and antiques, cut-rate merchandise, etc.

GARAGE SALE -- the sale or offering for sale of new, used or secondhand items of personal property at any one (1) residential premise at any one (1) time. This includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.

GOODS -- any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

MUNICIPALITY — all residential dwellings located within any type of zone, zoned area, zoning district, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of the Borough of Dunellen.

PERSONS — individuals, partnerships, family groups, voluntary associations and corporations.

YARD SALE -- a sale of used household belongings, typically held outdoors at the home of the seller. A yard sale is synonymous with Garage Sale, though with the connotation of being held out-of-doors.

§ 163-4. Permit required; fee; conditions for sales.

It shall be unlawful for any person to conduct a flea market, garage sale and/or yard sale within the geographic boundaries of the Borough of Dunellen without first obtaining a flea market, garage sale or yard sale permit from the Municipal Clerk's Office after filing an application containing the information hereinafter specified.

§ 163-5. Frequency of sales; Number of permits issued to residences.

No more than three (3) flea market, garage sales and/or yard sales, in total, will be issued to a residence in one calendar year.

§ 163-6. Permit fee.

Each permit application shall be accompanied by a fee of $5.00 and is good for one day only, or the listed "rain date." Permits may be issued for two-day weekend periods for $5.00 per day, or a total of $10.00. During any borough authorized "town-wide" sale, vendors who participate under the auspices of the sponsoring agency will not be charged a fee.

§ 163-7. Application for permit.

Applications for permits for flea markets, garage sales and yard sales may be made at the Municipal Clerk's Office and should be requested at least 48 hours prior to the sale. The application for a permit must include the name, address, telephone number, and e-mail address of the resident making the application. The flea market, garage sales and yard sales permit must be posted at a visible location to the traveling public for the duration of the sale.

§ 163-8. Signs.

There will be no more than five (5) signs advertising the flea market, garage sale or yard sale. Signs may be posted no more than three days prior to the sale and must be removed within twenty-four (24) hours of the conclusion of the sale. Failure to remove the signs within twenty-four (24) hours will subject the sale operator to a $10.00 per day penalty. Signs may be attached to stakes or be in the form of lawn signs. They may not be placed on public property, telephone poles, or light poles.

§ 163-9. Exemptions.

This chapter shall not be applicable to:

(a) Persons acting in accordance with their powers and duties as public officials.

(b) Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned under the zoning regulations of the Borough of Dunellen with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise

prohibited by laws of the State of New Jersey and ordinances of the Borough of Dunellen, including this chapter.

(c) Sales by a bona fide charitable, eleemosynary, 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 to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.

§ 163-10. Enforcement; complaints.

(a) This chapter shall be enforced by the Dunellen Police Department or Dunellen Code Enforcer, and it shall be their duty to investigate and prosecute any violation of this chapter.

(b) If, after an investigation, a violation is found to exist, the Dunellen Police Department or Dunellen Code Enforcer shall prosecute a complaint pursuant to the provisions of this chapter.

§ 163-11. Conduct.

(a) The person to whom the flea market, garage sale and/or yard sale permit 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.

(b) 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.

§ 163-12. Violations and penalties.

Any person, firm or corporation who or which shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than five hundred dollars ($500.00), and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this chapter continues shall constitute a separate offense.

355 North Avenue
Dunellen, NJ 08812

BOROUGH OF DUNELLEN

NEW JERSEY

Phone (732) 968-3033
Fax (732) 968-8605

Permit for Flea Market, Garage Sale and/or Yard Sale
Ordinance 2015-04 (Adopted July 6, 2015)

Name: _____

Address: _____

Phone Number: _____

Date/Hours: _____

Rain Date: _____

1. Three permits will be issued per calendar year.
2. Permits must be prominently displayed near the sale and made available to any interested party.
3. The fee for each permit is $5.00 and is good for one day only, or the listed rain date.
4. There will be no more than five (5) signs advertising the sale. Signs may be posted no more than three days prior to the sale and must be removed within twenty-four (24) hours of the conclusion of the sale. Failure to remove the signs within 24 hours will subject the sale operator to a $10.00 per day penalty.

Signature: _____ **Date:** _____
Resident

Permit Issued By: _____ **Date:** _____
Municipal Official

1St Permit: _____ **2nd Permit:** _____ **3rd Permit:** _____