

Chapter 192, SALES, OUTDOOR

[HISTORY: Adopted by the Board of Trustees of the Village of Horseheads 8-12-1993 as L.L. No. 3-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Auctions and auctioneers -- See Ch. 85.

Peddling and soliciting -- See Ch. 171.

§ 192-1. Purpose.

The rules, regulations and conditions set forth in this chapter are designed to control, regulate and restrict garage sales, yard sales and flea markets in order to protect the public health, safety and welfare in keeping with the character of the neighborhood or area where this activity is carried on. The intent of this chapter is to eliminate perpetual, prolonged and extended garage sales, yard sales and flea markets. Such sales, if carried on indefinitely, tend to become retail businesses in the area or zone where the activity is carried on, creating a nuisance and usually violating the Code, Zoning Ordinance (Chapter 245, Zoning) and other regulations of the Village of Horseheads. The provisions of this chapter arise from the need to limit, regulate, restrict and control such activities.

§ 192-2. Definitions.

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

FLEA MARKET -- Sale of items of tangible personal property at one (1) location where there are multiple vendors who are occupying a space allotted to each such vendor for the purpose of displaying and selling items of tangible personal property, whether or not the vendor is paying a fee for the privilege.

GARAGE SALE -- The sale or offering for sale of new, used or secondhand goods or items of tangible personal property at any one (1) or more residential premises at any one time. This term shall include all sales in residential areas entitled or identified as "garage sales," "yard sales," "lawn sales," "tag sales," "attic sales," "basement sales," "rummage sales," "flea market sales," "open house sales," "open home sales," "neighborhood garage sales" or any other similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale. This term includes all sales in the commercial/business districts of the Village of Horseheads which are outside of the ordinary course of business of the commercial establishment and are not held within the confines of the structure or improvements

which are placed upon the business premises. Noncommercial and occasional sales of goods by churches, schools and other governmental or not-for-profit organizations shall not be considered "garage sales" for the purpose of this chapter.

GOODS -- Includes any tangible personal property capable of being the object of a sale regulated hereunder and real property if sold at auction. The sale of food and/or produce is not intended to be included in the term "goods" for the purposes of a garage sale.

PERSON -- Includes individuals, partnerships, voluntary associations, family groups and corporations.

RESIDENTIAL AREA -- An area in which the predominate land use is residential, regardless of zoning or other land use regulations.

RESIDENTIAL PREMISES -- A parcel, lot, site or tract on which a building or structure is situate which is used or intended for housing, dwelling or living quarters exclusively or in conjunction with other land uses such as but not limited to business, industrial, commercial, etc.

§ 192-3. Restrictions and requirements.

Garage sales are permitted within the Village of Horseheads subject to the following restrictions and requirements:

- A. No more than three (3) such sales shall be permitted at the same premises in any one twelve-month period. No such sale shall be permitted for nor shall it have a duration of more than five (5) consecutive days.
- B. All such sales shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. Garage sales may be advertised through newspapers and other media. A sign no larger than two by two (2 x 2) feet may be installed on the premises where the sale is being conducted. The sign shall be displayed only during the sale and shall be removed promptly from the premises after the sale is concluded. No sign or other display advertising the sale shall be placed, attached, painted or posted upon a public right-of-way, public lamppost, utility pole, tree, fire hydrant or on private property other than where the sale is conducted. No lighted or illuminated signs shall be used.
- C. No goods for sale shall be displayed, allowed or kept outside of the seller's building or structure at any times other than those hours for the conducting of the actual garage sale [and two (2) hours prior to commencement of the same to allow the seller to set up for the sale]. Goods for sale shall not be displayed, kept or stored in such a way as to create a fire hazard, other health hazard, danger or hindrance to passersby or an eyesore.
- D. The person or persons conducting such sales shall be responsible for maintenance of good

order and the public peace during the hours of sale.

- E. Immediately upon cessation of conducting a garage sale, all signs, structures, facilities and goods used for display or promotion of the sale or offered for sale shall be removed from public view, the premises shall be cleaned and cleared of refuse and debris, all unsold goods shall be removed from public view and the premises shall be restored to the condition which existed immediately prior to said sale.

§ 192-4. Inspections.

The Village Code Enforcement Officer or any other person designated by the Village Manager shall have the authority and right to enter upon any premises whereat a sale is being conducted for the purpose of inspection, and such Code Enforcement Officer or authorized person shall have the right and power to direct the immediate cessation and closing of such sale upon a finding of probable cause to believe that the sale is being conducted in violation of this chapter.

§ 192-5. Exemptions.

This chapter shall not be applicable to:

- A. Persons selling goods pursuant to an order of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any sale conducted by a legitimate business, commercial or industrial establishment and carried on as a part of its normal course of business.

§ 192-6. Penalties for offenses. ^{EN(1)}

Any person found guilty of a violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty.

Endnotes

1 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.