

Chapter 13

FLEA MARKETS AND GARAGE AND/OR YARD SALES*

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***Cross reference(s)**--Health and sanitation, Ch. 14; licenses generally, Ch. 15; precious metals dealers, Ch. 19; zoning, Ch. 30.

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Flea market means any person or aggregation, congregation or assembly of vendors, whether professional or nonprofessional, that offers for sale, trade or barter any goods, regardless whether they are new, used, antique or handmade; and where offered for sale in open air areas, buildings or temporary structures.

Garage and/or yard sale means any sale operated out of one-family, two-family or multi-family dwellings including, but not limited to, a sale on the premises thereof.

Goods means any goods, wares, merchandise or any other personal property capable of being an object of sale as regulated herein.

Itinerant or transient vendor means any person, partnership, firm, corporation or association of individuals, whether public or private, charitable or noncharitable, that does not occupy a permanent space within a flea market area but does exhibit goods or merchandise and offers such goods for sale, trade or barter on a day-to-day basis.

Permanent vendor means any person, partnership, firm, corporation or association of individuals, whether public or private, charitable or noncharitable, that occupies a permanent space within a flea market area, and that exhibits goods and offers such goods for sale, trade or barter.

Promoter means any person, associations, firm or corporation that promotes or sponsors flea market type activities by offering a space, booth or area for use by vendors to display and offer for sale goods, wares or merchandise for a fee or commission.
(Ord. of 12-6-83, § 9.2-2)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 13-2. Purpose of chapter.

The purpose of this chapter is to protect the property and to preserve the peace and safety of the people of the Town by regulation and control of garage and/or yard sales and flea markets.
(Ord. of 12-6-83, § 9.2-1)

Sec. 13-3. General regulations pertaining to garage and/or yard sales.

(a) It shall be unlawful for any person, family or vendor to hold more than two garage or yard sales, whether in the same or another location, within the Town during any calendar year.

(b) It shall be unlawful for any person to conduct such sale for a period of longer than two consecutive days.

(c) Any goods offered for sale must be secondhand or used items owned by the persons or vendors conducting the sale and shall in no case have been purchased for the purpose of resale. An affidavit or sworn statement may be required for verification purposes.

(d) No signs advertising such sale shall be located within a street right-of-way.
(Ord. of 12-6-83, § 9.2-4)

Sec. 13-4. General regulations pertaining to flea markets.

(a) Any person or other vendor seeking to promote or operate a flea market in the Town shall file with the Town Manager an application requesting a permit to conduct a flea market type activity. This application shall include complete information concerning the promoters or operators, the proposed location of the sale, the date and time when the sale is to be conducted, and any other information deemed necessary by the Town Manager or his designated representative. If, in the judgment of the Town Manager, such an activity will not be to the detriment of the Town, or its citizens, and not contrary to zoning or building regulations or other Town ordinances, he shall be authorized to issue a permit. If in the opinion of the Town Manager such will be to the detriment of the Town or its citizens or will constitute a Zoning or Building Code violation, he shall notify the applicant, stating the reasons for the denial of the permit; and the applicant shall have the right to appeal the denial to the Town Council.

(b) Any applicant who shall have obtained a valid permit from the Town Manager to conduct a flea market shall secure from the Town Treasurer a business license to conduct such activity. For the purpose of procuring a business license, the promoter or vendor shall be deemed to be a commission merchant.

(c) Each permanent vendor in any flea market type operation, whether the operation shall be profit or nonprofit, shall secure from the Town Treasurer a business license for \$30.00 per year to conduct his activities. Each transient vendor shall secure from the Town Treasurer a business license for \$10.00 to conduct his activities and shall display the same at the place where goods or merchandise are on display. Such license shall not be required in addition to any other appropriate or current business license which any vendor may have secured previously.

(d) The promoter or operator of the flea market shall not allow any vendor to display or sell goods in the flea market area until each vendor has exhibited to the promoter his appropriate license herein required.

(e) Where flea market type activity is sponsored or promoted by a recognized civic or charitable organization and where it is deemed that the overall interest of the Town will be served through a waiver of the license, then the Council may, in its discretion, waive such license.

(Ord. of 12-6-83, § 9.2-7)

Cross reference(s)--Buildings, Ch. 9; zoning, Ch. 30.

Sec. 13-5. Penalties for violation.

Any person violating the regulations set forth in this chapter shall be guilty of a class 4 misdemeanor for each offense, and each day shall constitute a separate offense.

(Ord. of 12-6-83, §§ 9.2-5, 9.2-8)