

ORDINANCE NO. 1011-2014

AN ORDINANCE OF THE BOROUGH OF SINKING SPRING, BERKS COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGULATION AND LICENSING OF YARD SALES AND GARAGE SALES AND SIMILAR ACTIVITIES WITHIN THE BOROUGH OF SINKING SPRING

BE IT ENACTED AND ORDAINED, and it is hereby ENACTED and ORDAINED by the Borough Council of the Borough of Sinking Spring, Berks County, Pennsylvania as follows:

Section 1. Definitions

For the purpose of this Ordinance the following shall apply when used herein:

Yard Sale - An outdoor public sale of goods on a residential property

Garage Sale - A public sale of goods in a garage located on a residential property.

Person - Shall mean any person, association, partnership, firm, corporation or other legal entity.

Applicant - The person who lives at the property upon which the proposed yard sale or garage sale is proposed to occur. The Applicant shall individually apply for a permit for each proposed sale under this Ordinance.

Section 2. Permit Required

Except as herein described, it shall be unlawful for a person to hold a yard or garage sale without first applying for and obtaining a permit in compliance with the terms of this Ordinance.

Section 3. Application

Applicants for a permit under this ordinance shall submit an application in writing, on a form approved by the Borough for that purpose which sets out the following:

- A. The name and address of the applicant
- B. The proposed date of the sale
- C. A statement confirming that the items to be sold belong to the household conducting the sale and that said goods were not purchased or obtained for resale.

Section 4. Fees

The permit for any sale governed by this Ordinance shall be free for the first yard sale and set at \$5.00 for each successive sale, to the maximum of four per year, which sum may be adjusted from time to time by duly enacted resolution of the Borough setting a different fee schedule.

Section 5. Issuance of Permit.

Upon submission of the application and payment of the fee as referenced above, and upon determination by the Borough's Code Enforcement Officer, that the application meets all requirements of this Ordinance, the Borough shall issue a permit.

Section 6. Duration of Permit.

A permit for a yard or garage sale shall be valid for two consecutive dates identified in the permit application and any sale may only be conducted during daylight hours

Section 7. Display of Permit

A permit must be displayed at all times during the date of the sale.

Section 8. Limitation on Licenses.

A. Yard sales and garage sales shall be limited to four days per calendar year per residence.

B. Items to be sold must belong solely to the household where the sale is to be held.

Section 9. Encroachment on Right-of-Way Prohibited

A permit issued under this Ordinance shall not permit encroachment on the right-of-way of the sidewalk or street.

Section 10. Penalty

Any person violating any provision of this Ordinance shall, upon conviction thereof, be subject to a fine not to exceed one thousand dollars (\$1,000.00) for each separate offense.

Section 11. Severance Clause.

The provisions of this Ordinance are hereby declared to be severable, if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but it shall remain in effect, it being the intent that this Ordinance shall stand notwithstanding the validity of any part.

Section 12. Repealer.

Any and all prior Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 13. Effective date.

This Ordinance shall be effective on the date of its adoption.

DULY ENACTED and ORDAINED by the Borough Council of Sinking Spring, Berks County, Pennsylvania, in lawful session duly assembled this 27th day of August, 2014.

BOROUGH OF SINKING SPRING

BY: [Signature]
President of Council

ATTEST: [Signature]
Secretary of Council

APPROVED this 27th day of August, 2014.

[Signature]
Mayor

VETOED this _____ day of _____, 201 .

Mayor