

AVOCA BOROUGH

ORDINANCE NO. 2 OF 2011

AN ORDINANCE OF THE BOROUGH OF AVOCA, LUZERNE COUNTY, PENNSYLVANIA, REGULATING GARAGE SALES, YARD SALES, MOVING SALES, PATIO SALES AND SIMILAR USES.

Enacted On:

Effective On:

WHEREAS, The Borough of Avoca desires to regulate garage sales, yard sales, moving sales, patio sales and similar type sales and uses; and

WHEREAS, the Borough Council is desirous of limiting the number of these types of sales from individual residence and limiting where advertising may be placed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Avoca that:

SECTION 1. DEFINITIONS.

The following definitions apply to this Ordinance:

GARAGE SALE. A public retail sale of used or secondhand goods commonly known or referred to as a garage sale, patio or porch sale, yard sale, attic sale, rummage sale, or any other similar sale.

GOODS. Includes any used, secondhand or unwanted household goods, personal items, furniture, tools, clothing or merchandise in connection with a lawfully existing dwelling unit. Commercial business (selling items, which have been purchased for resale) is prohibited.

PERSON. Any person, firm, partnership, association, corporation, company, or organization of any kind.

SECTION 2. NUMBER OF SALES.

No person shall advertise, conduct, carry on or permit more than three (3) garage sales upon the grounds of or within any dwelling of the same premises within the city within any calendar year.

SECTION 3. DURATION OF SALES.

No person shall conduct, carry on or permit a garage sale to last more than three (3) consecutive days. No garage sale shall be held continually from weekend to weekend.

SECTION 4. HOURS OF SALE.

No person shall conduct, permit or carry on a garage sale between the hours of 8:00 P.M. and 7:00 A.M.

SECTION 5. ADVERTISING SIGNS RESTRICTED.

No person shall erect, place, post or mark any sign advertising a garage sale on any public property, including street signs and posts, traffic signs or posts, or on any public utility pole. The signs shall be displayed only on private property with the consent of the owner thereof. any sign erected, placed, posted or marked, advertising such garage sale shall be placed no longer than one (1) day before the sale and shall be removed on or before the last day of the sale. The person responsible for conducting such garage sale shall be responsible for removing any such sign.

SECTION 6. GOODS NOT TO BE DISPLAYED ON PUBLIC PROPERTY.

No person shall display, or permit to be displayed, any goods offered for sale at a garage sale on any public street or public right-of-way (sidewalks, alleys, parkways and tree-lawns, etc.)

SECTION 7. COMMERCIAL BUSINESS.

The conduct of Commercial business (selling items which have been purchased for resale) at a garage sale is prohibited.

SECTION 8. ENFORCEMENT.

The Borough of Avoca, by and through its designated agent, shall enforce the provisions of this Ordinance.

SECTION 9. PENALTY.

Any person violating any provision of this Ordinance shall upon conviction thereof pay a fine not less than Three Hundred (\$300.00) Dollars, but not greater than One Thousand (\$1,000.00) Dollars for each and every occurrence, and costs of prosecution unless otherwise specifically provided.

SECTION 10. SEVERABILITY.

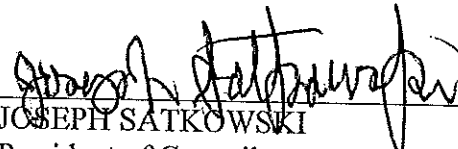
The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the Borough of Avoca that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 11. REPEALER

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

DULY ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF AVOCA BOROUGH this 9th day of June, 2011.

AVOCA BOROUGH COUNCIL

BY: 
JOSEPH SATKOWSKI
President of Council

ATTEST:


ANN BACLASKY, Secretary

(SEAL)

THE FOREGOING ORDINANCE is hereby approved by the Mayor of the Borough of Avoca, this 9th day of June, 2011.

BY: 
ROBERT MULLEN, Mayor