

TOWNSHIP OF WATERFORD, NEW JERSEY

ORDINANCE #2015- 4

**ORDINANCE OF THE TOWNSHIP OF WATERFORD, COUNTY OF
CAMDEN, STATE OF NEW JERSEY, ESTABLISHING RULES AND
REGULATIONS FOR YARD SALES**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Mayor and Township Committee of the Township of Waterford, County of Camden and State of New Jersey has determined that it is necessary and in the best interest of the public health, safety and welfare to establish rules and regulations for events commonly known as yard sales, garage sales, tailgate sales, house sales, moving sales, etc.;

NOW THEREFORE, be it ordained by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

Section 1. The Waterford Township Code is hereby amended by adding a new Chapter captioned as follows: Yard Sales

§1-1. Purpose.

The purpose of this Ordinance is to control yard sales, garages sales, lawn sales, rummage sales, attic sales, flea market sales or other casual sales of tangible personal property. The Ordinance requires the obtaining of a permit to conduct such sales. It also limits the number of permit which may be issued to any one person in a twelve-month period. Restrictions are established as to hours of operation and advertising signs. Certain persons and sales are exempted from the requirements of this Ordinance as set forth in §8.

§1-2. Definitions.

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

YARD SALE – Includes all sales entitled “yard sale,” “garage sale,” “lawn sale,” “attic sale,” “rummage sale,” “flea market sale,” or any 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 said sale.

GOODS – Includes used personal property and merchandise capable of being the object of a sale regulated hereunder. This definition also includes objects of personal property which have been previously owned by any person for private use as opposed to commercial or retail use.

PERSON – Includes individuals, partnerships, voluntary associations and corporations.

§1-3. Permit required.

It shall be unlawful for any person to conduct a yard sale in the Township of Waterford without first filing with the Township Clerk the information hereinafter specified and obtaining from the Clerk a permit to do so, to be known as a "Yard Sale Permit".

No permit shall be issued to any person more than five (5) times in any twelve month period.

No permit shall be issued for any location within the Township of Waterford more than five (5) times in any twelve month period.

§1-4. Issuance and display of permit.

A. Such permit shall be issued to any one person only five (5) times in a twelve-month period. No such permit shall be issued for more than two (2) consecutive calendar days, except on holidays a permit can be issued for up to three (3) days. Charitable, religious and civic organizations may be allowed more than five (5) permits within a twelve-month period with the approval of the Township Committee.

B. Each permit issued under this Ordinance must be prominently displayed on the premises upon which the yard sale is conducted throughout the entire period of the permitted sale.

§1-5. Application information.

An application for a permit to conduct a yard sale shall be filed with the Township Clerk on a form to be furnished by the Township, pursuant to this Ordinance. The information on the forms filed with the Township Clerk shall include the following:

A. Name of the person, firm, group, corporation, association or organization conducting such sale.

B. Name of the owner of the property on which said sale is to be conducted and the consent of owner if the applicant is other than the owner.

C. Location at which the sale is to be conducted.

D. Date of the sale and rain date if applicable.

E. Date, location and nature of any past sale.

F. Application of such permit shall be made not less than two weeks prior to the date of the sale.

G. Sworn statement or affirmation by the person signing that the information therein given is full, true and known to him to be so.

§1-6. Hours of Sale Signs.

All yard sales shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. only.

§1-7. Signs.

No signs advertising a yard sale shall be permitted, except that a sign not larger than three permit by four (3 x 4) feet may be placed on the property where the sale is to be conducted. Such sign shall be posted not earlier than seven (7) days prior to the date of the sale, and shall be removed not later than forty-eight (48) hours after completion of the sale. No sign shall be placed on any public right-of-way or electrical poles or standards.

§1-8. Persons and sales exemptions.

The provisions of this Ordinance shall not apply to or affect the following persons or sales:

A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

B. Persons acting in accordance with their powers and duties as public officials.

C. Any sale conducted by any merchant or other business establishment in a place of business wherein such sale would be permitted by the zoning regulations of the Township of Waterford or under the protection of the nonconforming use section thereof or any sale conducted by a manufacturer, dealer or vendor which sale would be conducted from property zoned premises and would not otherwise be prohibited in the Township ordinances.

D. Any bona fide, charitable, eleemosynary, educational, cultural or other organization or association not for profit upon demonstrating to the Township Committee is right to such exemption. The production of a certified copy of a certificate of incorporation, pursuant to Title 15 of the Revised Statutes of New Jersey, shall be presumptive evidence of the right of such organization to this exemption. However, the terms and conditions controlling signs as set forth in §1.6 shall be applicable to such organizations or associations.

§1-9. Enforcement; responsibility of permit.

A. This Ordinance shall be enforced by the Police Department or Code Enforcement of the Township of Waterford. It shall be the duty of the Chief of Police, or his designee, to investigate any violation of this Ordinance.

B. The person to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police Department or Fire Department of the Township of

Waterford in order to maintain the public health, safety and welfare. All permitted premises shall be subject to such reasonable rules as may be made from time to time, and shall be subject to inspection by Code Enforcement, Police Department, Fire Department or any of their agents or duly authorized representative of the Township of Waterford.

§1-10. Violations and penalties.

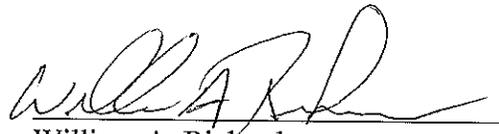
Any person violating or failing to comply with the provisions of this Ordinance, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00, or by imprisonment for a term not to exceed ninety (90) days, or by both, such fine and/or imprisonment to be determined is the discretion of the Judge.

Section 2. All Ordinances or parts of Ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Section 4. This ordinance shall take effect after final adoption and publication as required by law.

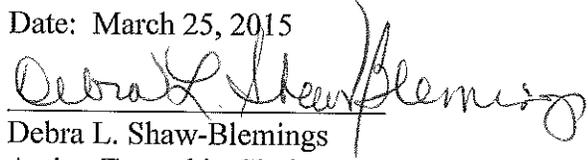

Debra L. Shaw-Blemings
Acting Township Clerk


William A. Richardson
Mayor

Introduced: February 25, 2015
Hearing: March 25, 2015
Adopted: March 25, 2015

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on March 25, 2015.

Date: March 25, 2015


Debra L. Shaw-Blemings
Acting Township Clerk