

**MAIDENCREEK TOWNSHIP
YARD SALE/GARAGE SALE PERMIT**

Date of Sale: _____

Location of Sale: _____

Applicant's Name: _____

Address: _____

Phone Number: _____

Email Address: _____

*I affirm that my sale shall follow the rules and regulations set forth by the
Maidencreek Township Board of Supervisors in Chapter 122 in the Code of
Ordinances of Maidencreek Township.*

Signature of Applicant

Approval of Township Manager

Date of Approval

Chapter 122. Garage Sales

[HISTORY: Adopted by the Board of Supervisors of the Township of Maiden Creek 6-9-1992 by Ord. No. 131. Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting — See Ch. 151.

§ 122-1. Title.

This chapter shall be known as the "Ordinance Regulating and Restricting Garage Sales."

§ 122-2. Purpose.

Rules and regulations as set forth in this chapter are designed to control and restrict garage sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on and with the zoning laws of the Township of Maiden Creek, Berks County, Pennsylvania. The intent of this chapter is to eliminate perpetual prolonged and extended garages sales in residential areas. Such sales, if carried on indefinitely, tend to become retail businesses in residential areas and zones, creating nuisances and usually violating the zoning regulations of the Township of Maiden Creek, Berks County, Pennsylvania. The provisions of this chapter arise from the need to limit, regulate, restrict and control garage sales.

§ 122-3. Definitions.

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

GARAGE SALES

- A. The sale or offering for sale of 10 or more new, used or secondhand items of personal property at any one residential premises at any one time;
- B. The terms includes all sales in residential areas entitled "garage sales," "yard sales," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property.

GOODS

Includes any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSON

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

TOWNSHIP OF MAIDEN CREEK

Includes all residential dwellings located within any type of zone, zoned areas, zoning districts, whether or not said areas or zones are residential, business, commercial or otherwise, within the geographic boundaries of the Township of Maiden Creek, Berks County, Pennsylvania.

§ 122-4. Permit required.

- A. It shall be unlawful for any person to conduct a garage sale within the geographic boundaries of the Township of Maiden creek, Berks County, without first obtaining a garage sale permit from the Township office after filing an application containing the information hereinafter specified.
- B. Such permit shall be issued to one person or for one specific premises or location only one time within a two-week period. No more than two licenses for garage sales shall be issued for the same premises or to the same person in any twelve-month period.
- C. No permit shall be issued for a garage sale for longer than two consecutive days.
- D. Each license issued under this chapter must be prominently displayed on the garage sale premises throughout the entire period of the licensed sale and must be exhibited to any Township Officer or policeman upon request.

§ 122-5. Permitted times; signs.

- A. All garage sales held pursuant to these provisions shall be conducted between the hours of 8:00 a.m. and 5:00 p.m., only on the day or days which the permit is issued.
- B. A sign no larger in size than two feet by two feet may be installed on the property where the sale is being conducted. In addition, no more than two other directional signs no larger in size than the two feet by two feet hereinbefore described may be installed on private property with the permission of said property owner. The signs may be displayed only 24 hours prior to the date of the sale and shall be removed within 24 hours after the sale is concluded.
- C. No sign or other display advertising the sale shall be placed on the public right-of-way. No lighted or illuminated signs shall be used. No signs shall be permitted that are pasted, stapled, nailed or otherwise permanently attached to public utility poles or trees within the right-of-way of any street.

§ 122-6. Exceptions.

This chapter shall not be applicable to:

- A. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials, executors, administrators and trustees.
- C. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed nine in number. Notwithstanding any provisions of this chapter, any person may sell up to nine secondhand articles without being subject to the provisions of this chapter.
- D. Any sale conducted by any legitimate business or commercial or industrial establishment, on properties zoned under the zoning regulations of the Township of Maiden creek, Berks County, Pennsylvania, and any other sale conducted by a business or commercial or industrial establishment under the protection of the nonconforming use section of the zoning laws, or by any other vendor, dealer, etc., when the sale is conducted in a properly zoned area and not otherwise prohibited by the laws and ordinances of the Township of Maiden creek, Berks County, Pennsylvania, or this chapter.
- E. Sales by a bona fide charitable, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof of establishing the exemption under this section shall be on the organization or institution claiming such exemption.

- F. Any public auction conducted by an auctioneer, licensed by the Commonwealth of Pennsylvania having a duration of no more than two days.

§ 122-7. Enforcement; responsibility for premises.

- A. This chapter shall be enforced by the police department having jurisdiction within the Township of Maiden Creek, Berks County, Pennsylvania.
- B. It shall be the duty of the police department to investigate any violations of this chapter coming to its attention whether by complaint or arising from its own personal knowledge.
- C. If, after investigation a violation is found to exist, the Police Department shall prosecute a complaint before a Magisterial District Judge pursuant to the provisions of this chapter.
- D. The person to whom the garage sale license was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for procuring a permit and complying with this chapter.
- E. The person to whom the garage sale license was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.
- F. No such person shall permit any loud music, or other loud and boisterous noises or conduct on such premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of the premises where the sale is being conducted.
- G. In the event an emergency, all such persons shall obey reasonable orders from any member of the police department or the fire department having jurisdiction to maintain order and public health and safety within the Township of Maiden Creek, Berks County, Pennsylvania.

§ 122-8. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to the general penalty provisions as prescribed in Article I of Chapter 1, General Provisions.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 122-9. Effect on other provisions.

It is not the intention of this chapter to change or amend the zoning laws, hawking and peddling laws, or any other laws or ordinances of the Township of Maiden Creek, Berks County, Pennsylvania.