

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~CITY~~ of COHOCTON, NEW YORK

Town

~~VILLAGE~~

Local Law No. 1 of the year 19 91

A local law entitled Garage, Barn and Yard Sales

(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~

~~CITY~~ of COHOCTON, NEW YORK

Town

~~VILLAGE~~

as follows:

ARTICLE I DEFINITIONS

As used in this Local Law, the following terms shall have the meanings as indicated:

- Town - Town of Cohocton, New York (outside the Village of Cohocton, New York)
- Clerk - Town Clerk or Deputy Town Clerk of Cohocton, New York
- Garage, Barn and/or Yard Sale - Any public sale of personal property within the Town of Cohocton

ARTICLE II PERMIT REQUIRED: EXEMPTIONS

A) It shall be unlawful for any person or persons to conduct a garage, barn and/or yard sale in the Town without first obtaining a permit in compliance with the regulations set forth in Article III of this Local Law.

B) Charities, churches, school organizations and other not-for-profit organizations are exempted from the requirements of this Local Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ARTICLE III

RESTRICTIONS AND REQUIREMENTS

Garage, barn and/or yard sales in the Town shall be regulated in the following manner:

A) Hours.

Garage, barn and/or yard sales shall not commence before 10:00 a.m. and must terminate by sundown.

B) Number.

No person shall conduct more than three (3) garage, barn and/or yard sales on his or her premises in any one (1) calendar year. Any one (1) sale is limited to three (3) consecutive days.

C) Merchandise.

Garage, barn and/or yard sales shall offer only used, unwanted items of personal property owned by the resident of the property where the sale is held. No new merchandise shall be offered for sale, nor may merchandise from other sources be brought in and offered for sale.

D) Signs.

1) Garage, barn and/or yard sales may be advertised through the newspaper or other news media. A sign not greater in size than three by three (3 x 3) feet may be installed on the property where the sale is being conducted.

2) No signs shall be placed on the public right-of-way or on property other than where the sale is being conducted. No lighted signs shall be used.

3) The sign shall be displayed only during the sale and shall be promptly removed after the sale.

E) Zoning.

It is not the intent of this Local Law to change, alter or amend any zoning law or regulation of the Town.

F) Permit.

1) It shall be unlawful for any person or persons to conduct any sale commonly known as a "garage sale", "barn sale" or "yard sale" without first having received a permit.

2) Upon application either in person, by mail or by telephone, the Clerk is authorized to issue a permit which must be prominently posted at the site of the sale during the hours of the sale.

3) The permit shall set forth the name, address and date or dates of the sale.

4) There shall be no fee charged for said permit.

ARTICLE IV

PENALTIES FOR OFFENSES

Whoever shall violate or fail to comply with any of the provisions of this Local Law shall be fined not more than Two Hundred Fifty Dollars (\$250.00) and/or be imprisoned for a term not to exceed fifteen (15) days. Each day that a violation continues shall constitute a separate offense.

ARTICLE V

EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1991 of the ~~X County~~(City)(Town)(Village) of Cohocton was duly passed by the Town Board on July 9 1991, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19__,
(Name of Legislative Body) (Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was
(Name of Legislative Body) (Elective Chief Executive Officer*)
submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was subject to
(Name of Legislative Body) (Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Patricia Bidlack
~~Clerk of the County Legislature, City, Town or Village Clerk~~
~~as certified by local legislative body~~

(Seal)

Date: July 11, 1991

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Steuben

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

John F. Leyden
Signature John F. Leyden

Town of Cohocton Attorney
Title

~~COUNTY~~
~~CITY~~ of Cohocton, New York
Town
~~VILLAGE~~

Date: 7/16/91