

HAMPTON TOWNSHIP ORDINANCE 2013-07

**AN ORDINANCE TO AMEND CHAPTER 68 ENTITLED
LICENSES and PERMITS
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF HAMPTON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Hampton, County of Sussex, State of New Jersey, that Chapter 68 of the revised Code of the Township of Hampton being entitled Licenses and Permits shall be and is hereby amended to read as follows:

Section 1. Chapter 68 shall be amended by adding the following Article to be known Article III, Garage Sales:

**ARTICLE III
GARAGE SALES**

- §68-5 Definitions
- §68-6 Permit Required
- §68-7 Permit Information Required
- §68-8 Hours of Sale
- §68-9 Conduct of Sale
- §68-10 Exceptions
- §68-11 Sign Regulations
- §68-12 Waiver of Requirements
- §68-13 Fees
- §68-14 Enforcement
- §68-15 Violations and Penalties

§68-5 Definitions.

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

GARAGE SALES - All sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "Town-wide garage sales," "house sale," "yard 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 any goods, merchandise or other property capable of being the object of a sale regulated hereunder.

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

§68-6 Permit Required, Issuance; Duration; Display.

- A. It shall be unlawful for any person to conduct a garage sale in the Township of Hampton without first completing an application and obtaining from the Township Clerk a garage sale permit. The fee for such a permit shall be as set forth in Section 79-8, Fees. For multifamily/multiproperty owner sales, each entity participating must pay the permit fee and be listed on the permit application.
- B. Each permit must be prominently displayed on the garage sale premises throughout the entire period of the sale.
- C. No permit shall be issued for more than two (2) consecutive calendar days. The permit shall set forth a rain date which shall be only one week from the original scheduled dates.
- D. Only two (2) such permits shall be issued to any one person and/or for any one location within a calendar year. However, if a permittee can clearly demonstrate that adverse weather or other unforeseen conditions have affected the sale, creating undue hardship, the Township Committee may grant permission for additional permits. The permittee shall file a request for the additional sale and the reasons for the request with the Township Clerk no later than three days after the date upon which the first sale was to have been held.

- E. On days when the Township has endorsed a Township-wide garage sale, individual permits will be issued for a fee as set forth in Section 79-8, Fees. For multiple families/entities participating in the Town-wide garage sale at one location, each participant/family/entity must pay the Town-wide garage sale fee.

§68-7 Permit Information Required.

The following information must be filed with the Township Clerk on a form provided therefore at least five (5) days prior to the proposed sale date before a yard sale permit may be issued.

- A. Name of person, firm, group, corporation, association or organization conducting said sale.
- B. Name of owner of the property on which said sale is to be conducted and consent of owner if applicant is other than owner.
- C. Location at which sale is to be conducted.
- D. Number of days of sale.
- E. Date and nature of any past sale.
- F. Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.
- G. Itemized list and detailed description of goods proposed to be sold, including a statement as to the date or dates when applicant obtained or purchased the goods.
- H. Whether or not applicant has been issued any other vendor's permit by any local, state or federal agency.
- I. Sworn statement or affirmation by the person signing that the information therein given is full and true and known by him to be so.

§68-8 Hours of Sale.

All garage sales shall be conducted between the hours of 8:00 a.m. and 6:00 p.m. only.

§68-9 Conduct of Sale.

The permitter and the owner or lessee of the premises on which the sale is being conducted, shall be jointly and severally responsible for compliance with this Ordinance and the maintenance of good order and decorum during the permitted date and time of the sale. No person shall permit any loud or boisterous conduct or permit vehicles to impede the passage of traffic on the roads or streets in the area of such premises. All permitted premises shall at all times be subject to inspections by the Zoning Officer or any of their agents or other duly authorized Township representative.

§68-10 Exceptions.

The provisions of this article 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 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 five in number.
- D. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been complied with.
- E. Any sale regulated under any other ordinances of the Township of Hampton.
- F. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Township of Hampton or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited by Township ordinances.

G. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this section shall be on the organization or institution claiming such exemption.

§68-11 Sign Regulations.

All signs advertising a yard sale shall have a space allotted thereon upon which shall be placed the name and address of the person to whom the permit has been issued. The sign is not to exceed four square feet in size, shall not be placed on the premises earlier than one week prior to the sale and shall be removed within 24 hours after the sale has terminated. No signs shall be attached to telephone poles, street signs or traffic signs.

§68-12 Waiver of Requirements.

Upon application by any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization, the Township Committee may waive any or all of the requirements of this chapter; provided, however, that the burden of establishing eligibility for waiver shall be on the organization or institution applying for such waiver.

§68-13 Fees.

The fee for a garage sale permit shall be ten dollars (\$10.00). If the permit is for multifamily/multiproperty owners sale, each entity participating in the sale must pay the permit fee and the participants must be listed on the permit application.

§68-14 Enforcement.

This article shall be enforced by the Township Clerk or Zoning Officer. It shall be the duty of the Township Clerk or Zoning Officer to investigate any violations of this article coming to their attention, whether by complaint or arising from their own personal observation and knowledge, and if a violation is found to exist, they shall prosecute a complaint before the local Municipal Court.

§68-15 Violations and Penalties.

Any person as defined herein violating any of the provisions of this Chapter shall upon conviction therefore, be subject to a fine not to exceed \$500.00 or imprisonment in the County Jail for a term not to exceed 90 days or both. Each

day of the sale in violation of any or all of the provisions of this article shall constitute a separate offense.

Section 2. All provisions of Chapter 68 not amended hereby shall remain in full force and effect.

Section 3. This Ordinance shall be passed and published according to law and shall take effect on January 1, 2014.

CERTIFICATION

I hereby certify that the above resolution was adopted by the Township Committee at their regular meeting held on October 8, 2013 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey 07860.

Date _____

Kathleen Armstrong, RMC
Township Clerk

**HAMPTON TOWNSHIP
NOTICE
ORDINANCE 2013-07**

TAKE NOTICE that the foregoing Ordinance #2013-07 was introduced and passed on First Reading at the regular meeting of the Hampton Township Committee held on September 24, 2013, and was ordered published according to law, and will be further considered at the regular meeting of the Hampton Township Committee to be held on October 8, 2013. All interested parties may appear and be heard. A copy of this Ordinance has been posted on the Bulletin Board upon which public notices are customarily posted in the Township Hall of the Township.

Kathleen Armstrong, RMC
Township Clerk

**HAMPTON TOWNSHIP
NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2013-07 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, October 8, 2013, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC
Township Clerk