

## Article 15 YARD SALES

### (1) PURPOSE:

These rules and regulations are designed to control and restrict yard sales in order to protect the public health, safety, convenience and general welfare 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. The intent of this article is to eliminate perpetual, prolonged and extended garage and yard sales in the A-1, R-1, R-2 and M-1 districts of Monroe Township. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and violate the zoning regulations of Monroe Township. The provisions of this article arise from the need to limit, regulate, restrict and control garage and yard sales.

### (2) DEFINITIONS:

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

#### YARD SALE:

- A. The sale or offering for sale of new, used or secondhand items of personal property at any one(1) residential premises at any one(1) time.
- B. Includes all sales in residential areas entitled “garage sale,” “yard sale,” “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:

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

#### PERSONS:

Individuals, partnerships, family groups, voluntary associations and corporations.

### (3) PERMIT REQUIRED; FEE; CONDITIONS FOR SALES:

- A. It shall be unlawful for any person to conduct a yard sale within the geographic boundaries of Monroe Township without first obtaining a

yard sale permit, at no charge, from the Monroe Township zoning department after filing an application containing the information hereinafter specified.

- B. It shall be unlawful to participate in more than two (2) yard sales in any calendar year. These sales can only be held from May 1<sup>st</sup> through October 31<sup>st</sup> in any one (1) calendar year.
- C. Not more than two (2) yard sale permits shall be issued for any one (1) person for one (1) calendar year-May 1<sup>st</sup> through October 31<sup>st</sup>.
- D. Not more than two (2) yard sale permits shall be issued for any one (1) premises for one (1) calendar year-May 1<sup>st</sup> through October 31<sup>st</sup>.
- E. Yard sales shall be limited in time to no more than the daylight hours of three consecutive days.
- F. It is a requirement of yard sale permits that the names and addresses of all participating persons be listed on the application. The yard sale permit must be posted at a visible location to the traveling public for the duration of the sale.
- G. It shall be unlawful to conduct any yard sale with a duration exceeding three (3) consecutive days.
- H. Personal property offered for sale may be displayed within the residence, in a garage, in a carport or in a yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way.
- I. Inclement weather. If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the Zoning Department may issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No permit fee is required.
- J. Third sale permitted: A third yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change of ownership of the real property is first presented to the Zoning Department of Monroe Township.
- K. Any and all items that remain from the yard sale after the third day must be removed or stored in an enclosed area within 48 hours after said yard sale.

(4) SIGNS:

- A. Only the following specified signs may be displayed in relation to a pending

yard sale:

1. Two (2) signs permitted. Two signs of not more than six (6) square feet each are permitted to be displayed on the property of the residence where the yard sale is being conducted.
  2. Directional signs. Two (2) signs of not more than four (4) square feet each are permitted, provided that the premises upon which the yard sale is conducted is not on a major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be posted.
- B. No sign or other form of advertisement shall be exhibited for more than seven (7) days prior to the day such sale is to commence.
- C. Signs must be removed at the close of the yard sale activities or by the end of daylight, whichever first occurs.

(5) RESPONSIBILITIES OF PERMIT HOLDER AND OWNER:

The individual 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 individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Departments of Monroe Township and the Clermont County Sheriff's Department in order to maintain the public health, safety and welfare.

A police officer, zoning inspector, fire prevention inspector or any other official designated by Monroe Township to make inspections shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection.

(6) PARKING:

All parking of vehicles shall be conducted in compliance with all applicable laws.

(7) REVOCATION AND REFUSAL OF PERMIT:

- A. Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the zoning inspector if the

application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

- B. If any individual is convicted of an offense under this article, the zoning inspector is instructed to cancel any existing yard sale permit held by the individual convicted and not to issue such individual another yard sale permit for a period of two (2) years from the time of conviction.

(8) EXEMPTIONS:

This article shall not be applicable to:

- 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 a single item of personal property which is specifically named or described in an advertisement offering the item for sale.
- D. Any publisher of a newspaper, magazine or other publication or other communications media which publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been met.
- E. Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned for that business under the zoning regulations of Monroe Township with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited.
- F. Any public auction conducted by a licensed auctioneer.