

# Garage Sale Application

Permit No. \_\_\_\_\_

Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Location of Sale: \_\_\_\_\_

Where on property: \_\_\_\_\_

Dates sale to take place: \_\_\_\_\_

Items to be sold: \_\_\_\_\_

NOTE: No more than three such permits may be issued to one residence and/or family household during any calendar year. Such garage sales shall be limited in time to no more than the daylight hours of three consecutive days or two consecutive weekends (Saturday and Sunday).

REQUIREMENTS: Applicant must supply affirmative statement that the property to be sold was owned by the applicant at their own personal property and was neither acquired nor consigned for the purposes of resale.

Sec. 181-13(A) Signs Permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

- (1) Two signs permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.
- (2) Directional signs. Two signs of not more than two square feet each are permitted provided that the premises upon which the garage sale is conducted is not a major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.

Section 181-13(B) Time Limitations: No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.

Section 181-13(C) Removal of Signs: Signs must be removed each day at the close of the garage sale activities or by the end of daylight, whichever occurs first.

I (We) have been given a copy of the Ordinance Regulating Personal Property Sales in Residential Zoning Districts for Garage Sales and will comply with the regulations as stated in the Ordinance. **I CERTIFY THAT THE ITEMS TO BE OFFERED FOR SALE ARE OWNED BY ME AND HAVE NOT BEEN PURCHASED FOR RESALE.**

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Applicant

Section 181-20 Penalty: Any person found guilty of violating the terms of this Ordinance shall be fined not less than \$25.00 nor more than one hundred and fifty (\$150) dollars for each offense or by imprisonment not exceeding 15 days, or both.

Section 181-10 Pre-Permit Investigated by Code Compliance Supervisor.

Permit Fee: \_\_\_\_\_ Receipt No. \_\_\_\_\_ Approved By: \_\_\_\_\_

CODE COMPLIANCE SUPERVISOR

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES**

**Chapter 181, GARAGE SALES**

[HISTORY: Adopted by the City Council of the City of Newburgh 1-14-1985 as Ord. No. 1. Sections 181-6 and 181-20 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

**GENERAL REFERENCES**

**Fees -- See Ch. 163.**

**Signs -- See Ch. 250.**

**Vehicles and traffic -- See Ch. 288.**

**Zoning -- See Ch. 300.**

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-1. Findings; purpose.**

**§ 181-1. Findings; purpose.**

The Council of the City of Newburgh finds and declares that:

- A. The intrusion of nonregulated garage sales is causing annoyance to citizens in residential areas and residential premises in the City of Newburgh and congestion of the streets in residential zones in the City of Newburgh. [Amended 8-10-1992 by Ord. No. 11-92]
- B. The provisions contained in this chapter are intended to prohibit the conducting of a business in any zoned residential areas or residential premises by regulating the terms and frequency of garage sales so as not to disturb or disrupt the residential environment of the area. [Amended 8-10-1992 by Ord. No. 11-92]
- C. The provisions of this chapter do not seek control of sales by individuals selling a few of their household or personal items.
- D. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the city's citizens.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-2. Definitions**

**and word usage.**

**§ 181-2. Definitions and word usage.**

- A. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CODE COMPLIANCE SUPERVISOR -- The head of the Code Compliance Bureau or anyone designated by him or by the Chief of the Fire Department to act in his place.

GARAGE SALE -- Includes all general sales, open to the public, conducted from or on a residential premise or in any residential zone as defined by the Ch. 300, Zoning, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage sale." This definition shall not include a situation where no more than five specific items are held out for sale and where all advertisement of such sale specifically names those items to be sold. [Amended 8-10-1992 by Ord. No. 11-92]

PERSONAL PROPERTY -- Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

RESIDENTIAL PREMISES -- A lot on which a building is located which has a certificate of occupancy for a residential occupancy classification only as the same is defined by the New York State Fire Prevention and Building Code, or any vacant lot which abuts a residential premise. [Added 8-10-1992 by Ord. No. 11-92]

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-3. Sale of other than personal property prohibited.**

**§ 181-3. Sale of other than personal property prohibited.**

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-4. Permit required.**

**§ 181-4. Permit required.**

No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from the Code Compliance Supervisor. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-5. Written statement required.**

**§ 181-5. Written statement required.**

Prior to issuance of any garage sale permit, the individuals conducting such sale shall file a written statement with the Code Compliance Supervisor at least five business days in advance of the proposed sale, setting forth the following information:

- A. The full name and address of applicant.
- B. The location at which the proposed garage sale is to be held.
- C. The date or dates upon which the sale shall be held.
- D. The date or dates of any other garage sales within the current calendar year.
- E. An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purposes of resale.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-6. Permit fee. [Amended 6-13-1988 by L.L. No. 4-1988]**

**§ 181-6. Permit fee. [Amended 6-13-1988 by L.L. No. 4-1988]**

There shall be an administrative processing fee as set forth in Chapter 163, Fees, of this Code for the issuance of such permit.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-7. Permit conditions.**

**§ 181-7. Permit conditions.**

The permit shall set forth and restrict the time and location of such garage sale. No more than three such permits may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-8. Hours.**

**§ 181-8. Hours.**

Such garage sales shall be limited in time to no more than the daylight hours of three consecutive days or two consecutive weekends (Saturday and Sunday).

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-9. Inclement weather; fourth sale.**

**§ 181-9. Inclement weather; fourth sale.**

- A. Sale not held because of inclement weather. If a garage 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 Code Compliance Supervisor may issue another permit to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee is required.
- B. Fourth sale permitted. A fourth garage 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 Code Compliance Supervisor.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-10.**

**Investigation to determine compliance.**

**§ 181-10. Investigation to determine compliance.**

Before issuing a permit, the Code Compliance Supervisor may conduct an investigation as may reasonably be necessary to determine if there is compliance with this chapter.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-11. Display of property in permitted areas only.**

**§ 181-11. Display of property in permitted areas only.**

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 garage sale shall be displayed in any public right-of-way.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-12. Display of permit.**

**§ 181-12. Display of permit.**

Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Code Compliance Supervisor.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-13. Signs.**

**§ 181-13. Signs.**

A. Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

- (1) Two signs permitted. Two signs of not more than four square feet each are permitted to be displayed on the property of the residence where the garage sale is being conducted.
- (2) Directional signs. Two signs of not more than two square feet each are permitted, provided that the premises upon which the garage 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. Time limitations. No sign or other form of advertisement shall be exhibited for more than two days prior to the day such sale is to commence.
- C. Removal of signs. Signs must be removed each day at the close of the garage sale activities or by the end of daylight, whichever first occurs.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-14. Responsibilities of permit holder and owner.**

**§ 181-14. 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 the City of Newburgh in order to maintain the public health, safety and welfare.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-15. Right of entry for enforcement and inspection.**

**§ 181-15. Right of entry for enforcement and inspection.**

A police officer, code compliance officer, fire prevention inspector or any other official designated by any city ordinance to make inspections under the licensing or regulating ordinance or to enforce the same shall have the right of entry to any premises showing evidence of a garage sale for the purpose of enforcement or inspection and may close the premises from such a sale or issue an appearance ticket or, in the case of a police officer, arrest any individual who violates the provisions of this chapter.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-16. Parking; temporary controls.**

**§ 181-16. Parking; temporary controls.**

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-17.  
Revocation and refusal of permit.**

**§ 181-17. Revocation and refusal of permit.**

- A. False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the Code Compliance Supervisor if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- B. Conviction of violation. If any individual is convicted of an offense under this chapter, the Code Compliance Supervisor is instructed to cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for a period of two years from the time of conviction.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-18.  
Exemptions.**

**§ 181-18. Exemptions.**

The provisions of this chapter shall not apply to or affect the following:

- 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 mercantile or other business establishment from or at a place of business having a certificate of occupancy indicating a mercantile occupancy classification as defined by the New York State Fire Prevention and Building Code wherein such sale would be permitted by the zoning ordinance<sup>EN(1)</sup> of the City of Newburgh 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

mercantile premises and not otherwise prohibited in other ordinances. [Amended 8-10-1992 by Ord. No. 11-92]

- D. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-19. Separate offenses.**

**§ 181-19. Separate offenses.**

Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

**CODE OF THE CITY OF NEWBURGH NEW YORK, v25 Updated 03-15-2007 / PART II GENERAL LEGISLATION / Chapter 181, GARAGE SALES / § 181-20. Penalties for offenses. [Amended 6-13-1988 by L.L. No. 4-1988]**

**§ 181-20. Penalties for offenses. [Amended 6-13-1988 by L.L. No. 4-1988]**

Any person found guilty of violating the terms of this chapter shall be fined not less than \$25 nor more than \$250 for each offense or be imprisoned not exceeding 15 days, or both.

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: See Ch. 300, Zoning.