

ORDINANCE No. 10 -2012

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND SUPPLEMENTING CHAPTER 244 SALES, SPECIAL OF THE CODE OF THE TOWNSHIP OF LIVINGSTON BY ADDING ARTICLE IV GARAGE SALES

BE IT ORDAINED by the Township Council of the Township of Livingston, County of Essex, State of New Jersey as follows:

*Bold and italicized language is added
[Bracketed language is deleted.]*

SECTION 1 *The following Section shall be added to Chapter 244, Article IV, of the Code of the Township of Livingston:*

Garage Sales

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

GARAGE SALES — *Includes all sales entitled "garage sale," "attic sale," rummage sale," "house sale," "yard sale," "estate sale," "tag sale," "flea market sale" or any similar causal sale of tangible personal property which is advertised by a means whereby the public at large is or can be made aware of said sale.*

GOODS — *Includes any goods or other property capable of being the object of sale regulated hereunder and which is owned by the conductor of the garage sale.*

OCCUPANT — *The owner or lessee of the premises.*

§244-28. Registration required.

It is unlawful to conduct a garage sale in the Township of Livingston without first registering the intended garage sale with the Building department and providing the information hereinafter specified.

§244-29. Limitations.

- A. No such garage sale shall be conducted on any one premises for more than three consecutive calendar days.*
- B. No garage sale shall be conducted on any one premises more than two times in a twelve-month period.*

§244-30. Information to be supplied to Building Department

The information to be provided to the Township's Building Department, pursuant to this article, shall be as follows:

- A. Name, address, email and phone number of applicant.*
- B. Name, address, email and phone number of lessee of the premises on which said sale is to be conducted.*
- C. Location at which sale is to be conducted.*

- D. *Number of days of sale.*
- E. *Date and nature of any past sale.*

§244-31. Conduct of sale.

The person conducting the sale 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 persons 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 persons shall obey the reasonable orders of any member of the Police or Fire Departments of the Township in order to maintain the public health, safety and welfare.

§244-32. Hours of sale.

All garage sales shall be conducted between the hours of 8:00 a.m. and 5:00 p.m. only.

§244-33. Posting of signs.

- A. *Signage to be posted 24hrs prior to sale only.*
- B. *Signs to be removed upon completion of sale.*
- C. *No posting of signage on utility poles.*
- D. *Address of sale must be on sign. If address of sale is not on sign, it will be removed.*
- E. *No attachments; balloons or streamers on signage.*
- F. *Max ht of signage 3'.*
- G. *Violation for posting of signage; \$25 per sign. If fine is not paid to Building Department then a summons will be issued as per 244-36.*
- H. *Sales, as defined and permitted under this article, shall be conducted on the premises only in the dwelling, garage, driveway, rear yard or front yard.*

§244-34. Regulations for sale items.

It is unlawful for any person to offer for sale mattresses, bedsprings, cots, lounges and sofas in any garage sale authorized under this article without first complying with the appropriate regulations for labeling, sterilizing and disinfecting of said mattresses, bedsprings, cots, lounges and sofas.

§244-35. Persons and sales excepted.

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 sale conducted by any merchant of 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, or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale is otherwise not prohibited in the ordinances*
- D. *Any bona fide charitable, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption. Such*

exemption may be permitted by resolution of Township Council upon application by any of the aforementioned types of organizations.

§244-36. Enforcement.

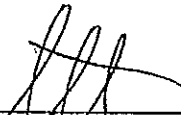
Police to issue summons upon discovery of violation. Building Department will issue summons for violations of which it becomes aware.

§244-37. Violations and penalties.

Any person, association or corporation conducting any such sale or similar activity without being properly registered therefore or who shall violate any of the other terms and regulations of this chapter shall upon conviction be fined up to \$500 for first offense and up to \$1,000 for each subsequent violation. Each day that such sale shall continue without notification being provided shall be considered a separate violation.

SECTION 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

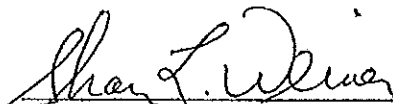


STEPHEN A. SANTOLA, Mayor



GLENN R. TURTLETAUB, Township Clerk

Approved as to form:



SHARON L. WEINER, Township Attorney
Introduced: 4/6/12
Adopted: 5/7/12