

YARD SALE APPLICATION

MUST BE FILED 10
DAYS PRIOR TO SALE

Borough of Wanaque
Passaic, New Jersey

(You may fax this form to (973) 839-4959 or email it to municipalclerksoffice@wanaqueborough.com)

1. Name of Applicant: _____

2. Address of Sale: _____

3. If you are not the owner of property, please list Name & Address of owner.

Property Owner Signature of Consent: _____

4. Dates of This sale: _____ & _____

Rain Dates: _____ & _____

5. Dates of any prior sales w/in 3 yrs.: _____

6. Any other vendor's licenses held: Local State Fed.

Explain: _____

7. Sale held: Indoors: Outdoors:

8. General description of type of goods to be sold: _____

First Garage Sale (no fee) Second Garage Sale (\$5.00) sale within 12 months:

Signs are available in the Municipal Clerk's Office.

Signs: _____ .50 each = _____ Cash Check# _____ Permit #: _____

I do certify that the above information is true. I also certify that none of the merchandise to be sold was purchased for this sale.

Date: _____ Phone#: _____

Applicant's Signature

Chapter 74. Flea Markets and Garage Sales

§ 74-1. Definitions.

For the purposes of this chapter, the following definitions shall apply:

FLEA MARKET

A sale of items of tangible personal property wherein on one location there are multiple vendors who have paid a fee for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal property.

GARAGE SALE

Includes but shall not be limited to lawn sales, attic sales, rummage sales and 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.

§ 74-3. Garage sales.

Any person may conduct a garage sale, as herein defined, under the following terms and conditions:

- A. An application shall be filed with the Borough Clerk at least 10 days prior to the date of the commencement of such garage sale. Such application shall set forth the following information:
- (1) Name of person applying for permit.
 - (2) Name and address of the owner of the property on which said sale is to be conducted.
 - (3) Written consent of the owner of the property upon which the sale is to be conducted if applicant is not the owner.
 - (4) Location at which sale is to be conducted, giving street address.
 - (5) Date of sale.
 - (6) Date of any past sale within a three-year period preceding the date of the proposed sale.
 - (7) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
 - (8) General description of the type of goods to be sold, including a written statement as to whether or not any of the merchandise to be sold was purchased by the applicant for the purpose of resale.
 - (9) Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.
- B. Upon the filing of the aforesaid application and the same being reviewed by the Borough Clerk and found complete and, if it is the person's second application within a twelve-month period, and accompanied by a fee of \$5, the Borough Clerk is hereby authorized to issue a permit for the garage sale applied for, which said permit shall be subject to compliance with the following restrictions:
[Amended 7-14-1982 by Ord. No. 13-79-82]
- (1) Hours of sale shall be between 9:00 a.m. and 5:00 p.m.
 - (2) Such permit shall be issued to any one person or for any one location only twice within a twelve-month period, and no such permit shall be issued for more than two consecutive calendar days; provided, however, that where the sale is to be conducted on a Saturday and Sunday and the sale shall be postponed because of inclement weather, the applicant will be permitted to hold the sale on the same day of the following weekend. Where the sale is being held

during the week and the date is postponed because of inclement weather, the applicant will be permitted to continue the sale on the next clear day.

(3) The permit authorized under this chapter must be prominently displayed on the premises upon which the sale is being conducted.

(4) All persons are prohibited from making, causing to be made or erecting any signs to be used in conjunction with any sale under this chapter other than those signs purchased by the applicant from the Borough of Wanaque, for an amount equal to the cost of the signs, upon issuance of a permit, which signs shall be uniform in size and form, not exceeding 24 inches by 24 inches. The signs shall have a space allotted thereon upon which shall be placed the name and address of the person running the sale, together with the applicant's permit number.

(5) No sign shall be displayed upon the premises of the sale nor any directional sign posted more than five days prior to the proposed sale. Any sign posted in conjunction with a sale shall be removed from view within 24 hours of the conclusion of the sale.

(6) Any sale of any item of merchandise at any garage sale must comply with all appropriate provisions of the law with reference to any such sales including, but not limited to N.J.S.A. 26:10-1 et seq. Resale of goods purchased by the applicant for the purpose of resale is hereby prohibited.

§ 74-4. Restoration of premises upon completion of sales.

Immediately upon the conclusion of any sale authorized by this chapter, the permittee shall be obliged within 24 hours after the conclusion of said sale to clean the outside of said premises and remove all unsold merchandise therefrom and restore same to the condition in which it existed prior to said sale.

§ 74-5. Exceptions to provisions.

The provisions of this chapter shall not apply to 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. The selling or advertising for sale of an item or items of personal property which are specifically described in the advertisement and which separate items do not exceed five in number and which are not displayed outside the premises.

§ 74-6. Violations and penalties.

Any person, association or corporation conducting any such sale or similar activity without obtaining a permit or who shall violate any of the other terms and regulations of this chapter may have their permit revoked. Such persons shall also, upon conviction of any violation hereof, be fined not less than \$25 nor more than \$200 for each violation. Each day that such sale or violation shall continue without being duly licensed shall be considered a separate violation.

§ 74-7. Enforcement.

Notwithstanding any law to the contrary, it is the intent of the Mayor and Council of the Borough of Wanaque that this chapter be enforced by the Police Department of the Borough of Wanaque.