

# BINGEN MUNICIPAL CODE

## Chapter 5.02

### YARD AND GARAGE SALES

#### Sections:

- 5.02.010 Definitions
- 5.02.020 Frequency – Hours.
- 5.02.030 Placards and advertising.
- 5.02.040 Permit – Required.
- 5.02.050 Permit – Canceled and rescheduled sale.
- 5.02.060 Patio sales, rummage sales, etc.
- 5.02.070 Violation – Penalty.

#### **5.02.010 Definitions.**

As used in this chapter:

“Person” means any corporation, individual or members of a family residing in a household conducting a sale.

“Yard/garage sale” means and includes the commonly understood meaning of both terms and means any retail sale of personal property conducted in or near a residence, under cover, partially under cover or completely outside of any residential building, in the open. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold. (Ord 449 §2 (part), 1998).

#### **5.02.020 Frequency – Hours.**

No person shall operate, conduct, manage or permit a yard/garage sale upon his premises or any other property under his control more often than three times during any twelve-month period and the sale shall not continue for a period of more than four consecutive days nor more than four days in any month and shall be conducted during daylight hours only. (Ord 449 §2 (part), 1998).

#### **5.02.030 Placards and advertising.**

No person shall place any cards, placards or signs regarding a yard sale on any property other than the property owned by the person conducting the sale without the consent of the other property owner. Such cards, placards or signs shall not be posted more than seventy-two hours before the sale and shall be removed within twenty-four hours after the close of the sale. (Ord. 449 §2 (part), 1998).

**5.02.040 Permit – Required.**

No less than ninety-six hours before the date of the commencement of the yard or garage sale, any person desiring to hold a yard/garage sale shall apply for a permit from the office of the city clerk, who shall notify the police department of such application. Within forty-eight hours of application, the police department shall notify the city clerk whether the sale may create a traffic hazard. Unless the police department notifies the clerk that the sale may create a traffic hazard, the city clerk shall promptly issue the permit after said forty-eight hours if the application is otherwise in compliance with this chapter. The time periods specified herein do not include weekends or legal holidays. There shall be no fee for the permit and yard and garage sales and do not require a business license pursuant to Bingen Municipal Code Chapter 5.04. The permit shall be posted in public view at the site of the sale. No more than five families shall participate in any yard/garage sale. A bona fide charitable organization shall be considered one family for the purpose of this chapter. (Ord. 449 §2 (part), 1998).

**5.020.050 Permit – Cancelled and rescheduled sale.**

In the event of inclement weather or other good reason and the sale for which a permit has been issued is not held on the dates or which the permit issued, the person wishing to conduct a sale may apply for a new permit upon the submission of an affidavit or declaration sworn under penalty of perjury to the City Hall attesting to the fact that the original sale date was canceled due to inclement weather or other good reason. (Ord. 449 §2 (part), 1998).

**5.02.060 Patio sales, rummage sale, etc.**

Included in the definition of yard/garage sales are all such sales also known as patio sales, rummage sales, and the like. (Ord. 449 §2 (part), 1998).

**5.02.70 Violation – Penalty.**

Any person found to be in violation of this chapter shall be guilty of a misdemeanor, each day the violation continues shall be considered a separate violation. (Ord. 449 §2 (part), 1998)