

CHAPTER 8

TEMPORARY SALES

Article 1. DefinitionsSection 8-101. Definitions

For the purposes of this Ordinance the following terms, phrases, words and their derivatives shall have the meaning given herein.

"Charity sale" is any temporary sale for which the sponsor is a charitable organization and the proceeds of which go to one or more charitable organizations.

"Town" is the Town of North East.

"Garage sale" is the sale of goods or services in or on the grounds of a private home or institution. The goods sold may be new or used and may or may not be the property of the seller. The term is used interchangeably with "Yard Sale".

"Goods" is meant to include any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

"Multiple vendor sale" is any one or combination of the types of sales regulated herein where two or more vendors separately sell their goods under the same sponsorship and at the same location. These are occasionally called by such names as flea markets, antique shows, bazaars or cooperatives.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"Seasonal sale" is any temporary sale which is conducted during a season associated with the goods being sold. These sales are such as Christmas tree sales, fresh produce sales or flower sales.

"Services" is meant to include any work or act capable of being performed for a fee or donation during a sale regulated hereunder. Examples of services occasionally performed as part of a temporary sale are a car wash or appliance repairs.

"Sponsor" is any person who organizes or sponsors a temporary sale and who assumes liability and responsibility during the same for compliance with all pertinent laws and regulations of the town. A sponsor may represent himself or herself as a single vendor or any number of vendors as in the case of a multiple vendor sale.

"Temporary sales" includes all sales of goods or services, whether or not for profit, for a period of time not to exceed 2 days and from a fixed location, store, shop or other site, not otherwise licensed to do business there. This includes but is

not limited to such sales as yard and garage sales, Christmas tree sales, flea market sales and fresh produce sales.

"Vendor" is any person selling goods or services at a temporary sale.

"Yard sale" is intended to carry the same meaning as "Garage Sale".

Article 2. General

Section 8-201. Permit Required

All persons desiring to conduct a temporary sale as defined herein shall apply to the Town for a Temporary Sale Permit.

Section 8-202. Duration of Sale

All temporary sales shall be limited to a sale period of not more than 2 days.

Section 8-203. Single Location

Each Temporary Sale Permit shall be issued to one sponsor only. The sponsor can be any person as defined herein. The sponsor may represent himself or herself alone or an organization which desires to sponsor a multiple vendor sale.

Section 8-204. Single Sponsor

Each Temporary Sale Permit shall be issued to one sponsor only. The sponsor can be any person as defined herein. The sponsor may represent himself or herself alone or an organization which desires to sponsor a multiple vendor sale.

Section 8-205. Liability of Sponsor

The sponsor shall be responsible for compliance with all pertinent laws and regulations of the Town and shall be liable for all actions associated with or issuing from the temporary sale in the same way and to the same extent as other business operators in the Town.

Section 8-206. Permit Specifications

Each Temporary Sale Permit shall specify, at the minimum:

1. The name of the sponsor.
2. The goods and or services to be sold.
3. The location or site of the sale.
4. The period of time during which the same will take place.

Section 8-207. Permit Fee

A schedule of temporary sale permit fees shall be established from time to time by the Town Board. The fee may vary depending on the location, type of goods and services being sold, the duration of the same and other considerations.

Section 8-208. Location of Sale

A temporary sale may take place in an industrial, commercial or residential area. Regulations governing such matters as advertising, signs, sound, construction, sanitation and traffic shall be the same as for other businesses operating in the area.

Section 8-209. Traffic Control

No sale shall be so conducted as to interfere with the smooth flow of vehicular and pedestrian traffic past the site of the sale. Any sponsor who anticipates traffic which might interfere with a smooth flow will so notify the Town at the time the permit is requested and make any necessary arrangements with police and fire officials to control the flow. Should an unusually large flow of traffic develop during the sale, the sponsor will immediately notify the Town and prepare upon request of the Town to stop the sale until such time as the traffic flow can be effectively controlled.

Section 8-210. Temporary Sale as Nuisance

No temporary sale nor any activity associated therewith shall be conducted in any way that will disturb the peace of those nearby nor interfere with the reasonable use of their property.

Article 3. Health and SafetySection 8-301. Dangers and Hazards

No temporary sale shall be conducted in any way which shall present a danger or hazard to the persons or property of the public.

Section 8-302. Litter

The site or location of a temporary sale shall be maintained clean and free from litter at all times. Any litter which shall fall on the property of another shall be removed immediately.

Section 8-303. Construction

Any construction, electrical work, plumbing, sign erection, sound system installation or other related activity conducted in association with the temporary sale shall be in accordance with the pertinent building, electrical, plumbing or other applicable code of the Town.

Article 4. Advertising

Section 8-401. Regulation of Advertising

Any advertising of the temporary sale shall be subject to the same regulation as pertains to other business activities in the Town, any as may be additionally defined herein.

Section 8-402. Signs; Duration

Any sign advertising the temporary sale may not be erected more than five days before the sale begins and must be removed not later than two days after the sale ends.

Section 8-403. Signs; Permit Required

A permit issued by the Town shall be required for any sign larger in size than 2 square feet and for electrical signs of any size.

Section 8-404. Signs; Location

Signs may not be erected on any public property nor on private property unless the sponsor has first received express permission from the owner or agent.