

Township of Clark, NJ  
Tuesday, February 13, 2018

## Chapter 179. Garage Sales

[HISTORY: Derived from Sec. 4-9 of the 2002 Revised General Ordinances, adopted by the Township Council of the Township of Clark 12-16-2002 by Ord. No. 02-27. Amendments noted where applicable.]

### GENERAL REFERENCES

Licensing — See Ch. 203.

Peddling and soliciting — See Ch. 248.

### § 179-1. Definitions.

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

#### GARAGE SALES

All sales, whether located in residential districts or commercial districts, entitled "garage sale," "lawn sale," "attic sale," "rummage sale" or "flea market sale," or 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 such sale.

#### GOODS

Any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

### § 179-2. License required.

It shall be unlawful for any person to conduct a garage sale in the Township without first filing with the Township Clerk the information hereinafter specified and obtaining from the Township Clerk a license, to be known as a "garage sale license."

### § 179-3. Fee.

The fee for such license shall be \$3.

### § 179-4. Application for license.

The application to be filed with the Township Clerk shall contain the following information:

- A. The name of the person, firm, group, corporation, association or organization conducting the sale.
- B. The name of the owner of the property on which the sale is to be conducted, and consent of the owner if the applicant is other than the owner.
- C. The location at which the sale is to be conducted.
- D. The number of days of the sale.
- E. The date and nature of any past sale.

- F. The relationship or connection the applicant may have had with any other person conducting a sale, and the date or dates of such sale.
- G. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- H. Certification that the items to be sold are owned by the applicant.
- I. A sworn statement or affirmation by the applicant that the information therein given is full and true and known to the applicant to be so.

## § 179-5. Limitations on issuance of license; display requirements.

- A. No garage sale license shall be issued to any one person more than four times within a twelve-month period, and no such license shall be issued for more than three consecutive calendar days.
- B. Charitable, religious and civic organizations may be allowed more than four licenses with the approval of the Township Council.
- C. Each license issued under this chapter must be prominently displayed and posted on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

## § 179-6. Hours of sale.

No garage sales shall be conducted other than between the hours of 9:00 a.m. and 6:00 p.m. only.

## § 179-7. Signs.

- A. All persons are prohibited from making, causing to be made or erecting signs other than those signs provided by the Township.
- B. Such signs shall be made available by the Township and shall be a uniform size and form, 12 inches by 12 inches, and must be purchased from the Township.
- C. Such signs shall have a space allotted thereon upon which shall be placed the name and address of the person running the sale, and such signs shall be removed within 48 hours after the completion of the sale.

## § 179-8. Exceptions.

The provisions of this chapter 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 person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.
- D. Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this chapter have not been complied with.
- E. Any sale conducted by any merchant, 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 would be conducted from properly zoned premises and not otherwise prohibited.

- F. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization within the Township is hereby exempt from the provisions of this chapter; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

## § 179-9. Conditions of sale.

- A. The person to whom such license 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.
- B. No such person shall permit any loud or boisterous conduct on such premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises.
- C. All such persons shall obey the reasonable order of any member of the Police or Fire Departments of the Township in order to maintain the public health, safety and welfare.

## § 179-10. Enforcement.

This chapter shall be enforced by the Township Police Department. It shall be the duty of the Police Department to investigate any violations of this chapter coming to its attention, whether by complaint or arising from its own personal knowledge, and if a violation is found to exist, it shall prosecute a complaint before the Municipal Court.

## § 179-11. Violations and penalties.

Any person conducting any such sale or similar activity without being properly licensed therefor or who shall violate any of the other terms and regulations of this chapter shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Article III, General Penalty. Each day that such sale shall continue without being duly licensed shall be considered a separate violation.