

Chapter 10

Part B: *Public Sales: Yard Sales – Auctions – Flea Markets* (OR5-2005) (Revised-2024)

(Attachment 1 – 2024)

100.00 **Definitions.**

100.10 The Following terms shall have the meanings indicated:

101.00 *Yard Sale* – shall mean any public sale of household items or related goods on residential property including, but not limited to, the residential premises, garage, home, lawn, or yard.

102.00 *Permit* – shall refer to the form that must be obtained, completed, and submitted to the Borough Secretary prior to conducting a yard sale.

103.00 *Household* – shall refer to the individual who applies for a permit and anyone who resides in that individual's residence.

104.00 *Borough* – shall refer to the Borough of Saegertown.

105.00 *Person* – shall mean any individual, group, corporation or other legal entity.

106.00 *Flea Market:* A flea market (or swap meet) is a type of street market that provides space for vendors to sell previously owned (second-hand) goods.

107.00 *Auctions:* An auction is **a public sale of property to the highest bidder**. The underlying purpose of an auction sale is to obtain the best financial returns for the owner of the property and to allow free and fair competition among bidders.

200.00 **General Provisions Yard Sales:**

200.10 It shall be unlawful for a person to conduct within the Borough a yard sale or permit a yard sale to be held within the Borough on residential property under the person's control without first obtaining a yard sale permit from the Borough.

200.20 Any person conducting a yard sale within the Borough or outside the Borough limits or any person posting advertisements within the Borough limits for a yard sale to be held inside or outside the Borough limits shall remove from within the Borough right-of-way all signs, flyers, posters, and bulletins no later than the date after the yard sale. All signs must comply with Chapter 18 – Part A section 304 (signs)

- 200.21 Should the yard sale for any reason not be held all signs, flyers, posters, and bulletins advertising the yard sale must be removed no later than the scheduled last day for the yard sale.
- 200.30 The Borough Council may designate dates for municipality –wide yard sales which shall be exempt from the permit provisions of this Ordinance.
- 200.40 There shall be no yard sale or sales on Borough property without the express permission of Borough Council.
- 200.50 There shall be no commercial sales or sales of any items other than household goods or related items in connection with a yard sale without the express permission of Borough Council.
- 201.00** *Flea Markets: (Section added 4-8-24)*
- 201.01 Flea Markets are limited to B-1 and M-1 zoning districts.
- 201.02 Fleas Markets require written permission from the property owner, and if the property is a multi-business property, written permission from all other tenants or business owners on the property.
- 201.03 A permit is required for any Flea market, with a fee set by resolution of Council.
- 201.04 A parking plan must be provided, with proof that normal parking will not be interrupted, and traffic or property in the area will not be obstructed or interfered with.
- 201.05 Duration of any Flea Market shall not be longer than three (3) consecutive calendar days, including clean-up, and no more than two (2) in a calendar year by the same person or group, or at the same location.
- 201.06 Food and refreshment sales are NOT permitted on the property of the flea market unless a soliciting or food truck permit is obtained.
- 201.07 Any signs for a Flea Market must meet regulations in Chapter 18 – Part A, section 304.1 (D).
- 202.00** *Outdoor Sales at a Business:*
- 202.01 Outdoor Sales at a business are permitted in B-1 or M-1 zone only.
- 202.02 Outdoor Sales at a business must maintain the minimum permitted number of parking spaces required under zoning and parking requirements.

- 202.03 No permit is required for Outdoor Sales, provided the sales are in conjunction with the business that it is associated with, and are of the same general nature. (example: cooking chicken for sale by the business)
- 202.04 Outdoor sales by charitable organizations are permitted with permission of the owner. (Example: bake sale)
- 202.05 Outdoor sales of Fire Works of any type are not permitted.
- 203.00 *Public Auctions:***
- 203.01 Items sold at an auction must be from goods and items currently on the property of the sale. No additional items may be brought into the borough for the auction. (Unless for a charitable organization as a fund raiser)
- 203.02 A permit is required that is free of charge.
- 203.03 A Parking and traffic control plan must be provided.
The plan may require flaggers, placement of temporary signs, or bussing participants to the scene, if determined necessary by the Borough.
- 203.04 Food and refreshment sales are permitted on the property on scene for one day only if a soliciting or food truck permit is obtained.
- 203.05 All signs must meet the requirements under Chapter 18 – Part A, Section 304.
- 203.06 All refuse and garbage from the general vicinity of the event must be cleaned up at the end of the event.
- 203.07 Only left over items from the sale may be placed out for local garbage collection.
- 204.00 *Items marked “FREE” placed for pick-up.***
- 204.01 Items marked “free” may be placed along a street, or on a property, for no more than 36 hours (3 days)
- 204.02 Items may not be listed for “A Donation”.
- 204.03 Items listed as Free may not be placed on the street or road, or between the street and the sidewalk.
- 300.00 *Frequency and Duration Limitations:***
- 300.10 Two (2) yard sales are permissible per household in any CALENDER YEAR.

- 300.20 The maximum duration of any yard sale shall be two (2) consecutive calendar days. One additional set-up or clean-up day is permitted.
- 300.30 The approved yard sale must be held within fifteen (15) days of the issuance of the permit for that yard sale.
- 300.40 All yard sale items must be cleaned up from the property within 48 hours of the permitted end of the sale, including items to be donated or given away free of charge.
- 400.00 Fee for Permit:**
- 400.10 There shall be no fee for the issuance of a yard sale permit unless established by Council upon resolution.
Fees for yard sales, flea markets, and public auctions may be set at any time by resolution of Borough Council.
- 500.00 Violation:**
- 500.10 Any person who violates any provision of this Ordinance shall pay a Class B fine as set by resolution of Council.
- 500.20 Each day in violation shall be a separate offense.
- 600.00 Enforcement:**
- 600.10 The Mayor, Borough secretary or the Borough Code Enforcement Officer are hereby authorized to act on behalf of the borough.
- 700.00 Repealer:**
- 700.10 All ordinances or any parts thereof which are inconsistent herewith are hereby repealed.
- 800.00 Severability:**
- 800.10 If any provision, sentence, clause, section, or any part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.
- 800.20 It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provisions, sentence, clause, section, or part thereof not have been included herein.
- 900.00 Effective:**

900.10 This Ordinance shall take effect immediately upon its enactment.

900.20 Enacted and Ordained this 14th day of November 2005.

900.21 Revised and enacted 8th day of April 2024.