

CHAPTER XII

PERSONAL PROPERTY SALES

ARTICLE I IN GENERAL

Section 1 PURPOSE

The purpose of this ordinance is to eliminate the intrusion of non-regulated personal property sales. The intent is not to prevent, but to regulate such sales for the public health, safety and welfare of the residents of the Village.

Section 2 PERSONAL PROPERTY SALES DEFINED

- (1) The use of land and the buildings thereon for the purpose of any public sale or offering for sale of personal property by a person or persons, said personal property having been acquired, possessed, or used by the person or persons for personal use as opposed to business or commercial use, including wherein more than one family enters into such sale at one location for the sale of such personal property.
- (2) The use of land for such sales purposes shall include, "Yard sale", "Garage sale", "Tag sale", "Barn sale", and any other similar sales activity.
- (3) The use of land for such purposes shall not include the sale or offering for sale of any goods acquired or consigned or brought to the premises for the purpose of public sale or re-sale.

Section 3 DURATION OF SALE

- (1) Personal property sales shall;
 - A. total no more than nine (9) days per lot in one calendar year; and
 - B. occur no more than three (3) times per lot in one calendar year; and
 - C. occur not more than on two (2) consecutive week-ends; and
 - D. be limited to daylight hours.
- (2) Any sale exceeding the limits of this ordinance shall be considered a permanent business and subject to all regulations regarding such, including the Town of Rockingham Zoning By-Laws.

Section 4 SIGNS PERMITTED

- (1) No more than two (2) signs with a total area not exceeding six (6) square feet shall be permitted to be displayed.
- (2) Such signs shall be displayed only during the times of the sale, and up to one (1) week prior to the sale. At the conclusion of the sale, the signs shall be removed from display.

- (3) In no case shall the signs be placed on any property other than the property on which the sale is taking place, nor shall any signs be placed in the public right of way.

Section 5 PARKING

- (1) All parking of vehicles shall be in compliance with all applicable laws and ordinances. Further, the Bellows Falls Police Department may enforce such temporary controls which alleviate any special hazards and/or congestion created by any- personal property sale.

Section 6 REGISTRATION AND FEES

- (1) Any person who intends to conduct a personal property sale in accordance with the provisions of this ordinance shall register such sale with the Village Clerk not less than 24 hours prior to commencing such sale. Registration shall be made on such forms as shall be provided to the Village Clerk by the Bellows Falls Village Corporation Board of Trustees.

Section 7 PENALTIES

- (1) A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. S1974a and S.1977 et seq. A civil penalty of up to \$250.00 may be imposed for a violation of this civil ordinance and the waiver fee shall be set at \$50.00 for each offense. Each day the violation continues will constitute a separate violation of this ordinance. **(Amended 10/10/1995 – Book 1, Page 251)**

Section 8 EXCEPTIONS

- (1) The provisions of this ordinance shall not apply to sales of personal property made pursuant to a valid order of a Court of competent jurisdiction or to limit the duration or frequency of religious, fraternal, or other non-profit organizations' sales, bazaars, auctions, or sales to settle an estate.

Section 9 SEVERABILITY AND CONFLICTING PROVISIONS

- (1) If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (2) Where the provisions of this ordinance impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, by-law, rule, or regulation, the provisions of this ordinance shall control.