

ORDINANCE REGULATING PERSONAL PROPERTY SALES
(i.e. Yard Sale, Garage Sale, Tag Sale, Barn Sale, Porch Sale, etc.)
WITHIN THE TOWN OF ROCKINGHAM, VERMONT

WHEREAS, the Selectboard of the Town of Rockingham has been made aware of the intrusion of non-regulated personal property sales causing annoyance to the residents of the Town; and

WHEREAS, the Selectboard desires not to prevent, but to regulate, such sales for the public health, safety and welfare of the residents of the Town;

NOW, THEREFORE, be it ordained by the Selectboard of the Town of Rockingham:

1100. Personal Property Sales Defined:

1100.1 For the purpose of this ordinance, a yard sale, garage sale, tag sale, barn sale, etc. is considered to be an accumulation of personal property being offered for sale and displayed in a yard, garage, porch or other residential premise. All personal items offered for sale shall be owned, utilized and maintained by the member (s) of the family on or in connection with the premises which they occupy and shall not have been cosigned or acquired for the purpose of resale. Household shall refer to the individual and anyone who resides in that individual's residence.

1100.2 The use of land for such sales purposes shall include "yard sale", "garage sale", "tag sale", "barn sale", and any other similar sales activity.

1100.3 The use of land for such sales purposes shall not include the sale or offering for sale of any animals or pets.

2100. Duration of Sale:

2100.1 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 two (2) consecutive week-ends; and
- (D) be limited to the daylight hours.
- (E) all items must be removed within five days of end of sale date.

2100.2 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-law.

2100.3 Items that are not sold and left for Free may remain on the property for no more than three (3) days following conclusion of the sale. Items are to be removed from the public view and disposed of properly within this time period. Under no circumstances are items to be left in the public right-of-way. If items are not removed in a timely manner the Selectboard reserves the right to direct the

Ordinance Regulating Personal Property Sales

Page 2

Rockingham Highway Department to remove and dispose of these items and the holder of the sale will be billed for these services. This charge will be in addition to any fines noted below.

3100. Signs Permitted:

- 3100.1 The number of signs is unlimited but shall not exceed six (6) square feet per sign.
- 3100.2 Signs may be posted no sooner than 24 hours prior to the time of the sale and must be removed within 24 hours following the conclusion of the sale.
- 3100.3 Posting of signs on public property, including, but not limited to, benches, sidewalks, curbs, vehicle safety poles, signs, stanchions or public utility poles is unlawful. No signs shall be placed in the public right-of-way.

4100. Parking:

- 4100.1 All parking of vehicles shall be in compliance with all applicable laws and ordinances. Further, the Bellows Falls Police Department, Windham County Sheriff's Department, and the Vermont State Police may enforce such temporary controls which would alleviate any special hazards and/or congestion created by any yard sale. Sale holder is responsible for and must ensure that there is adequate and safe parking for the duration of their sale. At no time shall the sale holder allow parking that would obstruct any town road, alley, right-of-way or other public areas for the traveling public.

5100. Penalty:

- 5100.1 Any person who conducts or aids in conducting any personal property sale not in accordance with the provisions of this ordinance, or any person who owns or controls property not used in accordance with the provisions of this ordinance shall be subject to a fine of \$100.00 for each offense.
- 5100.2 Each week the violation continues shall constitute a separate offense.

6100 Severability and Conflicting Provisions:

- 6100.1 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.
- 6100.2 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.

Ordinance Regulating Personal Property Sales

Page 3

7100. Effective Date:

7100.1 This ordinance shall be effective on the 4th day of January, 2011, at 12:00 a.m.

APPROVED AND ADOPTED by the Selectboard, Town of Rockingham, Vermont, this 2nd day of November, 2010.

s/Thomas MacPhee, Chair
s/Ann DiBernardo, Vice-Chair
s/Fred Bullock
s/Peter Golec
s/Matthew Trieber

Received by the Town Clerk for recording this day of

Doreen B. Aldrich
Doreen Aldrich, Rockingham Town Clerk

FOR FURTHER INFORMATION contact Francis Walsh, Interim Town Manager, P.O. Box 370, Bellows Falls, Vermont, telephone 463-3964. This regulation shall become effective sixty days after date of adoption unless a petition for a vote signed by not less than 5% of the qualified voters of the Town of Rockingham is presented to the Selectboard or Town Clerk within forty-four days following the date of adoption of the ordinance by the legislative body. T.24, S. 1972, 1973 V.S.A.

Posted November 3, 2010
Rockingham Town Hall Lobby
Rockingham Town Clerk's Office
Municipal Offices
Bellows Falls Fire/Police Station
Bellows Falls Public Library

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This Ordinance replaces previous Ordinance recorded this Volume, Pages 20-21