

4-21 GARAGE SALES, LAWN SALES, SIMILAR
CASUAL SALES.

4-21.1 Definitions. As used in this section, the following terms shall have the meanings indicated:

a. "Garage sale" shall mean all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "yard 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 said sale.

"Goods" shall mean any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

"Person" shall mean any individuals, partnerships, voluntary associations and corporations.

4-21.2 License Required; Fee. It shall be unlawful for any person to conduct a garage sale, or similar type sale in the Borough of Cliffside Park without first filing with the Borough Clerk of Cliffside Park the information hereinafter specified and obtaining from such clerk a license so to do to be known as a "garage sale license." The fee for garage, lawn, attic, rummage and yard sales shall be five (\$5.00) dollars per each day.

It shall be unlawful for any person, corporation or association to conduct a flea market other than those exempt categories which are described in subsection 4-21.7, paragraphs f. and g.

4-21.3 License Restrictions; Display.

a. Such license shall be issued to any one person or for any one location only twice within a 12 month period and no such license shall be issued for more than three consecutive calendar days. Charitable, religious and civic organizations may be allowed more than two licenses with the approval of the borough council.

b. Each license issued under this section must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

4-21.4 Application Information. The information to be filed with the borough clerk pursuant to this section shall be as follows:

a. Name of person, firm, group, corporation, association or organization conducting the sale.

b. Name of owner of the property on which the sale is to be conducted and written consent of owner if applicant is other than owner.

c. Location at which sale is to be conducted.

d. Number of days of sale.

e. Date and nature of any past sale.

f. Whether applicant is conducting sale together with, for, or on behalf of any other person, firm, group, organization, association or corporation, and if so, the name of such person, firm, group, organization, association or corporation and the date or dates of any past sale held by same.

g. Whether or not applicant has been issued any other vendor's license by any local, State or Federal agency.

h. Sworn statement or affirmation by the person signing that the information therein given is full, true and known to him to be so.

i. Name and address of the person, company or corporation from whom the merchandise has been obtained and whether the merchandise has been donated or purchased. In either event, the value of merchandise must be stated.

j. Place of origin of the property which is to be sold.

4-21.5 Hours of Sale. All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only and on those days which have been set forth in the application and approved by the borough clerk.

4-21.6 Signs. All signs advertising a garage sale shall have a space allotted thereon upon which shall be placed the name and address of the person to whom the permit has been issued. No signs for advertising are to be posted on any place other than the premises of the applicant. The sign is not to exceed four square feet in size and shall not be placed on the premises earlier than one week prior to the sale and shall be removed within 24 hours after the sale has terminated.

4-21.7 Exemptions to Provisions. All provisions of this section shall not apply to or affect the following persons or types of 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, 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 section have not been complied with.
- e. Any sale conducted by any merchant or other business establishment in a place of business wherein such sale would be permitted by the zoning regulations of the Borough of Cliffside Park or under the protection of the nonconforming use section thereof, or any sale conducted from properly zoned premises and would not otherwise be prohibited in the borough ordinances.
- f. Any bona fide, charitable, eleemosynary, educational, cultural or other organizations or associations not for profit may be exempted from the three-day limitation fixed by subsection 4-21.3 hereof, upon demonstrating to the borough council its right to such exemption. The production of a certified copy of a certificate of incorporation, pursuant to Title 15 of the Revised Statutes of New Jersey, shall be presumptive evidence of the right of such organization to this exemption.

g. If any sale is being conducted for a charitable, eleemosynary, educational, cultural, fraternal or other organization or association not for profit, the name and address of the person or persons who are in charge of the sale must be furnished to the borough clerk and also if any fee or percentage of sales are to be paid to anyone; if so, the name and address of such person, and a copy of the agreement is to be attached to the application. Each organization shall inform the borough clerk upon completion of the sale, of the gross amount of the sales receipts, obtained from such sales and a statement of any expenses incurred therewith to establish the net profit to the organization.

4-21.8 Enforcement.

a. This section shall be enforced by the Chief of Police of the Borough of Cliffside Park. It shall be the duty of the chief of police or his delegated officials to investigate any violation of this section.

b. 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. No such person shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks in the area of such premises. All such persons shall obey the reasonable orders of the Chief of Police of the Borough of Cliffside Park in order to maintain the public health, safety and welfare.

4-21.9 Certificate of Registration for Flea Markets.

No person, association of persons or corporations shall hereafter conduct or operate any store or establishment in the Borough of Cliffside Park for sale or exchange of merchandise, food, goods, wares and chattels of any kind or description in the operation of a business which is commonly known as a flea market without having obtained a certificate of registration as provided in this section.

4-21.10 Separate Certificates of Registration Required.

Every business enterprise or concession occupying the same place of business and conducting business under a common trade or business name with other business enterprises or concessions shall be required to obtain separate certificates of registration.

4-21.11 Violations and Penalties. Any person, firm, association or corporation convicted of violating any provision of this section, or any amendment or supplement thereto, shall be subject to a fine not exceeding two hundred (\$200.00) dollars. Each day that such sale shall continue without a proper permit shall constitute a separate violation.