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[HISTORY: Adopted by the Township Committee of the Township of Barnegat 10-4-93 by Ord. No. 1993-39. Amendments noted where applicable.]

Be it ordained by the Mayor and Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 49-1. Purpose.

The purpose of this chapter is to control garage sales, lawn sales, or yard sales. This chapter requires the obtaining of a

permit to conduct such sales. It also limits the number of permits which may be issued to any one (1) person in a twelve (12) month period. Restrictions are established as to hours of operation and advertising signs. Certain persons and sales are excepted for the requirements of this chapter as stated in Section 49-8.

§ 49-2. Definitions.

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

GARAGE SALE — Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage 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—Includes used personal property and merchandise capable of being the object of a sale regulated hereunder. This definition also includes objects of personal property which have been previously owned by any person as opposed to commercial or retail use.

PERSON—Includes individuals, partnerships, voluntary associations and corporations.

§ 49-3. License required; fee.

It shall be unlawful for any person to conduct a garage sale in the Township of Barnegat without first filing with the Township Clerk 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 such license shall be and the same is hereby fixed at three dollars (\$3.)

§ 494. Issuance and display of license.

- A. Such license shall be issued to any one person only four (4) licenses within a twelve (12) month period, and no such license shall be issued for more than three (3)

consecutive calendar days, nor any more than four (4) licenses issued for sales at that individual's address or property within a twelve (12) month period.

- B. Each license issued under this chapter must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the license sale.

§ 49-5. Application information.

The information to be filed with the Township Clerk, pursuant to this chapter, shall be as follows:

- A. Name of the person, firm, group, corporation, association or organization conducting such sale.
- B. Name of the owner of the property on which said sale is to be conducted and the consent of owner if the applicant is other than the owner.
- C. Location at which the sale is to be conducted.
- D. Number of days of the sale.
- E. Date and nature of any past sale.
- F. Relationship or connection the applicant may have had with any other person, firm, group, organization association or corporation conducting a past 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. Sworn statement or affiliation by the person signing that the information therein given is full, true and known to him/her to be so.

§ 49-6. Hours of sale.

All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only.

§ 49-7. Signs.

Signs posted advertising a garage sale as herein defined shall be of a size not larger than one (1) square foot and no more than four (4) signs per sale.

All signs shall be removed within forty-eight (48) hours after the completion of the sale.

§ 49-8. Persons and sales excepted.

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 (5) in number.
- D. Any publisher of a newspaper, magazine, other publication or 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 or other business establishment in a place of business wherein such sale would be permitted by the zoning regulations of the Township of Barnegat or under the protection of the nonconforming use section thereof of any sale conducted by a manufacturer, dealer or vendor which sale would be conducted from properly zoned premises and would not otherwise be prohibited in the township Code.

This shall include what is commonly referred to as "sidewalk sales."

- F. Any bona fide, charitable, eleemosynary, educational, cultural or other organization or association not for profit. The production of a certified copy of a certificate of incorporation, pursuant to Title 15 of the Revised Statutes of New Jersey, may be required to be presumptive evidence of the right of such organization to this exemption, such organization shall not be required to obtain a license, the terms and conditions controlling signs shall be applicable.

§ 49-9. Enforcement; responsibility of licensee.

- A. This chapter shall be enforced by the Code Enforcement Officer, as designated by the Township Administrator of the Township of Barnegat.
- 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 said premises not permit vehicles to impede the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks or other walkways in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police Department or a representative of the Township of Barnegat in order to maintain the public health, safety and welfare.

§ 49-10. Violations and penalties.

Any person, firm, association or corporation convicted of violating any provision of this chapter or any amendment or supplement thereto, shall be subjected to a fine not exceeding

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two hundred dollars (\$200.) or imprisonment in the Ocean County Jail for a term not exceeding thirty (30) days, or both, at the discretion of the Municipal Judge having jurisdiction in the matter.

§ 49-11. Repealer.

AU ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

§ 49-12. Severability.

If any section of this chapter or part thereof shall be declared to be invalid or inoperative, such section, to the extent that is not invalid or inoperative, shall not be affected thereby and shall be enforced and effectuate.

§ 49-13. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.