



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

Garage Sale License

Name: _____

Phone: _____

Address: _____

Email: _____

Location of Sale: _____

Date of Sale: _____

Additional Date: _____

Rain Date: _____

Property owner: _____

Phone: _____

I have received a copy of Section 4-12 of the Borough Code and agree to abide by all conditions of the ordinance. _____ *(initial)*

I, _____, do hereby affirm that the above information is full and true and known to me to be so.

Signature: _____

Date: _____

Print Name: _____

Chapter 4. Licensing—General

§ 4-12. GARAGE SALES, RUMMAGE SALES, FLEA MARKET SALES.

§ 4-12.1. Definitions.

As used in this section:

GARAGE SALES

Shall mean and include all sales entitled "garage sales," "yard sale," "attic sale," "rummage sale" or "flea market 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 and which is owned by the licensee or consigned to him. The sale of new goods purchased or manufactured for the purpose of offering them for sale at a garage sale or the taking of orders for goods to be manufactured for future delivery to the purchaser is not permissible at a garage sale.

OCCUPANT

Shall mean owner or lessee of the premises upon which the sale is to be conducted.

§ 4-12.2. License Required.

[Amended 8-19-2020 by Ord. No. O-20-18]

It shall be unlawful for any person to conduct a garage sale in the Borough without first filing with the Borough Clerk the information hereinafter specified and obtaining from the Clerk a license to conduct such a sale, to be known as a "garage sale license." No person applying for a license shall be permitted to have more than three garage sales, rummage sales or flea markets per year.

- a. There shall be no charge for a "garage sale license" when the individuals seek to have their garage sale, rummage sale or flea market sale on a date that the Borough of Highlands has not identified as a date on which a borough-wide garage sale will be held.
- b. There shall be no charge for the "garage sale license" when individuals have their garage sale, rummage sale or flea market sale on a date that the Borough of Highlands has identified as a date on which a borough-wide garage shall will be held.

§ 4-12.3. Number of Licenses Limited; Term of License.

Not more than three garage sale licenses shall be issued to any one person or for any one premises in the borough for any one year. No garage sale licenses shall be good for more than two days. Each such license shall at all times during the sale be prominently displayed upon the premises upon which the sale is being conducted and shall be so displayed as to be visible from the street upon which the premises front or if such premises do not have frontage upon a public street at the entrance from the street to the premises.

§ 4-12.4. Information Required by Clerk.

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 or lessee of the property on which the sale is to be conducted.
- c. Telephone number of occupant.
- d. Location at which sale is to be conducted.
- e. Number of days of sale.
- f. Date, nature of any sale.
- g. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him/her to be so.
- h. All persons wishing to conduct such sales shall register said information with the borough clerk, in writing, at least five days prior to said date of sale.

§ 4-12.5. License Issued to Occupant; Restrictions.

No such license shall be issued to any person who is not the occupant of the premises upon which such sale or activity is conducted and the licensee shall be responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No licensee shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any such roads or streets in the area of such premises. All such licensees shall obey the reasonable orders of any member of the police or fire department of the borough in order to maintain the public health, safety and welfare. All licensed premises shall at all times be subject to such reasonable rules as may be made from time to time by the borough council and shall be subject to inspection at all times by the building inspector, chief of police and fire chief, or any of their agents or any other duly authorized representative of the borough.

§ 4-12.6. Hours of Sale.

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

§ 4-12.7. Weather Conditions.

Sales unable to be held due to acts of nature storm, wind, etc. may be rescheduled with the borough clerk provided that the licensee notify the borough clerk on the business day next following the original date of the sale.

Sales will not be rescheduled if the sale was held during any part of the original sale period.

§ 4-12.8. Sign Requirements.

No signs for advertising or directing customers are to be posted on any public property. No such sign shall exceed two feet by two feet in size, and no sign shall be placed on the premises earlier than 24 hours prior to the sale. All such signs shall be removed by the licensee, 24 hours after the sale has terminated.

§ 4-12.9. Sale of Mattresses, Bedding, etc., to Conform to State Statute.

It shall be unlawful for any person to offer for sale mattresses, bedsprings, cots, lounges and sofas in any garage sale authorized under this section without first complying with the appropriate section of N.J.S.A. 26:10-1 through 26:10-18, with respect to the labeling, sterilizing, disinfecting of the mattresses, bedsprings, cots, lounges and sofas.

§ 4-12.10. Persons and Sales Expected.

The provisions of this section 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 in number.
- d. Any sale conducted by any merchants or mercantile or other business establishment from or at a place of business wherein such sales would be permitted by the zoning regulations of the borough, or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in any ordinance of the borough.
- e. Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption; and provided further that no such institution or organization shall conduct a sale in the borough unless it is the occupant of the premises upon which the sale is to be conducted.

§ 4-12.11. Enforcement by Code Enforcement Officer.

This section shall be enforced by the code enforcement officer or the police department. It shall be the duty of the code enforcement officer or the police department to investigate any violations of this section coming to his/her attention, whether by complaints or arising from his/her own personal knowledge, and if a violation be found to exist, he/her shall prosecute a complaint before the local municipal court pursuant to the provisions of this section.

§ 4-12.12. Violations and Penalty.

Any person conducting any such sale or similar activity without being properly licensed therefore or who shall violate any of the other terms and regulations of this section shall upon conviction, be fined not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars for each violation. Each day that such violation shall continue shall be considered a separate violation.