

ORDINANCE NO. 2539

AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII, SECTION 2-68.9 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "ADMINISTRATION; FEES FOR MUNICIPAL SERVICES; FEES FOR DOCUMENTS AND SERVICES; GENERAL GARAGE-YARD SALE"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter II, Article VII, Section 2-68.9 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-68.9 General Garage-Yard Sale.

a. *Definition.* As used in this section:

General Garage-Yard Sale is the sale of small, personal household items that are sold by individuals from the front yard of their residences after obtaining a permit from the Borough Clerk. No tangible personal property from any commercial business enterprise shall be included in a **general** garage-yard sale for the purpose of resale.

~~_____ No tangible personal property from any commercial business enterprise shall be included in a garage-yard sale for the purpose of resale.~~

b. *Registration.* Any individual seeking to ~~participate in the~~**hold a** general garage-yard sale shall register with the Borough Clerk's office prior to the commencement of such sale at a minimum of ~~ten (10)~~ **one (1)** days prior to the scheduled event. Permits shall be issued only upon written applications, which shall include the following:

1. The name of the person conducting the sale;
2. ~~The name of the owner of the property where the sale is to be conducted;~~
32. The address of the location at which the sale is to be conducted;
43. The date or dates of the sale;
5. ~~The date or dates of any prior garage-yard sales at the same premises, and~~
64. The date of the application and the signature of the applicant.

NOTE: Intentional misstatements in the application shall constitute a violation of this subsection.

c. *Fees.* The ~~Municipal~~**Borough** Clerk shall collect a permit fee for any garage-yard sale. All license fees shall be paid in advance by cash, **personal check**, money order, certified check, or bank check at the office of the ~~Municipal~~**Borough** Clerk. ~~Personal checks are prohibited. The following~~ A fee of five (\$5.00) dollars is hereby established for such sale, except when there is a designated fee by ordinance for the Borough-Wide Garage Sale.

1. A permit may be issued for any residential premises no more than four (4) times in any one (1) calendar year.

2. A garage-yard sale may be no more than two (2) days² duration. All garage-yard sales may be conducted between the hours of 8:00 a.m. and 6:00 p.m. only.

d. *Signs.* Signs advertising the sale may be erected in the Borough of Roselle Park, including the premises where the sale is to be held as permitted by law. No such sign shall exceed eighteen (18) inches in height or eighteen (18) inches in width. All such signs shall be removed within twenty-four (24) hours after the completion of the sale. All such signs shall contain:

1. The address and location at which the sale is to be conducted;
2. The date or dates of the sale;
3. The hours of the sale, and
4. The Permit No. issued.

e. *Violations and Penalties.* **The Director of Code Enforcement and the Deputy Code Enforcement Officer shall be explicitly empowered to enforce the provisions of this subsection.** Violations of the provisions of this subsection shall be punishable as in Chapter I, Section 1-5, General Penalty.

SECTION 2. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.