



BOROUGH OF MAYWOOD
Building Department – Code Enforcement
15 Park Avenue, Maywood, NJ 07607-2015
(201) 845-2900 x 4
www.maywoodnj.com

APPLICATION FOR CASUAL SALES PERMIT

Permit Number: _____

(This form is to be used for all sales known as Garage Sales, Attic Sales, Lawn Sales, Basement Sales, Flea Markets, or other similar casual sales.)

1. NAME AND ADDRESS OF PERSON OR ORGANIZATION CONDUCTING THE SALE

2. NAME AND ADDRESS OF OWNER OF PROPERTY WHERE THIS SALE IS TO BE CONDUCTED

3. DATES THE SALE WILL BE CONDUCTED (**MAY NOT EXCEED TWO DAYS**)

4. PLEASE STATE THE NUMBER OF SALES AND DATES IN THIS CALENDAR YEAR THAT WERE CONDUCTED BY THE APPLICANT OR AT THIS LOCATION

5. TELEPHONE NUMBER _____

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND IS KNOWN TO BE TRUE. I HAVE RECEIVED, READ AND UNDERSTAND ALL THE INFORMATION INCLUDING BOROUGH ORDINANCE NUMBER 265, REGARDING ALL THE RULES AND REGULATIONS OF HAVING A GARAGE SALE. I AGREE TO ABIDE BY ALL REGULATIONS STATED.

SIGNATURE: _____ DATE: _____

PERMIT FEE IS \$10.00

Chapter 265. Sales, Special

Article I. Garage and Casual Sales

§ 265-1. Findings and purpose.

It is the finding of the Mayor and Council of the Borough of Maywood that unrestricted casual sales within the borough, such as garage sales, lawn sales, attic sales, rummage sales, flea markets, etc., have created problems which have a negative effect upon the health, safety and welfare of the residents of the borough. Included among these problems are litter, improper posting of signs, parking and traffic violations, noise and neighborhood disturbances. In an effort to minimize such problems, while at the same time recognizing that such sales have become a part of our community life, this Article is conceived. It is our purpose here to preserve the ability of individuals to conduct such casual sales but to restrict these sales in such a manner as to reduce their negative impact upon travelers and residents within the borough.

§ 265-2. Definitions.

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

GARAGE SALES

Includes all sales entitled "garage 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

Includes any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON

Includes individuals, partnerships, voluntary associations and corporations.

§ 265-3. Conduct of sales.

The following regulations shall limit the conduct of garage sales within the Borough of Maywood:

A. No garage sale, as defined by this Article, shall be conducted without obtaining a permit for such sale as set forth in this Article.

B. No person shall conduct a garage sale more than twice in a calendar year.

C. No location or address shall serve as a site of any garage sale more than twice in a calendar year.

D. All sales shall be limited to the hours between 9:00 a.m. and 6:00 p.m. on any given day.

E. No single garage sale shall continue for more than two days.

F. No signs shall be used to advertise the sales except those authorized by this Article and distributed by the Borough Construction Code Official, and there shall be no more than the number of signs permitted herein. (See § 265-6.)

G. All signs advertising garage sales must be removed within 24 hours after 6:00 p.m. of the last day of the sale.

H. Permits must be prominently displayed at the time and location of the sale.

§ 265-4. Permits; fees.

A. Permit required. It shall be unlawful for any person to conduct a garage sale in Maywood without first filing with the Borough Construction Code Official the information hereinafter specified and obtaining from such Official a permit for such sale.

B. Fee. The fee for a garage sale permit is as set forth in Chapter 169, Fees.[1]

[1] Editor's Note: Amended at time of adoption of Code: see Ch. 1, General Provisions, Art. I.

C. Frequency of permits. No permit shall be issued to any one person more than twice per calendar year, nor shall any permit be issued for any location for such sale more than twice per calendar year.

D. Display of permit. Each permit issued under this Article must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the sale.

§ 265-5. Contents of permit application.

The following information shall be filed with the Borough Construction Code Official in order to properly obtain a permit for a garage sale:

A. The name of the person or organization conducting the sale.

B. The name of the owner of the property on which said sale is to be conducted.

C. The location or address where the sale is to be conducted.

D. The number of days and the dates of the sale.

E. The dates of previous sales by the applicant and the dates of previous sales at the location during the calendar year.

F. A statement by the applicant confirming that the information provided in the application is complete and known by the applicant to be true.

§ 265-6. Signs.

All persons are prohibited from making or displaying signs advertising garage sales other than those signs provided by the Board of Maywood. The following shall apply to all such signs:

A. No more than six signs shall be displayed to advertise any garage sale.

B. Signs shall not be larger than 18 by 24 inches.

C. The signs shall have a space provided thereon upon which shall be inserted the location of the sale, the permit number and the name of the person conducting the sale (the name may be excluded if the person conducting the sale is a private resident of the borough).

D. All signs shall be removed within 24 hours after the conclusion of the sale.

§ 265-7. Exemptions.

The provisions of this Article 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 publisher of a newspaper, magazine or 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 Article have not been complied with.

E. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the Zoning Regulations of the Borough of Maywood^[1] 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 the Code of the Borough of Maywood.

^[1] Editor's Note: See Ch. **209**, Land Use, Part **2**, Zoning.

F. 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. Organizations claiming this exemption must still apply for a permit and use signs provided by the borough; however, the fee for such permit shall be waived.

§ 265-8. Enforcement.

This Article shall be enforced by the Construction Code Official and the Zoning Enforcement Officer; provided, however, that the Police Department of the Borough of Maywood shall notify the Construction Code Official or Zoning Enforcement Officer of any violations of this Article which come to the attention of the Department either by complaint or by observation of a patrolling officer.

§ 265-9. Liability.

Adherence to this Article shall be the responsibility of the person to whom a permit is issued and the owner or tenant of the premises on which a sale is conducted. In addition to any other duties or obligations imposed by this Article, the responsible persons, as set forth herein, shall cooperate with the members of the Police Department of the Borough, the Construction Code Official or the Zoning Enforcement Officer in ensuring that the conduct of the sale does not impede the normal flow of traffic or otherwise endanger the health, safety and welfare of persons present at the sale and other residents of the borough.

§ 265-10. Violations and penalties.

Any person who is convicted of a violation of any provision of this Article shall be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both. Each day of noncompliance with any provision of this Article shall constitute a separate violation.

^[1] Editor's Note: Amended at time of adoption of Code: see Ch. **1**, General Provisions, Art I.