

**TOWN OF STONY POINT**  
**LOCAL LAW NO. 3 OF 2015**  
**TO ENACT NEW LOCAL LAW REGULATING GARAGE AND**  
**YARD SALES**

A LOCAL LAW TO AMEND the Code of the Town of Stony Point to ADD Chapter 101 "Garage and Yard Sales" pursuant to Municipal Home Rule Law Section 10 et. seq.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF STONY POINT AS FOLLOWS:

**Chapter 101. GARAGE AND YARD SALES**

**[HISTORY: Adopted by the Town Board of the Town of Stony Point on April 14, 2015 by L.L. No. 3-2015.]**

**Chapter 101: Garage and Yard Sales**

**[Adopted by the Town Board of the Town of Stony Point on April 14, 2015 by L.L. No. 3-2015]**

**§ 101-1. Title.**

This chapter shall be known as "Garage and Yard Sales."

**§ 101-2. Purpose.**

The occasional conduct of sales of personal property from residential areas of the Town known as "garage sales," "lawn sales," "attic sales," "yard sales" or by any other similar designation has proliferated and, in some cases, created traffic congestion problems. Such sales often have continued for extended periods of time, resulting in ongoing retail operation to the detriment and degradation of the character of residential neighborhoods, and a number of residents are having frequent and/or repeated garage and yard sales at their homes, in effect turning their residential premises into a site where retail business is conducted in a residential area. The purpose of this chapter is to regulate and restrict the conduct of such garage sales in residential areas in order to protect the safety, health and welfare of the residents and to preserve the character of such neighborhoods. Thus, it has become necessary to restrict such garage and yard sales to casual and/or occasional occurrences in order to help maintain the nonbusiness residential character of residential neighborhoods. The intent of this chapter is to eliminate repeated, perpetual, prolonged and extended garage and yard sales in residential zoning districts. Such sales, if continued without limitation, tend to have the effect of establishing retail businesses in

residential areas, creating a public nuisance and altering and compromising the residential character of residential neighborhoods. It is not the intent of this chapter to amend any other chapter of the Town Code.

### **§ 101-3. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them herein:

#### **GARAGE SALE**

- A. The sale or offering for sale of new, used or secondhand items of tangible personal property from any one residential premises.
- B. The sale of tangible personal property from residential premises entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market" or any similar casual or occasional sale advertised to the public at large as such.

#### **PERSON**

An individual, partnership, family group, an unincorporated association or a corporation.

#### **PERSONAL PROPERTY**

Items, goods, merchandise, clothing, furniture or other tangible property which is owned, utilized and/or maintained by an individual or members of his/her residence and acquired by such individuals in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

#### **RESIDENTIAL PREMISES**

A single- or multiple-family dwelling unit used for residential purposes which is not located in an area of the Town zoned for commercial, industrial, business, manufacturing or mercantile uses.

#### **TOWN**

The Town of Stony Point.

### **§ 101-4. Days and Hours of Operation.**

It shall be unlawful after the effective date of this chapter for any person to conduct a garage sale from residential premises of the Town for more than three (3) consecutive days. It shall also be unlawful for any person to conduct a garage sale from residential premises of the Town more than four (4) times in any one twelve-consecutive-month period. Garage sales pursuant to this chapter shall be conducted between the hours of 8:00 a.m. and 6:00 p.m. only.

### **§ 101-5. Conduct**

- A. Any person conducting a garage sale, the persons participating in the sale, and the owner, tenant or occupant of the premises where the sale is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during the hours of the sale.
- B. No person shall permit any loud or boisterous conduct on the premises or permit persons to impede the passage of traffic on any streets in the area of the premises where the sale is being conducted.
- C. The person having a garage sale shall be responsible for the maintenance of good order and decorum on the premises during the hours of the garage sale and shall not permit the parking of motor vehicles on or about the public streets or such premises which would impede the flow of vehicular traffic and shall not obstruct or impede pedestrian traffic on the sidewalks of the Town. The Stony Point Police Department or may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sales.
- D. In the event of an emergency, all persons to whom a permit has been issued shall obey any orders made by the Building Inspector, Code Enforcement Officer or by any police, fire or other emergency service personnel.
- E. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this chapter, property other than personal property as defined herein.
- F. Notwithstanding the foregoing, members of more than one residence may join together in single sale held at one of their residences.

### **§ 101-6. Exemptions.**

This chapter shall not apply to:

- A. A person selling personal property pursuant to an order or process of a court of competent jurisdiction; or
- B. To any public official acting pursuant to and within the scope of his authority.
- C. Any sale conducted by any lawful and legitimate business or commercial or industrial establishment or any sale conducted by any other vendor or dealer in a time, place and manner not otherwise prohibited by state or local laws.
- D. Any public auction having a duration of no more than two (2) days and conducted by an auctioneer licensed by the State of New York.

**§ 101-7. Enforcement.**

This chapter shall be enforced by the Building Inspector (or Deputy/Assistant), the Fire Inspector (or Deputy/Assistant), Code Enforcement Officer (or Deputy/Assistant), any police officer of the Town of Stony Point Police Department and any other person specifically authorized by resolution of the Town Board.

**§ 101-8. Violations and Penalties.**

It shall be unlawful for any person or persons to fail to comply with this chapter or any provisions of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$250 or imprisonment not to exceed 15 days, or both.

**§ 101-9. Effective Date.**

This chapter will become effective immediately upon its enactment by the Town Board and proper filing with the offices of the Secretary of State.