

ORDINANCE NO. 2024-07

ORDINANCE OF THE BOROUGH OF MOUNT EPHRAIM, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING, AND REVISING THE CODE OF THE BOROUGH OF MOUNT EPHRAIM TO ESTABLISH CHAPTER 412 ENTITLED, "YARD SALES"

WHEREAS the Borough of Mount Ephraim (the "Borough") is a municipal corporation organized and operating under the laws of the State of New Jersey; and

WHEREAS the Governing Body of the Borough has determined that it is necessary and in the best interest of the public health, safety and welfare to establish rules and regulations for events commonly known as yard sales, garage sales, tailgate sales, house sales, moving sales, etc.; and

WHEREAS pursuant to N.J.S.A. 40:48-2, the Mayor and Borough Commissioners of the Borough are authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Mount Ephraim that the Code of the Borough of Mount Ephraim is hereby amended, revised and/or supplemented as follows:

SECTION 1. The Code of the Borough of Mount Ephraim is hereby amended, revised, and supplemented by establishing new Chapter 412, entitled "Yard Sales" as follows:

CHAPTER 412 – Yard Sales

§ 412-1 Purpose.

The purpose of this Chapter is to control yard sales, garage sales, lawn sales, rummage sales, flea market sales or other casual sales. The 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 person in a twelve-month period. Restrictions are established as to hours of operation and advertising signs. Certain persons and sales are excepted from the requirements of this Chapter as set forth in § 412-8.

§ 412-2 Definitions.

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

YARD SALE – Includes all sales entitled "yard sale," "garage sale," "lawn sale," "attic sale," "rummage sale," "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 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 for private use as opposed to commercial or retail use.

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

§ 412-3 Permit required.

It shall be unlawful for any person to conduct a yard sale in the Borough of Mount Ephraim without first filing with the Borough Clerk the information hereinafter specified and obtaining from such Clerk a permit so to do, to be known as a "yard sale permit." There shall be no fee under this Chapter for obtaining a permit.

§ 412-4 Issuance and display of permit.

- A. Such a permit pursuant to Section 412-3 shall be issued to any one person only twice within a twelve-month period, and no such permit shall be issued for more than two (2) consecutive calendar days. Charitable, religious and civic organizations may be allowed more than two (2) permits with the approval of the Mayor and Borough Commissioners.
- B. Each permit issued under this Chapter must be prominently displayed on the premises upon which the yard sale is conducted throughout the entire period of the permitted sale.

§ 412-5 Application information.

The information to be filed with the Borough 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. Sworn statement or affirmation by the person signing that the information therein given is full, true and known to him to be so.

§ 412-6 Hours and days of sale.

All yard sales shall be conducted between the hours of 8:00 a.m. and 5:00 p.m., on Saturdays and Sundays, only.

§ 412-7 Signs.

Signs posted or handbills advertising a yard sale as herein defined shall be a size not larger than twelve by twelve (12 x 12) inches and must contain, in addition to the definition of the type of sale being advertised, the address of the location of the sale, the number of the permit issued by the Mount Ephraim and the dates for which such permits were issued. All such signs shall not be erected more than five (5) days prior to the scheduled sale and shall be removed within forty-eight (48) hours after the completion of the sale. Newspaper advertisement of such sale

shall contain the same information as required in the case of signs.

§ 412-8. 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 Borough of Mount Ephraim or under the protection of the nonconforming use section thereof or 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 Borough Code.
- F. Any bona fide, charitable, eleemosynary, educational, cultural or other organization or association not for profit upon demonstrating to Borough Governing Body its right to such exemption. The production of a certified copy of a certificate of incorporation, pursuant to Title 15 of the Revised Statutes of New Jersey, shall be presumptive evidence of the right of such organization to this exemption. However, the terms and conditions controlling signs as set forth in § 412-7 shall be applicable to such organizations or associations.
- G. Persons conducting a Yard Sale pursuant to an authorized Borough-wide Yard Sale.

§ 412-9. Enforcement; responsibility of licensee.

- A. This Chapter shall be enforced by the Police Department of the Borough of Mount Ephraim. It shall be the duty of the Chief of Police, or his designated deputy, to investigate any violation of this Chapter.
- B. The person to whom such permit 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 nor permit vehicles to impede the passage of traffic on any roads or streets or interfere with the orderly passage of pedestrian traffic on sidewalks in the area of such premises. All such persons shall obey the reasonable orders of any member of the

Police Department of the Borough of Mount Ephraim in order to maintain the public health, safety and welfare.

§ 412-10. Violations and penalties.

Any person violating or failing to comply with the provisions of this Chapter, shall, upon conviction thereof, be punished by a fine of not more than \$500.00, or by imprisonment for a term not to exceed ninety (90) days, or by both, such fine and/or imprisonment to be determined in the discretion of the Judge. Anyone convicted for violating the provisions of this Chapter shall not be permitted to conduct a yard sale for twelve (12) months after such conviction.

SECTION 2: Except as set forth in Section 1, the balance of the Code of the Borough of Mount Ephraim shall not be affected by this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF MOUNT EPHRAIM

Date of Introduction: June 5, 2024

Date of Adoption:

Approved: _____
Mayor Susan M. Carney

Attest: _____
Terry Shannon, Borough Clerk