

## **A Resolution to Create a Local Law Regulating Yard Sales (DRAFT)**

“Whereas” The Town of Shelter Island wishes to regulate the number and conduct of yard sales within the Town, it is therefore

**RESOLVED**, that the following chapter shall be added to the Shelter Island Town Code:

### **CHAPTER 131 YARD SALES**

#### **§131-1 – Title:**

This chapter shall be known and may be cited as the "Yard Sale Law of the Town of Shelter Island."

#### **§131-2 – Authority:**

This chapter is adopted as a local law pursuant to the authority conferred in Article IX of the New York State Constitution; Article 2, § 10, of the New York Municipal Home Rule Law; and Article 4 of the New York Town Law.

#### **§131-3 – Applicability:**

This Chapter applies to all residential properties regardless of whether such use had been ongoing prior to adoption of these regulations.

#### **§131-4 – Severability:**

If any provision of this chapter or its application to any person or circumstances is held invalid, such portion shall be deemed a separate, distinct and independent provision, and such finding shall not affect the validity of the remaining portions of this chapter.

#### **§131-5 – Purpose:**

Yard sales have been an integral part of the Shelter Island landscape for decades. This law is designed to protect the public health and safety of those who participate in hosting and/or attending garage sales. The intent of the law is to place some reasonable restrictions on such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried in compliance with local zoning codes.

#### **§131-9 – Definitions:**

**YARD SALE:** The temporary and occasional display and sale to the public of new, previously owned or used items of personal property from a residential property that is owned or controlled by the person holding the sale. For purposes of this chapter, “yard sales” includes, but is not limited to, garage sales, lawn sales, attic sales, tag sales, and rummage sales or any similar casual sale of tangible personal property upon any residential premises. The term “yard sale” does not include the mere incidental sale of one or two items of personal property when such sale is NOT part of a general sale of a number of personal properties.

**§131-10 – Procedures and Restrictions of Yard/Garage Sales:**

- A. No yard sale may be conducted without providing written notice the Town Clerk.. The Town Clerk shall maintain copies of all such notifications.
- B. No more than Six (6) such sales be conducted in any one (1) calendar year conducted at any one property residential premises. Only Three (3) of which may be between Memorial Day and Labor Day.
- C. No yard sale may remain in operation for more than two (2) consecutive days.
- D. No yard sale may begin before 9:00 AM or continue after 5:00 PM.
- E. Adequate parking must be available on the premises or along the road so as to not hinder traffic or create an unsafe condition.
- F. No items offered for sale at a yard sale may be located in the town right of way or upon any public street.
- G. Any items offered for sale must be removed from the yard within 2 days except for items left for trash removal, donation or to be given away which items must be removed within seven days.
- H. Any signs erected for the purpose of advertising the yard sale must be compliant with the Town of Shelter Island sign ordinance and must be removed within 3 days after the conclusion of the yard sale.

**§131-20. Power of Town Board to impose restrictions.**

The Town Board may by resolution create general policy or individually impose such reasonable conditions and restrictions as will prevent the obstruction of or interference with public lands or that is in furtherance of the public interest.

**§131-30. Penalties for offenses.**

- A. An offense against the provisions of this chapter shall constitute a violation under the Penal Law and shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.
- B. Any violation of this chapter within seven days shall may be charged as a separate and distinct violation.
- C. The Town may require the immediate termination of any yard sale conducted in violation of this chapter.
- D. The Shelter Island Police Department may remove and impound any sale items not removed from the public right of way within 2 days of the owner or occupant of the premises receiving a written notice of violation of this chapter. After such removal, the items are to be stored or caused to be stored in a suitable place at the expense of the owner. The owner may redeem the items upon payment to the Shelter Island Town Police Department of the amount of all outstanding fines plus the actual and necessary expenses incurred in the removal and storage.

**AND BE IT FURTHER RESOLVED**, that his Chapter shall take effect immediately upon filing with the Secretary of State.