

**CITY OF AMSTERDAM, NY
COMMON COUNCIL
OCTOBER 4, 2016**

ORDINANCE 2016-10

ORDINANCE ESTABLISHING CHAPTER 175 – YARD AND GARAGE SALES’

BY: ALDERMAN RUSSO

WHEREAS, it has recommended that establishment of Chapter 175 of the Code of the City of Amsterdam, in Common Council convened, does hereby:

ORDAIN AND ENACT as follows:

CHAPTER 175 YARD/GARAGE SALES

§175-1 Legislative authority and intent

The intrusion of unregulated yard/garage sales can cause annoyance to the citizens and businesses in the City of Amsterdam and congestion of the streets. The provisions contained in this chapter are intended to prohibit the conducting of a business in any zoned residential area or residential premises by regulating the terms and frequency of yard/garage sales so as not to disturb or disrupt the residential environment of the area.

The provisions herein are intended to regulate garage/yard sales in the City of Amsterdam by

- a. They do not become more than temporary casual events in any zoned residential area of residential premises;
- b. To prevent them from disturbing or disrupting the quality of life, neighborhood appearance, and environment enjoyed by citizens;
- c. To preserve the safety and welfare of citizens, and
- d. To protect property values.

The provisions and prohibitions herein are enacted to regulate, not prevent, casual garage/yard sales by residents wishing to dispose of their unwanted personal household items.

§175-2 Definitions

For the purpose of this article, the following terms, phrases and their derivations shall have the meanings given herein:

Yard/Garage Sale

Includes all general sales, open to the public, conducted from or on a residential premises or in any residential zone, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled “garage”, “lawn”, “yard”, “attic”, “porch”, “room”, backyard”, patio”, “flea market” “estate” or “rummage sale”.

Personal Property

Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired 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 lot on which a building is located which has a certificate of occupancy for a residential occupancy classification only as the same as defined by the State Fire Prevention and Building Code, or any vacant lot which abuts a residential premises and owned by the same.

§175-3 Number and Frequency of Sales

- A. No more than three such sales shall be conducted at the same premises or by the same person in any one calendar year. There shall be at least 30 days between sales. Such sale shall not be conducted for longer than three consecutive days.
- B. All such sales held pursuant to these provisions shall be limited to the hours of 8:00 am and 6:00 p.m.

§175-4 Registration Requirements

- A. No sale shall be conducted unless and until the individuals desiring to conduct such sale shall register with the City Clerk's office not less than 48 hours before the proposed start of the sale via email, telephone or in person and provide the following information:
 - a. The full name and address of the applicant
 - b. The date or dates upon which the proposed garage sale is to be held
 - c. The location at which the proposed sale is to be held.
 - d. The date or dates of any other sales held at the proposed location within the current calendar year, if known.
 - e. An affirmation statement that the items to be sold are owned by the applicant as personal property and are neither acquired nor consigned for the purpose of resale.
- B. There shall be no charge for registration of a yard/garage sale.

§175-5 Investigation to Determine Compliance

- A. The City Clerk may request the Police, Fire or Codes Department or any other official designated by the City ordinance to conduct an investigation as may reasonably be necessary to determine if there is compliance with this article and may close the premises from such sale or issue an appearance ticket or in the case of a police officer, arrest any individual who violates the provisions of this article.

§175-6 Responsibilities of Person Conducting Sale

- A. The individual conducting sale 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 sale or activity. No such individual shall permit any loud or boisterous conduct on said premises no permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Department of the City in order to maintain the public health, safety, and welfare.
- B. Personal property offered for sale may be displayed within the residence, garage, carport or yard but only in such areas. No personal property offered for sale shall be displayed in any public right-of-way. . At the end of the last day of a sale, all items for sale must be cleared from the front of the property and stored out of sight from the road or neighboring properties.

§175-7 Signs

- A. Only the following specified signs may be displayed in relation to a pending sale:

- a. Two signs of not more than four square feet each are permitted to be displayed on the property of the residence where the garage sale is being conducted.
- b. Four directional signs of not more than two square feet each are permitted, provided that the premises upon which the sale is conducted is not on a major thoroughfare and written permission to erect the signs is received from the property owner upon whose property such signs are to be posted.
- c. No sign or other form of advertising shall be exhibited for more than two days prior to the day the sale is to commence.
- d. Signs must be removed at the close of garage sale activities.
- e. No signs or other display advertising the sale shall be attached, placed, painted or pasted upon any public lamppost, electric, telegraph or telephone pole, shade tree, fire hydrant or any sidewalk, curbstone, flagstone or crosswalk.

§175-8 Parking

- A. All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce temporary controls to alleviate any special hazards and/or congestion created by any sale.

§175-9 Exemptions

- A. The provisions of this article shall not apply to or affect the following:
 - a. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 - b. Personal acting in accordance with their powers and duties as public officials.
 - c. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business having a certificate of occupancy classification as defined by the State Fire Prevention and Building Code wherein such sale would be permitted by the Zoning Ordinance of the City 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 mercantile premises and not otherwise prohibited in other ordinances.
 - d. Any bona fide charitable, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.
 - e. Any sale that is part of a City sanctioned event such as a City-wide yard/garage sale.

§175-10 Penalties for Offenses

- A. Any person committing any offense against any provisions of this chapter shall be guilty of a violation shall be fined not less than \$50 nor more than \$250 for each such offense.

This Ordinance shall take effect pursuant to Section C33 of the Charter.



CITY OF AMSTERDAM
OFFICE OF THE CITY CLERK
61 Church Street
Amsterdam, NY 12010
salibozek@amsterdam.ny.gov

518 841-4305
518 842-6802 (fax)
amsterdamny.gov (website)

GARAGE SALE STATEMENT OF AFFIRMATION

I _____ HEREBY AFFIRM THAT ALL
ITEMS BEING SOLD AT MY GARAGE SALE ON _____
AT _____ ARE OWNED BY MYSELF AS
PERSONAL PROPERTY AND HAVE NEITHER BEEN ACQUIRED NOR CONSIGNED
FOR THE PURPOSE OF RESALE.

DATE: _____

This form must be filed with the City Clerk before onset of sale.