



**TOWN OF KEARNY**  
Office of the Town Clerk  
402 Kearny Avenue  
Kearny, New Jersey 07032  
Telephone: (201) 955-7400  
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Patricia Carpenter, RMC  
Town Clerk  
Email: pcarpenter@kearnynj.org

## PERMIT APPLICATION TO CONDUCT A GARAGE SALE IN THE TOWN OF KEARNY

DATE: \_\_\_\_\_ License/Permit #: \_\_\_\_\_ Fee: \$25.00

ADDRESS FOR WHICH PERMIT IS DESIRED: \_\_\_\_\_

NAMES OF THE PROPERTY OWNERS OF THE PREMISES WHERE SALE IS TO BE CONDUCTED: \_\_\_\_\_

FULL NAME OF APPLICANT: \_\_\_\_\_

APPLICANT'S ADDRESS: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

PHONE: \_\_\_\_\_ DATE OF USE: \_\_\_\_\_ # OF DAYS OF SALE: \_\_\_\_\_

DATE AND NATURE OF ANY PAST SALE: \_\_\_\_\_ TIME: \_\_\_\_\_ RAIN DATE: \_\_\_\_\_

The applicant is a (n): (circle one) individual, charitable, religious or civic organization.

**FEE:** The fee for each garage sale permit shall be \$25.00. The fee shall be nonrefundable but may be applied to an alternate date if the original date has to be postponed because of rain or other natural element.

**HOURS:** All garage sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m.

**SIGNS:** No signs for advertising a sale or directing customers are to be posted on any place other than the premises where the sale is to be held. The sign shall be limited to two feet by two feet in size and shall not be placed on the premises earlier than one week before the sale and must be removed within 24 hours after the sale has terminated.

**RESTRICTIONS:** No more than three permits per dwelling unit shall be issued in any one calendar year no matter how many persons occupy the particular dwelling unit. No garage sale shall be permitted for more than two days which days shall be consecutive.

### **AFFIDAVIT**

State of New Jersey  
County of Hudson, Town of Kearny

\_\_\_\_\_, being duly sworn deposes and says that he/she is the individual making the foregoing application for a Garage/Yard Sale Permit and that the answers to the questions contained therein are true. I certify that all the items to be sold are owned by me or being sold with the consent and authorization of the owner. I fully realize that I must comply with Town Ordinances. Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Notary

### **TOWN CLERK'S OFFICE USE ONLY**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Fee \$25.00: \_\_\_\_\_ Cash \_\_\_\_\_ Check # \_\_\_\_\_

PERMISSION IS HEREBY GRANTED UNDER THE TERMS OF ORDINANCE # 2012-(O)-57 ORDINANCE REGULATING GARAGE SALES AND SIMILAR TYPE SALES.

APPROVED: \_\_\_\_\_

**TOWN CLERK**



## Kearny Town Council

402 Kearny Avenue  
Kearny, NJ 07032

www.kearnynj.org

FIRST READING -	9-25-12
PUBLISH -	9-29-12
SECOND READING -	10-9-12
PUBLISH -	10-13-12
PLAN BD REVIEW -	

### ORDINANCE 2012-57

#### Ordinance Regulating Garage Sales and Similar Type Sales

Be it ORDAINED by the Mayor and Council of the Town of Kearny, Hudson County, New Jersey that:

Chapter V of the Town Code, entitled "Licenses and Business Regulations", be and hereby is amended and supplemented by a new section entitled "Garage Sales and Similar Type Sales" which shall read as follows:

#### 5-25 Garage Sales and Similar Type Sales

##### 5-25.1 Definitions.

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

*Dwelling unit* One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with one kitchen and sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.

*Garage Sales* All sales open to the public at large held on premises the seller owns or on premises where he or she resides for the purpose of disposing of tangible personal property. They include, but not by way of limitation, sales denominated "garage," "lawn," "house," "estate," "auction," "yard," "attic," porch", "room," "backyard" "patio", "flea market" or "rummage" sales and other like sales.

*Personal property* Any property which is the subject of a "Garage Sale," typically, but not by way of limitation, used household or personal articles such as furniture, tools, clothing or such other items acquired in the normal course of living or in maintaining a residence

##### 5-25.2 Permit required.

It shall be unlawful for any person to conduct a garage sale within the Town without first obtaining a permit from the Town Clerk. A permit may be issued only to the owner or resident of the premises on which the sale is to be conducted.

##### 5-25.3 Restrictions.

The issuance of permits shall be restricted by dwelling units. No more than three permits per dwelling unit shall be issued in any one calendar year no matter how many persons occupy

the particular dwelling unit. No garage sale shall be permitted for more than two days which days shall be consecutive.

#### **5-25.4 Application for Permit.**

Any person seeking to obtain a garage sale permit shall, at least one week before the proposed date, complete and submit to the Town Clerk an application for the issuance of a permit and shall pay the required fee. The application shall be on a form established by the Town which may be modified from time to time and shall contain at least the following information:

- (i) the location of the proposed sale.
- (ii) the dates and times of the proposed sale.
- (iii) the names of the owners of the premises on which the proposed sale is to be conducted.
- (iv) if the proposed sale is not being conducted by the owners of the premises, the name of the residents at that address who will be conducting the sale, the applicant.
- (v) the number of days of the sale.
- (vi) the date and nature of any past sale.
- (vii) a certification that the items to be sold are owned by the applicant or being sold with the consent and authorization of the owner.
- (viii) a certification by the applicant that all of the information in the application is true and known to the applicant to be true.

#### **5-25.5 Fee.**

The fee for each garage sale license shall be \$25.00. The fee shall be nonrefundable but may be applied to an alternate date if the original date has to be postponed because of rain or other natural element.

#### **5-25.6 Application; Issuance of permit.**

The Town Clerk shall receive the application and accept the required filing fee and if, upon review of the application, the Clerk finds it to be in compliance with the requirements of this ordinance, shall issue the permit. The permit shall be prominently displayed on the premises upon which the sale takes place.



**5-25.7 Hours.**

All garage sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m.

**5-25.8 Display**

The property offered for sale may be displayed in a driveway or in a garage, or in the rear yard or lawn of the premises for which a permit has been issued. No property shall be displayed or otherwise placed on any sidewalk, road, highway, street or public right-of-way.

**5-25.9 Signage.**

No signs for advertising a sale or directing customers are to be posted on any place other than the premises where the sale is to be held. The sign shall be limited to two feet by two feet in size and shall not be placed on the premises earlier than one week before the sale and must be removed within 24 hours after the sale has terminated.

**5-25.10 Nontransferability of permit.**

No permit shall be transferable by the permittee to any other person, nor shall the place of the sale be changed without cancellation of the permit and issuance of a new permit, upon application and payment of the required fee for the new location.

**5-25.11 Enforcement.**

(i) This Ordinance shall be enforced by the Police Department.

(ii) The permittee and the owner of the premises, if the permittee is not the owner, shall be responsible for the maintenance of good order and decorum on the premises during the hours of the sale.

(iii) The permittee and the owner shall quell any loud or boisterous conduct on the premises and see to it that no vehicles impede the passage of the traffic on any roads or streets in the area of the premises.

**5-25.12 Exceptions.**

The provisions of this Ordinance shall not apply to or affect the following persons or sales:

(i) the Town Wide Yard and Sidewalk Sale hosted by the Urban Enterprise Zone Development Corporation in conjunction with the Mayor and Council.

(ii) persons selling goods pursuant to an order or process of a court of competent

jurisdiction.

(iii) persons acting in accordance with their powers and duties as public officials.

(iv) sales by any bona fide, charitable, eleemosynary, educational, cultural or other organization or association organized not for profit which has been granted an exemption by resolution of the Mayor and Council. The production of a certified copy of a certificate of incorporation pursuant to N.J.S.A. 15A:1-1 *et seq.* shall be presumptive evidence of the right of such organization to apply for the exemption.

### 5-25.13 Violations and penalties.

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not less than \$50.00 nor more than \$500.00 or be imprisoned for a period not to exceed 10 days for each violation. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation.

#### HISTORY:

09/25/12

Council

INTRODUCED

Next: 10/09/12

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan McCurrie, Council Member
<b>SECONDER:</b>	Carol Doyle, Council Member
<b>AYES:</b>	Doyle, Pettigrew, Landy, McCurrie, Eckel, Cardoso, Peyko, Santos
<b>ABSENT:</b>	Alexa Arce

I certify that the foregoing ordinance was introduced by the Council on first reading on September 25, 2012, duly published according to law, and passed on second reading and final passage on October 9, 2012.

  
PATRICIA CARPENTER, TOWN CLERK

I hereby approve the foregoing ordinance this 9<sup>th</sup> day of October, 2012.

F.M.  
Department Heads

  
ALBERTO SANTOS, MAYOR

Gregory Castano Sr.