

**ORDINANCE NO. 2018 -**

***AN ORDINANCE OF MIDDLEBURG BOROUGH, SNYDER COUNTY, PENNSYLVANIA, REGULATING THE CONDUCT AND ADVERTISING OF YARD SALES, GARAGE SALES AND SIMILAR TYPES OF SALES IN THE BOROUGH OF MIDDLEBURG AND IMPOSING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.***

BE IT ENACTED AND ORDAINED, and it is ENACTED AND ORDAINED, by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, as follows:

**SECTION 1. Purpose.**

This Ordinance is intended to ensure that any yard sales conducted or advertised in the Borough are done so in a manner which protects the public health, safety and welfare of those in the Borough by: 1) preserving the character and value of the neighborhoods in which the yard sales may occur; 2) preventing prolonged or perpetual yard sales; 3) preventing nuisances; and 4) complying with existing Borough ordinances, codes and regulations, including the zoning ordinance.

**SECTION 2. Title.**

This ordinance shall be known and may be cited as the “Middleburg Borough Yard Sale Ordinance.”

**SECTION 3. Definitions.**

Unless otherwise expressly stated, the following terms, when used in this Ordinance, shall be defined as set forth in this section:

- A. “Advertising” shall mean posting any sign, flyer, poster, bulletin or other form of written communication regarding a yard sale in a place able to be seen by passersby, whether motorists, bicyclists or pedestrians, from a public street or sidewalk.
- B. “Borough” shall mean the Borough of Middleburg.
- C. “Person” shall mean any natural person, association, partnership, firm, corporation, organization or other entity. The singular shall include the plural and vice versa.
- D. “Personal property” shall mean household goods, merchandise, tools, clothes and all other items which are not real property or interests in real property.

E. "Yard sale" shall mean:

1. a public sale of personal property conducted on a residential property, and
2. a public sale of personal property conducted on a non-residential property not regularly used and properly permitted for the public sale of personal property.

This definition shall apply to any sale meeting the definition regardless of the term used to describe the sale.

#### **SECTION 4. Regulated Conduct.**

- A. No person shall conduct any yard sale within the Borough in violation of this Ordinance.
- B. No person shall advertise within the Borough for any yard sale, regardless of the location of the yard sale, in a manner in violation of this Ordinance.
- C. No person shall permit any yard sale to occur in violation of this Ordinance on property they own within the Borough.

#### **SECTION 5. Exempt Conduct.**

This Ordinance shall not apply to:

- A. Advertising by Reliance Hose Company No. 1 on its permanent sign.
- B. Any sale conducted within the Borough by a licensed auctioneer.

#### **SECTION 6. Permits.**

- A. A permit shall be obtained before:
  1. Conducting any yard sale within the Borough.
  2. Advertising within the Borough for any yard sale, regardless of the location of the yard sale.
- B. The permit may be obtained by completion of the Borough's form prepared for this purpose and payment of the permit fee in full.

- C. The permit fee shall be Five Dollars (\$5) plus One Dollar (\$1) for each item of advertising. These fees may be changed by the Borough at any time by adoption of a resolution.

**SECTION 7. General Regulations.**

- A. Only six (6) yard sales may be held per year on the same property in the Borough.
- B. No yard sale may continue for more than four (4) consecutive days.
- C. No yard sale may be conducted on the public sidewalks of the Borough.

**SECTION 8. Advertising Regulations.**

- A. Every advertising item shall have affixed to its front a sticker issued by the Borough which shows a valid permit number for the yard sale being advertised, unless the advertising item is a permanent sign on a non-residential property.
- B. Advertising within the Borough for any yard sale: 1) shall not occur more than seven (7) days before the date the yard sale begins and 2) shall be completely removed no later than the day after the end of the yard sale.
- C. No single advertising item shall be greater than six (6) square feet.
- D. No advertising shall be placed on a road.
- E. No advertising shall interfere with the visibility at road intersections.
- F. No advertising shall interfere with the ability of the public to safely use any road or sidewalk.
- G. No advertising shall be in any way placed upon or attached to any utility pole, bridge structure, traffic sign, street sign or other public sign.
- H. No advertising shall be placed on any private property other than the property where the advertised yard sale is occurring unless written permission is obtained from the property owner prior to placement of the advertising.
- I. All advertising shall include on the front of the advertising:
  - 1. the dates the yard sale is beginning and ending;

2. the address for the property where the yard sale is occurring.

**SECTION 9. Penalties for Violations.**

- A. Any person who violates any provision of this Ordinance shall, upon conviction in a summary proceeding, be sentenced to pay the costs of prosecution and a fine of:
  1. Twenty-five Dollars (\$25) for the first offense.
  2. Fifty Dollars (\$50) for the second offense.
  3. One Hundred Fifty Dollars (\$150) for the third offense.
- B. Every single item of advertising in violation of this Ordinance shall be a separate offense for which a separate fine shall be imposed.

**SECTION 10. Enforcement.**

- A. This Ordinance shall be enforced by the Middleburg Borough Police Department.
- B. Any advertising item found in violation of this Ordinance may be immediately removed by the Borough and destroyed if not claimed by the owner at the Borough office within seven (7) calendar days.

**SECTION 11. Repealer.**

All provisions of any code, ordinance or other regulation in the Borough which are inconsistent with this Ordinance are repealed to the extent of such inconsistency.

**SECTION 12. Severability.**

If any provision, sentence, clause, section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

**SECTION 13. Effective Date.**

This Ordinance shall take effect immediately upon its enactment.

DULY ENACTED AND ORDAINED this \_\_\_\_\_ day of June, 2018, by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, in lawful session duly assembled, after receiving public comment thereon and following proper notice of its intent to consider adoption of this Ordinance.

ATTEST:

BOROUGH OF MIDDLEBURG:

\_\_\_\_\_  
Elizabeth Paige  
Administrator/Secretary

BY: \_\_\_\_\_  
Heidi Potter, President

*(Middleburg Borough Seal)*

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,  
SNYDER COUNTY, PENNSYLVANIA, THIS \_\_\_\_ DAY OF JUNE, 2018.

\_\_\_\_\_  
Susan K. Kinney, Mayor

**CERTIFICATE OF ADOPTION**

AND NOW, this \_\_\_\_ day of June, 2018, I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on May 8, 2018, at which time a quorum was present.

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Elizabeth Paige, Administrator/Secretary

*(Middleburg Borough Seal)*

**CERTIFICATE OF PREPARATION**

AND NOW, this \_\_\_\_ day of June, 2018, I hereby certify that I prepared the foregoing Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on May 8, 2018.

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Jeremiah D. Runkle, Solicitor