

Chapter 9

PERSONAL PROPERTY SALES

Article I. In General

Sec. 9-1. Purpose

The purpose of this ordinance is to eliminate the intrusion of non-regulated personal property sales. The intent is not to prevent, but to regulate such sales for the public health, safety and welfare of the residents of the Town.

- a) The use of land and the buildings thereon for the purpose of any public sale or offering for sale of personal property by a person or persons, said personal property having been acquired, possessed or used by the person or persons for personal use as opposed to business or commercial use, including wherein more than one family enters into such sale at one location for the sale of such personal property.
- b) The use of land for such sales purposes shall include, "Yard sale", "Garage sale", "Tag sale", "Barn sale", and any other similar sales activity.
- c) The use of land for such purposes shall not include the sale of offering for sale of any goods acquired or consigned or brought to the premises for the purpose of a public auction.

Sec. 9-2. Personal Property Sales Defined

Sec. 9-3. Duration of Sale

- a) Personal property sales shall:
 - (1) total no more than nine (9) days per lot in one calendar year; and
 - (2) occur no more than three (3) times per lot in one calendar year; and
 - (3) occur not more than on two (2) consecutive weekends; and
 - (4) be limited to daylight hours.
 - (5) Any sale exceeding the limits of this ordinance shall be considered a permanent business and subject to all regulations regarding such, including the Town of Brattleboro Zoning By-Laws.

Sec. 9-4. Signs Permitted

All signs displayed must conform to Section 4500 of the Town of Brattleboro Zoning By-Laws.

Sec. 9-5. Parking

All parking of vehicles shall be in compliance with all applicable laws and ordinances. Further, the Brattleboro Police Department may enforce such temporary controls which alleviate any special hazards and/or congestion created by any personal property sale.

Sec. 9-6. Reserved**Sec. 9-7. Penalties**

- a) Any person who conducts or participates in the conducting of personal property sale not in accordance with the provisions of this ordinance, or any person who owns or controls property not used in accordance with provisions of this ordinance, shall receive a written warning for the first offense and the personal property sale must immediately terminate upon the issuance of the written warning. A second offense or any subsequent offense(s) shall be fined fifty-dollar fine (\$50.00) and the waiver fee shall be twenty five dollars (\$25.00).
- b) Each day the violation continues shall constitute a separate offence.

Sec. 9-8. Exceptions

- a) The provisions of this ordinance shall not apply to sales of personal property made pursuant to a valid order of a Court of competent jurisdiction or to limit the duration or frequency of religious, fraternal, or other non-profit organizations, sales, bazaars, auctions, or sales to settle an estate.

Sec. 9-9. Severability

- a) If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- b) Where the provisions of this ordinance impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, by-law, rule or regulation, the provisions of this ordinance shall control.