

# **REGULATING THE CONDUCT OF SALES WITHIN THE VILLAGE OF WELLSVILLE**

## **Local Law No. 2 of 2025**

Be it enacted by the Board of Trustees of the Village of Wellsville as follows:

### **SECTION I. Purpose**

To establish guidelines for the conduct and administration of sales of personal property, household items, etc., as defined in this local law.

### **SECTION II. Definitions**

**SALE:** Sales of household items, miscellaneous personal property, heirlooms, clothes and apparel; commonly known as estate, garage, moving, porch/patio, yard/lawn sales and similar types of sales by whatever name.

### **SECTION III. Permit Required**

No sale may be conducted unless authorized by non-transferable permit by the Village Clerk at least five days prior to the first day of the sale.

- A. The permit application and the permit shall contain the dates of all prior sales held at the sale location during the prior twelve (12) month period.
- B. The permit shall be conspicuously displayed throughout the sale.
- C. Only permits signed by the Village Clerk or designee and impressed with the Village Seal shall be considered valid.
- D. Sales shall be held only on the dates shown on the permit. There will be no adjourned dates/continuing sale dates unless a new permit is issued. In the event the sale is not held for reasons beyond the applicant's control, the Village Clerk or designee may amend the permit for other dates.
- E. The Village Clerk shall design and provide application and permit forms. The Village Clerk may establish rules and regulations for the administration of the program and conduct of the sales.
  1. Such rules and regulations shall be filed in the Village Clerk's Office and placed in the minutes of the Village Board.
  2. Said rules and regulations will be given to all applicants, and acceptance of a permit shall constitute agreement to abide by the rules and regulation.
  3. Failure to abide by the rules and regulations may result in the refusal to issue a permit in the future or the requirement of a cash bond of one hundred fifty (\$150) dollars for the issuance of another permit.

### **SECTION V. Permit Fee**

A fifteen-dollar, non-refundable fee (\$15) is required to be paid to the Village Clerk upon

issuance of the permit.

## **SECTION VI. Operating Restrictions**

- A. No sale shall be held for more than three (3) consecutive days.
- B. A sale must not be held outside the hours of 8 a.m. – 6 p.m. daily.
- C. No more than two (2) sales may be held at any one location within a twelve-month period.

## **SECTION VII. Fines and Penalties**

Upon conviction, a violation of this local law shall be deemed an offense and punishable by a fine of \$25 - \$250. The continued violation of this local law shall constitute, for each day an offense is continued, a separate and distinct offense here under. In addition, a violation of the provisions of this local law may be grounds for denying a permit in the subsequent year(s).

## **SECTION VIII. Enforcement**

This local law shall be enforced upon a complaint from the Village Clerk or designee to any Police Officer having jurisdiction.

## **SECTION IX. Repeal of Prior Local Laws and Ordinances**

All prior local laws and ordinances, or parts thereof, titled “Regulating the Conduct of Sales Within the Village of Wellsville” are hereby repealed.

## **SECTION IX. Severability**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this local law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

## **SECTION X. Revisions**

This law may be amended going forward through Board resolution.

## **Effective Date**

This local law shall take effect immediately upon filing in the office of the Secretary of State as required by law.

Passed on the 25<sup>th</sup> day of November, 2024.