

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Dunkirk
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 96

A local law to Regulate Yard Sales within the Town of Dunkirk
(Insert title)

Be It enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Dunkirk as follows:
~~Town~~
~~Village~~

Be it enacted by the Town of Dunkirk as follows:

ARTICLE 1. DEFINITION

YARD SALE: Includes all sales, entitled “garage sale”, “attic sale”, “porch sale”, “flea market sale” or any similar casual sale in which five (5) or more items of personal property are offered for sale at one time from real property located in a residential zoned area of the Town of Dunkirk, New York.

PERSON: Includes individuals, partnerships, voluntary associations and corporations.

ARTICLE 2. RESTRICTIONS

1. No yard sale shall occur during the months of November of one year through March of the following year.
2. Yard sales shall occur only between the hours of 9:00 A.M. to 7:00 P.M.
3. All yard sales shall have a maximum duration of two (2) consecutive days with no further yard sales occurring on the same premises for thirty (30) days.
4. No more than three separate yard sales shall occur from any one premise in any one calendar year.
5. No items of personal property being sold at a yard sale shall be located nearer than fifteen (15) feet from the edge of the paved portion of any adjoining street or highway.
6. Signs advertising a sale covered by this local law shall be limited to two (2) at the site of the sale and two (2) directional signs located no further away from the site than the nearest intersections of two (2) or more public highways leading to the site. Each sign shall not exceed two (2) feet by four (4) feet in size, and shall not protrude into a traffic lane of a highway or obstruct any traffic control sign or interfere with the line of sight of a motor vehicle operator. No sign shall be erected more than five (5) days prior to the sale and must be removed within two (2) hours after the sale has been closed. At the close of the sale each day, all merchandise, tables, racks and other sale paraphernalia must be removed from all open areas.

SEE ATTACHED FOR ARTICLES 3, 4 AND 5.

(If additional space is needed, please attach sheets of the same size as this and number each)

ARTICLE 3. PENALTY

1. Any person who commits any act in violation of any provision of this Local Law shall be deemed to have committed an offense against this Local Law and shall be liable for the penalties imposed herein for such violation. Each act committed in violation of any provision of this Local Law shall constitute a separate offense.
2. For every violation of any provision of this Local Law, a person shall be subject to a fine of not more than TWO HUNDRED FIFTY DOLLARS (\$250.00).
3. In addition to the above-provided penalties, the town governing body also may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law or the zoning laws of the Town of Dunkirk.
4. Each day a breach hereof occurs shall be deemed a separate violation for which a separate fine may be imposed.
5. The owner or tenant of the premises upon which the sale takes place and their agents and employees, if such agents and employees have personal knowledge of a violation of any section of this local law, may be charged hereunder.

ARTICLE 4. EXEMPTIONS

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

- a) Persons selling goods pursuant to an order of process of a court of competent jurisdiction;
- b) Persons acting in accordance with their powers and duties as public officials.

ARTICLE 5. EFFECTIVE DATE

1. This local law shall take effect upon adoption by the Town Board of the Town of Dunkirk, and the filing of the same in the office of the New York Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 96.....
~~County~~ ~~City~~ of Dunkirk was duly passed by the Town Board
Village (Name of Legislative Body)

on FEBRUARY 13, 19 96..... in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
thereon at the special election held on 19, in accordance with the applicable
general provisions of law.
annual

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the (Name of Legislative Body)
of the Town
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 19
in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of §36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.


Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: February 15, 1996

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF CHAUTAUQUE.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
Albert W. Foley Signature
Town Attorney..... Title

Date: February 15, 1996
~~County~~ of Dunkirk
~~City~~ Town
~~Village~~