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TITLE SEVEN – Citizen Responsibilities

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ARTICLE 723  
Garage Sales

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723.01 DEFINITIONS

For purposes of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include future, words in plural number include the singular number, and the words in the singular number the plural number. The word *shall* is always mandatory and not merely directory.

- (a) Garage sale shall mean and include all general sales, open to the public, conducted from or on a residential premises, located in any type of zone, zoned area or zoning district, whether or not said areas or zones are residential, commercial, industrial or otherwise, within the geographic boundaries of the City of Franklin, for the purpose of disposing of personal property, including, without limitation, all sales entitled *garage*, *lawn*, *yard*, *attic*, *porch*, *room*, *backyard*, *patio*,  *flea market*, or  *rummage* sale. This definition shall not include a situation where no more than two (2) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.
- (b) Person shall mean any natural person, individual, corporation, charitable, philanthropic or religious institution, or non-profit corporation, homeowner association, unincorporated association, partnership and joint venture, who is an owner of real estate within the City of Franklin, the equitable owner, or any agent, servant, workman or employee thereof or independent contractor thereof.

(c) Personal property shall mean property which is owned, utilized and maintained by a person or members of a person=s residence, and acquired in the normal course of living in or maintaining a residence. It shall not include merchandise that was purchased for resale or obtained on consignment, or food.

#### 723.02 PROPERTY PERMITTED TO BE SOLD

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Article, property other than personal property.

#### 723.03 LIMITATIONS AND EXCEPTIONS

- (a) No more than two (2) garage sales shall be conducted by any person or at any residential premises during any calendar year.
- (b) There shall be at least a period of thirty (30) days between each garage sale.
- (c) Each garage sale shall be limited in time to no more than the daylight hours of three (3) consecutive days.
- (d) A third garage sale shall be permitted in a calendar year at a residential location in the event a bona fide change in ownership of the real property occurs during the calendar year.

#### 723.04 SIGNS

Any person or persons conducting a garage sale shall comply with Article 906 of the Codified Ordinances of the City of Franklin regarding the placement of signs as well as the following provisions:

- (a) Two (2) signs of not more than four (4) square feet each shall be permitted to be displayed on the property of the residence where the garage sale is conducted.
- (b) Two (2) directional signs of not more than two (2) square feet each are permitted provided that written permission to erect said signs is received from the property owners upon whose property such directional signs are to be placed.
- (c) No sign shall be exhibited for more than two (2) days prior to the day a garage sale is to commence.
- (d) All signs must be removed at the close of the last day of garage sale activities or by the end of daylight on that day, whichever first occurs.

### 723.05 PUBLIC NUISANCE

The owner(s) or tenant of the premises on which a garage sale is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale. No such person(s) shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede passage of traffic on any roads or streets in the area of the premises. All such persons shall obey reasonable orders of any member of the Police or Fire Departments of the City of Franklin, or the Code Enforcement Officer of the City of Franklin, in order to maintain the public health, safety and welfare.

### 723.06 PARKING

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department of the City of Franklin may enforce such temporary controls to alleviate any special hazards or congestion created by any garage sale.

### 723.07 PERSONS EXEMPT

The provisions of this Article shall not apply to or affect the following:

- (a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the City of Franklin or under the protection of the non-conforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

### 723.99 PENALTIES

- (a) Any person violating a provision of this Article, and any person aiding, abetting or assisting in the violation of a provision of this Article, shall, upon conviction thereof before a District Justice, be subject to a fine of not less than \$300.00, and the costs of the prosecution for each offense; and in default of the payment of fine and costs shall undergo imprisonment in the jail of the City of the Franklin or the jail of the County of Venango in the Commonwealth of Pennsylvania for a period not exceeding ten (10) days for each violation.

- (b) A person continuing a violation of a provision of this Article after written notice of said violation by the City of Franklin, or after service of a summons, shall be guilty of, and may be prosecuted for, a separate violation for each day the violation is continued.©