

(Use this form to file a 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 **CAIRO**
City of -----
Town
Village

Local Law No. **6** of the year 20**06**

GARAGE AND STREET SALE PERMIT LOCAL LAW

A local law -----
(Insert Title)

TOWN BOARD

Be It enacted by the ----- of the
(Name of Legislative Body)

County **CAIRO**
City of ----- as follows:
Town
Village

§ 1. Title.

This local law shall be known and cited as "Garage and Street Sale Permit Local Law."

§ 2. Purpose.

These rules and regulations are designed to control and restrict outdoor garage and street sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on. The intent of this law is to eliminate perpetual, prolonged and extended garage and street sales in the Town of Cairo. Such sales, if continued indefinitely, tend to become permanent retail businesses without the benefit of Town review and regulation, create a nuisance and often violate other laws of the Town of Cairo. The provisions of this law arise from the need to limit, regulate, restrict and control garage and street sales.

§3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

GARAGE SALE: The sale or offering for sale of new, used or secondhand items of personal property at any one (1) residential premises at any one (1) time. Includes all sales entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.

GOODS: Any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

STREET SALES: The outdoor sale or offering for sale of new, used or secondhand items of personal property at a retail store or business.

PERSONS: Individuals, partnerships, family groups, voluntary associations and corporations.

§4. Permit required; fee; conditions for sales.

a. It shall be unlawful for any person to conduct a garage or street sale within the geographic boundaries of the Town of Cairo without first obtaining a garage or street sale permit from the Building Department after filing an application containing the information hereinafter specified.

b. It shall be unlawful to participate in more than two (2) garage sales or street sales in any one (1) calendar year.

c. Not more than two (2) garage or street sale permits shall be issued to any one (1) person in any one (1) calendar year.

d. Not more than two (2) garage and yard sale permits shall be issued for any one (1) premises in any one (1) calendar year.

e. Each permit application shall be accompanied by a fee as shall be set from time to time by resolution of the Town Board.

f. It is a requirement of garage and street sale permits that the names and addresses of all participating persons be listed on the application. The garage and street sale permit must be posted at a visible location to the traveling public for the duration of the sale.

g. It shall be unlawful to conduct any garage sale with a duration exceeding three (3) consecutive days.

h. It shall be unlawful to conduct any street sale with a duration exceeding five (5) consecutive days.

i. It shall be unlawful to leave the goods, tables, shelves, chairs and similar items in place overnight. All such items must be removed from public view at the end of each day.

§5. Exemptions.

This chapter shall not be applicable to:

a. Persons selling goods pursuant to an order of process or a court of competent jurisdiction.

b. Persons acting in accordance with their powers and duties as public officials.

c. Any publisher of a newspaper, magazine or other publication or other communications media which publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this local law have not been met.

d. Sales by a bona fide charitable, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.

e. Any public auction having a duration of no more than two (2) days and conducted by an auctioneer, licensed by the State of New York.

f. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations, the Town Board, in the process of acting upon a waiver application, shall

have the power to grant waivers relating to the requirements herein. The Town Board may refer the waiver application, in its discretion to the Planning Board for review.

§6. Enforcement; complaints.

This local law shall be enforced by the Building Department, and it shall be its duty to investigate and prosecute any violation of this chapter. If, after an investigation, a violation is found to exist, the Building Department shall prosecute a complaint before a court of appropriate jurisdiction, including but not limited to the Justice Court of the Town of Cairo.

§7. Conduct.

The persons to whom the garage or street sale permit was issued and the person conducting the sale and the owner, tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.

No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any roads or streets in the area of the premises where the sale is being conducted.

In the event of an emergency, all such persons shall obey reasonable orders from any member of the Police Department or the Fire Department in order to maintain the public health, safety and convenience.

§8. Violations and penalties.

Any person, firm or corporation who or which shall violate any provision of this Local Law shall, upon conviction thereof, be guilty of a violation as that term is defined in the New York State Penal Law and shall be sentenced in accordance therewith. Every day that a violation of this Local Law continues shall constitute a separate offense.

§9. Miscellaneous

a. This Local Law is expressly adopted pursuant to the relevant sections of the New York State Town Law and the New York State Municipal Home Rule Law.

b. In the event any section or provision of the laws contained herein or as amended hereafter shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the laws as a whole or any part thereof other than the part so declared to be invalid.

c. This local law shall be effective immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 6 of 2006 of the (County)(City)(Town)(Village) of CALED was duly passed by the TOWN BOARD on SEPTEMBER 20 2006, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the 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 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) 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)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 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.

Lara L. Rumph

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

(Seal)

Date: 9/20/06

(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 GREENE

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.

Calvin Rappley

Signature

ATTORNEY FOR THE TOWN

Title

County,

City

Town

Village

of JEWETT

Date: 9/20/06