

BOROUGH OF EAST STROUDSBURG



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MONROE COUNTY

COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 1349

AN ORDINANCE AMENDING CHAPTER 98 – LAWN AND YARD SALES OF THE EAST STROUDSBURG BOROUGH CODE OF ORDINANCES.

BE IT ORDAINED by the Borough Council of the Borough of East Stroudsburg that Chapter 98 of the East Stroudsburg Code of Ordinances is hereby amended to include as follows:

§ 98-1 Definitions and word usage.

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

FAMILY

- A. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four total unrelated individuals who maintain a common household and live within one dwelling unit, except as provided otherwise in the Code. For this purpose, "related" shall mean persons who are related by blood, marriage, adoption, civil union recognized by any state, or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. "Step" relationships shall also be included, such as stepmother. "Related" shall not include any relationship further than direct first cousins.
- B. Notwithstanding the above definition, a family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined above.

MULTIFAMILY PERMIT

Four but no more than eight families or householders may participate in the sale by furnishing goods, wares or merchandise for sale and/or by engaging in the sale of the goods, wares and merchandise.

ORGANIZATIONAL PERMIT

Is required for nine or more families or households or nonprofit organizations holding the sale by furnishing goods, wares or merchandise for sale and/or by engaging in the sale of the goods, wares and merchandise.

PERSON

A natural person, partnership, corporation, unincorporated association, limited partnership, trust, or any other legally existing recognized entity that is capable of ownership.

SALE or GARAGE SALE

A sale, open to the public, of new or used or previously owned goods, wares and merchandise, held on vacant property or in the garage or on the lawn, yard, porch or patio of the residence of the person who obtains a permit for the sale, as provided by this chapter.

UNDER-THREE-FAMILY PERMIT

No more than three families or householders may participate in the sale by furnishing goods, wares or merchandise for sale and/or by engaging in the sale of the goods, wares and merchandise.

- B. Word usage. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 98-2 Permit Required.

- A. No person shall cause or permit any yard, lawn, garage or tag sale to take place upon any property owned by such person without first having obtained a permit therefore. Application for such permit shall be made to the Zoning Officer by the person at whose residence such sale shall be held; and such application shall be in writing on forms furnished by the Zoning Officer. Such permit shall be issued by the Zoning Officer upon the filing of an application together with the required fee. Permit Fees shall be as determined from time to time by resolution of the Borough Council.
- B. Not more than two permits shall be issued under this chapter to the same person or any person listed on a permit and or address in any one calendar year and not more than two sales shall be held from any one location in any one calendar year. Not more than one permit shall be issued per calendar month.

§ 98-3 Application for permit; issuance;

- A. Application for the permit for a sale shall be made to the Zoning Officer by the person at whose residence the sale is to be held and shall state:
 - 1. The name of the applicant and organization if applicable.
 - 2. The location of the proposed sale.
 - 3. The day or days on which the sale is to be held, as well as the names and residential addresses of all other persons who are to contribute goods, wares,

merchandise or services to the sale. Permit shall valid for no more than three (3) days.

- B. The Zoning Officer shall issue the permit to the applicant, after the applicant shall have paid to the Borough the permit fee as set by resolution of the East Stroudsburg Borough Council, which shall be for the use of the Borough. Applications for permits will be available Monday Through Thursday prior to the week of the sale dates.

§ 98-4 Restrictions.

- A. If applying for a Multifamily Permit or an organizational Permit, the applicant must demonstrate adequate parking for the function.
- B. No Sale shall commence prior to 8:00 a.m. or after 7:00 p.m.
- C. No refreshments may be served or sold at the sale; no music, games or other entertainment or activities may be conducted at the time when and the place where the sale is held and there shall be no unnecessary or excessive noise.

§ 98-5 Limitation of Permit

Because the sale is temporary in nature and permissible in residential districts where commercial activities are not permitted, such sale shall be limited to possessions of the holder of the permit (and the other families, householders or organizations referred to in this chapter). It shall be unlawful to engage or employ any individual, organization or other entity to plan, arrange, conduct, promote or supervise the sale.

§ 98-6 Exhibition of Permit

The permit holder must exhibit the permit at the time of sale in full view of the public at all times.

§ 98-7 Restrictions on signs.

- A. No notice, advertisement or directional sign pertaining to such sale shall be placed or posted on any post or pole used for traffic signs or signals or utility poles or without permission of the owner or occupant of the property anywhere on private property. Upon conclusion of the time stated in the permit for the holding of such sale, the holder of the permit shall remove and take away all such notices, advertisements and directional signs not previously removed and taken away.
- B. A refundable deposit of \$50 shall be required to ensure the removal of all signs and trash are removed within 24 hours of completion of the sale.

§ 98-8. Violations and Penalties.

- A. Any person who shall violate or fail to comply with any of the provisions of this chapter shall, upon conviction thereof in a summary proceeding before any District Justice in the County of Monroe, be sentenced to pay a fine of not more than \$300 and the costs of prosecution. Each day's violation of any of the provisions of this chapter shall constitute a separate offense.
- B. Notice and Payment of Violation. Upon the discovery of any violation under the terms of this Ordinance, the Municipality shall, through its authorized agents, give notice to the owner of a violation hereunder, either by personal

delivery to such owner, by United States mail directed to the last known address of such person or persons, as shown in the real estate registry records of the Municipality, or by leaving the same on the premises where such violation occurs.

- C. If such person shall, within 7 days after the delivery, mailing or leaving of such notice, pay to the Treasurer of the Municipality the sum of \$25.00 for the violation, the same will constitute full satisfaction for the violation noted in said notice. If 2 or more violations are issued for the same property during a calendar year, the second and subsequent violations' payment shall increase an additional \$100.00 per subsequent violation to a maximum of \$300.00. The failure of such person to make payment, as aforesaid, within 7 days, shall render such owner subject to the penalties as provided hereinabove.

ENACTED AND ORDAINED THIS 18th day of June, 2019.

BOROUGH OF EAST STROUDSBURG

BY: _____
Council President

ATTEST:

Brian S. Bond, Borough Manager

APPROVED

BY: _____
Armand Martinelli, Mayor

(Seal)