

TOWN OF BOSCAWEN YARD SALE ORDINANCE

HISTORY: Adopted by the Board of Selectmen of the Town of Boscawen as Ordinance No. XVI after a duly noticed public hearing held on July 6, 2016. Any future amendments to this ordinance shall be noted in this section.

Findings; purpose.

The Town of Boscawen Board of Selectmen finds and declares that:

- The intrusion of nonregulated yard sales is causing safety concerns and congestion of the streets of the Town of Boscawen.
- The provisions contained in this ordinance are intended to regulate the terms and frequency of yard sales.
- The provisions and prohibitions hereinafter contained are enacted, not to prevent, but to regulate yard sales for the safety of the town's citizens and visitors under the provisions of RSA 41:11 Regulation and Use of Highways, Etc.

Definitions and word usage.

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the following meanings:

- *CODE ENFORCEMENT OFFICER* — The individual designated by the Board of Selectmen to administer and enforce this ordinance.
- *YARD SALE* — Includes all general sales, open to the public, conducted from or on a residential premise or property, in any zone, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "barn" or "rummage sale."
- *PERSONAL PROPERTY* — Property which is owned, used, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased or acquired for resale.

Yard Sale Permit required.

No yard sale shall be conducted unless and until the parcel/property owner shall obtain a yard sale permit from the Planning & Community Development Office. If a resident of the parcel/property who is not the owner wishes to conduct a sale, written approval of the owner to conduct the sale shall be submitted with the yard sale permit application.

A. Application required.

Prior to issuance of any yard sale permit, the individuals conducting such sale shall fill out and submit a yard sale application with the Code Enforcement Officer at least five business days in advance of the proposed sale, setting forth the following information:

1. The full name and address of applicant.
2. The location at which the proposed yard sale is to be held.
3. The date or dates upon which the sale shall be held.
4. An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purposes of resale.
5. Provide a plan for off-street parking to minimize traffic hazards and on-street parking, to the extent possible for public safety.

B. Permit fee.

No fee required per Board of Selectmen October 24, 2018.

C. Permit conditions.

The permit shall set forth and limit the time and location of the yard sale. No more than three such permits may be issued to one residential parcel/property/dwelling unit during any calendar year.

D. Hours of Operation.

Such yard sales shall be limited in time to 7am-7pm of three consecutive days (including holidays).

E. Display of property in permitted areas only.

Personal property offered for sale may be displayed within the residence, in a garage, barn, out building, in a carport or in a yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any road or sidewalk.

F. Display of permit.

Any permit in possession of the holder or holders of a yard sale shall be posted on the parcel/property to be visible from the road/street.

Investigation to determine compliance.

Before issuing a permit, the Code Enforcement Officer may conduct an investigation as may reasonably be necessary to determine if there is compliance with this ordinance.

Signs.

Only the following specified signs may be displayed for a yard sale:

1. Two signs permitted. Two signs of not more than four square feet each are permitted to be displayed on the property of the residence where the yard sale is being conducted.
2. All signs must be marked with the applicants name and preferred means of contact.
3. No signs may be placed in the roads or sidewalks at any time.
4. Removal of signs. Signs must be removed at the end of the permitted yard sale.

Revocation and refusal of permit.

Any permit issued under this ordinance may be revoked or any application for issuance of a permit may be refused by the Code Enforcement Officer if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

Exemptions.

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

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

Separate offenses.

Each day that a sale is conducted in violation of this ordinance shall constitute a separate offense.

Penalties for offenses.

Any person found guilty of violating the terms of this ordinance shall be fined not less than \$50.00 under the provisions or RSA 47:17.

Administrative Appeal Procedure.

Should any party be aggrieved by a decision of the Code Enforcement Officer relative to this ordinance, the aggrieved party may file an appeal with the Zoning Board of Adjustment if it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of any ordinance adopted pursuant to New Hampshire RSA 674:33 – Powers of the Zoning Board of Adjustment. This appeal must be filed within 45 days of the date of the decision that is complained of.

PROCEDURE

Public Hearing Dates: 07.06.16 & 07.13.16

Public Hearing Notices: Published in Concord Monitor on June 21, 2016, posted on town website, at Library and Town Municipal Offices.

Adoption Date: July 13, 2016 Effective Date: August 1, 2016
Revised : October 24, 2018

SIGNATURES:

BOARD OF SELECTMEN

Roger W. Sanborn

Roger W. Sanborn, Chairman

Bernard O. Davis, Jr.

Bernard O. Davis, Jr.

Mark E. Varney

Mark E. Varney

~~TOWN CLERK~~ NOTARY PUBLIC:

Candace C. Haithwaite

Date: July 13, 2016

