TOWN OF FAIR HAVEN
ORDINANCE ON LAWN SALES

AN ORDINANCE REGULATING PERSONAL PROPERTY SALES IN RESIDENTIAL ZONED DISTRICTS; DEFINING LAWN SALES; LIMITING THE NUMBER OF LAWN SALES PER YEAR; REGULATING DISPLAY OF SALE PROPERTY; PROVIDING FOR ADVERTISING AND SIGN RESTRICTIONS; REGULATING PARKING; NOTING CERTAIN PERSONS OR SALES EXEMPTED FROM THE TERMS OF THIS ORDINANCE; AND PROVIDING FOR PENALTIES.

Section 1. Authority.

Pursuant to Title 24 V.S.A. Sections 2291(7)(14) and 1971(a), the Selectmen of the Town of Fair Haven, Vermont, hereby adopt the following ordinance to regulate the sale of personal property in residential zoned districts within the Town of Fair Haven. This ordinance is designated as a civil ordinance pursuant to Title 24 V.S.A. Section 1971(b).

Section 2. Intent and Purpose.

The Select Board of Fair Haven finds and declares that:

(a) The intrusion of non-regulated lawn sales is causing annoyance to citizens in residential areas in the Town of Fair Haven, and congestion of the streets in residential areas in the Town of Fair Haven.

(b) The provisions contained in the Ordinance are intended to prohibit the infringement of any businesses in any established residential areas by regulating the the frequency of lawn sales, so as not to disturb or disrupt the residential environment of the area.

(c) The provisions of this Ordinance do not seed control of sales by individuals selling a few of their household or personal items.

(d) The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate lawn sales for the safety and welfare of the Town's citizens.

Section 3. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

(a) "Lawn Sale" shall mean and include all general sales, open to the public, conducted from or on a residential premise in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including but not limited to, all sales entitled "lawn", "garage", "yard", "attic", "porch", "room", "backyard", "patio", "rummage", "tag", or "flea market" sale. This definition

shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

(b) "Personal Property" shall mean property which is owned, utilized 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 for resale or obtained on consignment.

Section 4. Conditions and Limitations.

a. No more than three (3) lawn sales per calendar year shall be allowed to one residence and/or family household.

b. One (1) lawn sale shall consist of no more than three (3) consecutive days.

c. Such lawn sales shall be limited in time to no more than day light hours.

d. More than three (3) lawn sales per calendar year shall be considered a home occupation and shall require a zoning permit.

Section 5. Display of Sale Property.

Personal property offered for sale shall be displayed in such a manner as not to interfere with the public's right-of-way.

Section 6. Advertising; Signs.

a. Time Limitations. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day of such sale is to commence.

b. Removal of Signs. Signs must be removed no later than two (2) days after the close of the lawn sale activities.

Section 7. Parking.

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

Section 8. Persons Exempted from Ordinance.

The provisions of this ordinance 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. 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 Town of Fair Haven or under the protection of the non-conforming use section therof 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.

c. Any bona fide charitable, educational, cultural, or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

Section 9. Enforcement.

The law enforcement officers of the town will be the chief enforcement and issuing officials of this ordinance.

Section 10. Penalties.

Any person found in violation of the provisions of this ordinance shall be subject to the following fines:

First offense	$10.00
Second offense	$25.00
Third offense	$40.00
Subsequent offenses	$40.00

Every article sold and every day a sale is conducted in violation of this Ordinance shall constitute a separate offense.

Waiver fees shall be one half the specified fine in lieu of court appearance.

Section 11. Separability.

If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Adopted by the Fair Haven Board of Selectmen at it duly warned meeting of February 14, 1995.

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