

TITLE 10
YARD SALES AND AUCTIONS

Chapter 1. Public Yard Sales and Auctions

§10101. Statement of facts and purpose

The purpose of this chapter is to promote and provide for the health, safety, and welfare of the general public by regulating the conduct and frequency of yard sales and auctions, thus protecting the residential environment of the Village from unnecessary disturbance or disruption and also protecting the safety of the general public from traffic and pedestrian hazards and congestion which tend to occur during such sales.

§10102. Definitions of words and phrases

For purposes of this chapter, the following terms shall have the meanings set forth herein:

- (a) "Auction" means any public sale or offering for sale of personal and/or real property conducted with a bidding procedure by any person who is subject to the license requirements of 32 V.S.A. Chapter 203, from or on any building or land in the Village which is not publicly owned or which is not generally open to the public, but excluding any building or land which is owned or leased by a licensed auctioneer for the purpose of conducting auctions.
- (b) "Yard sale" means any public sale or offering for sale of five or more items of tangible personal property other than food and/or beverages not in the ordinary course of business conducted from or on any building or land in the Village not publicly owned or not generally open to the public, by any person, but excluding auctions.
- (c) "On-site" means that property location for which a permit for a yard sale or auction is obtained under this chapter.
- (d) "Property location" means that real property in the Village as listed separately by map, block, and lot number on the grand list used by the Village and Town of Woodstock for purposes of assessing real property taxes.
- (e) "Publicly owned" means owned by the state or by any municipality or other instrumentality of the state; "publicly owned" also means owned by a non-profit organization.
- (f) "Non-profit organization" means any entity, the income of which is exempt from federal income taxation by reason of its charitable purposes.

§10103. Prohibitions; permit required

- (a) No person shall conduct, hold, or receive any proceeds or compensation from a yard sale or auction without first obtaining a permit from the Board of Trustees therefor as required in this chapter, provided, however, a person may receive proceeds or compensation from a yard sale or auction without such permit provided some other person has obtained a permit for such yard sale or auction under this chapter.
- (b) No person having an ownership or lease interest in a property location shall

knowingly allow or permit the conduct or holding of a yard sale or auction at such property location unless some person has obtained a permit from the Board of Trustees therefor as required in this chapter.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(OO) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§10104. Applications for yard sale and auction permits

All applications for a yard sale or auction permit shall be made in writing on forms provided by the Board of Trustees for such purposes and delivered to the Village Manager or designee, together with a processing fee of \$10.00 at least five days before any proposed auction or yard sale, provided, however, no processing fee is required if the applicant is a non-profit organization and the agent making such application so certifies.

§10105. Zoning administrator as administrative officer

The Village Zoning Administrator, or in his or her absence, the Village Manager, shall be the administrative officer under this chapter and is hereby so designated and, as such, shall have the authority, on behalf of the Board of Trustees, to grant or deny permit applications in strict compliance with the standards set forth in section 10106 of this chapter.

§10106. Standards; required conditions

Upon receipt of a completed application and processing fee (if applicable) under this chapter, the Village Manager or designee shall note the date of receipt on the application and forthwith forward the same to the administrative officer hereunder who shall either grant or deny the application in strict compliance with the following standards in light of the information provided by the applicant on the application and, when granting an application and issuing a permit, the administrative officer shall include on such permit all terms and conditions as are herein required to be included in a permit issued under this chapter:

(a) No more than two permits may be issued for a yard sale or auction to be held at a particular property location during any one calendar year. No distinction shall be made between yard sales and auctions under this standard and the permitted number is cumulative.

(b) All permits shall specify the date(s) during which the yard sale or auction is to take place, which date(s) shall be those specifically requested by the applicant, provided, however, no yard sale or auction shall be allowed to extend beyond two consecutive calendar days. If the yard sale or auction is cancelled for any date(s) (not including partial days) for which a permit is issued due to rain, snow, or other unforeseen circumstances, upon request by the applicant specifying the makeup date(s), the administrative officer shall substitute such requested makeup date(s) without additional application or processing fee provided that the same is not more than thirty days from the cancelled date(s). All permits shall specify the hours during which the yard sale or

auction is to take place on each permitted date, which hours shall be those specifically requested by the applicant, provided however, the hours and/or length of time for yard sales and auctions shall be limited to from 9:00 a.m. to 9:00 p.m. or any shorter time period between such hours.

(c) No person shall be issued a permit for a yard sale during any calendar year in which such person or any member of such person's household has sold or offered for sale any tangible personal property (other than food and/or beverages), or received any direct compensation therefor, as part of any two other yard sales subject to this chapter, whether or not such person was the person to whom such prior permit was issued.

(d) All permits issued under this chapter shall contain conditions that any merchandise shall be displayed for sale in such manner as will not impede or block pedestrian and/or vehicular traffic nor interfere with the peaceful enjoyment of the inhabitants of neighboring properties and that at no time shall any merchandise be displayed on abutting public sidewalks, highways, and other public property or rights-of-way.

(e) No permit shall be issued under this chapter unless the applicant certifies the existence of sufficient off-street parking in accordance with the following standards. In yard sale permit applications, three on-site off-street parking spaces must be provided. In auction permit applications, one on-site off-street parking space must be provided for every four persons fairly and reasonably estimated by the applicant to be present at the time of maximum anticipated attendance or for every four chairs to be set up at the auction (in both instances rounded down to the nearest whole number), whichever number is greater. The existence of any public parking spaces (even if not marked or metered) within 1,000 feet from the actual site of the yard sale or auction shall reduce the off-street parking space requirements above specified on a one-for-one basis provided the applicant includes the total number of such spaces on the application. Further, such requirements shall be reduced by one space for each accessible off-site off-street parking space, within 1,000 feet from the actual site of the yard sale or auction, which the applicant has obtained written permission to use for parking in connection with the event from the owner or lessee, provided such written permission is attached to the application. All permits issued under this chapter shall contain conditions that the off-street parking requirements above specified (if any, after the reductions and allowances above outlined) must actually be complied with and available for the public at the yard sale or auction, and further, that entrances and exits thereto must be clearly marked at the location thereof and notice of the availability thereof conspicuously noted on any on-site sign advertising the event.

(f) All permits for an auction issued under this chapter shall be conditioned upon payment to the Village of a supplemental fee to be calculated and assessed at the rate of \$14.00 per hour or portion thereof covered by the permit to offset the costs of added traffic control, which sum shall be paid by the applicant in advance. This provision shall not apply if the applicant indicates on the application that a sheriff, deputy sheriff, constable, or other law enforcement officer (including name and position) has been hired to assist in control of traffic at all times during the auction, in which case the permit shall contain a condition that such law enforcement officer, or in the event of sickness or unforeseen circumstances a substitute law enforcement officer, shall actually be present at all times during the auction, for such purpose.

(g) All permits issued under this chapter shall contain a condition (as applicable) that temporary structures such as platforms, tents, chairs, display tables, etc. shall not be allowed to be erected prior to the permit date for a yard sale nor more than two days prior to the permit date for an auction and must be removed at the end of each day of a yard sale and within 24 hours after an auction. Further, all permits for a yard sale or auction shall contain a condition that the applicant assumes responsibility for and will complete on-site clean up and removal of all displayed merchandise and goods to an in-building storage area immediately after the end of each day a yard sale or auction is held.

(h) A permit for a yard sale shall include a condition that no bands, music, speakers or other devices used to amplify sound will be used in connection with the yard sale.

(i) All permits issued under this chapter shall contain a condition that a copy of the permit shall at all times during the event be in the possession of the applicant or other person in charge on-site and a placard evidencing the permit shall be conspicuously displayed on-site at all times during the event. For this purpose, a placard shall be issued together with any permit issued under this chapter.

(j) All permits issued under this chapter shall contain a condition that no more than two signs of not more than four square feet (including frame) each may be erected or exhibited on-site not more than two days prior to the date(s) for which the yard sale or auction is permitted, and that such signs shall be removed immediately after the yard sale or auction is to be closed. All signs shall comply with any other applicable laws or regulations.

(j) All permits issued under this chapter shall contain a condition that all information provided on the application is true and accurate.

§10107. Board to prepare form of application

The Board shall prepare forms of applications for yard sale and auction permits designed to obtain the information necessary to decide whether to grant or deny any particular application based upon the provisions of this chapter. Any permit issued shall be signed by the administrative officer, on behalf of the Board, shall indicate the date of issuance, and shall contain a list of all conditions required to be included pursuant to this chapter rather than merely incorporate these conditions by reference.

§10108. Appeal from administrative officer; variances

(a) A decision issued by the administrative officer under this chapter shall become effective immediately according to its terms and conditions and shall terminate only upon its terms or upon proper appeal.

(b) An applicant may appeal any such decision directly to the Board of Trustees within seven days of the date of issuance, in which event the Board shall decide the application de novo at its next regular or special meeting at which a quorum is present in accordance with the standards and criteria hereinabove set forth, provided however, an applicant waives this right of appeal to the Board in the event the yard sale or auction is actually commenced, and provided further however, the Board may grant reasonable variances from any of such standards and criteria, including required conditions, in its discretion,

upon proof by applicant of undue hardship or unreasonable effect. In granting a variance, the Board may include reasonable conditions not specifically required under this chapter. A decision issued by the Board upon appeal under this chapter shall become effective immediately.

§10109. Automatic permit upon failure of timely action

In instances where the standards set forth in subparagraphs (1), (2), and (3) of section 10106 of this chapter would not be violated, any completed application for a yard sale or auction permit which is not decided by the administrative officer within 30 days of completion and receipt shall be deemed granted by the administrative officer according to its terms but subject to all applicable conditions required by this chapter to be contained in such permit except those relating to possession of permit and display of placard. An application shall be deemed completed only when all questions and requests for information on the form are either answered in writing on the form or an attachment thereto, or stated by the applicant on the form as being not applicable and when such answers are complete and not ambiguous or inconsistent. This section shall not apply to appeals to the Board of Trustees.

§10110. Violations of permit terms and conditions

No person on whose behalf a permit is issued under this chapter shall violate any term or condition contained in such permit or knowingly permit others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this section.

History:

1996 Amendment. Section was generally amended by deleting language relating to penalty and substituting language relating to violations of permit terms and conditions by section 26 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§10111. [Repealed]

History:

1996 Amendment. Section relating to public nuisance and injunction was repealed by section 1(PP) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

END

