

Local Law Filing

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

APR 29 2009

- County
- City of Ilion, New York
- Town
- Village

Local Law No. 2-2009

of the year 20 09

CLERK OF THE CLERK OF THE
& STATE RECORDS

A local law Garage Sales
(Insert Title)

Be it enacted by the Village Board of Ilion
(Name of Legislative Body)

of the

- County
- City of Ilion, New York
- Town
- Village

as follows:

See text as set forth on attached Schedule "A"

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



(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. 2 of 20 09 of the (County)(City)(Town)(Village) of Illion was duly passed by the Village Board on April 22 20 09, 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 _____ and was (approved)(not approved) (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.~~

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 _____, and was (approved)(not approved) (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)~~

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.

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 _____, and was (approved)(not approved) (Name of Legislative Body) on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)~~

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.

* 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.

Debra B. [Signature]
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *April 24 2009*

(Seal)

(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 Oneida

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.

Donald K. [Signature]
Signature
Village Attorney
Title

County
City of Village of Ilion, Herkimer County, New York
Town
Village

Date: *4/24/2009*



Schedule A

Village of Ilion

Local Law 2-2009 Village of Ilion: to Amend Chapter 133 Garage Sales

BE IT HEREBY ENACTED that the following section of the Code of the Village of Ilion be amended as follows:

Chapter 133 Garage Sales

Section 133-1

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

GARAGE SALE -- Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property which is promoted by any means whereby the public at large is or can be made aware of said sale.

GOODS -- Include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON -- Includes individuals, partnerships, voluntary associations and corporations. For the purpose of the provisions of this chapter relating to licensing, "person" shall include family or household groups occupying the same dwelling unit.

CONTINUOUS GARAGE SALE- includes any sales as defined under Garage Sale which happens more than three times in the year per household or address within a twelve month period.

Section 133-2 Source of Merchandise Offered for Sale

The merchandise offered at the sale shall only used, unwanted items of personal property acquired for normal use by the licensee.

Section 133-3 Hours of sale.

All garage sales shall be conducted between the hours of 9:00 a.m and 6:00 p.m. only.

Section 133-4 Advertisements; signs.

A. Garage sales may be advertised through the newspaper or other news media. One (1) sign not greater in size than two by two (2 x 2) feet may be installed on the property where the sale is being conducted (or other personal property). All such signs must contain the name and address of the person conducting the sale.

B. No sign shall be placed on the public right-of-way without permission of the Chief of Police of the Village of Ilion. No lighted signs shall be used.

C. The sign shall be removed within twenty-four (24) hours after completion of the sale.



Section 133-5 Exemptions.

Exemptions shall be as follows:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.
- D. 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 Village of Ilion or under the protection of the nonconforming use provisions thereof 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.

Section 133-6 Enforcement; responsibility for good order.

- A. It shall be the duty of the Code Enforcement Officer, the Fire Chief, members of the Village of Ilion Police Department or other designee of the Village Board of the Village of Ilion to investigate any violations of this chapter brought to its attention by complaint or arising during performance of their normal duties. Continuous Garage sales will not be tolerated and will be fully investigated.
- B. The person holding a garage sale and the owner of the premises in the case of a tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit any loud or boisterous conduct on said premises or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such persons shall obey the orders of the Code Enforcement Officer, Fire Department, members of the Village of Ilion Police Department or other designee of the Village of Ilion in order to maintain the public health, safety and welfare.

Section 133-7 Penalties for offenses; civil penalty provision.

- A. Property owner. For any person who is a property owner in the village, whether a person, firm or corporation, who or which violates the provisions of this chapter, the village may cause the violation to be corrected. Any and all work required to be performed and the cost thereof, plus fifty percent (50%) for administration and supervision added thereto, shall become a lien upon the property owner's property on/near where said work was performed or violation occurred and shall be added to become a part of the taxes next to be assessed and levied upon said property and shall be collected and enforced in the same manner as taxes. Property owners shall also be subject to the fines as set forth in § 133-7B and C.
- B. Not property owner. Any person who is not a property owner, whether a person, a firm or a corporation, who or which violates any provision of this chapter shall be liable for a civil penalty of not more than two hundred dollars (\$200.) per day for each day or part thereof during which such violation continues.



C. Separate and distinct offense. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

This law shall take effect immediately upon its filing with the Secretary of State

