

**ORDINANCE NO. 13 - 09**

**ORDINANCE AMENDING CHAPTER 380 OF THE  
JEFFERSON TOWNSHIP MUNICIPAL CODE  
ENTITLED "SALES, SPECIAL"**

**BE IT ORDAINED** by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 380 of the Jefferson Township Municipal Code, entitled "SALES, SPECIAL," shall be amended by deleting same in its entirety and in its place and stead, shall be the following:

**SECTION I**

**§380-1. Definitions.**

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

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

**GOODS.** Includes 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, including any charitable, eleemosynary, educational, cultural or governmental institution or organization.

**§380-2. Location of sale; duration; postponement.**

- A. No garage sale shall be held on other than a residentially zoned property as specified in the Jefferson Township Zoning Ordinance, except that sales on other than residentially zoned properties are permitted if the sales are being conducted by a bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization.
- B. No more than two garage sales shall be held for any one piece of property within a twelve-month period, except there shall be permitted on a non-residentially zoned piece of property no more than five sales within any twelve-month period, provided that the sales are conducted by a bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization.
- C. No garage sale shall be held for more than two consecutive calendar days; provided, however, that where the sale is to be conducted on a Saturday and Sunday and the sale shall be postponed because of inclement weather, the applicant will be permitted to hold the sale on the same day of the following weekend. Where the sale is being held during the week and the date is postponed because of inclement weather, the applicant will be permitted to continue the sale on the next clear date.

**§380-3. Hours of sale.**

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

**§380-4. Signs.**

- A. Signs shall be uniform in size and form, not exceeding 24 inches by 24 inches.
- B. No sign shall be displayed upon the premises of the sale, nor any directional sign posted more than five days prior to the proposed sale.
- C. Any sign posted in conjunction with a sale shall be removed from view within 24 hours of the conclusion of the sale.
- D. Nothing under this provision shall serve as authorization for any persons, firm or corporation to post a sign on any off-premises property, pole, fence or structure without the express consent in writing of the owner of said premises, property, pole, fence or structure.

**§380-5. Exceptions.**

The provisions of this chapter shall not apply to nor affect the following persons or sales:

- A. Persons selling goods according to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their duties and powers 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 in number.

**§380-6. Enforcement responsibilities.**

- A. This chapter shall be enforceable by the Construction Official or any member of the Jefferson Township Police Department.
- B. The owner or tenant of the premises on which said 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 nor permit the display or placing of goods so as to cause an impediment in the safe and reasonable passage of pedestrians or traffic on any public or quasi-public walkway, sidewalk, road or street in the area of such premises. All persons shall obey any reasonable request or demand made by any member of the Police Department or the Code Enforcement Officer in order to maintain the public health, safety and welfare of the community.

**§380-7. Violations and penalties.**

Any person, association or corporation conducting any such sale or similar activity who shall violate any of the other terms and regulations of this chapter may, upon conviction of any violation hereof, be fined not more than \$100 for each violation. Each day that such sale or violation shall continue without being duly licensed shall be considered a separate violation.

**SECTION II**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION III**

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION IV**

This Ordinance shall take effect immediately upon final publication as provided by law.

**COUNCIL OF THE  
TOWNSHIP OF JEFFERSON**

**ATTEST:**

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**MARIA PIVIROTTI, Deputy Clerk**

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**RICHARD W. YOCUM, President**

INTRODUCED: FEBRUARY 18, 2009

ADOPTED: MARCH 25, 2009

**RUSSELL W. FELTER, MAYOR**

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**DATE AND TIME PRESENTED TO MAYOR FOR SIGNATURE:**

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