



**TOWN OF ANGIER  
YARD SALE PERMIT**

**Applicant's Name** \_\_\_\_\_

**Applicant's Address** \_\_\_\_\_

**Applicant's Phone Number** \_\_\_\_\_

**Sale Location (If Different)** \_\_\_\_\_

**Date Of Sale** \_\_\_\_\_

I have received and will fully comply with Chapter 11, Article II, Division 2 of the Angier Town Code (Yard Sale Requirements).

The property to be sold was owned by the applicant as his/her own personal property and neither acquired nor consigned for the purposes of resale.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## DIVISION 2. – Yard Sales

### Sec. 11-31. - Definitions.

For the purposes of this division, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in plural number include the singular number, and words in the singular number, the plural number. The word "shall" is always mandatory and not merely directory.

Personal property means 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.

Yard sale means and includes all general sales, open to the public, conducted from or on a residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale. This definition shall not include a situation where not more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

(Ord. No. O-2008-04, § 11-31, 5-12-2008)

### Sec. 11-32. - Permit required.

No yard sale shall be conducted unless and until the individuals desiring to conduct such sale shall obtain a permit therefor from a representative of the code enforcement department. Members of more than one residence may join in obtaining a permit for a yard sale to be conducted at the residence of one of them.

(Ord. No. O-2008-04, § 11-32, 5-12-2008)

### Sec. 11-33. - Written statement required.

Prior to the issuance of any yard sale permit, the individuals conducting such sale shall file a written statement with a representative of the code enforcement department, setting forth the following information:

- (1) Full name and address of applicant.
- (2) The location at which the proposed yard sale is to be held.
- (3) The date when 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 nor consigned for the purpose of resale.

(Ord. No. O-2008-04, § 11-33, 5-12-2008)

Sec. 11-34. - Permit fee.

There may be an administrative processing fee for the issuance of such permit, established from time to time by the board of commissioners.

(Ord. No. O-2008-04, § 11-34, 5-12-2008)

Sec. 11-35. - Permit conditions.

The permit shall set forth and restrict the time and location of such yard sales. No more than three such permits for no more than two consecutive days only for each permit may be issued to one residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered having been issued for each and all such residences.

(Ord. No. O-2008-04, § 11-35, 5-12-2008)

Sec. 11-36. - Hours of operation.

Such yard sales shall be limited in time to no more than the daylight hours of the day for which the permit is granted.

(Ord. No. O-2008-04, § 11-36, 5-12-2008)

Sec. 11-37. - Exceptions.

(a) If sale is not held because of inclement weather. If a yard sale is not held on the date for which the permit is issued or is terminated during the day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, a representative of the code enforcement department may issue another permit to the applicant for a yard sale to be conducted at the same location within 30 days from the date when the sale was to be held. No additional permit fee will be required.

(b) Fourth sale permitted. A fourth yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the code enforcement department or its duly authorized representative.

(Ord. No. O-2008-04, § 11-37, 5-12-2008)

Sec. 11-38. - Pre-permit investigation.

Before issuing a permit, a representative of the code enforcement division may conduct an investigation as may reasonably be necessary to determine if there is compliance with this section.

(Ord. No. O-2008-04, § 11-38, 5-12-2008)

Sec. 11-39. - Display of permit.

Any permit in possession of the holder or holders of a yard sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the town code enforcement officer or his/her designee.

(Ord. No. O-2008-04, § 11-39, 5-12-2008)

Sec. 11-40. - Advertising; signs.

(a) Signs permitted. Only the following signs may be displayed in relation to a pending yard sale:

(1) A yard sale shall be allowed one sign on the lot of the yard sale, provided the sign does not exceed 42 inches in height, four square feet per side, and eight square feet total aggregate.

(2) A yard sale shall be allowed two additional directional signs located off-premises provided written permission to erect said signs is received from the property owners upon whose property such signs are to be placed and the signs do not exceed 42 inches in height, four square feet per side and eight square feet total aggregate.

(b) Time limitations. No sign or other form of advertisement shall be exhibited for more than three days prior to the day such sale is to commence.

(c) Removal of signs. Signs must be removed at the close of the yard sale activities or by the end of daylight, whichever first occurs.

(Ord. No. O-2008-04, § 11-40, 5-12-2008)

Sec. 11-41. - Public nuisance.

The individual to whom such permit is issued and the owner or tenant of the premises on which sale of 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 individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders

of any member of the police or fire department of the town in order to maintain the public health, safety and welfare.

(Ord. No. O-2008-04, § 11-41, 5-12-2008)

Sec. 11-42. - Inspection; arrest authority of inspector.

A police officer or any other official designated by the town ordinance to make inspections under the licensing or regulating ordinance, or to enforce the same, shall have the right of entry of any premises showing evidence of a yard sale for the purpose of enforcement or inspection and may close the premises from such a sale, or authorize arrest of any individual who violates the provisions of this section.

(Ord. No. O-2008-04, § 11-42, 5-12-2008)

Sec. 11-43. - Parking.

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

(Ord. No. O-2008-04, § 11-43, 5-12-2008)

Sec. 11-44. - Revocation and refusal of permit.

(a) False information. Any permit issued under this division may be revoked or any application for issuance of a permit may be refused by the code enforcement department if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

(b) Conviction of violation. If any individual is convicted of an offense under this division, the code enforcement department is not to issue such individual another yard sale permit for a period of two years from the time of conviction.

(Ord. No. O-2008-04, § 11-44, 5-12-2008)

Sec. 11-45. - Persons exempted.

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

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

(Ord. No. O-2008-04, § 11-45, 5-12-2008)

Sec. 11-46. - Separate violations.

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

Sec. 11-47. - Violation a misdemeanor.

Any person who shall violate any provision of this division shall be guilty of a misdemeanor.

Secs. 11-48—11-60. - Reserved.