

## Chapter 212

### YARD SALES

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| <p>§ 212-1. Definitions and word usage.</p> <p>§ 212-2. Application for permit; issuance; fee.</p> | <p>§ 212-3. Conditions for sales.</p> <p>§ 212-4. Special sales by merchants.</p> <p>§ 212-5. Violations and penalties.</p> |
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[HISTORY: Adopted by the Borough Council of the Borough of Mount Pocono 5-16-2005 by Ord. No. 5-2005. Amendments noted where applicable.]

#### GENERAL REFERENCES

Signs — See Ch. 164.

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#### § 212-1. Definitions and word usage.

- A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

PERSON — A natural person or individual, organization, association, business enterprise, corporation, partnership or other entity.

SALE or GARAGE SALE — A sale, open to the public, of new or used or previously owned goods, wares and merchandise, held on vacant property or in the garage or on the lawn, yard, porch or patio of the residence of the person who obtains a permit for the sale, as provided by this chapter.

- B. Word usage. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

#### § 212-2. Application for permit; issuance; fee.

- A. Application for the permit for a sale shall be made to the Borough Secretary by the person at whose residence the sale is to be held and shall state:

- (1) The name of the applicant;
- (2) The location of the proposed sale; and
- (3) The day or days on which the sale is to be held, as well as the names and residential addresses of all other persons who are to contribute goods, wares, merchandise or services to the sale.

- B. The Borough Secretary shall issue the permit to the applicant after the applicant shall have paid to the Borough Secretary the permit fee as specified on the Borough of Mount Pocono's Application and Permit Fee Schedule, which fee shall be for the use of the Borough, provided that, in any calendar year, no more than two permits shall be issued

under this chapter to the same person, and no more than two sales shall be held from any one location in any calendar year.

**§ 212-3. Conditions for sales.**

Every permit shall be issued under the following conditions, and any failure to comply with any condition shall comprise a violation of this chapter and shall entitle the Borough Secretary to declare the permit revoked without refund of any part of the permit fee to the holder:

- A. The sale shall be held at the location stated in the permit.
- B. The permit shall be valid for the two consecutive days stated on the permit, except that the permit may specify one or two alternate rain dates in case of inclement weather on one or two, as the case may be, of the dates first specified on the permit.
- C. No more than three families or householders may participate in the sale by furnishing goods, wares or merchandise for sale and/or by engaging in the sale of the goods, wares, and merchandise.
- D. No sale shall commence before 9:00 a.m. or end after 7:00 p.m. on any day.
- E. Since the sale is temporary in nature and permissible in residential districts where commercial activities are not permitted, the sale shall be limited to possessions of the holder of the permit and the other families and householders referred to in Subsection C. It shall be unlawful to engage or employ any individual, organization or other entity to plan, arrange, conduct, promote or supervise the sale.
- F. The applicant must exhibit the permit at the time of sale in full view of the public at all times.
- G. No notice, advertisement or directional sign pertaining to a sale may be placed or posted on any utility pole or any post or pole used for traffic or parking signs, signals or meters; on the surface of any street, curb or sidewalk; or, without permission of the owner or occupant of the property, anywhere on private property. Upon conclusion of the time stated in the permit for the holding of a sale, the holder of the permit shall remove and take away all such notices, advertisements and directional signs not previously removed and taken away.
- H. None of the following may be sold or offered for sale:
  - (1) Anything for which a separate license is required by law or by any federal, state or municipal regulations.
  - (2) Anything of an explosive, poisonous or dangerous nature.

**§ 212-4. Special sales by merchants.**

Special sales, such as sidewalk sale days, sponsored or conducted by the merchants of the Borough of Mount Pocono shall be excluded from the provisions of this chapter, provided that prior approval of said sale is obtained from the Borough Council.

**§ 212-5. Violations and penalties.**

Any person who violates any provisions of this chapter shall, for each and every violation, upon conviction, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fines and costs, to undergo imprisonment for not more than 30 days.

**MOUNT POCONO BOROUGH  
YARD SALE PERMIT APPLICATION**

**(Please complete all applicable sections)**

**MOUNT POCONO BOROUGH OFFICE 570-839-8436**

**THE PURPOSE OF THIS FORM AND OF OTHER MATERIALS SUPPLIED BY THE BOROUGH OF MOUNT POCONO IS TO ASSIST APPLICANTS IN MEETING THE REQUIREMENTS OF BOROUGH ORDINANCES AND REGULATIONS. FREQUENTLY, REQUIREMENTS OF OTHER GOVERNEMENTAL AGENCIES AND AUTHORITIES MUST ALSO BE MET. APPLICANTS ARE RESPONSIBLE FOR DETERMINING ALL OF THE REQUIREMENTS THAT THEY MUST FULFILL, FOR OBTAINING COPIES OF RELEVANT ORDINANCES AND REGULATIONS OF THE BOROUGH OF MOUNT POCONO AND OF ALL OTHER AUTHORITIES HAVING JURISDICTION, AND OF MEETING ALL OF THE REQUIREMETNS CONTAINED THEREIN.**

_____		_____
Name of Applicant		Date
_____		
Address		
_____		_____
		Telephone
_____	_____	\$10.00
Zoning District	Property Identification Number	Fee
_____		1 <sup>st</sup> _____ 2 <sup>nd</sup> _____
Signature of Applicant		(2 per year allowed)

**MOUNT POCONO BOROUGH  
YARD SALE PERMIT APPLICATION**

(Please complete all applicable sections)

**MOUNT POCONO BOROUGH OFFICE 570-839-8436**

**NOTE: IT IS UNDERSTOOD THAT ANY PERMIT WILL NOT GRANT ANY RIGHT OR PRIVILEGE TO ERECT ANY STRUCTURE OR TO USE ANY PREMISES HEREIN DESCRIBED FOR ANY PURPOSE OR IN ANY MANNER PROHIBITED BY THE BOROUGH OF MOUNT POCONO ZONING ORDINANCE.**

- 1. Yard Sales are restricted to a total of no more than two (2) in any calendar year by any resident at his or hers residence. Permits may be applied for at the Mount Pocono Borough Office. Permits are good for two (2) consecutive days. The fee is \$10.00 for each permit.**

Date(s) of sale: \_\_\_\_\_

Date(s) of previous sales in this calendar year: \_\_\_\_\_

\_\_\_\_\_  
Description of Sale: \_\_\_\_\_

Location of Directional Signs\*

\_\_\_\_\_  
\_\_\_\_\_

**ATTESTATION OF APPLICANT**

The applicant attests by his/ her signature below that all local, state, and federal requirements and/ or permits and licenses applicable to the proposed vending operation have been met and obtained:

\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**\*Any Directional Sign Placed in the Borough of Mount Pocono must be removed by dusk on the last day of the Sale.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Authorized Signature