

YARD SALE ORDINANCE
OF THE
TOWN OF NEWPORT, MAINE

Section 1. Purpose.

The purpose of this ordinance is to regulate the maintenance and frequency of yard sales within the Town of Newport.

Section 2. Definitions.

A. Yard Sale. A yard sale is an event organized and established by any person or person for the purpose of selling new or used merchandise or any tangible property to the general public at a location within the Town of Newport where such activity is otherwise not allowed under the terms of the Land Use ordinance of the Town of Newport. The term "yard sale" includes but is not limited to such terms as garage sale, lawn sale, barn sale, rummage sale, moving sale, or benefit sale. A yard sale is not a commercial activity, event or business.

B. Commercial Establishments. A commercial establishment is a business established for the purpose of providing goods or services to the general public or to specific customers in exchange for payment. For purposes of this ordinance, a commercial establishment is one that exceeds the requirements and limitations of this ordinance, by being open for business on a regular basis. A commercial establishment must meet the requirements of any other ordinance, regulation or statute that regulates the conduct, operation, and location of commercial businesses in the Town of Newport.

Section 3. Requirements.

A. No person may establish, maintain or operate a yard sale except as provided in this ordinance.

B. A yard sale or series of yard sales may not extend longer than three (3) consecutive calendar days at the same site or address except that non-profit organizations may apply for more than two yard sales per year.

C. No more than two yard sales may be conducted at the same site or address in the Town of Newport during the same calendar year. No person or persons may conduct more than two yard sales during the same calendar year at any location, except as provided in Subsection B. Such yard sales may not run consecutively and must be separated by at least three calendar days during which any items displayed for sale must be removed from public view.

D. Permit Required. Any person or organization wishing to conduct a yard sale must first obtain a Yard Sale Permit from the Town Clerk, or designee, of Newport.

Section 4. Violations.

Any failure to comply with this ordinance or the terms of any permit or exception granted hereunder constitutes a violation for which the penalty provisions of section 5 shall be applicable.

Section 5. Penalty.

A. Upon being cited by any law enforcement officer or the Town of Newport Code Enforcement officer or designee, any individual or organization conducting a yard sale without a proper permit, shall immediately close the yard sale and correct the violations. A person or organization conducting a yard sale without a valid permit issued by the Clerk or persons failing to correct the violations or continuing to conduct such activity after having been cited will be subject to a fine not less than fifty dollars (\$50) or more than five hundred dollars (\$500) for each day or part of a day in which the violation exists. Each day's violation shall constitute a separate offense. If the Town of Newport is the prevailing party in any civil action brought to enforce this ordinance, the Town may be awarded reasonable attorneys' fees, expert witness fees, and costs.

Section 6. Severability.

Should any section of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 7. Repeal.

Adoption of this ordinance hereby repeals and supersedes all conflicting Yard Sale ordinances adopted prior to the effective date of this ordinance.

"Attest, A true copy of an ordinance entitled Yard Sale Ordinance of the Town of Newport, as certified to me by the municipal officers of the Town of Newport, Maine, and adopted by the town meeting on the 2nd day of March 1996."

Date: 08/30/2012

Signature: Paula A Scott
Municipal Clerk