

Town of Waterford, Maine

YARD SALE ORDINANCE

Adopted: March 4, 2023

Town of Waterford, Maine

Yard Sale Ordinance

This Ordinance shall be known as and may be cited as the "Yard Sale Ordinance of the Town of Waterford, Maine," and will be referred to herein as the "Ordinance."

Section 1: Purpose

The Town understands that yard sales have a long history in Waterford and offer benefits to individuals as well as the community by providing access to valuable used goods and products locally, and reducing waste by encouraging re-use of items. However, the Town finds perpetual, prolonged, and extended yard sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create noise, traffic congestion, unsightly signage, and other nuisances, and often violate the Site Plan Review Ordinance of the Town of Waterford. The rules and regulations contained herein are designed to control and confine yard sales to enhance and protect the public health, safety and convenience of the citizens of Waterford and to restrict sales to casual or occasional occurrences only, in keeping with the character of the residential neighborhoods. The Town finds a need to limit, regulate, restrict and control yard sales.

Section 2: Definitions

Words and terms not defined in this Ordinance shall have the meanings given them in the Site Plan Review Ordinance of the Town of Waterford, or in the absence of definition in said Ordinance, such words and terms shall have their customary dictionary definition.

Person - Shall mean any natural person or persons, association, partnership, firm, corporation or other entity.

Personal Property Shall mean tangible property which is owned, utilized and maintained by an individual or members of a residence or acquired in the normal course of living in or maintaining a residence, such as, but not limited to, household items, clothing, tools, toys, recreation equipment, or other used or second-hand items normally found in and about the home and advertised to the public.

Residential Premises - A building or structure having at least one dwelling unit and the lot of land associated therewith.

Yard Sale - The sale of more than five items of personal property from any premises, whether advertised in local media, by signs, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other similar sale, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable or fraternal organization and other non-profit organization if such sale is held within the Town of Waterford.

Section 3: Authorization

Yard Sales are permitted within the municipal limits of the Town of Waterford under certain terms and conditions as herein set forth. It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.

Section 4: Permit

- A. No person, firm, corporation, business, or other entity shall conduct a yard sale in the Town of Waterford without obtaining a yard sale permit from the CEO.
- B. Permit Fee: Yard sale permits shall be issued free of charge.
- C. Permit to be Posted: Yard sale permits issued under this ordinance shall be posted at the yard sale in a location which is easily visible from the street while the sale is in progress. All permits will have the location of all off premises signs before signs can be installed. See Section 6 on advertising of yard sales.
- D. Permit applications are available at the Town Office or on the Town Web Site (waterfordme.org). The permit must be approved by the CEO prior to commencement of the yard sale.

Section 5: Conditions of Conducting Yard Sale

- A. No yard sale may be conducted for more than three (3) consecutive days.
- B. No person, firm, corporation or other entity shall conduct more than three (3) yard sales from any location in one (1) calendar year.
- C. If the town chooses to have a town wide yard sale, it will not affect the (3) yard sale limitation in B above.
- D. If a hardship situation develops which may cause cancellation of a sale, the Code Enforcement Officer may issue another permit to the person conducting the sale, setting forth the reason for such cancellation.
- E. A sale may be conducted by a single person, multiple persons, church, social, civic, or charitable organizations. All items to be sold must originate as the legal property of the applicant, other persons participating in the sale, or members of the organization. Goods must be surplus to the needs of the owner and shall not include any items purchased for resale at the yard sale.
- F. Yard sales may be conducted only on private property. No merchandise may be placed upon public right-of-way, streets or roads. All merchandise must be displayed at enough distance from public roadways in order to avoid obstruction of view or traffic hazards.

- G. All unsold yard sale merchandise remaining on the permitted site at the conclusion of the yard sale, to include items sold to purchasers, must be removed from the site within twenty-four hours.
- H. The yard sale permit shall authorize Code Enforcement Officer, to enter the permitted sale site to monitor, inspect and determine compliance with all the provisions of this Ordinance.
- I. Yard sales shall only be held between the hours of 8 AM and 5 PM.
- J. Any distracting or nuisance lighting, noises, signage or advertising associated with the yard sale are prohibited

Section 6: Advertising of Yard Sales

- A. A yard sale may be advertised to the public by means of newspapers, radio, television, social media, handbills and signs.
- B. Signs designating yard sales shall not exceed six (6) square feet and shall bear the name of the permittee. Signs must not obstruct traffic view.
- C. No road signs shall be exhibited for more than two (2) days prior to the day such sale is to commence.
- D. Signs shall be removed at the end of the permitted yard sale.
- E. Off premise signs are only allowed for permitted yard sales. Signs may not be attached to any utility pole, street sign, sign post, traffic control sign or motor vehicle.

Section 7: Exceptions

This Ordinance shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons selling or advertising for sale an item of personal property which is specifically named or described in the advertisement, and which separate items do not exceed five in number.
- C. The sale of items via online or print platforms such as “*Uncle Henry’s*”, “*Craig’s List*”, “*Facebook Marketplace*”
- D. Farmer’s Markets or Community Sales that are municipally sanctioned

Section 8: Enforcement and Penalties

- A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation. Any such violation will result in the loss of the privilege of having a yard sale for one year from the date of violation.

C. Legal Actions

- 1) When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or inequitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
- 2) The Town Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court Action.
- 3) Any approved administrative consent agreement shall be recorded in the Oxford County Registry of Deeds within thirty (30) days of its signing by the violator. In addition a one copy shall be attached to the assessment records.

D. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who conducts any activity in violation of this Ordinance, shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

Section 9: Severability

If any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, sub-section, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

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