

Local Law Filing

New York STATE DEPARTMENT OF STATE
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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
~~Town~~ of Port Washington North
Village

Bill No. 5 of 2025

Local Law 5 of the year 2025

(Insert Title)

A local law amending Chapter 176, "Zoning," to add new Article XXIV, "Permitted Temporary Use Regulations," to regulate the conducting of garage, yard, tag and similar sales of personal property within residential zones by requiring permits for, and restricting frequency of, such sales

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City
~~Town~~ of Port Washington North
Village

Section 1. **Legislative Findings.** The Board of Trustees of the Village of Port Washington North has determined that the health, safety and welfare of the Village and its residents is served by amending Chapter 176, "Zoning," of the Village Code, to regulate the conducting of temporary uses such as garage, yard, tag and similar sales within any zoning district zoned for residential use by permitting such sales only after applying for and obtaining a permit for same from the Village.

The Board recognizes that the unregulated use of residential properties in the Village for conducting yard, garage, tag, estate and similar sales can create circumstances inconsistent with the intended residential uses of such properties. The Board is aware of instances in which certain residential parcels have been the site of many such sales during the course of the year, creating disruptions to neighbors resulting from vehicular and pedestrian traffic, concentrated parking needs on residential streets and a commercial atmosphere that is properly restricted through zoning to commercial and business districts. At the same time, the Board recognizes that very occasional and limited yard, garage, tag, estate and similar sales of used personal property is consistent with residential use as an ancillary use.

Therefore, the Board finds that a permitting process coupled with a restriction on the frequency of such sales will serve to protect the residential characteristics of the Village's residential neighborhoods, while allowing homeowners to conduct sales in a limited and infrequent manner that is consistent with a reasonable, temporary ancillary use of residential properties within the Village.

The Board of Trustees desires to amend the Village Code accordingly, and, in so doing, to protect the health, safety and welfare of the Village and its residents.

Section 2. **Authority.** This local law is adopted pursuant to New York State Municipal Home Rule Law § 10.

Section 3. **Amendment of Village Code Chapter 176, "Zoning" to Add New Article XXIV, "Permitted temporary use regulations."** Village Code Chapter 176, "Zoning" is hereby amended to add a new Article XXIV, "Permitted temporary use regulations," to read in its entirety as follows:

"Article XXIV Permitted Temporary Use Regulations

§ 176-253 Sales on Residential Property.

- A. **Legislative Intent.** The Board of Trustees hereby determines that the interests of the Village and its residents are advanced by regulating the conduct of sales of personal property upon residential premises within the Village. It is the intention and purpose of this Section to impose such regulations to prohibit the intrusion of commercial activities in residential areas and to regulate the conduct of such personal property sales to protect the residential character of the community and minimize traffic, noise and other disruptions or disturbances.
- B. **Definitions.** For the purposes of this Section, the following terms used herein have the following meanings:
 - "Garage Sale" shall mean the sale or offering for sale of any new, used or secondhand items of personal property at any time, including all sales commonly known or referred to as 'garage sale,' 'yard sale,' 'tag sale,' 'attic sale,' 'basement sale,' 'rummage sale,' 'flea market sale,' 'estate sale' or any similar sale; provided, however, that no re-sales of personal property purchased for the purpose of re-selling same shall be allowed to be sold in any Garage Sale.
 - "Personal Property" shall mean any items, goods, merchandise, clothing, furniture, or other tangible property of any kind.
- C. **Permit Required.** No person shall hold or conduct, or cause to be conducted, in or on any residential premises within the Village of Port Washington North any Garage Sale without first obtaining a permit duly issued by the Superintendent of Buildings.

- D. **Application.** Application for a permit shall be made to the Village Clerk at least seven days prior to the scheduled date of sale, on a form to be supplied by the Village.
- E. **Limitation of Garage Sales.** No permit shall be issued for any Garage Sale extending beyond a period of two consecutive days, and not more than two permits for Garage Sales shall be issued for any residential premises in one calendar year. No Garage Sale shall begin prior to 10:00 a.m. or continue after 4:00 p.m. on any day.
- F. **Issuance of permit.** A permit for a Garage Sale regulated by this Section shall be issued by the Superintendent of Buildings, upon a proper and sufficient showing by the applicant and a determination by the Village that proper safety and environmental precautions have been or will be taken to protect the public and that proper precautions have been taken to minimize traffic congestion.
- G. **Right of inspection; closing of Garage Sale.** A building official, a police officer, or any other person designated by the Village shall have the authority and right of entry to any premises where a Garage Sale regulated by this Section is being conducted, for the purposes of inspection for a permit, and such person may direct the immediate closing of such Garage Sale upon a determination that the Garage Sale is being conducted in violation of this Section or that the public safety and welfare is being imperiled thereby.
- H. **Display of permit.** A permit issued pursuant to this Section shall be prominently and conspicuously displayed at the premises at all times during such Garage Sale and shall be presented for examination to any person upon request.
- I. **Signs.** No more than two signs advertising such Garage Sale, each of which is no larger than 24 inches by 12 inches in size, shall be permitted. One sign shall be located on the premises that are conducting the Garage Sale, and the other shall be located suitably within an unpaved area of the Village right-of-way. Garage Sale signs must be removed at the conclusion of the Garage Sale each day.
- J. **Penalties for Violations.** Any person who violates any provision of this Section shall, upon conviction thereof, be guilty of a violation and shall be punished by a fine up to a maximum of \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. Each day on which any violation of this Section occurs shall constitute a separate and distinct violation hereunder.”

Section 4. **Severability.** If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision or part of this local law, or the application thereof to any person, firm or entity, or circumstance, is invalid or unconstitutional, then such court’s order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law, or in its application to such person, individual, firm or entity or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. **Effective Date.** This local law shall take effect immediately upon filing with the Secretary of State.