

## Title 7 ► Chapter 14

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# Flea Markets and Garage Sales

- 7-14-1 Regulation of Flea Markets
- 7-14-2 Garage Sales

### Sec. 7-14-1 Regulation of Flea Markets.

- (a) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) **Flea market:** a market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include, but are not limited to, household items, antiques, rare items, decorations, used books and used magazines.
  - (2) **Flea market seller:** a person, firm or corporation selling items or offering items for sale at a flea market.
  - (3) **Market:** a place where goods are sold to the public.
- (b) **License Required.** No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a license therefor from the Village Board. Applications for license shall be made to the Village Clerk-Treasurer on forms to be provided by the Village Clerk-Treasurer. Only one (1) license shall be required for each flea market, and the individual flea market sellers shall not be required to obtain a license under this Section. The fee for such license shall be as prescribed in Section 1-3-1. The Village Board may restrict the license for use on certain dates and times. The site for the flea market shall comply with Village zoning requirements.
- (c) **Information to be Filed.** The information to be filed with the Village Clerk-Treasurer, pursuant to this Section, shall be as follows:
  - (1) Name of person, firm, group, corporation, association or organization conducting said sale.
  - (2) Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than the owner.
  - (3) Location at which sale is to be conducted.
  - (4) Number of days of sale.
  - (5) Date, nature of any past sale.

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- (6) Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.
- (7) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
- (8) Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him/her to be so.
- (d) **Records to be Kept by Licensee.** Each person required by this Section to obtain a license shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise offered for sale by that seller.
- (e) **Secondhand Stores Excepted.** No person, firm or corporation having a license as a secondhand store shall be required to obtain a license under this Section for the same business location.
- (f) **More than One Market.** Any person, firm or corporation renting or allocating space to flea market sellers in more than one (1) place of business shall be required to obtain a license for each place of business, provided that one (1) license shall be adequate for locations that are on the same lot, adjacent lots or lots separated only by an alley.
- (g) **Unlawful Transactions.** No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.
- (h) **Purchases From Children.** No flea market seller shall purchase any used household item, antique or used article whatsoever from any person under the age of eighteen (18) years, unless such person is accompanied by the person's parent or guardian.
- (i) **Hours.** Flea markets may remain open for business between the hours of 9:00 a.m. and 8:00 p.m., unless otherwise specified on the license by the Board at time of issuance.
- (j) **Penalty.** In addition to the suspension or revocation of a license issued under this Section, any person who shall violate any provision of this Section or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Sec. 1-1-6 of this Code of Ordinances.

**Sec. 7-14-2 Garage Sales.**

- (a) **Frequency of Sales; Ownership of Merchandise.**
  - (1) Garage sales, yard sales and similar merchandise sales may be held no more than six (6) times per year at any residence and for a total of not more than eighteen (18) days in that year. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.

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- (2) Any garage sales, yard sales and similar merchandise sales by nonprofit, philanthropic or civic organizations must be approved by the Village Clerk-Treasurer and may be held no more than twice per year for not more than a total of six (6) days in that year. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (b) **Hours.** Garage sales shall be conducted between 7:30 a.m. and 8:00 p.m. Each sale shall last no longer than four (4) consecutive days.
- (c) **Signs.**
- (1) Garage sale signs may not have an area more than six (6) square feet with a maximum of two (2) faces. Garage sale signs shall identify the location of the sale and must be located off of the Village right-of-way.
  - (2) No garage sale sign may be located on utility poles, traffic control devices or on property or the adjoining right-of-way of property the owner of which has not given explicit permission for its location.
  - (3) No garage sale sign shall be displayed more than one (1) day before the sale or one (1) day following the sale.
  - (4) No more than one (1) garage sale sign may be located at the sale site and no more than two (2) garage sale signs may be located off the site, except that two (2) signs are permitted on corner lots, one (1) facing each street.
- (d) **Definitions.** The following definitions are applicable to this Section:
- (1) **Garage Sale.** All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled rummage, lawn, yard, porch, room, backyard, patio or garage sale.
  - (2) **Personal Property.** Property which is owned, utilized and maintained 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.

