

Chapter 144

GARAGE SALES AND FLEA MARKETS

§ 144-1. Garage sale

§ 144-2. Flea market

[HISTORY: Adopted by the Village Board of the Village of Fall Creek 8-9-2010.]

§144-1. Garage sale.

Definitions. As used in this article, the following term shall have the meaning indicated:

GARAGE SALE – is any general sale 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”, “thrift”, “lawn”, “yard”, “porch”, “room”, “backyard”, “patio”, or “garage” sale. In no case shall any sales become outlets for wholesale or retail commercial sales.

- A. Conditions of operations of a garage sale. The owner of any property within the Village which is not zoned commercial, pursuant to Chapter 268 of the Village Code, may conduct no more than 3 (three) garage sales, during the calendar year, on premises owned or leased by the seller, or, in the case of a group sale, from the residences of the participating households, and any such sale shall be limited to a period of not more than 72 (seventy-two) consecutive hours within any 1 (one) week. A week shall be deemed to commence on any Monday. No sale shall be conducted in such a manner so as to obstruct any sidewalk, street, traffic sign, or safe view of an intersection. Promptly at the conclusion of any garage sale, all remaining personal property shall be returned to and stored within the permanent structures on the premises.
- B. Signs. Garage sale signs shall not exceed 6 (six) square feet per side in total area with a maximum of 2 (two) faces. Garage sale signs shall identify the location of the sale and must be located at least 5 (five) feet from the street line or nearest lot line. No garage sale sign shall be placed upon or affixed to any utility pole, tree or traffic control device, nor shall such a sign be placed upon property not owned by the operator of the garage sale except with the express permission of said property owner. Included in this limitation is the placement of signs on boulevards or otherwise within the right-of-way of public streets immediately adjoining another person’s property without the permission of the owner of the adjoining property. No more than 1 (one) garage sale sign may be located at the sale site, and no more than 2 (two) garage sale signs may be located off-site, except that 2 (two) signs are permitted on corner lots, one facing each street. The off-site garage sale signs shall not exceed 6 (six) square feet per face and shall be removed immediately after the event has concluded. Such sale and directional signs shall not be illuminated.
- C. Exceptions. Organizations deemed to be tax exempt under the Internal Revenue Code are not subject to the foregoing provisions, except when sales are held on residential property.

§144-2. Flea market. [Added 8-9-2010]

Definitions. As used in this article, the following term shall have the meaning indicated:

FLEA MARKET – is a market, indoors or out of doors, where new or used items are sold from individual booths, stalls or stands, each of which is independent of all other booths, stalls or stands.

- A. Flea market 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 a license shall be made to the Village Clerk-Treasurer on forms to be provided by the Village Clerk-Treasurer. Only one 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 set by the Village Board. The Village Board may restrict the license for use on certain dates and times. The information to be filed with the Village Clerk-Treasurer pursuant to this chapter 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 owner.
 - (3) Location at which sale is to be conducted.
 - (4) Date and number of days of sale.
 - (5) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
 - (6) Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.
- B. Records to be kept by licensee. Each person required by this chapter 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 by sale by that seller.
- C. Exceptions. No person, firm or corporation having a license as a secondhand store shall be required to obtain a flea market license under this chapter for the same business location, for which a secondhand sales permit has been obtained.
- D. Sales transactions. No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.
- E. 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 18 (eighteen) years, unless such person is accompanied by the person's parent or guardian.

- F. Hours of operation. 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 Village Board at time of issuance.
- G. 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 §1-20 of this Code.