



**TOWN OF PLYMOUTH**  
**Application for Yard / Garage Sale Permit**

Date of Application: \_\_\_\_\_

Name, Address and phone number of applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If sale is for charitable purposes, name of and contact person for charitable organization:

\_\_\_\_\_  
\_\_\_\_\_

Exact location of sale: \_\_\_\_\_

\_\_\_\_\_

Name and phone number of property owner (if owner is not the applicant, written consent of owner must be indicated below with this application): \_\_\_\_\_

Owner: \_\_\_\_\_

Owner: \_\_\_\_\_

\_\_\_\_\_

Date of Sale: \_\_\_\_\_

\_\_\_\_\_

Has any sale been conducted on the same premises during this calendar year? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, on what dates? \_\_\_\_\_

\_\_\_\_\_

What arrangements, if any, have been made for parking? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature below verifies that the ordinance has been read and understood by the applicant.

\_\_\_\_\_

Signature of Applicant

Date

DO NOT WRITE BELOW THIS LINE

**PERMIT**

Application for Yard / Garage Sale Permit is: Approved

Denied

Special Conditions: \_\_\_\_\_

For Town of Plymouth: \_\_\_\_\_

Signature and Title

Date

**Addition of “Yard/Garage Sales” in the  
“General Regulations” section of the Plymouth Code of Ordinance,  
Chapter 100.**

THIS ORDINANCE SHALL PERMIT THE SALE OF SECONDHAND, USED OR SURPLUS PERSONAL PROPERTY WITHIN THE MUNICIPAL LIMITS OF PLYMOUTH, NC UNDER SUCH TERMS AND CONDITIONS AS HEREIN SET FORTH; TO PROVIDE DEFINITIONS FOR CLARITY, TO PROVIDE FOR THE ISSUANCE OF A PERMIT AND TO PROVIDE FOR PENALTIES FOR THE VIOLATIONS OF THE ORDINANCE.

**BE IT ORDAINED** by the Town Council of the Town of Plymouth, North Carolina as follows:

**Section .01 Authorizations and Definition.**

Yard Sales are permitted within the municipal limits of the Town of Plymouth under certain terms and conditions as herein set forth. The term “Yard Sale” means and includes such terms as Garage Sale, Basement Sale, Carport Sale, Moving Sale, Rummage Sale, Flea Market Sale or any other type of residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, books/magazines, recreation/exercise equipment or other used or secondhand items normally found in and about the home and/or advertised to the public. This Ordinance does not pertain to sales on commercial property, including any associated non-residential parking lot(s).

**Section .02 Permits.**

A permit shall be required for any person(s) or organization(s) conducting a yard sale. The permit must be procured prior to the commencement of the sale and may be obtained in Plymouth Town Hall. The Town Manager or the Town Manager’s designee is authorized to prepare a permit application form which shall include all pertinent information necessary to identify the sale site, the applicant, and the date, time and duration for the permitted sale and shall contain such other information as the Town Official deems appropriate.

(A) The Town Manager, or the Town Manager’s designee, shall be the Approving Authority for all Yard Sale permits.

- (B) There shall be no charge for the permit.
- (C) The permit application shall not require the disclosure of the applicant's social security number.
- (D) One approved copy of the permit shall be retained by the Town and one approved copy shall be provided to the applicant.
- (E) No permit shall be issued allowing yard sales to occur on New Years Eve, New Years Day, Easter, Thanksgiving, Christmas Eve, Christmas Day or Sunday mornings prior to noon.
- (F) In the sole discretion of the Approving Authority, no permit shall be issued allowing yard sales to occur on days, or in areas of the Town of Plymouth, that are deemed to conflict with other events happening within the Town including, but not limited to, funerals, parades and festivals.

**Section .03 Conditions of Conducting the Sale.**

- (A) A property location shall not be permitted for a yard sale more than four (4) times in a calendar year. The property location shall be identified as the post office property address assigned thereto and shall include the dwelling, garage, carport or any part thereof, yard, open field, barn, accessory building and parking area. **Exception:** The same property location may be permitted for yard sales up to six (6) times per calendar year, if the sales are conducted by bona fide civic, school or charitable organizations and they take place on property owned by a church, school or non-profit organization, where the net proceeds are distributed to charity, public purpose or community goals or projects.
- (B) A sale may be conducted by individuals, churches, social, civic or charitable organizations. All items to be sold must originate as the legal property of the applicant, or other persons participating in the sale or members of the organizations. Goods must be surplus property owned by the applicant and shall not include any items purchased for resale.
- (C) A permitted yard sale shall be limited to two (2) days of operation and must be conducted during daylight hours only.

- (D) Yard sales must be conducted on applicant's private property or with the property owner's written permission, (provided to the Town at the time of the permitting process.)
- (E) No merchandise shall be placed upon public rights-of-way, including streets, sidewalks, and the area between a sidewalk and street.
- (F) All merchandise must be displayed a sufficient distance from public roadways in order to avoid obstruction of view traffic hazards.
- (G) Merchandise to be sold may be setup for display not more than twenty-four hours prior to the permitted sale.
- (H) All unsold yard sale merchandise remaining on the permitted site at the conclusion of the sale must be removed there from or concealed in a permanent structure on the sale day by the conclusion of the sale.
- (I) Merchandise sold to purchasers must be removed from the permitted sale site by the conclusion of the sale.
- (J) The issuance of a yard sale permit shall signify the consent and permission for personnel of the Town of Plymouth, including law enforcement officers, to enter the permitted sale site to monitor, inspect and determine compliance with this Ordinance.

**Section .04 Advertising of Yard Sales.**

**Note:** Section .04 does not apply to churches, schools, non-profit organizations, and bona fide civic and charitable organizations, where the net proceeds are distributed to charity, public purpose or community goals or projects.

- (A) A yard sale may be advertised to the public by means of newspapers, radio, television, cablevision, handbills and signs.
- (B) No more than two signs may be placed upon the permitted property.
- (C) Signs and handbills cannot be placed on utility poles, public property including rights-of-way, nor may signs be placed on private property which is not the permitted site. Handbills may be posted on private bulletin boards or inside places of business with the consent of the owner.
- (D) A sign is limited to four square feet or less and shall not be illuminated or animated.

- (E) A sign may not be displayed more than one day prior to the commencement date of the sale and must be removed immediately on the sale day following the conclusion of the sale.

#### **Section .05 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 acting in accordance with their powers and duties as public officials.
- (C) Persons selling or advertising for sale items of personal property, which are: (1) specifically named or described in the advertisement; and (2) do not exceed ten in number.

#### **Section .06 Penalties.**

- (A) Any person conducting a yard sale without being properly permitted or who should violate any of the other terms and regulations contained in this ordinance may be issued a civil infraction violation (ticket) immediately in the manner of \$50.00 for each section violated and for each number of times the section is violated.
- (B) Upon the failure to remedy any violation(s) of this Ordinance, by direction to do so by any Town personnel, including law enforcement officers, the Town may remedy such violation by any lawful means and charge any associated expense to the permit holder or violator. Such costs are in addition to any civil infraction violation(s) [ticket(s)] that may have been issued as a result of violations of this Ordinance.
- (C) Upon the failure to remedy any violation(s) of this Ordinance by direction to do so by any Town personnel, including law enforcement officers, the Town personnel or law enforcement officer(s) can immediately revoke the permit and prevent any further sales by any lawful means.
- (D) Failure to physically remove or conceal (as described herein) all yard sale merchandise from public view by the end of the permitted period is a violation and the permit holder or violator may be issued a civil infraction violation (ticket) in the

manner of \$50.00 per day per violation. (Covering the unsold merchandise with a tarp or other similar concealment method is not a substitute for physically removing the unsold yard sale merchandise or concealing said property inside a permanent structure.)

Duly adopted the 13<sup>th</sup> day of July, 2009 by the following vote: Councilmember for the ordinance \_\_\_\_\_ ordinance member against the ordinance \_\_\_\_\_.

\_\_\_\_\_  
Mayor, Town of Plymouth

ATTEST:

\_\_\_\_\_  
Clerk, Town of Plymouth