



# The Mayor and Commissioners of the Town of Elkton

## Ordinance 10 – 2018

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**BY:** Mayor and Commissioners

**INTRODUCTION:** July 18, 2018

**ADOPTION:** August 1, 2018

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### AN ORDINANCE CONCERNING

**The Code of the Town of Elkton  
Title 5  
Chapter 5.20  
Yard Sales**

**FOR THE PURPOSE** of amending the Code of the Town of Elkton, Title 5, Chapter 5.20 – Yard Sales, establishing a specific fine for a violation of this Chapter; striking the prohibition on Sunday yard sales; extending the number of yard sales permitted annually; and authorizing the Town Administrator to waive permit requirements under certain circumstances.

**WHEREAS**, Article XI-E., Constitution of the State of Maryland; Section 4-103(b)(3), Subtitle 1, Title 4, Division II, Local Government Article, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton provide the authority under which the Board of Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

**WHEREAS**, the Board of Commissioners has determined that a violation of Chapter 5.20 – Yard Sales, a municipal infraction, shall have a specific fine, as set forth hereinafter; that the prohibition on Sunday yard sales shall be repealed; that yard sales may be permitted for up to four (4) times annually; that yard sale signs be removed following completion of the yard sale; and that the Town Administrator shall be authorized to waive permit requirements under certain circumstances.

**NOW THEREFORE**, the Board of Commissioners of the Town of Elkton hereby ordains that:

Section 1. The Code of the Town of Elkton, Title 5, Chapter 5.20 – Yard Sales, shall be repealed; and

Section 2. The Code of the Town of Elkton, Title 5, Chapter 5.20 – Yard Sales, shall be amended and re-enacted to read as follows:

## Chapter 5.20

### YARD SALES

Sections:

- 5.20.010 Definitions.
- 5.20.020 Permit required.
- 5.20.030 Application for permit.
- 5.20.040 Signs.
- 5.20.050 Nonapplicability of provisions.
- 5.20.060 Waiver of requirements.
- 5.20.070 Violation - Penalty.

5.20.010 Definitions.

As used in this Chapter, the following terms shall have the meaning indicated:

“Person” is defined in § 1.04.010, Chapter 1.04, Code of the Town of Elkton.

“Yard sale” means any sale of used merchandise not conducted as part of a continuing business venture or any casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale. The term “yard sale” shall include all sales entitled “yard sale,” “lawn sale,” “attic sale,” “rummage sale,” “garage sale” or “flea market sale.”

5.20.020 Permit required.

A. No person shall conduct a yard sale within the town\_of Elkton without first filing with the administration office the information required and obtaining a yard sale permit from the administration office.

B. A yard sale permit shall be issued, without fee, to any applicant who complies with the terms and conditions of this Chapter, except that such permit shall not be issued to the same applicant or for the same property more than four (4) times\_within any calendar year.

C. A yard sale permit shall not be issued for more than two (2) consecutive calendar days.

D. A yard sale permit must be prominently displayed on the premises upon which the yard sale is conducted throughout the entire period of the sale.

5.20.030 Application for permit.

The following information must be filed with the administration office on a form provided therefor before a yard sale permit may be issued:

- A. Name of the person conducting the sale;
- B. Written consent of the owner if the applicant is a tenant in possession of the property on which the sale is to be conducted;
- C. Location at which the sale is to be conducted;
- D. Number of days of the sale;
- E. Date of any past sale;
- F. Whether the applicant is conducting the sale ~~together~~ with, for or on behalf of any other person, firm, group, organization, association or corporation and, if so, the name of said person, firm, group, organization, association or corporation and the date or dates of any past sale held by same;
- G. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency;
- H. Sworn statement of affirmation by the person signing that the information therein given is full and true and known by him to be so.

5.20.040 Signs.

All signs advertising a yard sale shall

have a space allotted thereon upon which shall be placed the name and address of the person to whom the permit has been issued and the date of the yard sale and shall be removed following completion of the yard sale.

#### 5.20.50 Non-applicability of provisions.

The provisions of this Chapter 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.~~ Any persons selling or advertising for sale an item or items of personal property which specifically named or described in the advertisement and which separate items do not exceed five in number.

#### 5.20.060 Waiver of requirements.

Upon application by any bona fide charitable, educational, culture or government institution or organization, the Town Administrator may waive any or all of the requirements of this Chapter, provided, however, that burden of establishing eligibility for a waiver shall be on the organization or institution applying for such waiver.

#### 5.20.070 Violation - Penalty.

A violation of this Chapter shall be a civil infraction and a person violating any provision thereof shall be subject to a fine of One Hundred Dollars (\$100.00). (Amended by Ordinance 10 – 2018, effective August 21, 2018)



DATE OF EFFECT

THIS ORDINANCE shall be effective on the 21<sup>st</sup> day of August, 2018.

Mayor and Commissioners  
of the Town of Elkton

Mayor Robert J. Alt  
Commissioner Charles H. Givens, Sr.  
Commissioner Mary Jo Jablonski  
Commissioner Earl M. Piner, Sr.