

## Substitute Motion For Article 5, Yard Sale General Bylaw, Text After Amendment by Bylaw Review Committee

Moved: To amend Article 5 by substituting for the text of Article 5 as printed in the Warrant, the text as set forth in the document labeled "Substitute Motion for Article 5, Yard Sale General Bylaw, Text After Amendment by Bylaw Review Committee" that was distributed to Town Meeting Members

### §60.900 Yard Sales

A. Intent. It is intent of this Section to allow residents to conduct Yard Sales from the premises where their residence is located, if conducted in accordance with this Section and all other applicable laws and does not cause a public nuisance. The willingness of neighboring residents to tolerate such sale events cheerfully can be expected only if they take place infrequently and are conducted in a manner that is respectful of the neighborhood.

B. Yard Sales Permitted. Yard Sales may be conducted only in accordance with this Section.

C. Definitions.

ESTATE SALE – A sale conducted by a duly authorized representative of a decedent's estate for the purpose of disposing of personal property owned by the estate.

LICENSEE — The resident who is issued a license to hold a Yard Sale pursuant to this Section.

MANAGED ESTATE SALE – An Estate Sale that is conducted or managed by a person engaged in the business of conducting or managing Estate Sales.

YARD SALE– An event involving the sale or display for sale of personal property at residential premises that is advertised to or otherwise made open to the general public for that purpose.

D. Application.

1. No person may hold a Yard Sale in the Town of Belmont except under the authorization of a license issued by the Town Clerk at least three business days prior thereto.

2. No license authorizing a Yard Sale may be issued except to a resident of the premises at which the Yard Sale will be conducted.

3. If a license application is approved, the Town Clerk shall provide the license to the applicant and a copy to the Police Department. If the application is denied, the Town Clerk shall notify the applicant and the Police Department, indicating the reasons for the denial.

4. No fee shall be required for the issuance of a Yard Sale license.

E. Yard Sale Limitations.

1. No more than two separate Yard Sales may be conducted in any calendar year at any single residence.

2. A Yard Sale may be held on no more than two consecutive days, and shall be conducted only between 8 a.m. and 5:00 p.m. each day.

3. A Licensee shall produce the Yard Sale license for inspection to any person making a request therefor.

4. Only the Licensee and the residents of the premises where the Yard Sale is held may conduct the Yard Sale.

5. Care shall be taken to avoid creating traffic congestion or parking conditions that would substantially impair access to neighboring properties.

6. The Belmont Police may order the immediate cessation of any Yard Sale that is being conducted without a license, is otherwise in violation of this Section, or is creating a public nuisance or threat to public safety.

7. After a Yard Sale is over for the day, all unsold items and other objects associated with the Yard Sale shall be stored out of public view no later than the end of the day.

8. Within 24 hours after a Yard Sale ends, the Licensee shall be obligated to remove all Yard Sale signs located off the premises where the Yard Sale was conducted.

F. Administration, Enforcement.

1. The Town Clerk is authorized to administer this Section and issue licenses for Yard Sales, and may promulgate regulations from time to time in connection with the administration of this Section.

2. In addition to the provisions for enforcement set forth elsewhere in this Section, the provisions of this Section and any regulations promulgated thereunder may also be enforced by non-criminal disposition as provided in MGL c. 40, §21D ("Section 21D"); provided, however, that an enforcing person taking cognizance of such a violation shall give the offender a written notice to appear before the clerk of the district court having jurisdiction thereof in accordance with the provisions of Section 21D. The penalty for such violation shall be \$50 for each offense. Each day or part thereof during which the violation persists shall constitute a separate offense. As used in this Section, "enforcing person" shall mean any police officer of the Town of Belmont, the Director of Public Works, and any other Town employee designated by the Board of Selectmen as an enforcing person.

G. Exclusions. This Section is not applicable to any of the following:

1. Managed Estate Sales.

2. Activities conducted within residential buildings in connection with private sales of individual items of personal property made through newspaper advertisements, want-ads, private on-line or web-based auction sales, or the like, that does not involve the viewing, inspection, or purchase of the items by the general public at the residential premises, and does not have any signs or advertising on or about the premises.