

**ORDINANCE NO. 2006-10**

AN ORDINANCE OF THE BOROUGH OF GREENCASTLE,  
FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 202 OF THE  
CODE OF THE BOROUGH OF GREENCASTLE

BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION I: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, § 1 thereof, entitled "Definitions", is hereby amended to alter the definition of "YARD SALE", so that "YARD SALE" shall be defined as the follows:

YARD SALE- The sale or offering for sale of new, used, or secondhand goods on residential property including, but not limited to the lawn, yard, garage, home, or any other accessory building located on the residential property. "Yard Sale" shall include all sales on residential property known as "garage sale", "tag sale", "porch sale", "lawn sale", "rummage sale" or any other similar casual sale of tangible personal goods on residential property.

SECTION II: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, § 3 thereof, entitled "Regulations", is hereby amended to change subsection A. thereof, so that subsection A. reads:

- A. No individual, firm, group, or corporation may hold more than three yard sales in any one calendar year, nor shall a yard sale permit be issued to the same property address more than three times in any one calendar year;

SECTION III: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, § 3 thereof, entitled "Regulations", is hereby amended to change subsection B. thereof, so that subsection B. reads:

- B. The yard sale(s) shall not exceed three consecutive days nor exceed a period of more than seven days in any one calendar year.

SECTION IV: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, §3 thereof, entitled "Regulations" is hereby amended to add a subsection D., so that 202-3 (D.) of the Code of the Borough of Greencastle shall read:

- D. No portion of a yard sale shall take place within a public right-of-way.

SECTION V: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, §3 thereof, entitled "Regulations" is hereby amended to add a subsection E., so that 202-3 (E.) of the Code of the Borough of Greencastle shall read:

- E. The individual, firm, group, or corporation to whom the yard sale permit was issued, and the person conducting the sale and the owner, tenant or occupant of the premises where the yard sale is conducted shall be responsible to ensure that vehicles of persons attending the yard sale do not impede the passage of traffic on any road or streets adjacent to where the yard sale is being conducted.

SECTION VI: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, §4 thereof, entitled "Fees" is hereby amended to eliminate subsection B and C and change the language of subsection A., so that 202-4 (A.) of the Code of the Borough of Greencastle shall read:

- A. There shall be no fee for obtaining a yard sale permit.

SECTION VII: Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, is hereby amended to add a §6, entitled "Enforcement", so that 202-6 of the Code of the Borough of Greencastle shall read:

The Greencastle Police Department shall have the authority to administer the provisions of this ordinance and to investigate complaints and prosecute violations of this chapter.

**SECTION VIII:** Chapter 202 of the Code of the Borough of Greencastle, entitled Yard Sales, is hereby amended to add a §7, entitled "Exemptions", so that 202-6 of the Code of the Borough of Greencastle shall read:

This chapter shall not be applicable to:

- A. Persons selling goods pursuant to an order of process or a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement.
- D. Any public auction having a duration of no more than two (2) days and conducted by an auctioneer who is licensed by the Commonwealth of Pennsylvania.
- E. Any publisher of a newspaper, magazine or other publication or other communications media who publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this Ordinance have not been complied with.
- F. Any sale conducted by any legitimate business or commercial or industrial establishment, property zoned under the zoning regulations of the Borough of Greencastle, Franklin County, and any other sale conducted by a business or commercial or industrial establishment under the protection of the non-conforming use section of the zoning laws, or by any other vendor, dealer, etc., when the sale is conducted in a properly zoned area and not otherwise prohibited by the laws and Ordinances of the Borough of Greencastle, Franklin County, and Commonwealth of Pennsylvania or this Ordinance.

**SECTION IX:** Repealer. All provisions of previous Ordinances of the Borough of Greencastle which are contrary to this Ordinance are expressly repealed.

**SECTION X:** Savings Clause. In all other respects, Chapter 202 of the Code Borough of Greencastle shall remain as previously enacted and ordained.

**SECTION XI:** Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this 4<sup>th</sup> day of December, 2006

ATTEST:

(Seal)

/s/ Kenneth E. Myers  
Secretary of Borough Council

/s/ Charles R. Eckstine  
President of Borough Council

APPROVED this 4<sup>th</sup> day of December, 2006.

/s/ Robert E. Eberly  
Mayor

"I hereby certify that the above Ordinance was duly adopted on December 4, 2006 at a Regular Meeting of the Mayor and Borough Council, and that the intention to adopt this Ordinance was advertised in The Record Herald, a newspaper of general circulation within the Borough on November 27, 2006, and entered in the Borough Ordinance Book on December 8, 2006".

(Seal)

  
Kenneth E. Myers, Borough Secretary