

# Office of the Town Clerk

TOWN OF BABYLON



CAROL QUIRK  
TOWN CLERK

200 EAST SUNRISE HIGHWAY  
LINDENHURST, NEW YORK 11757-2597

TELEPHONE 631-957-4291

## APPLICATION FOR PERSONAL PROPERTY SALE PERMIT

(Local Law, Chapter 166-4)

**NOTE: Only four (4) sales allowed per calendar year**

**NAME OF PERSON CONDUCTING SALE:** \_\_\_\_\_

**NAME OF OWNER OF THE PROPERTY ON WHICH SAID SALE IS TO BE CONDUCTED:** \_\_\_\_\_

- A. A permit for a personal property sale is valid only for the dates indicated thereon.
- B. Personal property sales are only to be held on weekends (Friday, Saturday, and Sunday only).
- C. A personal property sale shall not exceed two (2) consecutive calendar days
- D. No more than four (4) personal property sales may be permitted per year, per lot.
- E. During a personal property sale, the permit issued by the Town Clerk must be at all times displayed so that it is clearly visible from the street.
- F. Items shall be kept within the boundaries of the lot where the personal property sale is conducted and may not be located on any public sidewalk, street, alley, or public property.
- G. Items for sale may not be hung on fences or landscaping.
- H. Any signs advertising a garage sale or personal property sale must be removed within twenty-four (24) hours of the last day of the personal property sale.

**PROOF OF RESIDENCY OR OWNERSHIP OF PROPERTY:** \_\_\_\_\_

**LOCATION AT WHICH SALE IS TO BE CONDUCTED:** \_\_\_\_\_

**DATE(S) of SALE:** \_\_\_\_\_

**DATE, NATURE AND LOCATION OF ANY PAST SALE, HELD BY APPLICANT WITHIN ONE (1) CALENDAR YEAR:** \_\_\_\_\_

**RELATIONSHIP OR CONNECTION TO THE APPLICANT MAY HAVE HAD WITH ANY OTHER PERSON CONDUCTING ANY SALE HELD WITHIN ONE (1) CALENDAR YEAR PRIOR TO THE DATE OF THE APPLICATION AND THE DATE OR DATES AND LOCATION OF SUCH SALE:** \_\_\_\_\_

The undersigned declares that the statements contained in this application are true to the best of my knowledge. (The owner joins in the execution of this application to acknowledge consent to the use of his or her property in this application.

**Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**For Office Use Only**

**Permit Number:** \_\_\_\_\_ **Expires:** \_\_\_\_\_ **Issued:** \_\_\_\_\_

**Date Received:** \_\_\_\_\_ **By:** \_\_\_\_\_

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## Chapter 166 Sales of Personal Property

### Section 166-1 Intent

To protect the residential atmosphere of a neighborhood as well as to prevent unsafe and unsightly use of property and preserve the quality of life of our residents. Personal property sales may not be conducted in a manner that creates a nuisance in the neighborhood. In order to further this intent, personal property sales will be regulated.

### Section 166-2 Definitions

As used in this chapter the following words will have the following meaning:

**CHARITABLE ORGANIZATIONS:** Organizations or corporations for pleasure, recreation and other not-for-profit purposes, substantially all of the activities of which are for such purposes and no part of the net earnings of which inures to the benefit of any member, employee or shareholder.

**DAY:** A consecutive twenty-four (24) hour period beginning at midnight.

**LOT:** A parcel of land, exclusive of street areas, used or designed to be used by one (1) use or building or by a related group of uses or buildings and the accessory uses or buildings customarily incident thereto, including such open spaces.

**PERSON:** An individual.

**PERSONAL PROPERTY:** Tangible objects which are temporary and movable, including but not limited to clothes, furniture, vehicles, tools, jewelry, household items and books.

**PERSONAL PROPERTY SALE:** The offering of more than five (5) items of tangible personal property for sale, including a "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "moving sale," "estate sale," or any similar sale which occurs on a lot on which a dwelling is located.

**RESIDENT:** A person who has his principal place of abode in the Town of Babylon.

**SELLER:** A person who sells or contracts to sell goods

### Section 166-3 Permit required.

A. A personal property sale is prohibited unless:

- 1) The seller resides on the lot.
- 2) The goods for sale are owned by or in the control of the seller or another person at that lot.
- 3) The seller has first obtained a permit from the Town Clerk.

- B. An application for a permit to conduct a personal property sale must be presented to the Town Clerk and contain the following information:
- 1) The name of the person conducting the personal property sale.
  - 2) The name of the owner of the lot on which the personal property sale is to be conducted and the consent of the owner if the applicant is other than the owner.
  - 3) The location of the proposed personal property sale.
  - 4) Proof of residency or ownership of the lot.
  - 5) The dates and the number of days of the personal property sale.
  - 6) The date of any previous personal property sale

**Section 166-4 Conditions of Sale.**

- A. A permit for a personal property sale is valid only for the dates indicated thereon.
- B. Personal property sales are only to be held on weekends (Friday, Saturday and Sunday only).
- C. A personal property sale shall not exceed two (2) consecutive calendar days.
- D. No more than four (4) personal property sales may be permitted per year, per lot.
- E. During a personal property sale, the permit issued by the Town Clerk must be at all times displayed so that it is clearly visible from the street.
- F. Items shall be kept within the boundaries of the lot where the personal property sale is conducted and may not be located on any public sidewalk, parkway, street, alley or public property.
- G. Items for sale may not be hung on fences or landscaping.
- H. Any signs advertising a garage sale or personal property sale must be removed within twenty four (24) hours of the last day of the personal property sale.

**Section 166-5 Penalties for offenses.**

A violation of this ordinance shall be punishable by a fine of not less than \$100 nor more than \$500 must be imposed for conviction of a first offense; for a conviction of a second offense within a period of five years, a fine not less than \$500 nor more than \$1,000 must be imposed; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, a fine not less than \$1,000 nor more than \$2,500 must be imposed. Each day's continued violation shall constitute a separate additional violation.

**Section 166-6 Sales by charitable organizations.**

Any charitable organization conducting a personal property sale of goods owned or controlled by it must first obtain a permit from the Town Clerk, subject to the provisions of this Chapter. This permit must be obtained by a resident of the Town of Babylon.

**Section 166-7 When effective.**

The provisions of this Chapter shall be in effect upon filing of this local law with the Department of State.