

ORDINANCE NO. 2014-05

ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND, REVISE OR SUPPLEMENT CHAPTER 73 TO REGULATE OUTDOOR FLEA MARKETS WITHIN THE TOWNSHIP.

WHEREAS, the Township Committee of the Township of Washington, County of Warren, State of New Jersey wishes to amend the Code of the Township of Washington to add a Chapter to regulate outdoor flea markets; and

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Washington, County of Warren and State of New Jersey, as follows:

Section 1:

§73-1. Definitions.

For the purpose of this chapter, the following definitions shall apply:

Flea Market

A sale of items of tangible personal property wherein on one location there are multiple vendors who have paid a fee for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal property.

Non-Profit Organization

Any not-for-profit organization which is organized for a bona fide charitable, eleemosynary, educational or cultural purpose.

Yard Sale

A sale conducted by a resident of a dwelling, on a lot which that dwelling is located, of personal items, household and yard tools and appliances, all of which have been owned throughout a six-month period immediately prior to the sale by residents of Washington Township. It shall also mean a sale conducted by a noncommercial organization of used personal items, household and yard tools and appliances contributed by members or friends of the organization. Yard sales are not flea markets and therefore are not governed by the chapter.

§73-2. License required; application; fee.

- A. No person, firm or corporation may conduct a flea market within the Township of Washington without first obtaining a license from the Township at least 14 days prior to the date of the commencement of such flea market sale. Non-profit

organizations shall be exempt from the license requirement, but shall be required to obtain a permit as described in Section 73-3.

B. Any person, firm or corporation may obtain a license to operate a flea market from the Township Clerk upon filing:

- 1) The name and address of the person, firm or organization conducting the sale.
- 2) The street address of the location at which said flea market sale is to be conducted.
- 3) The date or dates of the sale.
- 4) The dates and hours of operation and the number of booths.
- 5) A sketch or drawing depicting the layout of the flea market.
- 6) Approval from the Washington Township Fire Official, Zoning Officer, Police Department, and Township Administrator
- 7) Evidence of Liability Insurance – Certificate of Insurance
- 8) The fee for a flea market license shall be \$20 per day.

§73-3. Non-Profit Organizations.

Non-profit organizations shall be exempt from obtaining a flea market license described in Section 73-2. Non-profit organizations shall be required to obtain a permit to conduct a flea market subject to the follow requirements:

A. Each organization authorized to conduct a flea market in accordance with this chapter shall obtain a permit from the Township Clerk at least 14 days prior to the date of the commencement of such flea market sale.

B. Such permit shall set forth the following:

- (1) The name and address of the organization conducting the sale.
- (2) The street address of the location at which said flea market sale is to be conducted.
- (3) The date or dates of the sale.

§73-4. Requirements for all flea markets, including Non-Profit Organizations.

All licenses and permits shall be conditioned upon the person, firm or corporation agreeing to comply with the following requirements:

A. Such flea markets shall be limited to two consecutive calendar days, and shall be conducted one half hour after sunrise and one half hour before sunset. There will be a maximum of two rain dates allowed.

- B. The license or permit for the conducting of such sale must be prominently displayed upon the premises upon which the sale is conducted throughout the entire period of sale.
- C. No walls are permitted to be constructed.
- D. A minimum of three (3) trash receptacles must be on-site. Applicant is responsible for the removal and proper disposal of all garbage, litter, debris, and unsold merchandise.
- E. Aisle walk ways between stalls/booths must be at least 44" wide.
- F. Portable canopies must be secured with a minimum of 50 lbs.; nails or stakes may not be driven into the pavement.
- G. Animals are not permitted by vendors or guests, with the exception of service animals.
- H. Sound devices are prohibited.
- I. Bathroom facilities must be provided for all flea markets. One (1) on-site port-a-john must be available for every fifty (50) people in attendance. The number of people in attendance shall include vendors and flea market staff as well as customers.
- J. The Washington Township Fire Official must be notified of the date and time of all flea markets at least one week prior to the event.
- K. All vendors must comply with all local, state and federal regulations regarding the sale of prohibited items.
- L. All other Township Ordinances shall remain in full force and effect.
- M. The Township of Washington reserves the right to conduct inspections of the flea market facility at any time and failure to comply with any section of this Ordinance may result in immediate shut down. The Township shall not be responsible for any lost business or any pre-paid fees due to a shutdown pursuant to this section.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

TOWNSHIP OF WASHINGTON

Anna C. Godfrey, RMC/CMR
Municipal Clerk

Robert Klingel, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Washington, held on the 15th day of April, 2014, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on the 20th day of May, 2014, at 7:30 p.m., at the Municipal Building, located at 211 St. Route 31 North, Washington, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Anna C. Godfrey, RMC, Municipal Clerk

CERTIFICATION

I, Anna C. Godfrey, Clerk of the Township of Washington, do hereby certify that the foregoing Ordinance was duly adopted by the Township of Washington Committee on the 20th day of May, 2014.

Anna C. Godfrey, RMC, Municipal Clerk