

ARTICLE III. TAG SALES*

DIVISION 1. GENERALLY

Sec. 8-51. Definitions.

The following words terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Tag sale means and includes all general sales, open to the public, conducted from or on a residential premises in any residential zone as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled “garage,” lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “barn,” “flea market,” or “rummage” sale. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

Personal property means property which is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Sec. 8-52. Property permitted to be sold.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this article, property other than personal property.

Sec. 8-53. Display of sale property.

Personal property offered for sale at a tag sale may be displayed within the residence, in a garage, carport, and/or in a yard, but only in such areas.

Sec. 8-54. Hours of sale.

Tag sales shall be limited in time to no more than the daylight hours of three (3) consecutive days.

Sec. 8-55. Responsibility for conduct during sale.

The individual to whom a tag sale permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises.

Sec. 8-56. Advertising signs.

Only the following specified signs may be displayed in relation to a pending tag sale:

- (1) Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence where the tag sale is being conducted.
- (2) Only official directional signs are permitted. Written permission to erect such signs should be received from the property owners upon whose property such signs are to be placed.
- (3) The permit number and date of sale shall be on all signs.
- (4) Directional signs will be obtained with a permit.
- (5) No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence.
- (6) Signs must be removed at the close of the tag sale.

Sec. 8-57. Parking.

All parking of vehicles at a tag sale shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any tag sale.

Sec. 8-58. Exemptions.

The provisions of this article shall not apply to or affect the following:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
- (2) Persons acting in accordance with their powers and duties as public officials;
- (3) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the town or under the protection of a nonconforming use section of the zoning ordinance or to any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

Sec. 8-59. Inspection; arrest authority of inspector.

Any police officer or any other official designated by town ordinance to make inspections under the licensing or regulating ordinances or to enforce the ordinances shall have the right of entry to any premises showing evidence of a tag sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this article.

Sec. 8-60. Violation; penalty.

Any person found guilty of violating the terms of this article shall be punished as provided in section 1-10 of this Code.

DIVISION 2. PERMIT**Sec. 8-81. Required; fees.**

No tag sale shall be conducted unless and until the individual desiring to conduct such sale shall obtain a permit from the first selectman and shall pay in advance the applicable permit fee, which fee shall be as established from time to time by the board of selectmen. Each permit applied for shall constitute a separate fee. Members of more than one (1) residence may join in obtaining a permit for a tag sale to be conducted at the residence of one (1) of them.

Sec. 8-82. Written statement required.

Prior to issuance of any tag sale permit, the individual conducting such sale shall file a written statement with the first selectman at least five (5) days in advance of the proposed sale, mailed applications must be postmarked at least seven (7) days in advance of the sale, setting forth the following information:

- (1) Full name and address of applicant;
- (2) The location at which the proposed tag sale is to be held;
- (3) The date, or dates upon which the sale shall be held;
- (4) The date or dates of any other previous tag sales within the current calendar year;
- (5) An affirmation statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purposes of resale.

Sec. 8-83. Investigation prior to issuance.

Before issuing a tag sale permit, the first selectman may conduct an investigation as may reasonable be necessary to determine if there is compliance with the article.

Sec. 8-84. Conditions.

The tag sale permit shall set forth and restrict the time and location of such tag sale. No more than three (3) such permits may be issued to one (1) residence and or family household during any calendar year. If members of more than one (1) residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

Sect. 8-85. Display.

Any permit in possession of the holder of a tag sale shall be posted on the premises in a conspicuous place so as to be seen by the public.

Sec. 8-86. Revocation and refusal.

Upon the recommendation of the Litchfield police department or upon request of a town official, the first selectman may revoke any permit issued under this article or refuse any application for issuance of a permit for the following reasons:

- (1) If the permit application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- (2) If the issuance of such permit at any location or in any area deemed to present a hazard due to localized town events or activities, including but not limited to, parades, shows, festivals, road races, historical events, open houses or other similar types of town events or activities which generate heavier than normal pedestrian or vehicular traffic or which require extra police requirements.

Sec. 8-87. Time extension for inclement weather.

If a tag sale is not held on the dates for which the permit is issued or if the sale is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the first selectman may issue another permit to the applicant for a tag sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.