

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
DEC 31 2004

MISCELLANEOUS  
& STATE RECORDS

~~COUNTY~~  
~~CITY~~ of Burdett  
~~TOWN~~  
Village

Local Law No. 1 of the year 2004.

A local law to regulate Yard Sales within the Village of Burdett.  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

~~COUNTY~~  
~~CITY~~ of Burdett as follows:  
~~TOWN~~  
Village

I. Purpose. The board of Trustees of the Village of Burdett finds and declares that unregulated private outdoor sales of used household good, furnishings, utensils, dishes, bric-a-brac, clothing, toys, junk, etc. known as "yard sales," "porch sales," "garage sales," or the like, create and eyesore, nuisance, and potential hazard to pedestrian and vehicular traffic within the Village of Burdett, and also may encourage criminal activity, such as trespass, loitering, or theft. Therefore, the Board of Trustees does enact this Local Law for the purpose of regulating such private outdoor sales.

II. Frequency of Sales. No household within the Village of Burdett shall hold or conduct more than three private outdoor sales per year. This limit shall be exclusive of any "Village-wide" yard sale day or event officially declared, sanctioned, or authorized by the Village Board. That is, any household may participate in "Bargain Days," or any other such officially declared, sanction or authorized sale or sales in addition to the three sales allowed annually under this law.

III. Duration. Unless otherwise provided herein, no such private outdoor sale shall continue for more than three consecutive days. In the event any sale is planned or intended to continue for longer than three days, a permit must be

(If additional space is needed, attach pages the same size as this sheet, and number each.)

obtained from the Village of Burdett Board of Trustees, upon a showing of unusual or compelling circumstances justifying continuation of the sale for longer than three days. No permit shall be required for any "Village-wide" yard sale event of longer than three days, which has been officially declared, sanctioned, or authorized by the Village Board.

IV. Conduct of Sales. The following requirements must be adhered to in the conduct of any private outdoor sale:

a. Any and all signs, posters, flyers, etc. posted throughout the Village, must be promptly removed at the conclusion of the sale.

b. No sale items or merchandise shall remain outside between dusk and 8:00 a.m. Exception: A written waiver may be obtained from the Board of Trustees in unusual or extraordinary circumstances.

c. There shall be no obstruction of sidewalks or of the public right of way.

d. There shall be adequate on-street or off-street parking to avoid any hazards to pedestrian or vehicular traffic.

e. There must be compliance with any applicable sales tax laws of the State of New York.

V. Penalty. In the event of a violation of any of the provisions of this Local Law, the same shall be considered a Violation, as defined in the Penal Law of the State of New York, and shall be subject to such penalties as may be imposed for a Violation. Each day that a sale continues beyond the three-day limit, or in excess of three sales per year, may be considered a separate violation.

VI. Exception. This Local Law shall not apply to the maintenance of fruit stands, vegetable stands, or the like, or to sales of farm or garden produce, baked goods, prepared foods, or art or craft items wholly created by members of the household selling such items.

VII. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2004 of the ~~(County)~~(City)(Town)(Village) of Burdett was duly passed by the Board of Trustees on Nov. 15 2004, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

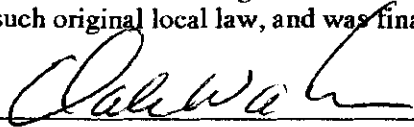
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.



\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

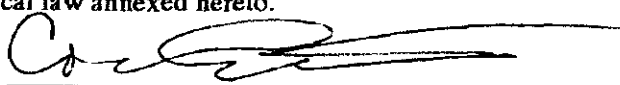
(Seal)

Date: 12/6/04

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Schuyler

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



\_\_\_\_\_  
Signature

Village Attorney  
Title



~~County~~  
~~City~~ of Burdett  
~~Town~~  
Village

Date: 12-6-04