



Town of Palmer

Bondsville, Depot Village, Thorndike & Three Rivers
“The Town of Seven Railroads”

Chapter 179

Garage/Tag Sales

HISTORY: Originally adopted at Regular Town Council Meeting on December 6, 2006. Amendments noted where applicable.

§ 179-1. Purpose.

It is the intent of this ordinance to provide a mechanism for regulating, subject to reasonable and appropriate controls, certain types of activities having to do with the sale of second-hand and other articles within the Town of Palmer while at the same time protecting and preserving the residential atmosphere of the various neighborhoods of the town.

§ 179-2. Definitions.

The term “garage/tag sale” includes without limitations, the terms “porch sale,” “yard sale,” “estate sale,” “tag sale,” “garage sale,” and is any kind of out door sale offering old, new, used, second-hand or antique articles for sale regardless of price.

§ 179-3. Time and Duration of Sales.

A “garage/tag sale” shall be permitted on any one parcel or lot of property only six (6) times during any one calendar year period of time and at no time shall such sale have a duration of more than three (3) consecutive days. Garage/Tag sales, which occur on other than consecutive days, shall be deemed separate garage/tag sales.

§ 179-4. Items Offered for Free.

Immediately following the end of the garage/tag sale, items may be offered for free for two (2) days.

§ 179-5. Exceptions.

The Town Council may approve, at their discretion, Town-wide garage/tag sale days to encourage residents interested in holding garage/tag sales, to hold the garage/tag sales on the same days. Anyone who participates in such garage/tag sale days shall not be required to obtain a permit, as otherwise required by this ordinance, and participation in these events shall not be counted toward the limit of garage/tag sales authorized by this ordinance. Restrictions with regard to dangerous conditions and signs shall be applicable and enforceable.

§ 179-6. Display of Goods

No item will be placed on public property, including tree belts and sidewalks.

§ 179-7. Dangerous Conditions – Revocation of Permit.

The property owner must assume responsibility for parking. Automobiles or pedestrians may not be allowed to impede traffic. If traffic on any road is impeded or a dangerous condition develops on any road in the opinion of the Palmer Police Department, the Police Department may revoke the permit forthwith and close the sale for the balance of that day. Refusal to close the sale shall be a violation of this ordinance.

§ 179-8. Procedure: Application for Permit.

Any person, entity, organization or corporation intending to conduct a “garage/tag sale”, shall make application for a permit number to conduct such activity at the Office of the Town Manager not less than one (1) business day prior to the date of the proposed garage/tag sale. If such an application is granted by the Town Manager or his/her designee, a permit number shall be issued. Permit numbers must be posted on the premises of the garage/tag sale in a conspicuous place, visible from the road.

§ 179-9. Signs.

- A. Signs can be placed on private property as long as the property owner consents, but must be placed in locations where they will not create a safety hazard. Signs can be placed on public property, as permitted by the Town Manager under Chapter 171, §171-94.B.(20), but excludes, without limitations, curbside trees, streetlights, telephone poles, public signage, public mail boxes, and intersections.
- B. A sign may be displayed for two days before the sale and during the sale on the property of the residence where the “garage/tag sale” is being conducted.
- C. No more than four (4) signs may be placed off site of the location of the “garage/tag sale”.
- D. No sign may be larger than 24” x 24” or four (4) square feet and no higher than three (3) feet to the top of the sign.
- E. Each sign must contain the permit number issued to the applicant.
- F. All signs must be removed immediately at the close of the sale. If signs are left after the sale, a violation occurs.

§ 179-10. Fees.

There shall be no fee assessed for the permit pursuant to this ordinance.

§ 179-11. Enforcement.

The responsibility for enforcement of this ordinance falls under the jurisdiction of the Police Department, Building Inspector, Town Manager or any designee of the Town Manager, any of whom shall have the following options:

- A. Criminal Complaint: Whoever violates any provision of this ordinance may be penalized by a complaint brought in the district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in this manner, shall be three hundred dollars (\$300.00). Each day a violation continues shall constitute a separate offense; or
- B. Non-criminal disposition – Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter

40, § 21D and may be punished by a non-criminal fine of fifty dollars (\$50.00) for the 1st offense, seventy-five dollars (\$75.00) for the 2nd offense, and one hundred dollars (\$100.00) for the 3rd offense. Each day a violation continues shall constitute a separate offense.

§ 179-12. Severability

In the event any section or provision of this ordinance is declared invalid or unconstitutional, the remaining sections and provisions shall remain in full force and effect.

Effective Date: January 3, 2007