

An Ordinance to ~~Strike, amend, and insert~~ different sections of Chapter 24 of the Ordinances of the Town of Chapmanville, WV. Be it ordained by the Town of Chapmanville, that upon passage this will be considered the entirety of Chapter 24 of the ordinances of the Town of Chapmanville

## **Chapter 24**

### **Regulating Yard Sale and Flea Markets**

~~BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPMANVILLE:~~

~~That effective upon the passage of this ordinance no person shall have a yard sale or garage sale or any other type of sale at their home or residence unless they have first applied for a permit from the Town of Chapmanville.~~

~~Be it further ORDAINED that a three (3) day permit shall be required and may be issued by the Town of Chapmanville, and that no more than three (3) such permits shall be granted per year to any one person. There shall be a fee of Two Dollars and Fifty Cents (\$2.50) Charged for the granting of the permit~~

#### ARTICLE I. DEFINITIONS AND APPLICATION

1. Definitions- For the purposes of this Ordinance, the following terms shall have the meanings ascribed to them below:
  - a. Yard Sale – Any organized sale of personal property conducted from a residential premises within the corporate limits of the Town of Chapmanville, regardless of whether it is referred to as a yard sale, garage sale, rummage sale, or by any other similar term.
  - b. Resident – An individual who maintains their primary place of residence within the corporate limits of the Town of Chapmanville.
  - c. Flea Market – For the purposes of this Ordinance, a Flea Market shall be defined as any organized event, whether formal or informal, in which three or more individuals, regardless of whether they are residents or non-residents of the Town of Chapmanville, come together at a single location for the purpose of selling, bartering, or offering for sale personal or commercial property to the public.

#### ARTICLE II. REGULATIONS GOVERNING YARD SALES

1. Permit Requirement
  - a. No Yard Sale shall be conducted within the Town of Chapmanville without first obtaining a Yard Sale Permit issued by the Town.
  - b. Only Residents, as defined herein, shall be eligible to apply for and receive a Yard Sale Permit.
  - c. Yard Sale Permits shall only be valid for the applicant's own residential property and may not be transferred or used for any other location.
  - d. The Council of the Town of Chapmanville shall have the authority, by resolution, to declare a Permit Holiday during which Yard Sale Permits shall not be required.

Yard Sales conducted during the permit holiday shall not count towards the annual maximum of 4 sales per resident.

- e. A Yard Sale Permit shall be **denied** to any applicant who is found to be **delinquent** on their sanitation (refuse collection) bill with the Town of Chapmanville at the time of application.

2. Duration and Frequency of Sales

- a. A Yard Sale shall not exceed three (3) consecutive calendar days in duration.
- b. A Resident may conduct no more than one (1) Yard Sale per calendar month, with a maximum of four (4) Yard Sales permitted per calendar year.
- c. The first Yard Sale Permit issued to any Resident in a calendar year shall be provided at no cost.

3. Permit Administration

- a. The Town shall maintain a database of all Yard Sale Permits issued, including the name and address of each applicant and the number of permits obtained within the calendar year.
- b. A copy of the approved permit must be made available upon request to the Chapmanville Police Department. It is strongly encouraged that the permit be visibly posted at the site of the sale.
- c. Each permit issued shall include the following information:
  - i. Full legal name of the applicant and address of the property where the Yard Sale will occur;
    - 1. Verified against the Town's sanitation collection records to confirm residency and location
    - 2. Confirmed to match the applicant's place of residence.
  - ii. Start and end dates for the Yard Sale;
  - iii. A signed statement from the applicant affirming that only personal property will be sold and that the sale is not being conducted for business purposes. Applicants intending to sell commercial goods must obtain a Hawkers and Peddlers License pursuant to applicable town ordinances.

ARTICLE III. REGULATIONS GOVERNING FLEA MARKETS

1. Permit Requirement

- a. No Flea Market shall be conducted within the Town of Chapmanville without first obtaining a Flea Market Permit issued by the Town.
- b. Only Residents, as defined herein, businesses and certified non-profit organizations within the corporate limits shall be eligible to apply for and receive a Flea Market Permit.
- c. Flea market Permits shall only be valid for the applicant's own property and may not be transferred or used for any other location.
- d. The Council of the Town of Chapmanville shall have the authority, by resolution, to declare a Permit Holiday during which Flea Market Permits shall not be required. Flea Markets conducted during the permit holiday shall not count towards the annual maximum of 4 sales per resident.

- e. A Flea Market Permit shall be **denied** to any applicant who is found to be **delinquent** on their sanitation (refuse collection) bill with the Town of Chapmanville at the time of application.
  - f. The Town Clerk may provide an exemption from a cost for a Flea Market permit for non-profit and religious organizations located inside the corporate limits of the Town of Chapmanville.
2. Duration and Frequency of Sales
- a. A Flea Market shall not exceed three (3) consecutive calendar days in duration.
  - b. A Resident, Business, or non-profit may conduct no more than one (1) flea market per calendar month, with a maximum of two (2) Flea Markets permitted per calendar year.
3. Permit Administration
- a. The Town shall maintain a database of all Flea Market Permits issued, including the name and address of each applicant and the number of permits obtained within the calendar year.
    - i. Non-profits and religious organizations, even if exempted from permit cost by the Town Clerk, must still apply for the Flea Market Permit.
  - b. A copy of the approved permit must be made available upon request to the Chapmanville Police Department. It is strongly encouraged that the permit be visibly posted at the site of the sale.
  - c. Each Flea Market
  - d. Each permit issued shall include the following information:
    - i. Full legal name of the applicant and address of the property where the Flea Market will occur;
      - 1. Verified against the Town's refuse collection records to confirm residency and or location
      - 2. If requesting exemption, a WV or Federal form showing non-profit status, or tax exempt status MAY be requested. If familiar with the organization the Town Clerk may exempt on their own authority.
    - ii. Start and end dates for the Flea Market;
    - iii. A signed statement from the applicant affirming that only personal property will be sold and that the sale is not being conducted for business purposes. Businesses selling commercial goods at a Flea Market must still apply for and receive a Hawkers and Peddlers License.

#### ARTICLE IV. ENFORCEMENT AND PENALTIES

1. Authority and Enforcement
- a. The Chapmanville Police Department shall have the authority to investigate any Sale activity to determine compliance with this Ordinance.
  - b. Any Resident found to be conducting a Sales referenced in this ordinance without a valid permit shall be ordered to immediately cease operations until such time as a permit is obtained.
  - c. Should the individual fail or refuse to comply with such an order, the Chapmanville Police Department is authorized to issue a citation and impose a

fine not to exceed Ten Dollars (\$10.00) for each day an unpermitted Yard Sale continues, and up to 50 Dollars (\$50.00) for each day an unpermitted Flea Market Continues.

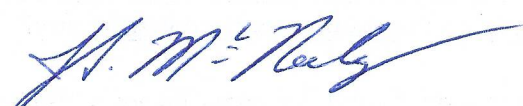

EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with applicable laws.

First Reading: 06/10/25

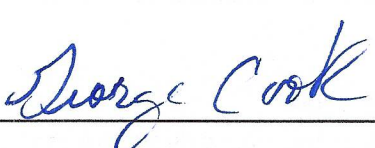
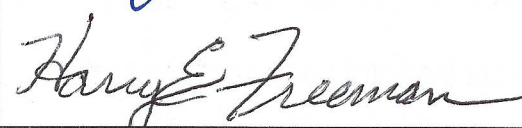

Second Reading: 07/08/25

Third Reading:

	
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Mayor Joel McNeely

Recorder Phillip Williamson II

Council