

NOTICE OF INTENTION TO ENACT ORDINANCE

THE BOARD OF SUPERVISORS OF ROSS TOWNSHIP hereby gives notice of its intention to enact the following ordinance at a meeting of the Board of Supervisors to be held on Monday, October 2, 2023, at 6:00 o'clock P.M., at the Ross Township Municipal Building, 250 Anchorage Road, Saylorsburg, Pennsylvania. Any and all interested persons are hereby given notice to attend the meeting and offer such comments in relation to the proposed ordinance as they may desire.

The proposed Ordinance is entitled:

AN ORDINANCE OF THE TOWNSHIP OF ROSS, MONROE COUNTY, PENNSYLVANIA, AMENDING ROSS TOWNSHIP ORDINANCE NO. 47, KNOWN AS THE "ORDINANCE REGULATING AND RESTRICTING GARAGE SALES", TO AMEND AND REVISE CERTAIN PROVISION OF SECTION IV OF THE SAME; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; REPEALING OR RESCINDING ALL ORDINANCES OR RESOLUTIONS OR PARTS THEREOF WHICH ARE INCONSISTENT HEREWITH; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

The following is a brief summary of the provisions of the proposed ordinance: **Article I** revises and restates Section IV(a) of Ordinance 47 requiring the obtaining of permits to conduct garage sales; **Article II** adds a new Section IV(a.1) to Ordinance 47 allowing 2 garage sales per year, on dates established annually by the Board of Supervisors, for which no permit shall be required; **Article III** revises Section IV(b) of Ordinance 47 authorizing a maximum of four (4) garage sale for any one person, or for any one premises, within a twelve month period, consisting of the two permit free sales referenced in Section IV(a.1) and two additional sales for which permits must be obtained, and requiring the payment of a non-fundable fee of \$10.00 simultaneously with the submission of each garage sale permit; **Article IV** revises Section IV(c) of Ordinance 47 restricting the persons, premises and time period applicable to each garage sale permit issued, and limiting the overall number of permits in any twelve month period for the same premises to two; **Article V** revises Section IV(f) of Ordinance 47 restricting and limiting the number of families or households that may participate in any garage sale to three, and requiring the names and addresses of the participating parties to be set forth on the application and permit issued for each such sale; **Article VI** contains severability provisions; **Article VII** contains repealer provisions; and **Article VIII** provides that the ordinance shall take effect five (5) days after enactment.

COPIES OF THE PROPOSED ORDINANCE MAY BE EXAMINED WITHOUT CHARGE, AND COPIES OF THE SAME MAY BE OBTAINED FOR A CHARGE NOT GREATER THAN THE COST THEREOF, AT THE ROSS TOWNSHIP MUNICIPAL BUILDING, 250 ANCHORAGE ROAD, SAYLORSBURG, PENNSYLVANIA, DURING REGULAR BUSINESS HOURS. A COPY OF THE PROPOSED ORDINANCE HAS ALSO BEEN PROVIDED TO THE POCONO RECORD AT 511 LENOX STREET, STROUDSBURG, PENNSYLVANIA, AND POSTED ON THE ROSS TOWNSHIP WEBSITE AT WWW.ROSSSTWP.COM.

If you are a person with a disability and wish to attend this public meeting and require auxiliary aid, service, or other accommodation to participate in the proceedings, please contact Deb Brown at (570) 992-4990 to discuss how Ross Township may best accommodate your needs.

CRAMER, SWETZ, McMANUS & JORDAN, P.C.
Timothy J. McManus, Esquire
Ross Township Solicitor
711 Sarah Street
Stroudsburg PA 18360

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF ROSS, MONROE COUNTY, PENNSYLVANIA, AMENDING ROSS TOWNSHIP ORDINANCE NO. 47, KNOWN AS THE “ORDINANCE REGULATING AND RESTRICTING GARAGE SALES”, TO AMEND AND REVISE CERTAIN PROVISION OF SECTION IV OF THE SAME; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THE ORDINANCE; REPEALING OR RESCINDING ALL ORDINANCES OR RESOLUTIONS OR PARTS THEREOF WHICH ARE INCONSISTENT HEREWITH; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, it is the desire of the Ross Township Board of Supervisors to amend Section IV of Ross Township Ordinance No. 47 regulating and restricting garage sales (“Ordinance 47”) to allow two (2) free yards sales per year for which no yard sale permit will be required, on dates established by the Board of Supervisors; to adjust the total number of yard sales in any twelve (12) month period; and to clarify the application and permit requirements with respect to the same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Ross Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

ARTICLE I: Section IV(a) of Ordinance 47 is hereby revised and restated to provide as follows:

“(a) Except as provided in Section IV(a.1) below, is shall be unlawful for any person to conduct a garage sale within the geographic boundaries of the Township of Ross without first obtaining a garage sale permit from the Township Office after filing an application on a form of permit application obtainable from Ross Township at the Ross Township Municipal Building.”

ARTICLE II: A new Section IV(a.1) is hereby added to Ordinance 47 which provides as follows:

“(a.1) In January of each year, the Board of Supervisors will establish and announce the dates on which yard sales may be held on two (2) occasions during that year, one in the month of April and the other in the month of September. No garage sale permit need be obtained, nor fee paid, in relation to these sales. A garage sale permit must be obtained for any other yard sales held throughout the year.”

ARTICLE III: Section IV(b) of Ordinance 47 is hereby revised and restated to provide as follows:

“A maximum total of four (4) garage sales may be held by any one person, or for any one premises, within one (1) twelve (12) month period, consisting of the two (2) permit free garage sales pursuant to Section IV(a.1) above, and a third and fourth garage sale for which a garage sale permit must be obtained from Ross Township. A non-refundable fee in the amount of Ten and 00/100 (\$10.00) Dollars must be paid simultaneously with the submission of each garage sale permit application.”

ARTICLE IV: Section IV(c) of Ordinance 47 is hereby revised and restated to provide as follows:

“Each garage sale permit shall be issued to one (1) person for one (1) specific premises or location only one (1) time within a two (2) week period. No more than two (2) garage sale permits shall be issued for the same premises or to the same person in any twelve (12) month period.”

ARTICLE V: Section IV(f) of Ordinance 47 is hereby revised and restated to provide as follows:

“No more than three (3) families or householders may participate in any garage sale by furnishing goods, wares or merchandise for sale, and/or by engaging in the sale of goods, wares and merchandise, the names and addresses of which must be set forth in the application for a garage sale permit, and will be listed on the garage sale permit issued by the Township. Anyone who is not so listed on the garage sale permit is prohibited from participating in that garage sale either by furnishing any goods, wares or merchandise for sale, and/or engaging in the sale of goods, wares and merchandise.”

ARTICLE VI: The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is for any reason ultimately found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the legislative intent of the Board of Supervisors that such remainder shall be, and shall remain, in full force and effect.

ARTICLE VII: All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this Ordinance are hereby repealed, but only insofar as same are in direct conflict or directly inconsistent with this Ordinance.

ARTICLE VIII: This Ordinance shall take effect five (5) days after enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Ross Township, Monroe County, Pennsylvania this ____ day of _____, 2023.

BOARD OF SUPERVISORS ROSS TOWNSHIP

BY: _____
James Zahoroiko, Chair

BY: _____
David Shay, Vice-Chair

BY: _____
Randy Detrick, Supervisor

ATTEST:

Township Secretary

(TOWNSHIP SEAL)