

*Village of Almena, WI  
Tuesday, July 30, 2024*

## Chapter 142. Garage Sales and Flea Markets

[HISTORY: Adopted by the Village Board of the Village of Almena as indicated in article histories.  
Amendments noted where applicable.]

### Article I. Garage Sales

[Adopted 9-9-2014 (§ 9.21 of the former Village Code)]

#### § 142-1. Definitions.

The following definitions are applicable to this article:

##### **GARAGE SALE**

All general sales open to the public, conducted from or on a residential premises, for the purposes of disposing of personal property, including but not limited to all sales entitled "rummage, lawn, yard, porch, room, backyard, patio, or garage sale."

##### **PERSONAL PROPERTY**

Property which is owned, utilized and maintained 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 in consignment.

#### § 142-2. License requirements.

None is required for common garage sales.

#### § 142-3. Frequency of sales; ownership of merchandise.

- A. Garage sales, yard sales and similar merchandise sales may be held no more than three times per year at any residence, and for a total of not more than 10 days in that year. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.
- B. Any garage sales, yard sales and similar merchandise sales by nonprofit, philanthropic, or civic organizations are exempt from restrictions and requirements of this article.

#### § 142-4. Hours.

Garage sales shall be conducted between 7:00 a.m. and 8:00 p.m. Each sale shall last no longer than five consecutive days.

#### § 142-5. Signs.

- A. Garage sale signs may not have an area more than six square feet with a maximum of two faces. Garage sale signs shall identify the location of the sale and must be located at least five feet from the street line or nearest lot line.
- B. No garage sale sign may be located on utility poles, traffic control devices, or on property or the adjoining right-of-way of property, the owner of which has not given his/her explicit permission for its location.
- C. No garage sale sign shall be displayed before two days before the sale or two days following the sale.
- D. No more than one garage sale sign may be located at the sale site and no more than six garage sale signs may be located off the site, except that two signs are permitted on corner lots, one facing each street.

## § 142-6. Violations and penalties.

Any person who shall violate any provision of this article or any regulation, rule or order made hereunder, shall be subject to a penalty as provided in § 1-4 of this Code of the Village of Almena.

## Article II. Flea Markets

[Adopted 6-13-2017 (§ 9.22 of the former Village Code)]

## § 142-7. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

### **COMMON USE STRUCTURE**

A nonpermanent structure allowed to be commonly used by sellers/vendors and the public such as tents, restrooms, and concessions.

### **FLEA MARKET**

A market, held indoors or out of doors, where new or used items are sold in a common area from individual locations by independent sellers, with each location being operated independently from the other locations. Items are sold from stands, tables, or booths within a common area, including, but not limited to, household items, antiques, rare items, decorations, used books and magazines.

### **FLEA MARKET OPERATOR**

A person, firm or corporation licensed by the Village to make available a designated property to himself/herself/itself or others as a display area offering items for sale at a flea market.

### **FLEA MARKET SELLER/VENDOR**

A person, firm or corporation selling items or offering items for sale at a flea market.

### **MARKET**

A market held on private property where goods are sold to the public.

## § 142-8. Location restriction.

A flea market may be operated outside or inside in Commercial or Industrial Zoned Districts. If inside, a permanent structure or accessory building must comply with Village Uniform Dwelling Codes or State Commercial Codes. The structure must also provide suitable restroom facilities, and parking in

accordance with Village parking codes. If outside (open-air), no sales accessories, displays, or items used for sales by flea market sellers/vendors may be located on the premises in view of the general public earlier than four hours prior to the opening of the first consecutive day of flea market operations, nor later than two hours following the close of operation on the last consecutive day of flea market operations. No common use structures may be located on the premises in view of the general public earlier than noon preceding the first consecutive day of flea market operations, nor later than noon of the day following the last consecutive day of flea market operations. Outside sales must provide suitable portable restroom facilities, and adequate on-site parking to accommodate customers without the use of on-street parking on any public road or right-of-way. Parking provisions must comply with any applicable Village parking codes.

## § 142-9. Grounds to be kept orderly and free of litter.

Any materials, including sales tables, shelters, portable restrooms and sales accessories must be stored in an orderly fashion out of the view of the general public when not in use. Grounds must be kept free of trash and litter at all times. The flea market operator shall be responsible for compliance with all provisions of this article, and shall have the right to remove noncompliant properties of the sellers.

## § 142-10. Frequency of sales.

No flea market held outside shall operate more than four consecutive days with a minimum of a three-day period between flea market events.

## § 142-11. License required.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a license therefor from the Village Board. Applications for license shall be made to the Village Clerk on forms to be provided by the Village Clerk. Only one license shall be required for each flea market location, and the individual flea market sellers/vendors shall not be required to obtain a license under this article. The fee per year for such license shall be as set from time to time by the Village Board. The Village Board may restrict the license for use on certain dates and times.

## § 142-12. Information to be filed.

The information to be filed with the Village Clerk, pursuant to this article, shall be as follows:

- A. Name of person, firm, group, corporation, association, or organization conducting said sale;
- B. Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than owner.
- C. Location of structure at which sale is to be conducted.
- D. Number of days of sale.
- E. Date and nature of any past sales.
- F. Relationship or connection applicant may have had with any other person, firm, group, organization, charitable nonprofit association, or corporation conducting said sale and the date or dates of proposed or previous sales.
- G. Whether or not applicant has been issued any other sellers/vendors license by any local, state, or federal agency.

- H. Sworn statement or affirmation by the person signing that the information therein given is full and true and known by him/her to be so.

## § 142-13. Records to be kept by licensee.

Each person required by this article to obtain a license shall keep accurate records of the names and addresses of each flea market seller, a description of the type or types of merchandise offered for sale by that seller, and records required by all state and federal laws.

## § 142-14. Churches and nonprofit organizations exempt.

Any transaction while operating a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization, are exempt from licensing and zoning requirements under this article.

## § 142-15. More than one market.

Any person, firm, or corporation renting or allocating space to flea market sellers/vendors in more than one place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot, adjacent lots, or lots separated only by an alley.

## § 142-16. Unlawful transactions.

No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.

## § 142-17. Purchases from children.

No flea market seller shall purchase any used household item, antique, or used article whatsoever from any person under the age of 18 years, unless such person is accompanied by the person's parent or legal guardian.

## § 142-18. Hours.

Flea markets held outdoors shall limit their hours of operation from 8:00 a.m. to 9:00 p.m., unless otherwise specified on the license by the Village Board at the time of issuance.

## § 142-19. Violations and penalties.

In addition to the suspension or revocation of a license issued under this article, any person who shall violate any provision of this article or any regulation, rule or order made hereunder, shall be subject to a penalty as provided in § 1-4 of this Code of the Village of Almena.