

The Town Council of the Town of Smithfield desires to amend, by Ordinance, Chapter 347 of the Town of Smithfield Code of Ordinances entitled “Yard Sales, Sidewalk Sales and Flea Markets” as follows:

**IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD AS FOLLOWS:**

Section 1.

347-1. Definitions.

**PERMITTED YARD SALES**

The term “permitted yard sales” contained in the section has been deleted in its entirety.

**YARD SALES**

The sale of items owned and accumulated by a person, and on private property owned, rented, leased by the person, and such sale conducted in accordance with the provisions of this chapter. The term “yard sale” shall also mean “garage”, “estate”, or “barn” sale or any other term used to describe a sale of the type identified in this chapter under the term “yard sale”. The intent of the provisions for yard sales, therefore, shall not be circumvented by using a different term to reflect such activity.

Section 2.

347-2. Violations and Penalties.

B. Violations of any of the provisions of this Chapter, and as defined in the applicability in Section A, shall subject the violator to the following fines and/or penalties:

1. A fine of not more than \$100.00 per day for each violation, and for each day subsequent that such violation continues and any violations of the provisions of this Chapter shall be adjudicated in the Smithfield Municipal Court.
2. Notwithstanding the fine referenced in section B(1) the penalties for violations of the provisions of Section 347-6 entitled “Yard Sales” shall be in an amount not to exceed \$50.00 per day.
3. The existing Subsection B (2) is hereby deleted in its entirety.

Section 3.

347-6. Yard Sales.

Subsections A (1)-(9) and subsection B shall be hereby repealed in their entirety and replaced with the following language.

- A. 1. No more than 12 yard sales may be held in any one calendar year by any persons who live on and own, lease, or rent the property on which the yard sale is conducted.
2. Yard sales may be conducted only between the hours of 8:00 a.m. and 6:00 p.m. or dusk

in the case where dusk occurs prior to 6:00 p.m.


- 3. Temporary signs publicizing the permitted yard sale may be displayed up to 48 hours prior to the start of said sale and the permitted period of the sale. All such signs, however, shall be removed within 24 hours following the end of the permitted sale period. Any signs left posted after that shall be considered to be litter and the yard sale owner shall be subjected to a fine outlined in Section B of this ordinance.
- 4. Signs shall not exceed four square feet in size.
- 5. Signs placed in the public right-of-way may not obstruct or otherwise interfere with vehicular or pedestrian traffic.
- 6. In no case may yard sale signs be posted on street signs, stop signs, or traffic control devices.
- 7. The items or articles that may be sold at yard sales shall be substantially limited to those which are commonly found within or about the owner's residence.
- 8. The sale of live animals shall be prohibited at yard sales.

B. The Building/Zoning Official and/or the Smithfield Police Department shall be responsible for and empowered to enforce the provisions of this section.

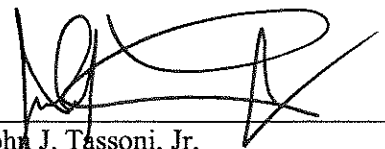
C. Termination of yard sales as fire or traffic hazard. The chief of police shall have the authority to terminate any yard sale, the holding of which creates a traffic hazard. The fire chief shall have the authority to terminate any yard sale, the holding of which creates a fire hazard.

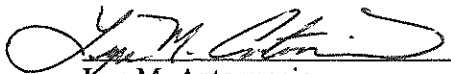
Section 4: These ordinance amendments shall take effect thirty (30) days after their adoption

APPROVED AS TO FORM AND LEGALITY:

  
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 Anthony M. Gallone, Jr.  
 TOWN SOLICITOR

ADOPTED: 6/17/2025

 6/17/25  
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 John J. Tassoni, Jr.  
 TOWN COUNCIL PRESIDENT

  
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 Lyn M. Antonuccio  
 TOWN CLERK

