

Arbor Ridge Community Corporation Garage or Yard Sale Policy

As approved by vote of the Board of Directors on July 17th, 2024

Authority Granted in the Bylaws

The Bylaws authorize the Board of Directors to establish rules and regulations without Co-owner approval. Article VI, Section 23, grants this authority.

Section 23. RULES AND REGULATIONS. It is intended that the Board of Directors of the Association may, from time to time, make reasonable rules and regulations, without Co-owner approval, to reflect the needs, desires, and problems arising in the Condominium. Copies of all such adopted rules, regulations and amendments shall be furnished to all Co-owners.

This document notifies Co-owners of an adopted regulation for Garage and Yard Sales.

Bylaw articles applicable to garage and yard sales include the following:

1. Article VI, Section 1, (only residential use) and

*Section 1. **ONLY RESIDENTIAL USE AND MAXIMUM NUMBER OF PERSONS OCCUPYING A RESIDENCE.** No Unit in the Condominium shall be used for other than single-family residence purposes. No business, trade, profession or commercial activity of any kind shall be conducted within any Unit in the Condominium.*

2. Additionally, Article VI, Section 18, provides rules regarding aesthetics.

*Section 18. **AESTHETICS.** The Common Elements, Limited or General, shall not be used for storage of supplies, materials, personal property or trash of any kind, unless authorized by the Association. ... No unsightly condition shall be maintained in any private courtyard, patio, porch, deck or any other exterior area. ... In general, no activity shall be carried on nor condition maintained by a Co-owner, either in his Unit or upon the Common Elements, which is detrimental to the appearance of the Condominium.*

Reasons for Establishment of a Garage or Yard Sale Policy

The Board of Directors has received complaints from Co-owners regarding repeatedly leaving garage or yard sale items outside past Sunday and concurrently parking vehicles on the lawn. Given that the Bylaws make no specific mention of Garage Sales or Yard Sales, the Board has established with this document a policy to inform Co-owners about limitations and expectations regarding garage and yard sales.

Additionally, the Board interprets “only residential use”, as noted in Article VI, to exclude the activities of raising additional income by co-owners, residents, or visitors by selling acquired or made or crafted goods with Garage or Yard Sales on the Common or Limited Common Elements or within Units. Using Garage or Yard Sales to generate income constitutes a business, trade, professional or commercial activity. Garage or Yard Sales to dispose of possessions inherited (an estate sale because of the death of a resident of a Unit in ARCC), or no longer needed (from children who have left the house, or residents moving elsewhere) are typical reasons for infrequent Garage or Yard Sales, and must be limited and comply with this policy.

Garage or Yard Sale Policy

The following rules apply to any garage or yard sale held at ARCC. The co-owners and residents at the Unit where items are displayed and sold are accountable for complying with all rules and ordinances.

1. (Permission) This policy does not require the Unit co-owner or resident to request and obtain permission to hold a garage or yard sale from the Board of Directors. **However, the Unit co-owner or resident is strongly advised to check with the Board of Directors at least 5 business days in advance** to at least make sure that the sale will not conflict with, for example, street pavement work or other unusual parking or driving restrictions.
2. (Compliance with ordinances) These rules do not negate Pittsfield Township ordinances or codes. Compliance with these rules does not obviate the hosting Unit’s co-owner’s or resident’s or visitor’s responsibility to comply with Pittsfield Township ordinances and codes. Similarly, compliance with Pittsfield Township ordinances does not obviate the hosting Unit’s co-owner’s or resident’s or visitor’s responsibility to comply with this policy, and the Unit’s co-owner or residents or visitors may not claim compliance with this policy by complying with Pittsfield Township ordinances.
3. (Maximum number of occurrences, and allowed days) **A Unit may hold garage or yard sales not more than 2 weekends per year, and on only the Unit’s appurtenant Limited Common Element.** Friday, Saturday, and Sunday are eligible days. A sale on any one of those days counts as a sale for that whole weekend. Co-owners and their residents or visitors may not “donate” or “trade” Garage or Yard Sale allocation among Units.
4. (Location) The Garage or Yard Sale shall be held at a Unit and appurtenant Limited Common Element (the “hosting Unit”), and shall not extend to other Units or Limited Common Elements or the Common Elements.
5. (Inventory) If a hosting Unit’s co-owner or resident or visitor wishes to *additionally* sell some items on behalf of another co-owner, they may add the additional items to the sale. However, adding items for sale from others does not permit expansion beyond the organizing Unit’s appurtenant Limited Common Element, nor does adding items for sale from others permit occurrences beyond 2 weekends per year for the Unit at which the sale is held.
6. (Parking) Visitors, co-owners, and residents must comply with all parking restrictions as noted on ARCC street signs. There shall be no parking on lawns or other unpaved surfaces. There shall be no parking on the Walking Path or sidewalks.
7. (Signs) Signs may be displayed or located on the hosting Unit, appurtenant Limited Common Element, or on the Common Elements. Signs must comply with Pittsfield Township ordinances.

This policy does not grant permission to locate signs on non-ARCC property. Check with Pittsfield Township for such permissions.

8. (Overnight storage of items for sale) All items must be securely stowed on Friday and/or Saturday nights on or in the hosting Unit or on the appurtenant Limited Common Element. All items remaining on Sunday night must be stowed in the hosting Unit (not outside) or placed by the curb for rubbish pick-up by Sunday night. The hosting Unit's co-owner, residents, or visitors are expected to securely stow items in the event of significant wind or storms. Please note that rubbish pick-up requires contacting Pittsfield Township's rubbish collection service at least two days in advance of expected pick-up.
9. (Right of termination) The Board of Directors may request termination of the garage or yard sale without advance notice. The Board of Directors has the right to request in writing termination of any garage or yard sale which it deems unsuitable or undesirable in its sole and absolute discretion for aesthetic or any other reasons. The Board of Directors may request termination of any garage or yard sale in writing by email, or by delivery in person.
10. (Exceptions) The Board of Directors has the right to allow exceptions to this policy.
11. (Penalties for noncompliance) The Board of Directors may levy fines for any violation of this policy in accord with the Bylaws, Article VII, including failure to comply with the Board's request to terminate the garage or yard sale within a 24hr grace period from the notice given by the Board.

FAQ

1. May I allow others to sell goods on my Limited Common Element?
 - a. You may, but this counts as a sale on your Limited Common Element, and you are responsible for compliance with rules and will be penalized for noncompliance. Therefore, this practice is highly discouraged.
2. What happens if I hold a garage sale on the same day that ARCC has street crackfill, sealcoating, or other maintenance performed?
 - a. You will be asked to immediately take down all signs and terminate the sale. This will also count as 1 of the 2 weekends for that Unit.
3. What happens if a storm scatters my inventory?
 - a. The co-owner of the Unit hosting the Garage or Yard Sale will be found in violation of this policy. The Board has the right to levy fines as it sees fit until the inventory is cleaned-up. The Sale will count as one instance for the hosting Unit.
4. May I use the Common Elements for a Garage or Yard Sale?
 - a. No
5. May I use my neighbor's Unit or Limited Common Element to display goods for sale?
 - a. This is highly discouraged. The Board will deem this an occurrence of a sale for both your Unit and your neighbor's Unit. The Board may also fine both Units' co-owners for any violations of this policy.
6. Some of my neighbors and I want to hold our Garage or Yard Sales jointly as a partial community Garage or Yard Sale.
 - a. Contact the Board of Directors for permission. The Directors might want you to organize and advertise a community-wide Sale. Each Unit that has a Sale will consume one of its two allocated Garage or Yard Sales for the year.

7. I like to make and/or acquire goods and sell them for a small profit. May I do this?
 - a. You may do this only twice per year on your Unit and appurtenant Limited Common Element. However, your intent constitutes a business or trade activity, even if informally, and the Bylaws explicitly prohibit this activity.
8. May I ask other neighbors to use their allocation?
 - a. No. Units each have 2 allocations. Allocations stay with the Unit at which the Garage or Yard Sale is held.