

**CHAPTER 115: GARAGE SALES**

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**§ 115.01 PURPOSE.**

It is the intent of this chapter to regulate the term and frequency of garage sales within residential areas so that the residential environment of the areas is not disturbed or disrupted, and to prohibit the infringement of any businesses into the established areas.

(Ord. 99-04, passed 12-6-1999)

**§ 115.02 DEFINITIONS.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**GARAGE SALE.** Any casual sale of tangible personal property, whether used, secondhand, damaged, or discarded, not otherwise regulated in the code, advertised by any means whereby the public at large is or can be aware of the sale, and shall include all similar sales, however labeled, including **YARD SALE, BASEMENT SALE, RUMMAGE SALE, ATTIC SALE, LAWN SALE, FLEA MARKET SALE,** and the like.

(Ord. 99-04, passed 12-6-1999)

**§ 115.03 LIMITATIONS ON NUMBER AND LENGTH OF SALES.**

It shall be unlawful for any person, organization, corporation, partnership, or association of whatever description to conduct more than three garage sales in any calendar year. It shall also be unlawful to conduct more than three garage sales on any particular lot in any calendar year. No garage sale shall exceed two consecutive days. All materials from the sales shall be removed from the exterior of the premises within 24 hours after the completion of the sale.

(Ord. 99-04, passed 12-6-1999) Penalty, see § 115.99

**§ 115.04 SIGNS.**

(A) One sign may be erected advertising a garage sale on the premises of the sale and must be removed immediately at the end of the sale.

(B) One sign may be erected upon a main thoroughfare of the city and remain only during the duration of the sale,

provided that the adjacent property owner consents to the placement of the sign.

(C) The signs shall not be in excess of six square feet and shall not be illuminated in any manner whatsoever, except incidentally by street lights or house lights.

(D) Under no circumstances shall any signs be attached to any tree within the city easements or rights-of-way, or to any city building or fixture.

(Ord. 99-04, passed 12-6-1999)

#### **§ 115.05 PERSONS AND SALES EXCEPTED.**

The provisions of this chapter shall not apply to or affect the following persons or sales:

(A) Persons selling goods pursuant to an order or process of a court of competent jurisdiction; or

(B) Persons selling or advertising for sale an item or items of personal property specifically named or described in the advertisement and which separate items do not exceed five in number.

(Ord. 99-04, passed 12-6-1999)

#### **§ 115.06 EFFECTIVE DATE.**

The effective date of this chapter is December 21, 1999.

(Ord. 99-04, passed 12-6-1999)

#### **§ 115.99 PENALTY.**

Violation of this chapter shall be a municipal civil infraction the sanction for which shall be a civil fine as follows, plus costs, damages, expenses, or other sanctions as authorized by M.C.L.A. §§ 600.8701 *et seq.*:

(A) A civil fine of not less than \$50, plus costs and other sanctions, for each infraction;

(B) Increased civil fines shall be imposed for repeat offenses. The term **REPEAT OFFENSE** means a second or any subsequent violation of this chapter:

(1) Committed by a person within any two-year period, unless some other period is specifically provided by this code or any ordinance; and

(2) For which the person admits responsibility or is determined to be responsible.

(C) The increased fine for a repeat offense shall be as follows:

(1) The fine for any offense which is a second offense shall be no less than \$150, plus costs; and

(2) The fine for any offense which is a third offense or any subsequent repeat offense shall be no less than \$250, plus costs.

(D) The imposition of a penalty pursuant to division (C) or (D) of this section does not prevent suspension or revocation of a license, permit, or franchise or other administrative sanctions;

(E) With respect to a violation of this chapter that is continuous with respect to time, each day that the violation continues is a separate offense and is a public nuisance that may be abated by injunctive relief or civil or quasi-judicial enforcement; and

(F) The Building Administrator, Zoning Administrator, Chief of Police, and any duly appointed police officer or any other city officer or employee designated in writing by the City Manager are authorized to issue citations and complaints for any violation of this chapter.

(Ord. 99-04, passed 12-6-1999)