

STATE OF MICHIGAN  
COUNTY OF HURON  
VILLAGE OF PORT AUSTIN

ORDINANCE NO. 109-05  
REGULATION OF GARAGE SALES

THE VILLAGE OF PORT AUSTIN ORDAINS:

Sec. 1 DEFINITIONS:

As used in this chapter:

- (a) "Garage sale" means any sale of tangible personal property not otherwise regulated or licensed by these Codified Ordinances conducted from or on a residential premise in any residential zone, as defined by the zoning ordinance, to which sale the general public is invited. "Garage sale" includes such events commonly referred to as attic sales, lawn sales, rummage sales, yard sales, porch sales, room sales, backyard sales, moving sales, and flea market sales. "Garage sale" does not include any sale offering less than five items of tangible personal property.
  
- (b) "Person" means an individual or individuals, corporation or any other legal entity, and refers to all members of a household residing at the same address.

Sec. 2 PERMIT REQUIRED; APPLICATIONS:

No person shall hold a garage sale without first obtaining a permit therefor from the Village Clerk or such other person designated by the Clerk to do so. The applicant for such permit shall provide the following information.

- (a) The name, address and telephone number of the person conducting the sale;
- (b) The location of the sale;
- (c) The dates and hours during which the sale is to be conducted;
- (d) An affirmative statement that the property to be sold is owned by the applicant and is his/her own personal property and was neither acquired or consigned for the purpose of resale.

Sec. 3. PERMIT ISSUANCE, FEE:

A garage sale permit will be issued through the Village Clerk's office. There shall be no permit fee except when a sale is conducted more than three times within any twelve-month period at the same address or by the same person. The fee shall be in an amount to be determined from time to time by the Port Austin Village Council.

**Sec. 4. DISPLAY OF PERMIT:**

A garage sale permit shall be securely affixed to the sign advertising the sale. If there is no sign, the permit shall be displayed in the front window of the residence or in some other location so that the permit is readily observable from the public sidewalk or right of way.

**Sec. 5 HOURS AND LENGTH OF SALE:**

No garage sale shall be held between 8:00 p.m. and 8:00 a.m. of the following day. Garage sales of longer than three consecutive days are prohibited.

**Sec. 6 EXCEPTIONS:**

If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and a statement by the permit holder to this effect is submitted, the Clerk may issue another permit to the applicant for a garage sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No additional permit fee shall be required.

**Sec. 7 LIMITATIONS ON NUMBER:**

No person shall hold more than five garage sales at any one address within any twelve-month period.

**Sec. 8 PRE-PERMIT INVESTIGATION:**

Before issuing a permit, Village officials may conduct an investigation as may be reasonably necessary to determine if there is compliance with this ordinance.

**Sec. 9 DISPLAY OF MERCHANDISE:**

No merchandise shall be displayed within the right of way of any street, between the sidewalk and the curb, on the sidewalk or within ten feet of any public sidewalk.

**Sec. 10 SIGNS:**

- (a) Only two signs advertising a garage sale may be erected or placed on the premises of the sale, and such sign shall be removed immediately at the end of the last day of the sale. No sign shall be erected or placed on any other property or on any street right of way without permission of the owner.
- (b) Each face of the sign shall be limited to a maximum of eight square feet. No sign may have more than two faces.
- (c) In the event of any conflict with the sign provisions of the Port Austin Zoning Ordinance, this section shall control.

#### Sec. 11 PUBLIC NUISANCE

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct pm said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable order of any member of the police or fire departments of the Village of Port Austin in order to maintain the public health safety and welfare.

#### Sec. 12 PARKING

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances of the Village of Port Austin. Further, the police department may enforce such temporary controls to alleviate any special hazards and/or congestions created by any garage sale.

#### Sec. 13 REVOCATION AND REFUSAL OF PERMITS

- (a) False information. Any permit issued under this ordinance may be revoked or any application for issuance of a permit may be refused by the Clerk if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statements.
- (b) Violation. If any individual is found responsible for an offense under this ordinance, the Clerk shall cancel any existing garage sale permit held by the individual found responsible and no permit shall be issued to the individual for another garage sale for a period of two (2) years from the time of said finding of responsibility.

#### Sec. 14 PERSONS EXEMPTED FROM ORDINANCE

The provisions of this ordinance shall not apply to or affect the following:

- (a) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) Any sale conducted by any merchant or other business establishment from or at a place of business wherein such sale would be permitted by the zoning ordinance provisions of the Village of Port Austin or under the protection of the non-conforming use thereof or any other sale conducted by a manufacturer, dealer or vendor, and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
- (d) Any bonafide charitable, educational, cultural or governmental institution for charitable purposes where the goods or articles are not sold on a consignment basis.

#### Sec. 15 CIVIL INFRACTION

Any person violating any provision of this ordinance shall be responsible for an Offense Level A Civil Infraction.

#### Sec. 16 SEPARATE VIOLATIONS

Every day a sale is conducted in violation of this ordinance shall constitute a separate offense.

#### Sec. 17 ADOPTION

This ordinance shall become effective twenty (20) days after publication.

#### Sec. 18 SAVINGS CLAUSE

If any subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

#### Sec. 19 REPEALER CLAUSE

All ordinances and or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Motion by: Bill Hogan

Seconded by: Scott Kapsner

Yeas: 6

Nays: 0

Absent: Andy Preston

Abstain: 0

Ordinance adopted on the 27<sup>th</sup> of June, 2005.