

Part 11

11.000 **GARAGE AND YARD SALE ORDINANCE**

**Ord. No. 32**

**Adopted: March 9, 1988**

An ordinance to regulate the sale of goods, garage sales or yard sales and similar occurrences within the Township of Lyon, Roscommon County, Michigan; to provide for the registration and permitting of such activities; and to provide penalties for the violations of such regulations.

11.001 **Definitions.**

Sec. I.

- (A) *Garage sale or yard sale.* As used herein, the term Garage Sale or Yard Sale shall mean and include all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "auction," or any similar casual sale, of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.
- (B) *Goods.* As used herein, the term Goods is meant to include any goods, warehouse merchandise or other property, whether new or used, capable of being the object of a sale regulated hereunder.
- (C) *Person.* As used herein, the term Person shall mean and include individuals, partnerships, voluntary associations (whether profit or nonprofit) and corporations (whether profit or nonprofit).

11.002 **Prohibited activity.**

Sec. II.

- (A) It shall be unlawful for any person to conduct a Garage Sale or Yard Sale within Lyon Township without first filing with the Clerk the information hereinafter specified and obtaining from such Clerk a license to do so, to be known as a "Garage or Yard Sale Permit."

- (B) It shall be unlawful for any person to conduct a Garage Sale or Yard Sale whether or not having a permit to do so if such activity extends into any right-of-way, interferes with vehicular traffic or otherwise creates a safety hazard.
- (C) Regulation of signs advertising Sales hereunder are subject to the regulations contained in Lyon Township Zoning Ordinance No. 16 [140.000].

### 11.003 Procedure for obtaining permit.

#### Sec. III.

- (A) *Application.* Any person desiring to conduct, or sell at, a Garage Sale or Yard Sale within the Township of Lyon shall file an application for a permit at the Lyon Township Hall disclosing the following information:
  1. Name and address of applicant.
  2. Name and address of all individuals who will be selling within Lyon Township on behalf of the applicant.
  3. A general description of the goods to be sold.
  4. The area or place of the sale.
  5. The particular hours each day and the dates when the sale is proposed to be conducted within Lyon Township.
- (B) *Fee.* Any person desiring to conduct, or sell at, a Garage Sale or Yard Sale within the Township of Lyon shall pay such permit fee of \$5.00 to the Lyon Township Clerk before a permit may be granted.
- (C) *Denial of permit.* No permit shall be issued or continued where an applicant or its agents or employees is shown to engage in misrepresentation, failure of disclosure of material information concerning the Garage Sale or Yard Sale or in

disregard of the property rights of any persons in the immediate area.

- (D) *Duration of permit, renewal.* No permit issued hereunder shall be issued for a longer period than three (3) consecutive days. No person may be granted more than three (3) permits per year and no more than three (3) Garage or Yard Sales can be conducted on any property in any one year.
- (E) *Display of permit.* Any permit obtained hereunder shall be prominently displayed at the location of the Sale during the entire period of the Sale.
- (F) *Suspension or revocation of permit.* Any permit issued under this Ordinance may be revoked or suspended as a result of any violations of the terms and conditions of the permit or provisions of this Ordinance or as a result of conduct which would cause the permit to be denied under the within Ordinance.

#### 11.004 Exemptions.

Sec. IV. The following are specifically exempt from the requirements of this Ordinance:

- (A) Persons selling goods pursuant to an order or process of a Court of competent jurisdiction.
- (B) Persons acting in accordance with their powers and duties as public officials.
- (C) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

#### 11.005 Severability.

Sec. V. Should any section, clause, paragraph, or provision of this Ordinance be declared by any court to be invalid, such decision shall not effect the validity of

the Ordinance as a whole or any part thereof, other than the part so determined to be invalid.

**11.006 Conflict with other regulations.**

Sec. VI. Nothing in this Ordinance shall in any way interfere with concurrent regulations of the County, State or Federal governments or agencies thereof which are more strict in their provisions.

**11.007 Penalty.**

Sec. VII. Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of up to \$100.00 or imprisonment in the County Jail up to ninety (90) days, or both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. The fines and penalties herein provided shall be in addition to any injunctive or other relief which might be available or appropriate under the circumstances.

**11.008 Effective date.**

Sec. VIII. This Ordinance shall take effect 30 days after publication.