

**LYON TOWNSHIP**  
**ROSCOMMON COUNTY, MICHIGAN**

**ORDINANCE NUMBER 32**

**ADOPTED: March 9, 1988**

**GARAGE AND YARD SALE**

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.

**PURPOSE AND INTENT**

**TOWNSHIP OF LYON**  
**ROSCOMMON COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and cited as Lyon Township Garage and Yard Sale

**SECTION 2**

**DEFINITIONS**

- 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 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, and voluntary associations (whether profit or non-profit) and corporations (whether profit or non-profit).

**SECTION 3**  
**REGULATIONS**

**PROHIBITED ACTIVITY**

- 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)

**PROCEDURE FOR OBTAINING PERMIT**

- 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 or 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 period longer than three (3) consecutive days and no person may be granted more than three (3) Garage Sales 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 violation 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.

**EXEMPTIONS**

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

- (A) Persons selling goods pursuant to an order 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.

**SECTION 4**

**VIOLATIONS AND PENALTIES**

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 <sup>st</sup> offense within a 3-year period*	\$ 50.00
2 <sup>nd</sup> offense within a 3-year period*	\$125.00
3 <sup>rd</sup> offense within a 3-year period*	\$250.00
4 <sup>th</sup> or subsequent offense in a three-year period*	\$400.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

**SECTION 5**

**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

## **SECTION 6**

### **REPEAL**

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

## **SECTION 7**

### **EFFECTIVE DATE**

This ordinance shall take effect 30-days after publication as required by law.