

TOWNSHIP OF LAKE
GARAGE SALE ORDINANCE

Ordinance No. 2015-01

An ordinance to regulate garage sales within the Township by establishing a permit requirement, providing the manner in which a garage sale may be conducted, prohibiting certain conduct, allowing exemptions, making violations civil infractions, providing a penalty for violations, and repealing the previous Garage Sale Ordinance.

THE TOWNSHIP OF LAKE ORDAINS:

Section 1: Garage Sale Defined. As used in this ordinance, “garage sale” means a home business conducted within or on premises used as a residence for the purpose of transferring ownership of tangible personal property of the resident and/or owner to a purchaser.

Section 2: Permit Required. No property or premises in the township shall be used for the purpose of conducting a garage sale thereon unless the owner or occupant of such property or premises first obtains a permit therefore from the township office. Such permit shall be known as “Garage Sale Permit”.

Section 3: Permit Application. The permit information to be filed with the Township office pursuant to this ordinance shall be as follows:

- (a) Date of application for permit;
- (b) The name of the person conducting the sale;
- (c) If the applicant is other than the owner, the name, signature and consent of the owner of the property on which the sale is to be conducted;
- (d) The location at which the sale is to be conducted;
- (e) The dates and number of days of the sale: (print size shall be at least 2” high for the dates);
- (f) The date and nature of any past sale in the same calendar year;
- (g) A statement of affirmation by the applicant that the information given is full and true; and
- (h) The signature of the applicant.

Section 4: Conduct Authorized. The permit shall authorize the Applicant thereof to conduct a garage sale on the subject premises for not more than three consecutive days, and the three consecutive days shall be specified on the permit. **The Permit shall be posted in a conspicuous place on the site at all times while the garage sale is being conducted.** After the expiration of such period, all personal property offered for sale shall be placed inside a structure and not within the view of the general public. The Township's approval of a Garage Sale Permit shall not be construed or interpreted as authorizing the Applicant or any person attending the garage sale to act in an unsafe or negligent manner. Likewise, the Township will not be held liable for damages for injury to an individual's person or property sustained as a result of operating or attending a garage sale.

Section 5: General Prohibitions. Garage sales shall not:

- (a) Be conducted on the same property more than three times in any calendar year.
- (b) Be conducted at any time other than daylight hours and further restricted to between 8:00 a.m. and 8:00 p.m.
- (c) Offer any merchandise for sale that has been purchased for the purpose of resale.

Section 6: Exemptions. The provisions of this Ordinance shall not apply to:

- (a) Regular business establishments in the Township where merchandise is sold or exchanged in the ordinary course of business.
- (b) Any person selling or advertising for sale any items of personal property which are specifically named or described in the advertisement, which separate items do not exceed five (5) in number.

Section 7: Violations and Penalties. A person who violates this ordinance is responsible for a municipal civil infraction subject to payment of a civil fee of not less than \$50.00 nor more than \$500.00, reimbursement to the Township for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. An increased civil fine may be imposed for repeated violations of any requirement or provision of this Ordinance. As used in this Ordinance, "repeat Offense" means a second (or any subsequent) municipal civil infraction (i) committed by the person within any 18 month period and (ii) for which the person admitted responsibility or has been

determined to be responsible. Repeat offenses under this ordinance shall be as follows:

- (a) The fine for the first repeat offense shall be no less than \$250.00, reimbursement to the Township for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (b) The fine for the second repeat offense shall be no less than \$500.00, reimbursement to the Township for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

Section 8: Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 9: Repeal. The former Lake Township Garage Sale Ordinance No. 97-1, as adopted on December 12, 1997, is hereby repealed in its entirety.

The undersigned Supervisor and Clerk of the Township of Lake hereby certify that this Ordinance was adopted by the Township Board on the 20th day of April, 2015 and was published in the Huron County View on the 30th day of April, 2015. This Ordinance shall become effective thirty (30) days after said date of publication.



Valerie J. McCallum, Township Supervisor



Claren Russell, Township Clerk

Adopted: April 20, 2015
Published: April 30, 2015
Effective: May 30, 2015