

CHAPTER 820
Garage Sales

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CROSS REFERENCES

Sales - see M.C.L.A. Secs. 440.2101 et seq.
 Secondhand dealers - see M.C.L.A. Secs. 445.401 et seq.
 Abandoned vehicle sales - see TRAF. 410.04(UTC Sec. 2.5g)
 Peddlers and solicitors - see B.R. & T. Ch. 856

820.01 GARAGE SALE DEFINED.

As used in this chapter, "garage sale" means a home business conducted within or on premises used as a residence for the purpose of transferring ownership of tangible property of the resident and/or owner to a purchaser, or a regularly established business in the Village where merchandise is sold or exchanged in the ordinary course of business.

(Ord. 820. Passed 3-21-94; Ord. 2006-08. Passed 9-11-06.)

820.02 PERMIT REQUIRED; FEE.

No property or premises in the Village 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 therefor from the Village office. Such permit shall be known as a "Garage Sale Permit." There shall be no fee charged for the first permit. The fee for every permit issued thereafter shall be two dollars (\$2.00).

(Ord. 820. Passed 3-21-94.)

**820.03 SCOPE OF PERMIT; PERIOD OF SALE; REMOVAL OF
PERSONAL PROPERTY FROM PUBLIC VIEW AFTER
PERMIT EXPIRATION.**

The permit shall authorize the purchaser 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. 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.

(Ord. 820. Passed 3-21-94.)

820.04 PERMIT APPLICATION.

The permit information to be filed with the Village office pursuant to this chapter shall be as follows:

- (a) The name of the person conducting the sale;
- (b) The name of the owner of the property on which the sale is to be conducted and the consent of the owner if the applicant is other than the owner;
- (c) The location at which the sale is to be conducted;
- (d) The number of days of the sale;
- (e) The date and nature of any past sale; and
- (f) A statement or affirmation by the applicant that the information given is in full and true.

820.05 GENERAL PROHIBITIONS.

(a) No garage sale shall be conducted on the same property more than five times in any twelve-month period.

(b) No garage sale shall be conducted at any time other than between the hours of 8:00 a.m. and 8:00 p.m.

(c) No garage sale shall offer any merchandise for sale that has been purchased for purposes of resale.

(Ord. 820. Passed 3-21-94.)

820.06 EXEMPTIONS.

(a) A charitable, religious or fraternal organization, or a nonprofit corporation, shall be required to comply with the provisions of this chapter, except that it shall not be required to pay the two dollar (\$2.00) fee.

(b) The provisions of this chapter shall not apply to 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 in number.

(Ord. 820. Passed 3-21-94; Ord. 2006-11. Passed 9-11-06)

820.99 PENALTY.

(a) Municipal Civil Infraction. Whoever violates or fails to comply with any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased Civil Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) Municipal civil infraction violation of the same requirement or provision committed by a person within any eighteen-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Res. 96-117. Passed 12-9-96.)