



Village of Howard City
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GARAGE/YARD SALE PERMIT
PERMIT MUST BE POSTED AT SITE OF SALE
PER ORDINANCE 2018-03

Name: _____

Location of Sale: _____

Dates of Sale: _____

Do you plan on putting up signs? _____

If yes, where will they be placed? (see attached Ordinance copy for sign regulations) _____

Homeowner Signature: _____

Village Use Only

Number of Garage Sales for Current Fiscal Year: _____

Date Approved: _____

Approved By: _____

**VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN**

Councilmember Williams, supported by Councilmember Hacko, moved the adoption of the following ordinance:

ORDINANCE NO. 2018-03

**AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING
A NEW SECTION WHICH NEW SECTIONS SHALL BE
DESIGNATED AS SECTIONS 94.57 AND 94.58 OF SAID CODE.**

THE VILLAGE OF HOWARD CITY ORDAINS:

Section 1. Adoption of Ordinance. Chapter 94: Public Nuisances Section 94.57 to 94.58 of the Village Code is adopted to read in their entirety as follows:

GARAGE AND YARD SALES

SEC. 94.57 PURPOSE. It is the intent of this article to regulate and control the holding of garage and yard sales, as they may become nuisances and safety hazards if not so regulated, and so that residential areas do not become commercialized through a proliferation of such sales and similar commercial activity. The Village Council finds that repeated sales of various types of personal property made from residential premises wherein newspaper advertisements, signs, or other means of notification inviting the general public to shop at such residential premises where the property is displayed for sale in the garage, an outbuilding, in the yard area, in the dwelling, or all or a combination of such locations, have become a nuisance and safety risk to the community. The council finds that locations where successive sales occur create vehicular traffic problems, detract from the tranquility and privacy of neighborhoods, and provide an outlet to market stolen goods. The council further finds that this article offers the minimum regulation necessary to protect the health, safety and welfare of this community in such regard. For the purposes of this article, the term “garage sale” shall include the terms “basement sale,” “attic sale” or other type of so-called residential sale of used tangible personal property such as clothing, household effects, tools, garden implements, toys, recreation equipment or other used or second-hand items customarily found in and about the home and advertised in a manner whereby the public at large is, or can be aware of or invited to, such sale.

Sec.94.58 REQUIREMENTS, TIME, MANNER, AND PLACE OF CONDUCTING, ECT.

It shall be unlawful and punishable as a misdemeanor for any person to expose for sale, offer for sale, or sell personal property from residentially zoned or used land except as consistent with the following provisions:

(A) As a lawfully authorized home occupation pursuant to the Village's adopted zoning ordinance.

(B) At a garage or yard sale properly authorized and conducted as follows:

(1) The personal property exposed for sale, offered for sale, or sold is owned by an occupant of the residential dwelling involved, and may reasonably be considered an isolated, nonrecurring sale of household property, motor vehicles, tools, sporting equipment, or clothing or similar items.

(2) For purposes of this article, the occupant or occupants of the residential land involved in any exposure, offer or sale of personal property regulated by this article, is deemed to be the person or persons exposing, offering, or selling such personal property.

(3) No more than three non-consecutive garage sales may be conducted from a residential lot within a calendar year.

(4) An occupant of residential land desiring to conduct a garage or yard sale from residential land within the calendar year shall apply for a permit through the Village Clerk's Office not less than seven days prior to the commencement of the sale.

(5) During the days and hours of the sale only, the permitted may place not more than four signs not in excess of four square feet each, upon private property only, advertising the location, dates and time of the permitted garage or yard sale. No sale shall be more than three consecutive days in duration, and no sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.

(6) Except as otherwise provided herein, the garage or yard sale shall be conducted only by the occupant and no merchandise of any nature shall be brought in from any other source in connection with such sale.

(7) By the granting of the permit and the conducting of any garage or yard sale, the permitted consents to an inspection of the personal property exposed for sale, offered for sale or sold, which inspection may be made by any officer, agent or employee of the Village at any time during the hours of the sale.

(C) The Village Council may permit a "block sale" or "Village-wide" sale for three consecutive days twice in any calendar year, upon such terms and conditions as may be necessary to preserve health, safety and welfare. Except as otherwise permitted by the Village Council, such block or Village-wide sale shall comply with the provisions of this article.

(D) Upon application by more than one but less than three persons, such individuals may apply to conduct a joint or cooperative garage sale on a single residential lot designated in the application and, in so doing, may convey their respective personal property to the site of the sale and there offer, display, and sell such property. Such joint or cooperative sale must in all other ways comply with this article. Such joint or cooperative sale shall, for purposes of determining the number of garage sales conducted by an individual during a calendar year, be counted as a garage sale for each individual involved in the cooperative sale and applied against their allowed two individual sales per calendar year.

(E) Upon application of an occupant or occupants and for good cause shown, the Village Council may grant exceptions from the foregoing provisions upon majority vote, or may vary the terms or conditions of any sale, or may impose other or additional conditions or requirements or fees, or may interpret any of the terms or intent of this article, provided that in no instance shall any sale be permitted which creates an unnecessary annoyance or inconvenience to the surrounding neighborhood.

This article shall not apply to a sale specifically authorized by statute or judicial order and conducted strictly in conformity with such statute or order, or conducted under judicial supervision, such as an estate sale.

Section 2. Effective Date. This ordinance shall be published as required by law and shall become effective twenty (20) days after its adoption.

Yeas: Bassett, Smith, Hagstrom, Heckman, MacTavish, Williams, Hacko

Nays: None

Absent: None

ORDINANCE NO. 2018-03 DECLARED ADOPTED.

Introduced: February 19, 2018

Adopted: March 19, 2018

Published: March 26, 2018

Effective: April 8, 2018