

CITY OF POTTERVILLE
EATON COUNTY, MICHIGAN
ORDINANCE NO. 13-236

AN ORDINANCE TO AMEND THE CODE OF THE
CITY OF POTTERVILLE BY AMENDING
CHAPTER 28, ARTICLE II, SECTIONS 28.31 – 28.35
AND ADDING SECTION 28.36 ENTITLED
SECONDHAND GOODS, GARAGE SALES

CHAPTER 28
SECONDHAND GOODS

ARTICLE I. IN GENERAL
Secs. 28-1 – 28-30. Reserved.

ARTICLE II. GARAGE SALES

Sec. 28.31 Purpose and intent

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.

Sec. 28-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Front yard means the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the building.

Garage sale means and includes the public sale of any new or used tangible personal property which is conducted at a private residence in a residentially zoned district and which is advertised by any means, and shall include, by example and not by way of limitation, all sales entitled “garage sale,” “yard sale,” “lawn sale,” “attic sale,” or “rummage sale,” when conducted on a private residence **and shall not include the sale of a single automobile by means of a “for sale” sign in the window.**

(Ord. No. 100, § 1, 7-11-1977)

Cross reference – Definitions generally, § 1-2.

Sec. 28-33. Conduct of sales.

No person or family shall conduct any garage sale within the city except pursuant to the following regulations:

- No more than two garage sales may be conducted at any residential premises within any one calendar year **without express approval of the planning commission**

- (2) No garage sales may be conducted, nor any goods publicly displayed, for a period of more than 72 consecutive hours.
- **No wholesale sales shall be made at any garage or yard sale**
- **No salesmen's or free samples or the like shall be sold at any garage or yard sales.**
(Ord. No. 100, § 2, 7-11-1977)

Sec. 28-34. Permit required; display.

- It shall be unlawful for any person to conduct a garage sale in the city without first filing with the clerk the information specified in this article and obtaining from such clerk a permit to do so, to be known as a garage sale permit.
- Each permit issued under this article must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the permitted sale.
- All signs posted must be removed within 24 hours after the close of the garage sale.
- No signs shall be posted on city property. Telephone or light poles.
- All garage sale signs must follow the provision of the zoning ordinance appendix 1-4 section 19.07
(Ord. No. 100, § 3, 7-11-1977)

Sec. 28-35. Filing of information.

The information to be filed with the clerk pursuant to this article shall be as follows:

- The name of the person conducting the sale.
- 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.
- The location at which the sale is to be conducted.
- The number of days of the sale.
- The entry and nature of any past sale.
- Whether or not the applicant has been issued any other vendor's license by any local, state, or federal agency.
- A sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.
(Ord. No. 100, § 4, 7-11-1977)

Sec. 28-36 Hours, Parking; Noise

- **No garage or yard sale shall continue later than ½ hour after sunset nor begin prior to 8:00 am**
- **No garage or yard sale shall be situated so as to obstruct traffic, nor shall any sale patrons park their vehicles so as to obstruct traffic**
- **Excessive noise emanating from the area of the garage or yard sale is expressly prohibited.**

THIS ORDINANCE SHALL TAKE EFFECT 45 DAYS AFTER PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY OF POTTERVILLE.

THE FOREGOING ORDINANCE WAS INTRODUCED ON MAY 16, 2013 AT A REGULAR MEETING OF THE POTTERVILLE CITY COUNCIL BY M. STORIE AND SECONDED BY L. AMEY AND A PUBLIC HEARING WAS SCHEDULED FOR JUNE 20, 2013.

AT A REGULAR MEETING OF THE CITY COUNCIL ON JULY 18, 2013, L. AMEY MADE A MOTION TO ADOPT ORDINANCE # 13-236 GARAGE SALES. R. NORMAN SECONDED.

YEAS: D. HARTSON, L. AMEY, J. BUSSARD, J. FRENCH, K. ANTCLIFF, R. NORMAN
NAYS: NONE

ATTEST:

Brandi Brace – Potterville City Clerk