

CHAPTER 33.5

SALES

Art. I. In General. §§ 33.5-1-33.5-20

Art. II. Personal Property Sales, §§ 33.5-21-33.5-40

Art. III. Insurance, Bankruptcy, Etc., Sales, §§ 33.5-41-33.5-42

ARTICLE I. IN GENERAL

Secs. 33.5-1-33.5-20. Reserved.

ARTICLE II. PERSONAL PROPERTY SALES*

Sec. 33.5-21. Purpose.

It is the intent of this article to regulate the term and frequency of personal property sales within residential areas so that the residential environment of such areas is not disturbed or disrupted, and prohibit the infringement of any businesses into such established areas. It is not the intent of this article to seek control of sales by individuals selling a few of their household or personal items. (Ord. of 7-19-82)

Sec. 33.5-22. Definitions.

For the purpose of this article, the terms “garage sale” “yard sale,” “basement sale,” “rummage sale,” “lawn sale,” “flea market sale,” etc., shall mean any sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in the ordinances of the city advertised by any means whereby the public at large is or can be aware of such sale. (Ord. of 7-19-82)

*Editor’s note – An ordinance adopted July 19, 1982, did not specifically amend this Code; hence its inclusion as 33.5-21 – 33.5-27 was at the discretion of the editor.

Sec. 33.5-23. Conducting, promoting, advertising sale without license or permit declared unlawful.

It shall be unlawful for any person, organization, corporation, partnership or association of whatever description, to conduct, advertise or promote any sales of food; secondhand, damaged or discarded property of whatever description upon any property, public or private, within the city unless properly licensed as provided by this article or further permitted herein. (Ord. of 7-19-82).

Sec. 33.5-24. Permit required application; contents; fee.

It shall be unlawful for any owner, tenant or lessee of a residence or charitable institution to conduct, advertise or promote a sale as hereinabove defined unless a permit is obtained as provided herein.

- (a) A written application shall be filed with the city clerk on the forms prescribed by said clerk and shall contain the following:
 - (1) Name and address of the person, association, or organization conducting said sale.
 - (2) Location at which said sale is to be conducted.
 - (3) The dates which the said sale is to be conducted within the limits hereinafter prescribed.
 - (4) A description of the items proposed to be sold.
 - (5) The date, nature and location of any past sale conducted by the applicant.
- (b) An affidavit signed by the applicant affirming that the items to be sold are the sole property of such applicant and were not purchased for resale must be filed with the application.
- (c) The applicant shall pay the sum of ten dollars (\$10.00) for the issuance of the sale permit to the city clerk at the time of filing the application. (Ord. of 7-19-82)

Sec. 33.5-25. Length of sale; display of permit; display of items.

- (a) Any sale as described in this article shall not be conducted for any period in excess of three (3) consecutive days within six (6) calendar months, provided, however, that an additional permit may be issued by the city clerk during said six-month period if the applicant is in the process of moving into or out of the city, however, the city clerk may not issue in excess of two (2) additional permits during the six-month period for any reason.
- (b) The permit authorizing such sale shall be displayed in the front window or other prominent place, clearly visible from the street, at each location where a sale is being conducted.
- (c) The items offered for sale shall not be displayed in the front or side yards of such premises. (Ord. of 7-19-82)

Sec. 33.5-26. Signs

- (a) One sign may be erected advertising such sale on the premises of the sale and must be removed immediately at the end of the third day.
- (b) Said sign shall not be in excess of six (6) square feet and shall not be illuminated in any manner whatsoever except incidentally by streetlights or house lights.
- (c) No such sign shall be placed on public property, and such sign may only be placed on private property of another with the consent of that property owner. (Ord. of 7-19-82)

Sec. 33.5-27. Penalty for violation.

Any person or persons found guilty of having violated this article shall be subject to a fine of not more than fifty dollars (\$50.00) plus costs, and in the event such fine and costs are not paid, may be subject to imprisonment for a period not to exceed five (5) days. (Ord. of 7-19-82)

Secs. 33.5-28 – 33.5-40. Reserved.

ARTICLE III. INSURANCE, BANKRUPTCY, ETC. SALES*

Sec. 33.5-41. Incorporation of statutes.

Act 39 of the Public Acts of 1961 (Michigan Compiled Laws 442.211 et seq.; Michigan Statutes Annotated 19.401(1) et. seq.) is incorporated herein by reference. (Ord. of 7-19-82)

Sec. 33.5-42. License required fee.

- (a) As provided by state statute and this article, no person shall advertise, represent or hold out that any sale of goods is an insurance, bankruptcy, mortgage, insolvent, assignees, executors, administrators, receivers, trustee, removal or sale, going out of business or sale of goods damaged by fire, smoke, water or otherwise unless he first obtains a license to conduct the sale from the city clerk. This article does not apply to any sales by a person regularly engaged in insurance to salvage sale of goods, or the sale of goods which have been damaged by fire, smoke, water or otherwise who acquired the goods for the account of others as a result of fire or other casualty.
- (b) A licensing fee shall accompany an application for the license and for the renewal of a license as provided by state statute. (Ord. of 7-19-82)

Editor's note – An ordinance adopted July 19, 1982, did not specifically amend this Code, hence its inclusion as 33.5-41 and 33.5-42 was at the discretion of the editor.