

## ARTICLE I. IN GENERAL

### Sec. 62-1. Registration fee for precious metal and gem dealers.

Every dealer, as defined in section 2(b) of Act No. 95 of the Public Acts of Michigan of 1981 (MCL 445.482(b), MSA 19.720(2), (b)), shall pay a fee as set by resolution of the city council to cover the cost of processing and issuing the certificate of registration required by such act.

(Ord. No. 81-215, § 2.1, eff. 10-29-1981)

**State law reference**—Precious metal and gem dealers, MCL 445.481 et seq., MSA 17.720(1) et seq.

### Secs. 62-2—62-30. Reserved.

## ARTICLE II. GARAGE SALES IN RESIDENTIAL DISTRICTS\*

### Sec. 62-31. 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:

*Garage sale, lawn sale, yard sale, attic sale, rummage sale and flea market sale* mean any sale of used tangible personal property not otherwise regulated in the city ordinances, advertised by any legal means whereby the public at large is or can be made aware of such sale. Such sale shall only be conducted in residential districts from property that has been developed with a residential building.

*Goods* means any used goods, warehouse merchandise or other property capable of being the object of a sale regulated under this article.

(Ord. No. 74-136, § 1, eff. unknown; Ord. No. 80-203, § 1, eff. 8-7-1980)

**Cross reference**—Definitions generally, § 1-2.

### Sec. 62-32. Penalty.

A person who violates any provision of this article is responsible for a municipal civil infraction and subject to the sanctions of chapter 1, section 1-13.

(Ord. No. 74-136, § 6, eff. unknown; Ord. No. 99-119, § 1, eff. 12-19-99)

\***Cross reference**—Zoning, ch. 106.

### Sec. 62-33. Exceptions.

The provisions of this article shall not apply to or affect the following persons or sales:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any person selling or advertising for sale items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten in number.
- (4) Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been complied with.
- (5) Any sale regulated under provisions of any other ordinances of the city.
- (6) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city or under the protection of the presently nonconforming section thereof, or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in the ordinances of the city.
- (7) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization; provided, however, that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.

(Ord. No. 74-136, § 5, eff. unknown)

### Sec. 62-34. License required.

A license issued by the city clerk shall be obtained by any person before selling or offering

to sell any goods at a sale to be advertised or held out by any means to be one of the types of sales enumerated in section 62-31.

(Ord. No. 74-136, § 2, eff. unknown)

**Sec. 62-35. Application for license; license fee; maximum number of sales per year.**

(a) An application for a license for any of the sales regulated under this article shall be made at the office of the city clerk on a form to be provided therefor, which application shall contain the following information:

- (1) The name of the person conducting the sale.
- (2) The location at which the sale is to be conducted and the date and nature of any prior sales conducted at the same location.
- (3) The dates during which the sale is to be conducted by the applicant.
- (4) The date, nature and location of any past sale conducted by the applicant.
- (5) The relationship or connection the applicant may have had with any other person conducting any such sale, and the date of such sale.

(b) A license fee in the amount set by resolution of the city council shall be paid to the city at the time an initial application is made during any 12-month period for such license. A license fee in the amount set by resolution of the city council shall be paid to the city at the time a second application is made during any 12-month period for such license by any person or by a member of the initial applicant's family or household. A license fee as set by resolution of the city council shall be paid to the city at the time the third such license is issued. During a 12-month period no more than three licenses shall be granted. For the purposes of this article, a 12-month period shall constitute a calendar year. For a sale conducted during the Strawberry Festival or Fourth of July activities, the license fee shall be as set by reso-

lution of the city council. The annual citywide yard sale shall be excluded from the maximum number of licenses for a 12-month period.

(Ord. No. 74-136, § 3, eff. unknown; Ord. No. 89-260, eff. unknown)

**Sec. 62-36. Conduct of sale.**

(a) *License to be obtained prior to holding or advertising sale.* No person shall conduct, advertise or promote any sale regulated by this article without a license issued pursuant to this article.

(b) *Signs.* No signs advertising a sale regulated by this article shall be placed on public property or on private property without the express consent of the owner. Within 24 hours after the conclusion of a sale, all signs shall be removed. No signs shall be posted in violation of any ordinance of the city.

(c) *Duration of sale.* No license shall be issued authorizing any such sale to be conducted for a period longer than three days.

(d) *Display of license.* The license 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.

(Ord. No. 74-136, § 4, eff. unknown)