

## ARTICLE XIV. GARAGE AND YARD SALES

### Sec. 7-310. Purpose and intent.

The city 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 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 finds that two sales periods of not more than two days each from any single residential premises do not have an adverse effect on the community. 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.

(Ord. No. 795, § 1, 6-8-87)

### Sec. 7-311. Requirements; time, manner and place of conducting, etc.

(a) It shall be unlawful and punishable as a misdemeanor for any person to expose for sale, offer for sale, or sell personal property from residential land, except in the following manner:

(1) At a garage or yard sale properly authorized and conducted as provided in this article.

(2) At 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.

(3) 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.

(4) The personal property exposed for sale, offered for sale or sold is displayed upon land which is exempt from taxation under 1893 PA 203, as amended, and the proceeds of the sale are applied to a charitable, religious, or governmental purpose.

(b) For purposes of this article, it shall be presumed that the occupant or occupants of the residential land involved in any exposure, offer or sale of personal property regulated by this article, is the person or are the persons exposing, offering, or selling such personal property. If the land from which the sale is conducted is vacant, it shall be presumed that the owner of record as reflected in the Office of the Oakland County Register of Deeds is the person exposing such personal property.

(c) For purposes of the article, the occupants of the residential property involved in any exposure, offer or sale of personal property regulated by this article shall have the burden of proof in demonstrating any claim of exemption under subsections (a)(2), (a)(3), (a)(4) of this section.

(d) A garage or yard sale, as provided in subsection (a)(1) of this section shall be authorized only in the following manner and under the conditions stated:

(1) Two garage sales may be conducted from a residential lot within a calendar year.

- (2) An occupant of residential land desiring to conduct a garage or yard sale from residential land within the calendar year shall notify the city clerk in writing not less than seven days prior to the commencement of the sale, by providing the following information:
- a. The full name, date of birth, Michigan driver's license, residence address, and telephone number of the individual conducting the sale.
  - b. The date and time the sale will begin and date and time the sale will end. (No sale shall be more than two days in duration; no sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m. on any day; and all sales must be held within 21 days of the date notice thereof is received by the city clerk.)
  - c. A certification by the occupant that not more than one garage or yard sale has been conducted on the premises during the calendar year, and if any garage or yard sale has been conducted, the occupant shall state the date or dates of such sales.
- (3) The receipt of the notice with the city clerk as provided in subsection (d)(2) above shall constitute a permit to conduct such sale, provided occupant complies with all requirements of this article. The clerk shall stamp the date and time of receipt upon each notice.
- (4) During the days and hours of the sale only, the permittee 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 two consecutive days in duration, and no sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.
- (5) 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.
- (6) By the granting of the permit and the conducting of any garage or yard sale, the occupant-permittee 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 city at any time during the hours of the sale, upon prior notice of such inspection.
- (e) 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.
- (f) Upon application of the majority of residents of any block, by signed petition made to the city council, the council may permit a "block sale" for two consecutive days once in any calendar year, upon such terms and conditions as may be necessary to preserve health, safety and welfare. Such application shall be filed with the city clerk. Such block sales shall otherwise comply with subsections (d)(4) and (d)(5) of this section.
- (g) Upon application by more than one but less than three persons, made in the manner required by subsection (d) above, such individuals shall be entitled to conduct a joint or cooperative garage sale on the 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.

(h) Upon application of an occupant or occupants and for good cause shown, the city council may by resolution grant exceptions from the requirements of this article, 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.

(Ord. No. 795, § 1, 6-8-87)

Secs. 7-312--7-320. Reserved.