

**HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

GARAGE, YARD & VEHICLE SALES ORDINANCE

ORDINANCE NO. 64

ADOPTED: June 13, 2005

EFFECTIVE: July 28, 2005

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Heath Township, Allegan County, Michigan, a municipal corporation, by the regulation of garage, yard, porch and multiple household goods sales, and by regulating and limiting the outdoor sales of two or fewer used cars or other items of personal property on premises with residential use; and to repeal of all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF HEATH
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

NAME

This Ordinance shall be known as the Heath Township Garage, Yard and Vehicle Sales Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to regulate and limit the number of garage, yard, porch and multiple household goods sales, to regulate and limit the outdoor sales of two or fewer used motor vehicles or items of personal property on premises with residential use and to limit the distraction that used motor vehicle sales and garage, yard and porch sales place upon the community.

SECTION III

DEFINITIONS

1. The term "garage sale" as utilized herein means the sale of personal property conducted in or near a residence under cover, in a garage, partially under cover, or completely outside of any building, in the open. The term shall include garage sales, patio sales, yard sales, rummage sales or other similar sales. Garage sales shall not include indoor or outdoor sales in areas of the Township with industrial or commercial uses. The term "garage sale" shall not include a farm stand or roadside stand at which produce or flowers grown on the

premises are offered seasonally for sale as permitted by the Heath Township Zoning Ordinance.

2. The term Used motor vehicle as utilized herein means a passenger vehicle, van, minibus, bus, truck, motorcycle, recreational vehicle or other motorized vehicle suitable for driving upon the public roads and eligible for licensure by the Secretary of State of Michigan for that purpose, whether said vehicle is actually licensed or not, which is not being offered for sale by a new car or truck dealership and which has been driven over 25 total miles. Motor vehicle includes a semi-truck tractor but does not include an all-terrain vehicle.
3. The term Items of personal property as utilized herein means chattels, goods and other tangible items including but not limited to machinery and equipment not regularly driven upon the public highways of this state and not eligible for licensure by the Michigan Secretary of State, whether licensed or not and whether operable or not, including farm implements, mini-bikes, bicycles, machinery and equipment and all-terrain vehicles, household items, furniture, appliances, motor vehicle and equipment parts, exercise equipment, recreational equipment, boats, trailers, building materials, windows, carpeting and similar items. The term "items of personal property" does not include produce or flowers grown on the property at which they are offered for sale.

SECTION IV

GARAGE SALE REGULATIONS

1. Garage sales may be held by individuals or groups of individuals, or by non-profit organizations including but not limited to fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, churches, church auxiliary organizations, student groups and parent-teacher organizations.

2. Garage, yard, basement and multiple household goods sales shall be allowed on premises within the Township containing dwellings or residential uses subject to the following conditions and limitations:

- (a) No sales shall continue for a period of more than three (3) days.
- (b) No more than three (3) such sales may be conducted per calendar year from the same premises.
- (c) Sale hours are limited to between 8:00 a.m. and 8:00 p.m. daily.
- (d) All merchandise offered for sale shall not be stored outdoors except during the hours of the sale.
- (e) Signs for such sales shall be permitted subject to the limitation that they must be removed within 24 hours of the conclusion of the sale.
- (f) Within 24 hours of the close of the sale all items not sold or being held for pickup shall be placed inside a fully enclosed building.

- (g) No such sales shall be conducted in such a manner as to constitute an unreasonable nuisance to the neighborhood due to noise, traffic, lighting, hours of operation or the nature of the merchandise offered.

SECTION V

USED MOTOR VEHICLE SALES REGULATIONS

1. No more than two used motor vehicles as defined herein may be parked, stored and offered for sale upon residential premises. No more than two used motor vehicles may be parked or stored in the yard of a residential premises and offered for sale under the following conditions:
 - (a) Such vehicle is for sale by the owner or occupant of the premises, provided that not more two such vehicles may be allowed upon any premises at any one time pursuant to this section, and provided that such vehicle shall at all times comply with all of the following restrictions:
 - (i) Any such vehicle shall be operable.
 - (ii) Any such vehicle shall have posted upon it a "For Sale" sign stating the telephone number or other means of locating the vehicle owner.
 - (iii) Any such vehicle shall not remain stored upon the premises for more than thirty days.
 - (iv) No more than four used motor vehicles shall be offered for sale in a single calendar year at each residential premises.
2. These provisions do not apply to a personal vehicle used for transportation on a daily basis which has a "for sale" sign on it but is otherwise stored or parked in the driveway or garage and is not displayed for sale by means of parking or storing for more than 24 consecutive hours.

SECTION VI

REGULATIONS FOR THE OUTDOOR SALES OF PERSONAL PROPERTY

1. Outdoor display and sale of two (2) or fewer used motor vehicles or two (2) or fewer other items of personal property shall be allowed on a premises within the Township containing dwellings or residential uses subject to the following conditions:
 - (a) No more than two (2) used motor vehicles or two (2) other items of personal property may be placed for sale at any one time;
 - (b) No items of personal property may be placed or displayed for sale at a given premises for more than 10 consecutive days.
 - (c) No more than four (4) such sales may be conducted per calendar

year from the same premises.

- (d) The used motor vehicles and/or other items of personal property must be owned by the owner or occupant of the real property on which the sale is conducted.
- (e) Signs for such the sale of personal property shall be subject to the following limitations:
 - (i) There shall be no more than one (1) such sign for each used motor vehicle or other item of personal property being offered for sale.
 - (ii) All such signs shall be located on the same premises as the item(s) being offered for sale.
 - (iii) No such sign may exceed six (6) square feet in area.
 - (iv) All such signs shall be removed within 24 hours of the conclusion of the sale.

SECTION VII

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Heath Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VIII

SEVERABILITY

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IX

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect thirty (30) days following publication after adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Sheila Meiste, Clerk
Heath Township**