

**VILLAGE OF ROSCOMMON
ORDINANCE 19**

An Ordinance to establish regulations on the frequency and length of outdoor sales, to include yard sales.

SECTION 1. Short title

This ordinance may be referred to as the Yard Sale Ordinance.

SECTION 2. Definition

1. "yard sale" shall mean the offering for sale of any item or items from an accessory building on a residential lot; outdoors on a residential or commercial lot; or under a temporary structure or shelter placed on a residential or commercial lot. Included, but not limited to, under this definition are such terms as: garage sale, porch sale, estate sale, and any kind of outdoor auction.

2. "merchandise" shall mean any item that is offered for sale, barter, exchange or give away (free).

SECTION 3. Times and duration of sales

A yard sale shall be permitted on any one parcel or lot of property only three (3) times during any one calendar year, and at no time shall such sale have a duration of more than three (3) days.

Single pieces of merchandise shall be permitted for sale on any one parcel or lot of property only three (3) times during any one calendar year, at no time shall such sale have a duration on more than seven (7) days.

SECTION 4. Signs

Yard sales

Four (4) lead-in signs and one (1) on premises sign are permitted subject to the following:

- a. The lead-in signs may only be displayed on the actual sale dates.
- b. The on-premises sign may be displayed for two (2) days before the sale and during the sale.
- c. No sign may be larger than 18" by 18".
- d. Each sign must contain the permit number, the name of the person the permit was issued to, the address of the sale, the telephone number to reach the permit holder, and the dates of the sale.
- e. All signs must be removed immediately at the close of the sale.
- f. Signs in violation of a-e may be removed by the Village with a pick up charge to be assessed the permit holder. The Village Council shall set the amount of the pick up charge.
- g. Signs are not to be placed on any utility pole, public right-of-way or Village property.

Single items

One sign on premises is permitted, subject to the following:

- a. Sign must be displayed on the item being sold.
- b. No sign may be larger than 18" by 18".
- c. Each sign must contain the permit number, the name of the person the permit was issued to, the address of the sale, the telephone number to reach the permit holder, and the dates of the sale.
- d. All signs must be removed immediately at the close of the sale. Signs that are not removed at the close of the sale may be removed by the Village DPW employees, with a pick up charge to be assessed the permit holder. The amount of the pick up charge shall be set by the Village Council.

SECTION 5. Permits

A permit for any yard sale, or single items sale shall be obtained from the Village offices, during normal business hours. Permits shall be posted on the premises in a conspicuous place, visible from the road, at all times any signs advertising the sale are displayed or the sale is in progress. Permit fees may be set by council resolution.

SECTION 6. Dangerous conditions - Revocation of permit

The property owner must assume responsibility for parking. If traffic on any road is impeded or a dangerous condition develops on any road, the Village of Roscommon may revoke the permit and close the sale for the balance of that day. Refusal to close the sale shall be a violation of this ordinance.

SECTION 7. Exemptions

Merchandise that is part of the stock and trade of a commercial establishment registered for business within the Village of Roscommon is exempt from this ordinance.

Motor vehicles, recreational vehicles, trailers and similar type of items offered for sale within a residential area are exempt from this ordinance under the following guidelines:

- a. For Sale sign must be on the vehicle being sold.
- b. Vehicle/trailer must be parked either on an established driveway or adjacent to the side of a home, not encroaching within 18 feet of the traveled edge of a roadway.

SECTION 8. Waiver

The Roscommon Village Council reserves the right to waive permit applications for individuals involved in outdoor sale events, which are sponsored by a registered, non-profit organization. Any event receiving a waiver of permitting shall not run for longer than four (4) days.

SECTION 9. Enforcement

When a complaint is received and it has been verified that a violation of this ordinance exists, any person violating any provisions of this Ordinance shall be responsible for a civil infraction. The penalty for the first offense shall be \$30.00 and for the first repeat offense, \$50.00. Repeat offense shall be defined as a violation of said ordinance, which has been ticketed for within the past 5 days. For any second or subsequent repeat offense, the fine shall be no more than \$100.00. It shall be the duty of the Village Manager of the Village of Roscommon, or authorized representative, to enforce the provisions of this Ordinance. If, after investigation, the Village Manager, or authorized representative, determines that a violation of this Ordinance exists, he shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994.

Permitting a violation of the Ordinance on private premises is hereby declared to constitute a nuisance per se. Upon application to any court of competent jurisdiction, the Court may order the nuisance abated and/or the violation restrained and enjoined. The enforcement of the Ordinance by abatement of any nuisance by the enforcing officer or by application to any court of competent jurisdiction for abatement by judicial decree or writ shall not preclude enforcement of the Ordinance by the issuance of a municipal civil infraction and the imposition of fine and costs. Complaint for violation of this Ordinance and the imposition of fine or imprisonment as herein provided.

SECTION 10. Repealer

All ordinances or parts of ordinance in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 11. Severability

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

SECTION 12. Effective Date

This Ordinance shall become effective in the Village of Roscommon following adoption by the Village Council and two weeks after publication.

ADOPTED: November 13, 1997
PUBLISHED: November 23, 1997
EFFECTIVE: December 8, 1997
AMENDED: April 8, 2010

Kathryn V. Murphy