

**CITY OF CORUNNA
ORDINANCE NO. 10-05**

AN ORDINANCE TO REPEAL CHAPTER 34 – ENVIRONMENT, ARTICLE V. GARAGE SALES (Sections 34-120 through 34-124) IN ITS ENTIRETY AND REPLACE IT WITH CHAPTER 34 – ENVIRONMENT, ARTICLE V. GARAGE SALES, Section 34-120 (Purpose and intent), Section 34-121 (Definitions), Section 34-122 (Exemptions), Section 34-123 (Conditions), Section 34-124 (Enforcement).

THE CITY OF CORUNNA ORDAINS:

CHAPTER 34 – ENVIRONMENT, ARTICLE V. GARAGE SALES Section 34-120 (Purpose and intent), Section 34-121 (Definitions), Section 34-122 (Exemptions), Section 34-123 (Conditions), Section 34-124 (Enforcement), OF THE CITY CODE OF THE CITY OF CORUNNA, MICHIGAN, shall be as follows:

ARTICLE V. GARAGE SALES.

~~Sec. 34-120. 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 invite 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 and detract from the tranquility and privacy of neighborhoods. The council finds that a limited number of occasional sales from any 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.~~

~~Sec. 34-121. Definitions.~~

~~(a) For the purpose of this article, the term "occasional sale" shall mean and include "garage sale", "basement sale" and "rummage sale" and any similar terms such as "attic sale", "lawn sale", "flea market sale", "estate sale", or any similar "casual sale", etc.; shall mean sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in this Code, advertised by any means whereby the public at large is or can be aware of such sale.~~

~~(b) For the purpose of this article, the term "person" shall mean and include individuals, groups, organizations, partnerships, voluntary associations and corporations.~~

~~Sec. 34-122. Exemptions.~~

~~(a) Three occasional sales by persons selling household or personal items belonging to them (subject to the conditions listed under section 34-123), or to any sale regulated under any other provisions of ordinances of the city. Home occupations regulated under chapter 86 of this Code are specifically distinguished from this exemption through: the prohibition of yard or window displays~~

~~for home occupations; the size restrictions of the occasional sale; the limitation of occasional sale items to used, secondhand, damaged or discarded materials; and the restrictions against persons seeking on-site services or products from home occupations.~~

~~(b) 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.~~

~~(c) For the personal property exposed for sale, offered for sale or 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.~~

~~Sec. 34-123. Conditions.~~

~~An occasional sale shall be authorized only in the following manner and under the conditions stated:~~

~~(1) Two occasional sales may be conducted from any lot occupied for residential purposes within a calendar year with no sale to last more than three consecutive days in duration.~~

~~(2) No sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.~~

~~(3) During the day and hours of the sale only, a person may place not more than three signs, not in excess of four square feet each, upon private property only, advertising the location, dates and time of the garage sale.~~

~~(4) The existence of signs in violation of the provisions of subsection (3) above shall be prima facie evidence of a violation of this chapter by the occupants of the premises whose location is indicated by said signs.~~

~~Sec. 34-124. Enforcement.~~

~~Any police officer of the city and/or the building inspector shall enforce this article by confiscating any signs erected in violation of chapter 58 ordering the cessation of any sale being conducted in violation of this article or directing any other necessary corrective action. Any police officer or the building inspector is authorized to issue an appearance ticket for violation of this article.~~

SECTION I. Sec. 34-120. 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 invite 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 and detract from the tranquility and privacy of neighborhoods. 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.

SECTION II. Sec. 34-121. Definitions.

(a) For the purpose of this article, the term "occasional sale" shall mean and include "estate sale", "auction sale", "garage sale", "basement sale", "rummage sale" and any similar terms such as "attic sale", "lawn sale", "flea market sale", or any similar "casual sale", etc., shall mean sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in this Code, advertised by any means whereby the public at large is or can be aware of such sale.

(b) For the purpose of this article, the term "person" shall mean and include individuals, groups, organizations, partnerships, voluntary associations and corporations.

SECTION III. Sec. 34-122. Exemptions.

(a) Two (2) occasional sales by persons selling household or personal items belonging to them or to any sale regulated under any other provisions of ordinances of the city. Home occupations regulated under chapter 86 of this Code are specifically distinguished from this exemption through: The prohibition of yard or window displays for home occupations; the size restrictions of the occasional sale; the limitation of occasional sale items to used, secondhand, damaged or discarded materials; and the restrictions against persons seeking on-site services or products from home occupations.

(b) 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.

(c) For the personal property exposed for sale, offered for sale or 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.

SECTION IV. Sec. 34-123. Conditions.

An occasional sale shall be authorized only in the following manner and under the conditions stated:

(1) Two (2) occasional sales may be conducted from any lot occupied for residential purposes within a calendar year with no sale to last more than five (5) consecutive days in duration. No such sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.

(2) Vehicle sales are restricted to privately owned and are allowed no more than two (2) times a year, thirty (30) consecutive days each occurrence, with a maximum of two (2) vehicles each time.

(3) Persons selling household or personal items visible to the public other than those items that fall under #1 and #2 of this section may do so not more than three (3) times a year, fifteen (15) consecutive days each occurrence with a maximum of two (2) items on display at any given time.

(4) During the day and hours of the sale only, a person may place not more than six (6) signs, not in excess of six (6) square feet each, upon private property only advertising the location, dates and time of the garage sale. No signs may be placed on another person's private property without first obtaining permission or in the city right-of-way.

(5) The existence of signs in violation of the provisions of subsection (3) above shall be prima facie evidence of a violation of this chapter by the occupants of the premises whose location is indicated by said signs.

SECTION V. Sec. 34-124. Enforcement.

Any police officer of the city and/or the building inspector shall enforce this article by confiscating any signs erected in violation of chapter 58 ordering the cessation of any sale being conducted in violation of this article or directing any other necessary corrective action. Any police officer or the building inspector is authorized to issue an appearance

SECTION VI. SEVERABILITY.

This Ordinance and the several sections, subsections, paragraphs, clauses and parts thereof are hereby declared to be severable. If any part of clause thereof is declared or adjudged invalid by present or future legislation or decree, the balance of the Ordinance shall not be affected thereby.

SECTION VII. CONFLICTING ORDINANCES REPEALED.

All Ordinances previously adopted and incorporated in the Code of the City of Corunna, Michigan, through codification procedures, or any existing Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

SECTION VIII. COPIES AVAILABLE.

This Ordinance may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

DATE OF PASSAGE: 08-02-10

DATE OF PUBLICATION: 08-06-10

EFFECTIVE DATE: 08-06-10

THE CITY OF CORUNNA

BY: _____
Charles Kerridge, Mayor

BY: _____
Nichole L. Cowdrey, City Clerk

STATE OF MICHIGAN }
 }ss.
COUNTY OF SHIAWASSEE }

I, Nichole L. Cowdrey, being Clerk of the City of Corunna, do hereby certify that the foregoing is a true and accurate copy of the City of Corunna **ORDINANCE NO. 10-05 passed on the 2nd day of August, A.D., 2010.** Further, I certify that I caused the same to be published in a local newspaper within fifteen (15) days after adoption by the Corunna City Council, Corunna, Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of August, A.D., 2010.

Nichole L. Cowdrey
Corunna City Clerk