

## **ORDINANCE NO. 97**

AN ORDINANCE TO REGULATE GARAGE SALES, LAWN SALES, ATTIC SALES, FLEA MARKET SALES OR OTHER CASUAL SALES, TO REQUIRE LICENSES THEREFOR, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

THE VILLAGE OF DECATUR ORDAINS:

**SECTION 1** – For the purpose of this Ordinance the terms, “Garage Sales, Lawn Sales, Attic Sales, and Flea Market Sales”, shall include and mean all types of residential sales of tangible personal property not otherwise regulated by the Village of Decatur, Michigan Ordinances, advertised by any means whereby the public at large is or can be made aware of each sale.

**SECTION 2** – No person, firm or corporation shall conduct any of the type of sales enumerated in Section 1 above without first obtaining a license therefor, for which a license fee in the sum of \$2.00 shall be paid.

**SECTION 3** – An application for a license for any of the sales regulated hereunder shall be made at the Village Clerk’s Office on a form to be provided therefore, which application shall contain the following information:

- A. Name of the person, firm or corporation conducting said sale.
- B. Location at which said sale is to be conducted and the date and nature of any prior sales conducted at the same location.
- C. Date, nature and location of any past sale conducted by applicant.
- D. The relationship or connection applicant may have had with any other person, firm or corporation conducting any such sale and the date or dates of such sale.

**SECTION 4 - Conditions of License:**

- A. No license shall be issued authorizing any such sale to be conducted for a period longer than five (5) days.
- B. No signs advertising a sale regulated by this Ordinance shall be placed on public property or on private property without the express consent of the owner or occupant. Within twenty-four (24) hours after the conclusion of a sale all signs shall be removed.

**SECTION 5** – No person, firm or corporation shall be allowed more than two (2) such licenses within any twelve (12) month period, nor shall more than two (2) such licenses be allowed for any one (1) single family residence.

**SECTION 6** – The provisions of this Ordinance shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an Order or process of a Court of Competent Jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person, firm or corporation selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten (10) in number.
- D. Any sale conducted by any merchant or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Village of Decatur.

**(SECTION 7 amended by Ordinance 131)**

**SECTION 7** – Any person who violates or fails to comply with the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not to exceed one hundred (\$100.00) dollars and costs of prosecution, or by imprisonment in the County Jail for a term not exceeding Ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court.

**SECTION 8** – Ordinance No. 61 shall be and the same is hereby repealed.

**SECTION 9** – This Ordinance shall become effective the 1st day of September, 1987.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3<sup>rd</sup> day of August, 1987.