

STATE OF MICHIGAN
COUNTY OF HURON
TOWNSHIP OF PORT AUSTIN

GARAGE SALE ORDINANCE

ZONING ORDINANCE

ORDINANCE NO. 136

WHEREAS, the Port Austin Planning Commission, in compliance with PA 184 of 1943, as amended, being the Township Rural Zoning Act, has recommended an amendment to the Port Austin Township Zoning Ordinance; and

WHEREAS, the recommended amendment has been studied and considered by the Port Austin Township Board which finds it to be compatible with the present land usage, reasonable and necessary for the public peace, health, safety and welfare of the people of the Township of Port Austin.

THE TOWNSHIP OF PORT AUSTIN, HURON COUNTY, MICHIGAN ORDAINS THE FOLLOWING:

GARAGE SALE ORDINANCE:

SECTION 1: Garage Sale Defined

As used in this ordinance, "garage sale" means a home business conducted within or on premises used as a residence for the purpose of transferring ownership of tangible personal property of the resident and/or owner to a purchaser.

SECTION 2: General Prohibitions

- A. No garage sale shall be conducted on the same property more than three times in any twelve (12) month period.
- B. No garage sale shall be conducted at any time other than daylight hours and further restricted to between 8:00 a.m. and 8:00 p.m.

SECTION 3: Municipal Civil Infraction

A person who violates this ordinance is responsible for a municipal civil infraction subject to payment of a civil fee of not less than \$50.00 nor more than \$250.00, reimbursement to the township for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this article shall be subject to the fines as provided in this section.

SECTION 4: General Provisions

- A. No garage sale shall be conducted on the same property more than three times in any twelve month period and no more than three consecutive days per sale.
- B. No garage sale shall be conducted at any time other than daylight hours and further restricted to between 8:00 a.m. and 8:00 p.m.
- C. All sale items shall be removed from public view after 8:00 p.m. for each day of the aforementioned sale. Further, at the conclusion of said sale, all sale items must be placed inside a structure of the homeowner and not within view of the general public.

SECTION 6: Exemptions

- A. A charitable, religious, or fraternal organization or a nonprofit corporation, shall be required to comply with the provisions of this ordinance.
- B. The provisions of this ordinance shall not apply to regularly established business establishments in the township where merchandise is sold or exchanged in the ordinary course of business.
- C. The provisions of this chapter shall not apply to any person selling or advertising for sale any items of personal property which are specifically named or described in the advertisement, which separate items do not exceed five (5) times in number.

SECTION 7: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

All ordinances of the township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this ordinance.

This ordinance shall take effect upon publication as required by Michigan law following adoption of the township board.

Made and passed at a meeting thereof this 19th day of June 2006, 2006/

Cheryl Gray
CHERYL GRAY, Township Clerk

Marvin Goretski
MARVIN GORETSKI, Township Supervisor

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Port Austin, County of Huron, State of Michigan, at a regular meeting held on the 19th day of June 2006, 2006, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

Goretski, Babcock, Andreski, Gray, Finan

and that the following Members were absent:

None

I further certify that Member Finan moved adoption of said Ordinance, and that said motion was supported by Member Andreski.

I further certify that the following Members voted for adoption of said Ordinance:

Goretski, Babcock, Finan, Gray, Andreski

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Dated: 7-12-06

Cheryl Gray
CHERYL GRAY, Township Clerk