

GERRISH TOWNSHIP
ORDINANCE NO. 18
GARAGE/YARD/CHRISTMAS TREE SALE ORDINANCE

A. **PURPOSE CLAUSE.** It is necessary for the health, safety and welfare of the residents of Gerrish Township to regulate the number of garage sales and number of signs and traffic congestion which may occur as a result of garage/yard sales and seasonal sales of Christmas trees. Therefore, the following ordinance is necessary to prevent an unsightly number of signs of all sizes which may block vision on streets and intersections, and to prevent traffic congestion caused by customers of any such sales. Therefore,

THE TOWNSHIP OF GERRISH ORDAINS:

SECTION 1. SHORT TITLE. This ordinance may be referred to as the GARAGE SALE ORDINANCE.

SECTION 2. DEFINITIONS. The term “garage sale” includes the terms “porch sale, yard sale, estate sale, any kind of out door auction” or other sale offering primarily used incidental and/or sundry items for sale.

SECTION 3. TIME AND DURATION OF SALES. A garage sale, yard sale, porch sale or any other sale offering incidental and/or sundry items for sale shall be permitted on any one parcel or lot of property only two (2) times during any one year and at no time shall such sale have a duration of more than three (3) days.

SECTION 4. DANGEROUS CONDITIONS – REVOCATION OF PERMIT. The property owner must assume responsibility for parking. Automobiles or pedestrians may not be allowed to impede traffic on any adjoining roads. If traffic on any road is impeded or a dangerous condition develops on any road, the Gerrish Township Police Department 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 5. PERMITS. A permit for any such sale shall be obtained from the Township offices during normal business hours. Permits must 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.

SECTION 6. SIGNS.

- a. Lead-in signs may only be displayed during the actual sale.
- b. The on-premises sign may be displayed for two days before the sale and during the sale.
- c. No sign may be larger than 24” x 24”.

- 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. If signs are left after the sale, a violation occurs.

Amendment 01-15

Section 7 amended June 9, 2015:

SEASONAL SALES OF CHRISTMAS TREES. Sales are permitted in residential districts on a minimum parcel size of 2.5 acres that is located on a county primary road for the period of November 15 through December 31 only. Such sales lots shall comply with all regulations of the Township Building and Fire Departments and all other sections of this ordinance. Lead in signs are not permitted. A Christmas tree permit is not required if a sale lot is located on a commercially zoned property where a business exists.

SECTION 8. VIOLATION AND PENALTY. Any person, firm or corporation which violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance shall be punished for each offense, upon conviction, by a fine of not more than five hundred dollars (\$500.00), and costs of prosecution, or by imprisonment for a period not exceeding ninety (90) days, or by both fine and imprisonment, in the discretion of the court. Each day that a violation is permitted to continue shall constitute a separate offense.

In addition to the above criminal sanctions, any person convicted of violating this ordinance will not be eligible for a permit for the year of violation or the next calendar years.

Section 8 amended May 9, 2000 to read:

- a) Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus applicable costs and other sanctions for each violation as authorized by Section 21 of Act No. 359 of the Public Acts of 1947, as amended, and the Gerrish Township Municipal Ordinance Violations Bureau Ordinance.
- b) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section. As used in this Section 'repeat offense' means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - 1) The fine for any offense which is a first repeat offense shall be not less than \$125.00 plus costs.
 - 2) The fine for any offense which is a second repeat offense shall be not less than \$250.00, plus costs.

- 3) The fine for any offense which is a third repeat, or any subsequent repeat offense, shall be not less than \$400.00 each, plus costs.
- c) Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.

SECTION 9. SEVERABILITY. The invalidity of any clause, sentence, paragraph or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.

SECTION 10. SAVING CLAUSE. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 11. EFFECTIVE DATE. This ordinance is hereby declared necessary for the peace, health and safety of Gerrish Township and shall be effective upon publication

May 12, 1993

May 16, 1998

May 9, 2000

August 10, 2004

June 9, 2015 Amendment 01-15 Published July 2, 2015