

GERRISH TOWNSHIP
ORDINANCE NO. XVIII
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 outdoor auction” or other sale offering primarily used incidental and/or sundry items for sale.

Amendment 9.10.24

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 three (3) 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

September 10, 2024 Amendment Published September 19, 2024

GERRISH TOWNSHIP AMENDMENT TO ORDINANCE NO. XV111

September 10, 2024

Ordinance No. XV111-Amendment 1

An Ordinance to Amend Gerrish Township

Garage/Yard/Christmas Tree Sale Ordinance

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 three (3) times during any one year and at no time shall such sale have a duration of more than three (3) days.

NOTICE
GERRISH TOWNSHIP
BOARD MEETING
2997 E. HIGGINS LAKE DRIVE
ROSCOMMON, MI 48653
PHONE: (989) 821-9313

WHEN: Tuesday, September 10, 2024
PLACE: Gerrish Township Municipal Center
PURPOSE: Regular Board Meeting

Call to Order: 7 pm
Pledge of Allegiance

Roll Call: Supervisor Hill X, Treasurer Kruger X, Trustee Oppy X, Trustee Newton X
Clerk Squires X, 16 Citizens.

APPROVAL OF MEETING AGENDA:

Motion by Trustee Newton, supported by Trustee Oppy: CARRIED
That the agenda be approved as amended.

APPROVAL OF CONSENT AGENDA:

Motion by Trustee Newton, supported by Trustee Oppy: CARRIED
That the Consent Agenda is approved as presented.

1. Approval of minutes: August 8, 2024, Special-Work Session, August 13, 2024, Regular Board Meeting, Public Hearing Police & Fire/EMS, August 26, 2024.
2. Payment of Bills and Payroll
3. Budget Adjustments: none
4. Correspondence: none
5. Reports a) Assessor b) Building/Zoning c) Fire/EMS d) Police e) Treasurer

Elected Officials Reports

- a) Trustee Oppy b) Trustee Newton c) Treasurer Kruger d) Clerk Squires e) Supervisor Hill
Motion by: Trustee Oppy, Supported by Clerk Squires: CARRIED
That the Elected Officials Reports will be accepted and placed on file.

Public Comments on action items:

None

New Business

1. Motion by Trustee Newton, Supported by Trustee Oppy: CARRIED
That the Board approves the hiring of Wesley Eldred, as an On-Call Part-Time Firefighter, providing background check and drug screening.
2. Motion by Clerk Squires, Supported by Trustee Oppy: CARRIED
That the Board approves the hiring of Brandon Sargent, as an On-Call Part-Time Firefighter, providing background check and drug screening.
3. Motion by Trustee Newton, Supported by Clerk Squires : CARRIED
That the Board approve an amendment to the Garage/Yard Sale Ordinance #18 and associated permit year, to reflect the change to Section 3, Time and Duration of Sales, to permit 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 three (3) times during any one year, and at no time shall such sale have a duration of more than three days.

4. Motion by Trustee Newton, Supported by Trustee Oppy: CARRIED
That the Board authorize the Clerk and Treasurer to initiate an ACH payment of \$750.00 to EGLE for the 5-year permit required for our Compost Facility.
5. Motion by Treasurer Kruger, Supported by Trustee Oppy: CARRIED
That the Board authorize Supervisor Hill to take steps required to terminate the 12/13/22 current open-ended Profession Forestry Service Agreement with Keith R. Martell Jr. DBA Martell Forestry Inc.
6. Motion by Treasurer Kruger, Supported by Trustee Newton: CARRIED
That the Board approve the proposed amendment to the "Employee Agreement, Assessor of Record", document and authorize Supervisor Hill and Clerk Squires to sign on behalf of the Township.
7. Motion by Clerk Squires, Supported by Treasurer Kruger: CARRIED
That the Board approve the proposed "Amendment to Agreement for "Assessing Services" and to authorize Supervisor Hill and Clerk Squires to sign on behalf of the Township.
8. Motion by Trustee Newton, Supported by Trustee Oppy: CARRIED
That the Board approve the appointment of James Thorburn to the Gerrish Township Zoning Board of Appeals, for a 3-year term expiring 12/31/2026.
9. Motion by Trustee Oppy, Supported by Trustee Newton: CARRIED
That the Board approve the appointment of Michael Briggs to the Gerrish Township Zoning Board of Appeals, for a 3-year term expiring 12/31/2027.
10. Motion Supervisor Hill, Supported by Treasurer Kruger: CARRIED
That the Township Board determines fire protection and emergency medical services to be in the best interest of the Township and that a Special Assessment district be created under the provision of P.A. 81 of 1989 in which cost of such service shall be assessed according to benefits.
The total budget for fire protection and emergency medical services for the 2025-2026 fiscal year has been determined to be \$2,493,519, with \$642,006 Capital Equipment Carryover, \$151,282 Durable Equipment Fire Carryover, \$101,495 Durable Equipment EMS Carryover, \$228,417 Capital Projects Carryover.
The Special Assessment District shall contain all taxable property within the Township with the millage rate to be 3.03 mills, no increase from prior rate, to yield \$2,493,519.
Roll call Vote: Ayes: 5
Nays: 0
11. Motion by Supervisor Hill, Supported by Treasurer Kruger: CARRIED
That the Township Board determines police protection to be in the best interest of the Township and that a Special Assessment district to be created under the provisions of P.A.81 of 1989 in which the cost of such service shall be assessed according to benefits. The total budget for police protection for 2025-2026 has been
Determined to be \$1,048,014, to include \$124,402 in Carryover. The Special Assessment district shall contain all taxable property within the Township with the millage rate to be 2.39 mills, with no increase from previous year, to yield 923,612.
Roll Call Vote: Ayes: 5
Nays: 0
12. Motion by Supervisor Hill, Supported by Treasurer Kruger: CARRIED
That the Township Board authorizes Clerk Squires to accept the 2024 Rural and nonmetro Election Infrastructure grant in the amount of \$5,000.00 on behalf of Gerrish Township.

COMMENTS:

Vanessa Varner, Emergency Management Director Roscommon County. Emergency Management was started in 1975 as Civil Defense. Millage on the upcoming ballot will totally fund the Emergency Management department to do projects in the community. The cost of the Millage is .10 per \$1,000.00 of taxable value for the next 4 years. Funding will be exclusively for the Emergency Management department and will not be used for the General Fund.

George Kreger, Lakefront owner. Located off the bay by Point Detroit and Old Point Comfort. Bay is very shallow at this time of year. Asked if the Lake levels can be changed later in the month. Brian explained that the Lake level is controlled by a court order.

Announcements:

Trustee Oppy thanked Clerk Squires for obtaining a grant for the Election.

Clerk Squires Talked about the need for Trunks for Trunk or Treat. Ballots should be here next week.

Trustee Newton updated the Board that St Helen Roscommon Monument will donate headstone for Potters Field at the Gerrish Township Cemetery. A letter of thanks will be sent.

Supervisor Hill spoke about Trunk or Treat. The new website will be ready to launch shortly.

Waiting for results from the Health Department on the second test of the new well. Temporary 40-gal hot water tank until new on demand system is received. Police Department Road clean-up will be done on September 18, 2024, at 4 pm if anyone would like to come out and help. GFL has encountered some staffing issues this summer but is working hard to keep on schedule with trash pick-up. Residents are encouraged to call or e-mail GFL with any concerns.

Motion by Trustee Newton, Supported by Trustee Oppy, that the Board adjourn at 7:46 pm.

Michelle Squires, Clerk

Brian Hill, Supervisor

Approved

This notice is posted in compliance with PA 267 of 1976 as amended (Open Meetings Act), MCLA 41.72 (2) (3) and Americans with Disabilities Act (ADA). The Gerrish Township Board will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting or public hearing upon 15 days' notice to the Gerrish Township Board. Individuals with disabilities requiring auxiliary aids or services should contact the Gerrish Township Clerk. The proposed minutes of the meeting shall be available for public inspection in the office of the Clerk not more than eight business days after the meeting.

AFFP

Ordinance XVIII Amendment

Affidavit of Publication

STATE OF MICHIGAN }
COUNTY OF ROSCOMMON } SS
}

GERRISH TOWNSHIP AMENDMENT TO
ORDINANCE NO. XV111
September 10, 2024
Ordinance No. XV111-Amendment 1
An Ordinance to Amend Gerrish Township
Garage/Yard/Christmas Tree Sale Ordinance

Tori Muckenthaler, being duly sworn, says:

That she is Office Staff of the The Houghton Lake Resorter, a weekly newspaper of general circulation, printed and published in Houghton Lake, Roscommon County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

September 19, 2024

Section 3. Time and Duration of Sales
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Parcel or lot of property only three (3) times during any one year and at no time shall such sale have a duration of more than three (3) days.


That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Office Staff

Subscribed to and sworn to me this 19th day of September 2024.



Alycia L. Nielsen, Notary Public, Roscommon County, Michigan

My commission expires: August 01, 2027

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Gerrish Township
2997 E. Higgins Lake Dr.
Roscommon, MI 48653

