

ORDINANCE NO. 2012-6

CITY OF EVART
OSCEOLA COUNTY, MICHIGAN

AN ORDINANCE TO AMEND EVART CITY CODE, CHAPTER 802 – GARAGE, ATTIC,
LAWN, RUMMAGE, FLEA MARKET

THE CITY OF EVART, OSCEOLA COUNTY, MICHIGAN, ORDAINS

SECTION 1: PURPOSE AND INTENT

The purpose of this Ordinance is to amend Evert City Code, Chapter 802, as it relates to Garage, attic, Lawn Rummage & Flea Market sales.

SECTION 2: Section 802, of the Evert City Code, is amended to read as follows:

802.01 Definitions

For the purpose of this ordinance, the following definitions shall apply: "Garage Sale", "Attic Sale", "Lawn Sale", "Rummage Sale" or "Flea Market Sale" shall mean any sale of tangible personal property not otherwise regulated in the City of Evert Ordinances, displayed by any means whereby the public at large is or can be made aware of such sale.

802.02 License Required

A license issued by the City Clerk shall be obtained by any person, firm, group, corporation, or organization before selling or offering to sell any goods at a sale to be advertised or held out by any means to be one of the type of sale enumerated in Section 802.01, above.

802.03 Application for license

An application for a license for any of the sales regulated hereunder shall be made at the City Clerk's office on a form to be provided therefore, which application shall contain the following information:

(a.) Name of the person, firm, group, corporation, association or organization conducting said sale.

(b.) Location at which said sale is to be conducted and the date, the nature or any prior sales conducted at the same location.

(c.) The dates during which said sale is to be conducted within the time limits hereinafter prescribed.

(d.) Date, nature and location of any past sale conducted by applicant.

(e.) The relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting such sale, and the date or dates of such sales.

802.04 License Fees.

A license fee in the amount of \$0.00, shall be paid to the City of Ewart at the time an initial application for a sale by a particular applicant or at a particular location is made in any twelve (12) month period. The second such application, in a twelve-month period, is \$1.00; the third such application, in a twelve month period, is \$5.00; and the fourth such application, in a twelve month period, is \$10.00.

802.05 Conditions of License

(a) No person, firm, group, corporation, association or organization shall be allowed more than four (4) such licenses within any twelve (12) month period.

(b) Any person, firm, group, corporation, association or organization conducting such sale may not conduct such sale for a period of more than three (3) days, under the same application.

(c) No person, firm, group, corporation, association or organization shall conduct, advertise or promote any sale regulated by this Ordinance without a license issued as prescribed herein.

(d) No signs advertising a sale regulated by this Ordinance shall be placed on public property or within the public right-of-way or on any utility pole or on private property, EXCEPT that one (1) sign, advertising the sale, may be placed on the property of the owner AND EXCEPT five (5) signs may be placed on the corner of a main throughfare (i.e., US 10,

Main St., River Road), with permission of the property owner. These signs must include the full address of the sale and the dates of the sale and they must be removed no later than 8:00 am on the day following the last day of the sale.

(e) The license authorizing such sale shall be displayed in the front window or other prominent place, clearly visible from the street, at the location where the sale is being held

802.06 Persons and Sales Excepted.

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 selling or advertising for sale any items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

(d) Any publisher of a newspaper, magazine or other publication or other communication media who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of the City of Evert Ordinance have not been complied with.

(e) Any sale regulated under any other provisions of the Ordinances of the City of Evert.

(f) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the City of Evert or under the protection of the presently non-conforming section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in the Ordinance.

802.7 Enforcement and Penalties

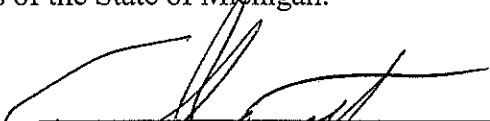
Any person who violates any provision of this ordinance shall be deemed to be a civil infraction in accordance with the following schedule:

Any signs not removed in a timely manner shall be fined the sum of \$25.00, per Day for each sign not removed. All other violations shall be as follows:

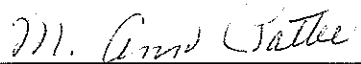
- 1st offense \$25.00
- 2nd offense, within 1 year \$50.00
- 3rd offense, within 1 year \$75.00

SECTION 3: This Ordinance shall take effect immediately after publication in the newspaper as provided by the laws of the State of Michigan.

Date: July 16, 2012

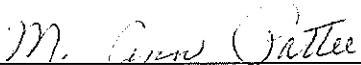


 ERIC SCHMIDL, Mayor



 M. ANN PATTEE, City Clerk

I, M. Ann Pattee, City Clerk for the City of Evart, hereby certify that the above Ordinance was adopted on the 16 day of July, 2012.



 M. ANN PATTEE, City Clerk