

VILLAGE OF AUGUSTA, MICHIGAN
ORDINANCE NO. 179
RESIDENTIAL SALES

An Ordinance to regulate residential sales including but not limited to barn sales, garage sales, yard sales, basement sales, porch sales, patio sales, and any other sales where tangible personal property of a resident of the premises including clothing, utensils, appliances, equipment and all other tangible personal property commonly used in and about the residence for the personal use of a resident, is sold by that resident.

THE VILLAGE OF AUGUSTA
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I
TITLE

This Ordinance shall be known and may be cited as the “Village of Augusta Residential Sales Ordinance”.

SECTION II
RULES AND REGULATIONS

The following rules and regulations shall apply to any residential sale as described above within the Village of Augusta:

1. Duration. No residential sale shall extend for more than seventy-two (72) hours.
2. Limit on Number. No person shall have more than three (3) sales in any one (1) year.
3. Permit Required. Every person intending to have a residential sale shall obtain a permit thereof from the Village Office. The permits are free of charge.
4. Permit Application. The Village Office will furnish forms for application for permits, and said permits shall be returned to the Village Office at the close of the sale.
5. Arrangement of Merchandise. All tangible personal property proposed to be sold shall be arranged in an orderly manner on the premises; and shall not be placed in such a way as to be a nuisance to adjoining property, and shall in no way be arranged so as to obstruct the vision of persons using driveways or entering and exiting within the neighborhood.
6. Signs. Signs advertising such sales shall not exceed 18”x 24” (eighteen inches by twenty-four inches) (a standard size sign). Signs shall be erected not more than forty-eight (48) hours prior to the sale and shall be removed within twenty-four (24) hours after the sale. Signs shall not be placed at any public parking area and no sign advertising such a sale shall be affixed to any tree, utility pole, traffic sign, or in a public right of way.

SECTION III

VIOLATIONS

Violation of this Ordinance shall be a Civil Infraction punishable by a fine of not less than \$50.00 (fifty) nor more than \$100.00 (one hundred) dollars. In addition, any violation of this Ordinance is hereby determined to be a nuisance per se and the Village of Augusta may forthwith obtain an order from a court of competent jurisdiction ordering the abatement of such nuisances, and if the danger to the health, safety, and/or welfare of the public or persons at or near the property is imminent, the Building Official of the Village of Augusta may forthwith enter upon the premises and abate the nuisance.

SECTION IV

PERMITS RESTRICTED TO INDIVIDUALS

Residential sales shall be permitted only by individuals and no firms, corporations or other associations shall be permitted to have a residential sale without the prior written consent obtained from the Village Council of the Village of Augusta. The Village of Augusta in granting such consent shall determine whether the proposed sale, because of its magnitude or nature would be dangerous to the health, safety and/or welfare of the public or the persons living near the premises or passing by the premises or using the premises or nearby premises.

SECTION V

EXCEPTIONS TO ORDINANCE

The following persons and sales are exempt from this Ordinance:

1. Persons selling goods pursuant to an order or process of a court of competence jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.
3. Sales regulated under any other provision of these Codified Ordinances, or by any other Ordinance of the Village.
4. Sales conducted by merchants or business establishments wherein such sales would be permitted by the Zoning Code or under protection of a current nonconforming use thereof, or any other sale conducted by a manufacturer, dealer, vendor, or similar person not otherwise prohibited in these Codified Ordinances; and
5. Sales by bona fide charitable, religious, educational, cultural, or governmental institutions or organization. However, the burden of establishing the exemption under this subsection shall be that of the organization or institution claiming such exemption.

SECTION VI

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII
EFFECTIVE DATE

This Ordinance shall take effect upon the date of its publication, which shall be within 15 days after its adoption.

James P. Schultz
Village President

Kaye McAlear
Village Clerk