

Michigan Auctioneers Association

Michigan Auctioneer Municipal License Guide

The Members Guide to local regulation in Michigan pertaining to Auctions.



Version 2015-1. January 25, 2015

The Michigan Auctioneers Association represents the interests of the Auctioneers, providing a forum for networking, sharing ideas and experiences.

*For More information about the MAA and their added benefits, log onto
www.FindMichiganAuctions.com.*

Michigan Auctioneer Municipal License Guide



Disclaimers:

Information in this guide is believed to be correct, but is not guaranteed. Always check with a local municipality before conducting an auction to make sure you are in compliance with their regulations regarding auction licensing, permits, signs, local ordinances, fire codes, etc.

This information was obtained by searching for AUCTION in the public municipal guides. Many areas require licensure, permits, etc for other items and apply it to auctions. For instance, some areas may require a garage sale or casual sale permit for an auction. Some areas treat auctioneers as "transient merchants" and impose those regulations on auctioneers, even though there may be no mention of Auction or Auctioneer in their ordinance. It is ALWAYS recommended to check with the local municipality to make sure you are in compliance.

The following information is only to be used as a GUIDE and is not in place of doing your own due diligence before conducting an auction.

If you see any misinformation or know of any other local regulations that should be in this guide, please contact the MAA with that information.

Other law resources:

To search for municipal codes, here are some services that you should be able to search for most municipalities:

- Municode.com
- American Legal Publishing-<http://www.amlegal.com/library/>
- General Code - <http://generalcode.com/codification/ecode/library>

MICHIGAN LICENSING/PERMITS

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A

- **Ada Township, (Kent Co.)**

Link: <http://www.ada.mi.us/>

Phone: (616) 676-9191

Fax: (616) 676-5870

Auction: Auctioneers none listed

Signage:

- **Sec. 78-744. - Permitted signs.**

(a)

In AGP, RP-1, RP-2, RR, VR, R-1, R-2, R-3 and R-4 districts, the following signs are authorized upon application for and issuance of a sign permit, pursuant to [section 78-748](#)

(1)

Institutional identification for churches, schools, nursing homes, and public buildings may include one wall sign and one ground-mounted freestanding sign. One of the permitted signs for churches and schools may contain internally illuminated changeable message bulletin board, provided no more than 50 percent of the total sign area is used for such bulletin. The aggregate area of all signage shall not exceed 50 square feet.

(2)

Identification for open space activities such as golf courses, riding stables, nurseries, and similar open space uses may include one wall sign or ground-mounted freestanding sign not exceeding an area of 16 square feet.

(3)

Identification for residential subdivisions, apartment complexes, mobile home parks, and other forms of concentrated residential development may include one sign per entrance into the development. Such sign shall be ground-mounted or attached to a permanent wall structure and shall not exceed 16 square feet per sign.

(b)

In the C-1 district, the following signs are permitted, upon application for and issuance of a sign permit, pursuant to [section 78-748](#)

(1)

One wall sign per business, not exceeding an area of 12 square feet per sign.

(2)

One projecting sign per building, provided the following conditions are met:

a.

The sign shall not exceed six square feet in area;

b.

There shall be a minimum clearance between the ground and the bottom of the sign of ten feet, if the sign projects over a public sidewalk;

c.

The sign shall not project more than four feet from the building wall, nor extend closer than two feet to the curb line;

(3)

One freestanding sign per property or parcel, subject to the following limitations:

a.

The sign shall not exceed 16 square feet in area, unless the sign identifies the premises of a business center, as defined herein, in which case the sign shall not exceed 24 square feet in area.

b.

The sign shall not exceed a height of five feet,

c.

The sign shall not project over any street right-of-way line.

(c)

In the PO, C-2, LI and I districts, the following signs are permitted, upon application for and issuance of a sign permit, pursuant to [section 78-748](#)

(1)

One wall sign per business, subject to the following size limits:

a.

For a business having 1,200 square feet or less of floor area, a maximum of 24 square feet.

b.

For a business having over 1,200 square feet of floor area, the lesser of one square foot per 50 square feet of building floor area occupied by the business or 40 square feet.

(2)

One freestanding sign per property or parcel, subject to the following limitations:

a.

The sign shall not exceed 40 square feet in area, unless the sign identifies the premises of a business center, as defined herein, in which case the sign shall not exceed 60 square feet in area.

b.

The sign shall not exceed a height of five feet.

c.

The sign shall be set back a minimum of five feet from any property line.

(3)

One pair of driveway entry signs, not exceeding one sign per driveway, provided the following conditions shall be met:

a.

Such signs relate only to drive-in establishments.

b.

Such signs shall, in the opinion of the zoning administrator, be necessary to direct vehicles into or out of driveways designed for one-way traffic only and to eliminate motorist confusion concerning access to the establishment.

c.

No sign shall be located within the road right-of-way.

d.

The maximum height shall not exceed three feet.

e.

The maximum sign area shall not exceed four square feet per sign.

f.

No words other than "enter" or "exit" shall be permitted on each sign.

g.

The corporate logo and/or other recognizable symbol associated with the business, but not including words, may appear on the driveway entry sign, provided that use of such symbol shall cause the maximum permitted size of a freestanding sign to be reduced by 25 percent.

(d)

Permitted temporary signs.

(1)

A temporary sign, unless specifically exempt from the issuance of a permit by [section 78-746](#), shall not be placed on any lot, parcel or premises unless a permit authorizing such temporary sign has been issued by the zoning administrator.

(2)

The following standards shall apply to display of temporary signs for all nonresidential uses, in all districts:

a.

Issuance of a permit for a temporary sign shall authorize the display of the sign for seven consecutive days.

b.

A maximum of four permits authorizing display of a temporary sign shall be issued in any calendar year for any individual business premises.

In the case of a business center, as defined herein, a maximum of two permits for display of a temporary sign may be issued in any calendar year to an individual business located within the business center.

In addition, permits authorizing a maximum of two additional temporary signs may be issued for display at a business center, when the application is submitted by the owner of the business center,

the manager of the business center, or another individual or organization acting on behalf of all of the business entities located within the business center.

c.

A temporary sign shall not be located within or over a public right-of-way, except as provided in subsection d., below.

d.

All temporary signs shall be constructed of materials and shall be installed in such a manner which ensures that the sign will not constitute a safety hazard in the event of high winds, as determined by the zoning administrator.

e.

A temporary sign shall comply with the following dimensional and locations standards:

Maximum area:	32 square feet
Maximum height:	6 feet
Location:	If freestanding, minimum setback of 10 feet from the front lot line. If building-mounted, the sign shall not extend above the top of the building wall. A temporary sign shall not be located in a parking area or driveway.

(3)

Community special event signs are permitted in any zoning district, subject to the following restrictions:

a.

A community special event sign may be located either on or off the lot on which the special event is held.

b.

For a reoccurring event which takes place on more than five occasions within a period of 12 consecutive weeks, the number, size, height, duration of display and location of community special event signs pertaining to the event shall be as determined by the zoning administrator.

c.

For all other community special events, the maximum number, size and height of signs pertaining to the event shall be as follows:

1.

A maximum of two community special event signs shall be permitted for a special event, on all lots on which such a sign is displayed.

2.

The display of the signs shall be limited to the 14 days immediately preceding and including the date of the special event.

3.

The signs shall have a maximum size of 40 square feet in area, and a maximum height above ground level of six feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located.

4.

The signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.

(Ord. No. O-042682-1, § 20.04, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-020888-1, 2-8-1988; Ord. No. O-031102-1, §§ 1—3, 3-11-2002; Ord. No. O-100807-1, § 2, 10-8-2007; Ord. No. O-071309-2, §§ 3, 4, 7-13-2009; Ord. No. O-021710-1, § 25, 2-17-2010)

• **Sec. 78-745. - Prohibited signs.**

(a)

Prohibited types of signs.

(1)

Private use sign[s] located on public land or in a public right-of-way;

(2)

Sign[s] cut, burnt, or otherwise marked on a hillside or tree;

(3)

Unsafe signs;

(4)

Signs identifying discontinued uses;

(5)

Bill boards, as defined in this article.

(6)

Pedestrian signs, as defined herein.

(b)

Prohibited types of material and form.

(1)

Sign with reflective material.

(2)

Banners, pennants, streamers, or other wind-activated devices intended to attract attention except in conjunction with a fair, carnival, circus, athletic event, or during the first 30 days of occupancy of a new building or operation of a new business.

(3)

Sign, other than a clock or meteorological device, having moving parts or parts so devised that the sign appears to move or to be animated.

(4)

Portable sign including an "A" frame sign, or a sign on a vehicle, float, boat, balloon or other movable object designed primarily for the purpose of advertising.

(5)

Sign in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except such a sign as may be approved by sign review or as may be required for safety and convenience and for control of vehicular and pedestrian traffic within the premises of the subject use.

(c)

Erection of a prohibited sign. Erection of any unauthorized sign, or any sign prohibited in this section shall result in a fine of a minimum of \$25.00 to a maximum of \$100.00 per day of violation.

(Ord. No. O-042682-1, § 20.05, 4-26-1982; Ord. No. O-082487-1, 8-24-1987; Ord. No. O-020888-1, 2-8-1988; Ord No. O-100807-1, § 1, 10-8-2007; Ord. No. O-071309-2, § 5, 7-13-2009)

Editor's note—

Ord. No. O-071309-2, § 5, adopted July 22, 2009, added subsection (5) to subsection [78-745\(a\)](#). Inasmuch as subsection (5) already existed, the new material has been redesignated as (6) at the editor's discretion.

- **Sec. 78-746. - Exempted signs.**

The following signs are permitted without a township sign permit, provided all applicable requirements are met:

(1)

Use identification.

a.

Dwelling: One nameplate not exceeding two square feet, may be freestanding;

b.

Home occupation: One wall sign not exceeding one square foot;

c.

Farm, plant nursery, or orchard: One sign not exceeding eight square feet, may be freestanding if ground-mounted.

(2)

Temporary.

a.

Real estate sale and lease:

1.

Dwelling or dwelling site: One sign not exceeding four square feet;

2.

Property other than dwelling: One sign not exceeding 12 square feet;

b.

Construction: One sign identifying the proposed use and/or building and persons or firms involved during the period of construction not exceeding 32 square feet;

c.

Sales: Temporary signs announcing sales or special features attached to or painted on the surfaces of store windows provided they do not exceed 25 percent of the area of the windows and provided they are removed immediately after the termination of the subject event;

d.

Political: Signs not exceeding four square feet located by an individual on his own residence or place of business or on some part of the property; provided such signs are displayed not more than 45 days before, or more than ten days after, the conclusion of the political campaign to which it relates;

e.

Christmas tree lot: One sign not exceeding 32 square feet, set back a minimum of ten feet from the street right-of-way line, and removed by December 27 of each year;

f.

Holiday decorations: Holiday bunting, decoration and displays;

g.

Roadside stands: One sign not exceeding 24 square feet;

h.

Sidewalk message signs: In the C-1 zoning district, a maximum of one sidewalk message sign shall be permitted for each business or establishment, subject to the following standards:

1.

A sidewalk message sign shall not exceed three feet in width and four feet in height, shall be constructed in a "sandwich board" or "A-frame" style, and shall not be illuminated.

2.

A sidewalk message sign shall not be permanently anchored to the ground surface or to any other object or structure, but shall be designed or weighted to prevent instability or movement by wind or other natural forces.

3.

A sidewalk message sign shall only be displayed between the hours of 7:00 a.m. and 9:00 p.m.

4.

Except as provided in subsection 5., below, a sidewalk message sign may only be placed on the property of the business or establishment to which the sign pertains.

5.

Where a public sidewalk exists within the public right-of-way, a sidewalk message sign may be placed on the sidewalk abutting the property to which the sign pertains, provided that the sidewalk has a minimum width of eight feet, and provided the sign placement is aligned with raised planting beds or municipal street light poles located thereon, so as not to unreasonably interfere with use of the sidewalk by pedestrians.

6.

A sidewalk message sign shall not be placed in a parking area or driveway.

- Addison Township, (Oakland Co.)

Link: www.twp.addison.mi.us

Phone: 248.628.5409

Auction: Auctioneers: No data

Signage:

- **Section 4.42. - Signs.**

1.

Findings pertaining to signs. It is hereby determined that regulating the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this ordinance are consistent with customary usage.

2.

Definitions.

a.

On-premises sign means a sign that advertises only goods, services, facilities, events or attractions available on the premises where located, identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

b.

Premises means a lot as otherwise used in this ordinance.

c.

Political signs: A sign commenting on the election or appointment of a person, or an issue or a matter to be voted upon by a public body.

d.

Street frontage means the length of that portion of a lot that is considered the front lot line as defined in this ordinance.

e.

Interior sign: A sign that is visible from any public street, sidewalk, alley, park or public property and located within a building.

f.

Occupational sign: A sign denoting only the name and profession of an occupant.

g.

Site identification sign: A sign listing the names and addresses only of the establishments occupying a development or subdivision. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

h.

Wall sign: A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall, and which may not project above the roof or parapet line. The roofline shall mean the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

i.

Ground **sign**: A freestanding **sign** supported by one (1) or more uprights, poles, pylons or braces placed in the ground and not attached to any building or other structure.

j.

Temporary **sign**: An information **sign**, or banner, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations, special events and sales, not including **signs** pertaining to sale, rent, or lease of property.

k.

Changeable message extension **sign**: A **sign** panel extending from a ground **sign** whereon a changeable message is displayed.

l.

Institutional bulletin board: An on-[premises] or off-premises structure containing a surfaced area upon which is displayed the name of a religious institution, school, library, community center or similar institutions, and the announcement of its services or activities.

3.

District regulations.

a.

Signs permitted in the A district. On-premises **signs** are permitted having an area not exceeding one (1) square foot for each ten (10) feet of street frontage with a maximum of sixty (60) square feet for each **sign**. **Signs** permitted in this district are exempt from the front setback requirements.

b.

Signs permitted in the S-E, R-E, S-F, R-1, R-2, R-3, MD and M-P districts. One (1) **sign** identifying each subdivision, multiple complex or mobile home park per vehicle entrance, having an area not exceeding twenty (20) square feet and a height not exceeding six (6) feet, is permitted. During development of a subdivision or other property for a period not exceeding two (2) years, one (1) **sign**, having an area not exceeding twenty (20) square feet and a height not exceeding twelve (12) feet, is permitted in the subdivision, together with **signs** having an area not exceeding six (6) square feet each and a height not exceeding six (6) feet, directing the public to or identifying models. **Signs** permitted in this district are exempt from the setback requirements.

c.

Signs permitted in the C-1, C-2, P-O, and R districts. Total **sign** area per premises shall not exceed one hundred sixty-four (164) square feet except as otherwise provided below:

1)

Wall **signs** are permitted, not to exceed three (3) square feet of area for each ten (10) feet of street frontage, or thirty (30) square feet for each acre or fraction thereof of the premises, whichever is greater. In no event shall the total area of wall **signs** per premises exceed one hundred (100) square feet.

2)

No premises may have more than one (1) ground **sign**. A ground **sign** shall not exceed sixty-four (64) square feet in area or twelve (12) feet in height. However, a premises in the C-1 or C-2 zoning district with eight hundred (800) feet of road frontage or more may have a second ground **sign**, with the following restrictions:

a)

A permitted second ground sign shall be limited to two-thirds (2/3) the area of the first sign and no greater than ten (10) feet in height;

b)

The second sign must be of the same design format as the primary ground sign;

c)

If a second ground sign is permitted under Subsection 4.42 for a corner lot, a third sign shall not be permitted under this subsection.

3)

Where any premises has more than one occupant, as in a shopping center, permitted area shall be divided among them in the same proportion of floor space and outdoor sales space as is occupied by them.

Where any premises has more than one occupant, as in a shopping center, the following area may be permitted.

a)

One freestanding ground sign may be allowed per premises provided it does not exceed twelve (12) feet in height or eighty (80) square feet in copy area.

b)

When a development is located on a corner and has exposure to two (2) or more major thoroughfares, a second sign may be permitted provided the following conditions are met:

i.

The second sign must be of the same design format as the primary ground sign.

ii.

The total sign area for all permitted ground signs shall not exceed one hundred thirty (130) square feet.

iii.

There shall be no more than one (1) sign per street.

4)

A ground sign shall not be located closer than one hundred (100) feet to any residential district.

5)

Interior signs (no permit required): An additional area of interior signs not to exceed thirty (30) percent of the window area shall be permitted. The intent of this provision is to protect the public health, safety and general welfare, to facilitate efficient policing, and to expedite fire protection.

e.

Additional signs permitted in the M-2 district. Off-premises signs are permitted in addition to on-premises signs, having an area not exceeding six (6) square feet for each ten (10) feet or fraction thereof of street frontage, or sixty (60) square feet for each acre or fraction thereof of the premises, whichever is larger, provided that no off-premises sign shall exceed two hundred (200) square feet in area. Area limits for off-premises signs shall be in addition to those for on-premises signs, but not more than one (1) off-premises sign shall be erected or maintained on any premises.

4.

Other sign provisions.

a.

Sign height. No **sign** shall project above the maximum height limitation of the zoning district in which the premises in [is] located unless otherwise specified in this ordinance. Note: The maximum height of business **signs** are determined by the maximum height limitation of the zoning district as provided in [Section 4.42](#) of the ordinance.

b.

Exemptions from **sign** regulations. **Signs** having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon; **signs** located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any **sign** and where the number of vehicles bearing a **sign** or **signs** of any one advertiser does not exceed one (1); church or institutional bulletin board without interior illumination having an area not exceeding thirty-two (32) square feet; on any election day, **signs** advocating or opposing a candidate for public office or a position on an issue to be determined at the election located at least one hundred (100) and not more than two hundred (200) feet from any entrance to a polling place; **signs** visible only from the premises on which located or visible off the premises only through a window or windows; **signs** posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this ordinance.

c.

Temporary **signs**. Temporary **signs** other than political **signs** covered under Subsection 4.42.4.1 shall be authorized by the building inspector if the following standards are met:

1)

Permit shall be limited to a duration of not more than one (1) month;

2)

The proposed **sign** or **signs** are for the direction and/or information of the public or to promote a special event or sale and not contrary to the spirit and purpose of this ordinance;

3)

No single business or organization shall be issued more than three (3) temporary **sign** permits in any one (1) calendar year; no extensions to the one (1) month time restriction shall be granted;

4)

A written permit shall be submitted which shall show the size, shape, content, height, number, type of construction, area and location of such **signs** and the time period requested for display;

5)

The applicant shall make payment of a fee set by the township board for each permit and renewal;

6)

If such **signs** are placed on public right-of-way property the building inspector shall remove them forthwith and without notice;

7)

Temporary **signs** shall not be either internally or externally illuminated, and shall not have balloons, streamers, banners, windcatchers, or similar materials attached to them;

8)

Temporary **signs** shall be constructed of durable and weatherproof materials and otherwise be designed to endure for the length of time for which it is proposed to be installed. Petitioner for a temporary **sign** permit shall agree in writing to maintain the **sign** in a neat and readable condition;

9)

No more than two (2) temporary **signs** shall be permitted in any multi-occupant development, including shopping centers, at one time;

10)

Temporary **signs** shall be limited in **sign** area (each side) to forty (40) square feet.

d.

Nonconforming **signs**.

1)

It is intended to eliminate nonconforming **signs**, except as otherwise specifically set forth in this section, as rapidly as the police power of the township permits. Nevertheless, any lawfully erected **sign** and maintenance of which is made unlawful by this ordinance may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this ordinance.

2)

No nonconforming **sign**:

(a)

Shall be changed to another nonconforming **sign**;

(b)

Shall have any changes made in the words or symbols used or for message displayed on the **sign** unless the **sign** is an off-premises advertising **sign**, or a bulletin board, or a substantially similar type of **sign**, specifically designed for periodic change of message;

(c)

Shall be structurally altered so as to prolong the life of the **sign** or so as to change the shape, size, type or design of the **sign**;

(d)

Shall be reestablished after the activity, business or usage to which it relates has been discontinued for sixty (60) days or longer; or

(e)

Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the reproduction cost.

3)

The zoning board of appeals shall permit variances from Subsection 4.42.4.d.2 of this section or variances permitting the erection or maintenance of a nonconforming **sign** only upon the grounds established by law for granting of zoning variances upon a finding that the grant of a variance will reduce the degree of nonconformance of an existing **sign** or will result in the removal of one or more lawfully nonconforming **signs** and replacement by a **sign** or **signs** more in keeping with the spirit, purpose and provisions of this ordinance.

e.

Obsolete **signs**. It is unlawful to maintain for more than thirty (30) days any **sign** which has become obsolete because of discontinuance of the business, service or activity which it advertises, removal from the location to which it directs or for any other reason. The fact that an obsolete **sign** is nonconforming shall not be construed as modifying any of the requirements of this section.

f.

Permission of owner or occupant. It is unlawful to erect or maintain any **sign** on any property, public or private, without the consent of the owner or occupant thereof.

g.

Restrictions on movement. It is unlawful to erect or maintain any **sign**, except a cloth flag moved only by natural wind, which moves or has any visible moving or animated parts or image, whether movement is caused by machinery, electronics or otherwise, including swinging **signs**. It is unlawful to erect or maintain strings of flags or streamers.

h.

Illumination. It is unlawful to erect or maintain any illuminated **sign** where the light source moves or is not of constant intensity and color, or where any lightbulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area or into any window of any residence, or where the illumination interferes with the visibility or readability of any traffic **sign** or device.

i.

Exceptions. Subsections 4.g and 4.h shall not be applied to prevent the erection or maintenance of holiday lights each year, or **signs** that convey changing information such as time or temperature.

j.

Signs located on or projecting over public property. It is unlawful to erect or maintain any **sign** on, over or above any public land or right-of-way if any part of such **sign** extends more than four (4) feet over such land or right-of-way, is less than nine (9) feet above ground level or has an area exceeding eight (8) square feet. **Signs** placed upon public right-of-way contrary to the provisions of this ordinance shall be removed forthwith by the building inspector without notice. This ordinance does not apply to **signs** posted by duly constituted public authorities in the performance of their public duties.

k.

Billboards. All off-premises **signs** placed contrary to the provisions of these regulations, but in accordance with the Highway Advertising Act of 1972, Public Act No. 106 of 1972 (MCL 252.301 et seq.), shall be set back seventy-five (75) feet from any public right-of-way.

l.

Political **signs**. Political **signs** shall be permitted subject to the following conditions:

1)

Maximum area and number: No more than four (4) political **signs** shall be placed on any premises, and the area of each **sign** shall not exceed sixteen (16) square feet. Political **signs** shall not be located closer than fifteen (15) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political **signs** shall be ground or wall **signs**. No ground **sign** shall be higher than forty-eight (48) inches above average mean grade of the yard on which it is placed.

2)

Political **signs** shall be removed within ten calendar days after the election or event to which it relates. **Signs** that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days (whether consecutive or not) in one (1) calendar year on any premises.

3)

Political **signs** shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

m.

Sign construction. All **signs** must be of a freestanding, self-supporting construction. **Signs**, except those required for proper identification of the structure, are prohibited from being attached or affixed to telephone poles, fence poles, **sign** poles, gas line poles, mailboxes, and similar type of structures.

n.

Sight lines. The locations of all **signs** are subject to the provisions of Section 4.12, Visibility.

o.

Changeable message **sign** panel.

1)

A changeable message **sign** panel shall be allowed in addition to the area permitted in this section for a permanent ground **sign**.

2)

A permit shall be required to install a changeable message **sign** panel.

3)

A changeable message **sign** panel may not exceed the horizontal width of the accompanying ground **sign**. In addition, the area of the changeable message **sign** panel shall not exceed twenty-five (25) percent of the **sign** area of the ground **sign**. In no case shall a changeable message **sign** panel exceed three feet in vertical height.

4)

Such changeable message shall not flash or move and must otherwise be in compliance with applicable regulations within this section, notably [Subsections] 4.42.4.g and 4.42.4.h, above.
CHANGEABLE MESSAGE PANEL (see illustrations following definitions, Section 2.02).

- Adrian

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Link: www.adriancity.com

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Signs:

- **Sec. 106-493. - Other permitted and prohibited signs.**

(a)

The following signs are subject to the granting of a permit by the city, subject to the following conditions for the district in which such signs are located:

(1)

Street clock/temperature signs. Street clock/temperature signs are restricted to the B-4 districts.

Such signs may not exceed 54 square feet in area and the lettering or numbering on such signs shall not exceed eight inches in height. The signs shall be at least 12 feet above the ground level or sidewalk and must not overlay the public right-of-way, except with written approval from the city commission.

(2)

Billboards or message boards. Billboards or message boards in excess of 12 square feet must be attached to a permanent foundation or adhere to the requirements for a wall sign or ground-pole sign for the district in which such signs are located. Small temporary message boards or sandwich boards may not exceed 12 square feet, and only one such sign shall be allowed within the B-4 districts. Such signs may be placed in front of the entrance area to the store, front, rear or side, during regular business hours and must be removed to the store's interior at the end of each business day. Such signs shall not create a hazard to pedestrians or reduce the visibility to motorists.

(3)

Illuminated signs. Illuminated signs are not allowed in residential areas, not including illuminated house numbers, and must be buffered from residential areas when installed in adjacent commercial locations. Internal illumination must be within the face of the sign only and not within the supporting structure of the sign. External illumination shall be directed to the sign only and shall be shielded from the vision of pedestrians or motorists.

(4)

Off-premises signs. Off-premises signs are not permitted. Only in cases where the public benefit can be positively demonstrated will a permit be issued by administrative variance as found in [chapter 106, section 106-49\(e\)](#) of the Adrian City Code. Off-premises sign administrative variance standards are as follows:

a.

The sign shall have a total surface area on all surfaces, height and location requirements that are compatible to the standards for signs in the zoning district in which the sign is located;

b.

The number of existing signs in the vicinity shall be considered in the permit application review;

c.

Such sign shall also be set back from any public right-of-way two feet for every one foot of sign height, and shall not be closer than 500 feet to any playground, school, park, church or residential dwelling; and

d.

Temporary signs shall require a building permit. If the signs do not require structural supports, they may be permitted in nonresidential zones under special conditions. The term of the sign permit shall be stipulated and a cash bond posted in an amount acceptable to the building official should the sign not be removed in a timely manner.

e.

Off-premises signs located on private access easements that provide access to the site, which advertise the use of the property accessed, are not off-premises signs.

(b)

The following signs are prohibited within the city:

(1)

Any sign not permanently installed or not considered temporary according to the provisions of this article. Magnetic signs shall be considered a permanently installed sign.

(2)

Signs utilizing any moving or flashing lights or parts, other than electronic messages, are approved for street clock/temperature signs. (Barber poles are excluded from such prohibition.)

(3)

Pennants, spinners, streamers, balloons, banners, windsocks and flags, except during promotional sales, with such display not to exceed 15 days within any 90-day period.

(4)

Roof signs or other signage which do not meet the requirements of the district in which the sign is located, or painted, posted or erected in areas not meeting the sign requirements of this article, including the use of trees, rocks or other natural features as signs).

(Code 1972, § 8.49; Ord. No. 06-17, 11-6-2006)

• DIVISION 3. - RESTRICTIONS AND REQUIREMENTS FOR SPECIFIC TYPES OF SIGNS

• Sec. 106-466. - Temporary signs.

Nonilluminated temporary signs may be erected in accordance with the use, area, height and placement regulations of this section. Permits for such signs shall specify a maximum length of time such sign may be used and such sign shall thereafter be removed unless such use time is extended by the chief building inspector.

Temporary signs for promotional purposes, such as, but not limited to, sales and grand openings, shall be permitted in nonresidential districts, provided, the following conditions are met:

TEMPORARY SIGN

SCHEDULE OF REQUIREMENTS

Type of Sign	Size Limit (Square Feet)	Height (Maximum) (Feet)	Lighting	Time Limit	Placement	Permit
Real Estate						

	Single-family	6	6	Nonilluminated	12 months	Private property	Annual by realtor None by owner
	Non-single-family	12	6	Nonilluminated	12 months	Private property	Annual by realtor None by owner
	Trailer mounted	32	6	Nonintermittent	30 days per year	Private property	Individual permit required
	Contractor						
	Residential	6	4	Nonilluminated	2 weeks	Private property	Included with building permit
	Non-single-family residential	12	6	Nonintermittent	12 months	Private property	Included with building permit
	Banner (flexible, promotional)	32	N/A	Nonilluminated	*		

* No more than one 32 square foot banner may be displayed on a premises at one time.

* No single banner **sign** may be displayed over 30 days at a time.

Note: No temporary **sign** may be placed so as to create a clear vision restriction to vehicles or pedestrians entering or leaving a premises.

Note: Any **sign** occupying the public right-of-way without proper permits may be confiscated by the city. A processing fee may be charged before a confiscated **sign** is returned to its owner.

(1)

The **sign** shall be secured to a ground-pole **sign** or light pole standard and shall not, in the opinion of the building department, interfere with proper sight distance at the intersection areas.

(2)

The **sign** shall not exceed 32 square feet in area and shall be limited to no more than ten percent of the surface area of the wall on which it is installed, inclusive of all other signage present on the surface wall. If installed on a ground-pole **sign** or light pole standard, such **sign** shall be at least eight feet above the

ground, with the total square footage of the temporary **sign** and existing **sign** not exceeding the area requirements for the district in which it is located.

(3)

No business shall be permitted to have a temporary **sign** for promotional purposes for more than 15 days within any 90-day period.

(Code 1972, § 8.39)

- **Sec. 106-467. - Number of on-premises **signs** permitted.**

(a)

In the case of reverse lots (lots held under one ownership, fronting on two streets or a street and public alley), the number of **signs** shall be determined as though the lots were held by separate owners. In the case of a corner lot situated on two or more streets, one ground-pole **sign** may be permitted on each street in accordance with this article. However, both ground-pole **signs** must face a separate frontage, with each **sign** being either perpendicular or parallel to the street centering.

(b)

Each parcel of land, other than a corner lot or reverse lot as defined in subsection (a) of this section, shall not be permitted more than one **sign** of the type permitted by this article, except that when more than one ground floor business or usage occupies a single parcel of land, each such ground floor business or usage may have the number of **signs** permitted. The minimum distance between ground **signs** shall be 100 feet. However, a business center shall be permitted a business center or unified development (ground) **sign**. Individual store or business enterprise pole **signs** are expressly prohibited within the business center.

(Code 1972, § 8.40)

- **Sec. 106-468. - Illumination.**

No **sign** shall be illuminated by other than electrical means and electrical devices, and wiring shall be installed in accordance with the requirements of the state electrical code. In no case shall any open spark or flame be used.

(Code 1972, § 8.41)

- **Sec. 106-486. - **Signs** permitted in all districts.**

The following nonilluminated **signs** shall be permitted in all districts without obtaining a permit prior to installation:

(1)

Identification **signs**, not exceeding two square feet in area, indicating the name of the business or occupant and the address of the parcel.

(2)

Traffic or other municipal **signs** as installed or approved by the city commission or city administrator. Such **signs** may include legal notices, vehicle or pedestrian traffic **signs**, emergency **signs** or other **signs** as sanctioned by the city, such as for community events.

(3)

Flags bearing the official design of the United States, the state, a public educational institution or other organization as approved by the city commission or city administrator.

(4)

Exceptions as set forth in section 106-405.

(5)

Political **signs** not exceeding six square feet, which are ground mounted and adhere to the following:

a.

Such **signs** shall be removed within seven days after the election for which they are placed.

b.

Such **signs** shall be located no closer than three feet from the sidewalk and shall in no way create a traffic hazard due to reduced vision of motorists or pedestrians.

(Code 1972, § 8.43(1))

• **Sec. 106-487. - Signs permitted in all residential districts.**

(a)

The following **signs** shall be permitted for the principal uses permitted within the R-1, R-2, R-3, R-4, RT, RM-1, RM-2 and RM-H zoning districts:

(1)

Nonilluminated wall **signs**, identifying home occupations, and not exceeding 72 square inches (e.g., six inches by 12 inches) in area.

(2)

Institutional **signs** for churches, hospitals, extended care facilities (but not including nursing homes), educational institutions, subdivision entranceways and similar uses. Each **sign** shall not exceed 50 square feet and shall not be erected closer than 25 feet to any property line. The illumination of such **sign** shall be from a direct, nonintermittent source, and shall be arranged and designed so that the source of illumination cannot be seen from any adjoining residence and, provided further, an illuminated bulletin board may be incorporated if the area of such bulletin board shall not exceed 12 square feet. The number of on-premises **signs** permitted shall be as set forth in 106-462(a).

(b)

Temporary **signs** in residential districts for nonoccupational purposes shall be permitted, provided, such **signs** conform to all other requirements of this article.

(Code 1972, §§ 8.36(5), 8.43(2))

• **Sec. 106-488. - Signs permitted for uses subject to special exception or requiring site plan review.**

The specific provisions for **signs** within nonresidential uses or requiring site plan review are defined by the category of **signs** outlined in sections 106-484—106-488. Adherence to **sign** regulations shall be a condition of the approval of the site plan, special exception use permit and the building permit for such use.

(Code 1972, § 8.43(3))

• **Sec. 106-489. - Wall signs.**

Wall **signs** shall be permitted in the OS-1, B-1, B-2, B-4, WH, ERO, E1, I-1, I-2 and P-1 districts, subject to the following conditions:

- (1)
Wall **signs** shall not extend more than 15 inches from the face of any building wall and must be parallel to the wall on which it is affixed.
- (2)
Wall **signs** must be installed at least eight feet above the ground level or sidewalk, whichever is higher, and shall not extend higher than the roofline.
- (3)
Where more than one wall is exposed, a maximum of two wall **signs** may be installed, consistent with the conditions of this article.
- (4)
The following are the maximum sizes (**sign** areas) for wall **signs**, by district:
 - a.
OS-1. Not more than 12 square feet in area.
 - b.
R-0. Not more than 12 square feet in area.
 - c.
B-1 and B-2. Shall not exceed five percent of the square footage of the wall where the **sign** is located, with a total not more than 90 square feet in area.
 - (d)
B-4. Shall not exceed ten percent of the square footage of the wall where the **sign** is located, with a total not more than 300 square feet in area.
 - (e)
All other nonresidential districts. Shall not exceed five percent of the square footage of the wall where the **sign** is located, with a total of not more than 200 square feet in area.

(Code 1972, § 8.45)

• **Sec. 106-490. - Signs permitted within the B-3 central business district.**

- (a)
Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sign means any material, symbol, emblem, structure or advertising device, composed of lettering, images or pictures, and used to identify or direct attention to any business, institution, organization, person, object, event or activity, when visible from a public area, and shall include all related materials, attachments, mounting and illumination. The term "**sign**" may be applied, directly or indirectly, to facades, windows or walls and includes **signs** painted on a building wall or facade or which project from a building on a pole, canopy or awning, or are placed separate from the building as a permanent ground **sign** or temporary sidewalk **sign**. All **signs** require a permit.

- (b)

Generally. This section has special provisions to promote and protect the public health, welfare and safety within the B-3 central business district. It is intended to improve communication within the B-3 district, protect property values, preserve the historic streetscape and create a more attractive economic and business climate. It is further intended to reduce advertising distractions that may contribute to traffic accidents and reduce hazards to the general public.

(c)

Sign application review process. All **signs** erected within the B-3 district shall be reviewed by the city **sign** review committee. An application for a permit for a **sign** within the B-3 district shall be submitted to the chief building inspector, who shall transmit the application to the **sign** review committee. The **sign** review committee shall consist of a representative from the city planning commission, DDA design committee members, DDA executive director and one person elected thereto by the other members of such committee. The **sign** review committee shall review the application pursuant to the criteria set forth in subsection (d) of this section and submit its rejection or approval to the chief building inspector within ten days after receipt of the application.

(d)

Design criteria.

(1)

Size, in relation to building proportions and architecture, street proportions, nearby signage and dimension restrictions listed in section 106-485.

(2)

Colors, in relation to building colors, street colors or appropriate color schemes of the central business district.

(3)

Materials of the **sign** and attachments, as they relate to building architecture, style and period.

(4)

Style of letters as they coordinate with the style of the building and period; graphics as they relate to architectural styles and period; trademarks which are less than ten percent of the total **sign**; and general design as it relates to business advertised and building style.

(5)

Illumination, either attached or detached, as it relates to the style of the **sign** and building.

(e)

Approval. If an application is approved, the **sign** review committee shall issue a certificate of approval, upon receipt of which the chief building inspector will issue a **sign** permit if the **sign** is in conformance with this article and other ordinances of the city. If the **sign** review committee rejects the application, it shall be returned to the applicant, together with a written list of reasons why the application was rejected.

(f)

Allowable signage. Only flat facade **signs**, awning or marquee **signs**, window lettering, detached sidewalk **signs** and ground-pole **signs** will be permitted, based on criteria for dimension, location and design as follows:

(1)

*Flat facade **signs** (wall or marquee **signs**).* One or more flat facade **signs** (wall or marquee **signs**) shall be permitted, provided, the total area of the **sign** shall not exceed five percent of the number of square feet on the side of the structure where the **sign** is located and, provided further, that the combined area of the

wall and marquee **sign** shall not have a copy area greater than five percent of the wall where the **sign** is located or 150 square feet. No wall **signs** shall project above or beyond the highest point of the roof or parapet. Wall or marquee **signs** placed flush with the building shall not extend more than 15 inches from the face of any wall or building. The minimum height of the lowest edge of a flat face **sign** shall not be less than eight feet above the sidewalk. The maximum height of such **sign** shall not exceed two inches above the top of the face of the marquee to which it is attached.

(2)

*Projecting **signs**.* Projecting **signs** on a pole perpendicular to the building shall have a clearance of eight feet from the ground, be no larger than six square feet and extend a maximum of three feet from the facade.

(3)

Window lettering. Window lettering shall be determined through the **sign** review committee, according to size and proportion of each window **sign** such lettering is to be applied.

(4)

*Awning **signs**.* Awning **signs** may be placed any place on a structure when such awning has a ground clearance of seven feet, six inches, and extend no more than three feet from the facade. No flat metal or wood canopies will be permitted unless they are in place at the date of adoption of the ordinance from which this article is derived.

(5)

*Sidewalk **signs**.* Sidewalk **signs**, also referred to as "sandwich boards," shall be no more than ten square feet in area. All sidewalk **signs** are temporary by nature and will not be considered as existing signage under this article. A permit may be issued for such **sign** after **sign** review committee approval, and no fee will be charged for such permit. Sidewalk **signs** may be placed in front of the entrance area to the store, front, rear or side, during regular business hours, and must be removed to the interior of the store at the end of each business day. Such **signs** shall not create a hazard to pedestrians or reduce the visibility to motorists.

(6)

*Ground-pole **signs**.*

a.

Each parcel shall be limited to one ground-pole **sign**, the total area of which **sign** shall not exceed 16 square feet.

b.

Each ground-pole **sign** shall not exceed five feet in height, when measured from surrounding ground level.

c.

Each ground-pole **sign** shall not extend beyond any property line.

(7)

*Location and number of **signs**.* **Signs** will be permitted on the front, rear and side facades of buildings. The total number of **signs** permitted will be determined by the **sign** review committee.

(g)

Illumination. Any illumination of a **sign** within the B-3 district, either at time of erection or after erection, shall be considered part of the **sign**. The **sign** owner must receive the written approval of both the chief building inspector and **sign** review committee prior to use of such illumination. All illumination of all **signs** shall be from a

direct, nonintermittent source, and shall be arranged and designed so that the source of illumination cannot be seen from any residential area.

(h)

Maintenance. The owner of any **sign** in the B-3 district shall be required to maintain the **sign** in a good and safe condition. Any **sign** which is virtually deteriorated due to peeling paint, rust or disintegration of materials shall be considered by the chief building inspector to be unsafe and unlawful.

(i)

Appeals and waivers. Decisions relating to dimensional regulations of this section may be appealed to the board of zoning appeals. Requirements of this section may be waived by the board of zoning appeals if the **sign** is shown to be an historic resource or is a proposed reproduction of an historic source.

(Code 1972, § 8.46)

Sec. 106-493. - Other permitted and prohibited **signs.**

(a)

The following **signs** are subject to the granting of a permit by the city, subject to the following conditions for the district in which such **signs** are located:

(1)

*Street clock/temperature **signs**.* Street clock/temperature **signs** are restricted to the B-4 districts. Such **signs** may not exceed 54 square feet in area and the lettering or numbering on such **signs** shall not exceed eight inches in height. The **signs** shall be at least 12 feet above the ground level or sidewalk and must not overlay the public right-of-way, except with written approval from the city commission.

(2)

Billboards or message boards. Billboards or message boards in excess of 12 square feet must be attached to a permanent foundation or adhere to the requirements for a wall **sign** or ground-pole **sign** for the district in which such **signs** are located. Small temporary message boards or sandwich boards may not exceed 12 square feet, and only one such **sign** shall be allowed within the B-4 districts. Such **signs** may be placed in front of the entrance area to the store, front, rear or side, during regular business hours and must be removed to the store's interior at the end of each business day. Such **signs** shall not create a hazard to pedestrians or reduce the visibility to motorists.

(3)

*Illuminated **signs**.* Illuminated **signs** are not allowed in residential areas, not including illuminated house numbers, and must be buffered from residential areas when installed in adjacent commercial locations. Internal illumination must be within the face of the **sign** only and not within the supporting structure of the **sign**. External illumination shall be directed to the **sign** only and shall be shielded from the vision of pedestrians or motorists.

(4)

*Off-premises **signs**.* Off-premises **signs** are not permitted. Only in cases where the public benefit can be positively demonstrated will a permit be issued by administrative variance as found in [chapter 106, section 106-49\(e\)](#) of the Adrian City Code. Off-premises **sign** administrative variance standards are as follows:

a.

The **sign** shall have a total surface area on all surfaces, height and location requirements that are compatible to the standards for **signs** in the zoning district in which the **sign** is located;

- b. The number of existing signs in the vicinity shall be considered in the permit application review;
- c. Such sign shall also be set back from any public right-of-way two feet for every one foot of sign height, and shall not be closer than 500 feet to any playground, school, park, church or residential dwelling; and
- d. Temporary signs shall require a building permit. If the signs do not require structural supports, they may be permitted in nonresidential zones under special conditions. The term of the sign permit shall be stipulated and a cash bond posted in an amount acceptable to the building official should the sign not be removed in a timely manner.
- e. Off-premises signs located on private access easements that provide access to the site, which advertise the use of the property accessed, are not off-premises signs.

(b)

The following signs are prohibited within the city:

(1)

Any sign not permanently installed or not considered temporary according to the provisions of this article. Magnetic signs shall be considered a permanently installed sign.

(2)

Signs utilizing any moving or flashing lights or parts, other than electronic messages, are approved for street clock/temperature signs. (Barber poles are excluded from such prohibition.)

(3)

Pennants, spinners, streamers, balloons, banners, windsocks and flags, except during promotional sales, with such display not to exceed 15 days within any 90-day period.

(4)

Roof signs or other signage which do not meet the requirements of the district in which the sign is located, or painted, posted or erected in areas not meeting the sign requirements of this article, including the use of trees, rocks or other natural features as signs).

• **Sec. 106-487. - Signs permitted in all residential districts.**

(a)

The following signs shall be permitted for the principal uses permitted within the R-1, R-2, R-3, R-4, RT, RM-1, RM-2 and RM-H zoning districts:

(1)

Nonilluminated wall signs, identifying home occupations, and not exceeding 72 square inches (e.g., six inches by 12 inches) in area.

(2)

Institutional signs for churches, hospitals, extended care facilities (but not including nursing homes), educational institutions, subdivision entranceways and similar uses. Each sign shall not exceed 50 square feet and shall not be erected closer than 25 feet to any property line. The illumination of such sign shall be

from a direct, nonintermittent source, and shall be arranged and designed so that the source of illumination cannot be seen from any adjoining residence and, provided further, an illuminated bulletin board may be incorporated if the area of such bulletin board shall not exceed 12 square feet. The number of on-premises **signs** permitted shall be as set forth in 106-462(a).

(b)

Temporary **signs** in residential districts for nonoccupational purposes shall be permitted, provided, such **signs** conform to all other requirements of this article.

(Code 1972, §§ 8.36(5), 8.43(2))

- **Sec. 106-488. - Signs permitted for uses subject to special exception or requiring site plan review.**

The specific provisions for **signs** within nonresidential uses or requiring site plan review are defined by the category of **signs** outlined in sections 106-484—106-488. Adherence to **sign** regulations shall be a condition of the approval of the site plan, special exception use permit and the building permit for such use.

(Code 1972, § 8.43(3))

- Albion

Phone: (517) 629-5535

Fax: (517) 629-5535

Link: www.ci.albion.mi.us

Auction: Auctioneers:

Sec. 2-388. - Sale of obsolete property.

(a)

The sale of unusable or obsolete personal property from any using agency of the value of \$2,500.00 or more or other limit as established by resolution of the council shall be accomplished as follows:

(1)

The sale of obsolete or unusable personal property of a value of more than \$2,500.00 shall be by public **auction**, either at an established state sale of unusable or obsolete personal property or at a public **auction** held after a five-day publication of the time of sale, the items of personal property to be sold, along with any other terms of sale; and

(2)

The proceeds of the sale shall be paid to the general fund unless otherwise advertised in the five-day publication.

(b)

Subsection (a) of this section shall not apply to the sale of unusable or obsolete personal property in the following situations:

(1)

Unusable or obsolete personal property under the value of \$2,500.00 or other limit as established by resolution of the council, which may be sold directly by the purchasing agent without public auction.

(2)

The sale of personal property used as a trade-in for the purchase of new supplies or materials or equipment.

Signage:

Garage/yard sale or estate/auction sale signs. Limited to one sign on the premises on which such sale is conducted, no greater than eight square feet in area. No more than two off premises signs, limited to four square feet shall be allowed. No garage/yard sale or estate/auction sale sign shall be placed on any utility pole, street sign, tree, fence, etc. All signs must be removed at the end of the sale.

- **Algonac**

Link: www.algonic-mi.gov

Auctions: Auctioneers: No data given

Signage: No data given

- **Allegan**

Link: www.cityofallegan.org

Auction: Auctioneers:

- **Sec. 19-101. - Defined.**

A "transient merchant, itinerant merchant, or itinerant vendor", for the purposes of this article means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, who while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Ord. No. 40, § 2, 3-23-59)

Cross reference— Definitions and rules of construction generally, § 1-2.

- **Sec. 19-102. - Loud noises and speaking devices.**

No licensee under this article nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell, or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such license proposes to sell.

(Ord. No. 40, § 10, 3-29-59)

Cross reference— Noise generally, Ch. 15; unlawful noise from hawking of goods, § 15-5

- **Sec. 19-103. - Duty of police to enforce.**

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

(Ord. No. 40, § 11, 3-23-59)

- **Sec. 19-104. - Records.**

The chief of police shall maintain a record of fingerprints of the licensee, together with a license number. The chief of police shall keep a record of any complaints against any person licensed under the provisions of this article and any conviction for violation of this article.

(Ord. No. 40, § 12, 3-23-59; Ord. No. 402, § 1, 12-26-07)

Signage

- **Sec. 23-4. - Signs not requiring permits.**

(a)

Signs shall not be erected without the issuance of a building permit, except for the following **signs**, provided that such **signs** comply with the provisions of this section and other applicable provisions in this chapter:

(1)

Signs erected by the city, county, state, or federal government for street direction or traffic control; to designate hours of activity; or use of parking lots, recreational areas, governmental buildings or other public space; or for other public purposes.

(2)

Signs erected by an essential service establishment denoting utility lines, railroad lines, hazards, and precautions, including portable flashing **signs**.

(3)

Signs designating sites recognized by the State Historical Commission as Historic Landmarks.

(4)

Real estate **signs** advertising premises for sale, rent, or lease when not more than thirty (30) square feet in area and six (6) feet in height for a commercial or industrial zoned property, or six (6) square feet in area and four (4) feet in height for other properties. A real estate **sign** shall be located on the property that is for sale, rent, or lease.

(5)

Signs not larger than two (2) square feet in area posted to control and/or prohibit hunting or trespassing within the city. Such **signs** shall be spaced not less than fifty (50) feet apart.

(6)

Political **signs** not larger than six (6) square feet in area may be placed upon any parcel of property in all districts provided they do not obstruct the vision of vehicular traffic on any street. Political **signs** erected in connection with an election or referendum shall be removed within forty-eight (48) hours following the election or referendum.

(7)

A temporary special event **sign**, used to advertise a garage sale or estate sale on residential property, graduation party or similar temporary event, not to exceed six (6) square feet in area. Such **sign** shall be removed within forty-eight (48) hours after the completion of the event. Such **sign** shall be placed on private property with appropriate permission of property owners received.

(8)

Holiday lights, works of art, and decorations with no commercial message.

(9)

Memorial **signs** not larger than twelve (12) square feet in area which are either 1) cut into the face of a masonry surface; or 2) constructed of bronze or other incombustible material when located flat on the face of a building.

(10)

A construction **sign** not exceeding thirty-two (32) square feet in area and having a height not greater than six (6) feet. There shall be only one construction **sign** for a development or project, and the **sign** shall be removed not later than the issuance of certificates of occupancy for ninety (90) percent of the building(s) in the development or project.

(11)

In parking areas, no **signs** other than directional or regulatory **signs** shall be permitted. **Signs** shall not include any advertising matter or commercial message and shall have a **sign** area no greater than four (4) square feet.

(12)

One (1) human **sign** is permitted per lot at any given time, provided that the human **sign** does not block the sidewalk and remains outside of public rights-of-way.

(Ord. No. 435, § 1, 7-8-13)

- **Sec. 23-5. - Prohibited **signs**.**

(a)

The following types of **signs** are prohibited in all zoning districts:

(1)

Abandoned **signs**, or **signs** in disrepair in violation of section 23-3(d) above.

(2)

Animated **signs**, audible **signs**, and/or flashing **signs** (except traffic control devices).

(3)

Signs imitating or resembling official traffic or government **signs** or signals.

(Ord. No. 435, § 1, 7-8-13)

- **Allen Park**

313.928.1883

Link: www.cityoffallenpark.org

Auction: Auctioneers:

- **Sec. 34-46. - Required.**

It shall be unlawful for any person to sell, dispose of, or offer for sale at public **auction** in the city any merchandise, unless such person, and the owners of such merchandise if it is not owned by the vendors, shall have first secured a license as provided in this division and shall have complied with the regulations set forth.

(Code 1957, § 3-152.1; Code 1978, § 7-131; Ord. No. 72-9, § 1, 9-12-1972)

- **Sec. 34-47. - Application.**

Any person desiring a license under this division shall, at least ten days prior to such proposed **auction** sale, file with the city clerk an application in writing, duly verified by the person proposing to sell, dispose of or offer for sale any merchandise at public **auction**, which application shall state the following facts:

(1)

The name, residence and post office address (including e-mail address) of the person making the application, and if a firm or corporation, the name and address (including e-mail address) of the members of the firm or officers of the corporation, as the case may be;

(2)

The name, residence and post office address (including e-mail address) of the **auctioneer** who will conduct such **auction** sale;

(3)

A detailed inventory and description of all such merchandise to be offered for sale at such **auction** and a valuation thereof;

(4)

A statement as to whether or not the sale at public **auction** shall be with or without reservation.

(Code 1957, § 3-152.1; Code 1978, § 7-132; Ord. No. 72-9, § 2, 9-12-1972)

- **Sec. 34-48. - Bond.**

At the time of filing an application under [section 34-47](#), and as a part thereof, the applicant shall execute a bond to the city, with two sureties, who shall be freeholders, or a surety company bond, in the sum as prescribed by council resolution, to be approved by the city council, such bond to be conditioned for the faithful observance of this article and other ordinances of the city.

(Code 1957, § 3-152.1; Code 1978, § 7-133; Ord. No. 72-9, § 3, 9-12-1972)

- **Sec. 34-49. - Fee.**

At the time of filing an application under [section 34-47](#) and bond under [section 34-48](#), the applicant shall pay to the city clerk a license fee as prescribed by council resolution for each day it is supposed to hold such **auction** sale as shown by the application for the license.

(Code 1957, § 3-152.1; Code 1978, § 7-134; Ord. No. 72-9, § 4, 9-12-1972)

- **Sec. 34-50. - Issuance; transfer.**

Upon the filing of an application under [section 34-47](#) and after the applicant has fully complied with all the provisions of this article, the city council, by the city clerk, shall issue to the applicant a license authorizing the holding of such **auction** sale as proposed in said application. Such license shall not be transferable.

(Code 1957, § 3-152.1; Code 1978, § 7-135; Ord. No. 72-9, § 5, 9-12-1972)

- **Secs. 34-51—34-73. - Reserved.**

Signage:

Garage sale signs. One **sign** of up to six square feet, indicating a garage sale shall be permitted when located on the property where the event will occur. Additional **signs** of the same size may be placed, one per property on other private property when placed with that property owner's consent. All **signs** shall be removed within 24 hours after the conclusion of the sale. No garage sale **sign** shall be allowed in any commercial, office or industrial zones.

(m)

Political campaign signs.

(1)

No permit shall be required for the placement and erection of political campaign **signs**.

(2)

No political campaign **sign** shall be placed or erected sooner than 60 days to any election date, including any primary, special or general election.

(3)

All political campaign **signs** shall be removed by the candidate, committee or organization listed on the **sign** within seven days immediately after the election date, including any primary, special or general election. However, a **sign** for a candidate who was successful in the primary shall be allowed to remain until the final election in which the candidate is involved. The **sign** must then be removed within seven days.

(4)

All political campaign **signs** shall bear the name and address of the individual or organization responsible for the **sign**.

(5)

Prior to a violation being issued under this subsection, a written warning of a violation of this subsection shall be given to the individual or organization responsible for the **sign** or if not listed on the **sign**, to the individual or organization described on the **sign**. The warning shall indicate the nature and location of the violation and the date by which the violation shall be corrected, which date shall not be sooner than seven days, to prohibit further enforcement.

(6)

A person's first or second violation of this subsection shall be a municipal civil infraction with a civil fine as established in [section 1-14\(b\)](#). A person's subsequent violations of this subsection shall be a misdemeanor and subject to the penalties of [section 1-14\(a\)](#).

(n)

*Portable **signs**.*

(1)

Portable **signs** shall not exceed 48 inches in height and 30 inches in width, including the frame or supporting structure.

(2)

No portable **sign** shall be placed closer than two feet to any public driveway, street, alley, sidewalk or other public property, nor placed upon any other property other than where the business or product advertised is located or sold.

- Alma

(989)463-8336

Link: www.ci.alma.mi.us

Auction: Auctioneers: No data given

Sign:

Sec. 60-237. - Exempt signs.

The following signs are specifically exempt for the sign permit requirements but are subject to the following regulations and standards:

(1)

Business affiliation signs. Signs not exceeding an aggregate total of three square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.

(2)

Construction signs. Provided that there shall be only one such sign per development project, with a maximum height of six feet and not exceeding 16 square feet in area for residential projects, a maximum height of six feet and not exceeding 32 square feet in area for nonresidential projects, setback a minimum ten feet from any property line or public street right-of-way, and that such signs shall be erected during the construction period only and shall be removed 14 days after an occupancy permit is issued.

(3)

Flags. Insignia of any nation, state, community organization, college or university, or civic events.

(4)

Garage sale signs. Provided that the signs comply with the following regulations:

a.

A garage sale sign will be allowed between the curb and sidewalk only in front of the dwelling where the sale is taking place.

b.

Garage sale signs may be allowed behind the sidewalk or property line with permission of the property owner.

c.

The sign shall not exceed eight square feet in area and shall in no way obstruct the vision of vehicle traffic.

d.

The signs shall not be attached to any tree or utility pole in the road right of way.

e.

All signs shall be removed immediately upon closing of garage sale.

f.

Any signs found in road right of way violation of any of the above will be removed without notice.

• Sec. 60-245. - Temporary signs/banners and feather flag signs.

(a)

Temporary signs/banners.

(1)

Maximum size. Temporary signs and banners of combustible construction shall not be more than ten feet in one dimension or more than 60 square feet in total area, unless otherwise regulated in this section.

(2)

Location. No temporary **sign** or banner shall be erected so as to extend over or into any street, alley, sidewalk, or other public thoroughfare unless a permit has been obtained from the city manager or his designee. No permit shall be granted if the proposed **sign** will in any way endanger persons or property or obstruct the view of any traffic signal. No temporary **sign** shall be erected so as to project over any wall opening or so as to prevent free ingress to or egress from any door, window, or fire escape.

(3)

Supports. Temporary **signs** and banners shall be constructed and fastened to supports which will withstand the design loads set forth in this section or in the state construction code.

(4)

Erection. Temporary **signs** and banners which are attached to or suspended from a building and which are constructed of cloth or other combustible material shall be securely supported. Such **signs** and banners shall be removed as soon as torn or damaged. All other temporary signage shall be authorized for a period of not exceeding 30 continuous days.

(5)

Permits. Temporary **signs** and banners, which are in compliance with this section, shall be exempt from any **sign** permit requirement, provided that not more than three such **signs** shall be in place at any one time on any parcel. Temporary **signs** and banners in place for a period of time greater than that permitted above, or greater in number than permitted herein, must meet all permanent wall **sign** requirements as set forth in this section, including the percent of total wall coverage allowed for wall **signs**.

(6)

Maintenance. Temporary **signs** and banners are subject to the maintenance requirements of subsection [60-247\(c\)](#).

(b)

*Feather flag **signs**.*

(1)

Maximum size. Each feather flag **sign** shall not exceed 32 square feet in total area.

(2)

Location. Feather flag **signs** must be located outside of the public right-of-way and any clear vision triangle. The number of feather flag **signs** is limited to one per every 40 linear feet of road frontage along the roadway where the primary business **sign** is installed.

(3)

Permits. No feather flag **sign** shall be erected or installed except pursuant to a permit issued by the zoning administrator.

(4)

Maintenance. Feather flag **signs** are subject to the maintenance requirements of subsection [60-247\(c\)](#).

(Ord. No. 691, § 1(32-153), 5-4-2005; Ord. No. 759, § 3, 2-11-2014)

Editor's note—

Section 3 of Ord. No. 759, adopted Feb. 11, 2014, changed the title of [§ 60-245](#) from "Temporary **signs**/banners" to read as herein set out.

Sec. 60-236. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banners. Any **sign** of lightweight fabric or similar material that is attached to a building or other structure erected for a purpose other than holding or displaying the banner. The term "Banner" does not include feather flag **signs**.

Feather flag sign. A freestanding temporary **sign** typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

Flag. A device generally made of flexible material, usually cloth, paper or plastic, typically used as a symbol of a government, school, or religion, and not containing a commercial message. The term "Flag" does not include feather flag **signs**.

Sign. A device which is affixed to or otherwise located or set upon a building, structure or parcel of land which directs attention to an activity or business. **Signs** are defined as follows:

(1)

Abandoned sign. Any **sign** which no longer advertises a bona fide business or product sold shall be taken down and removed by the owner or the person having the beneficial use of the building, structure, or premises upon which the **sign** may be found, within ten days after written notice from the enforcing officer. In default of compliance with the enforcing officer's order, the enforcing officer may remove the **sign**, and any expense incidental thereto shall be paid by the owner of the building, structure, or premises to which the **sign** was attached.

(2)

Awning. Any covered projection attached to the face of a building which is supported entirely by the building and projects beyond the building wall.

(3)

Canopy. Any covered structure attached to a building that projects beyond the building wall and is carried by a frame partially supported by the ground or sidewalk below it.

(4)

Awning/canopy sign. Any **sign** attached to or constructed within or on an awning or on a canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not an awning/canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this chapter.

(5)

Billboard. A surface whereon advertising matter is set in view conspicuously and which does not apply to the premises or any use of the premises wherein it is displayed or posted, and is regulated in accordance with regulations governed by the Highway Advertising Act, Public Act No. 106 of 1972 (MCL 252.301 et seq.), as amended.

(6)

Bulletin boards. A **sign** related to a public school, parochial school, private school, clubs or organizations, public park or recreation facility, church or other religious institution which identifies activities or events to take place which involve the patrons of such specific use.

(7)

Changeable copy sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of a sign.

(8)

Directory sign. A ground sign listing only the names of tenants or occupants of a building, group of buildings, and/or business district, their professions or business a

- Alpena

Link: www.Alpena.mi.us

Auction: Auctioneers:

- **State Law reference—** Auctions and auctioneers, MCL 446.26 et seq., MSA 19.551 et seq.
- **Sec. 18-106. - Applicability of article to secondhand household articles.**

Subsections [18-109](#)(b) through (h), and sections [18-112](#) and [18-113](#) shall not apply to the selling by auction of secondhand household goods. The words "secondhand household furniture and household goods," as used in this section, shall mean household furniture and household goods actually used by people in keeping house.

(Code 1971, § 18-49)

- **Sec. 18-107. - License and bond required.**

(a)

No person shall engage in the business or trade of auctioneer without first obtaining a license therefor in the manner provided in this article and in article II of this chapter. No license shall be issued under this article except upon certification of the public safety director for the purposes set forth in article II of this chapter.

(b)

No license required by subsection (a) of this section shall be issued until the applicant therefor shall have furnished a bond in the amount as established by resolution of council, with sufficient surety to be approved by the city clerk, which bond shall be conditioned for the due observance during the term of the license of all laws of the state and all provisions of this Code. Any person aggrieved by the action of any license shall have a right of action on the bond for the recovery of money or damages, or both. The bond shall remain in full force and effect for the period of 90 days after the expiration or cancellation of the license or after the termination of any action upon the bond.

(Code 1971, § 18-50)

Cross reference— Business licensing generally, § 18-31 et seq.

- **Sec. 18-108. - License fee.**

The fee for a license required by this article shall be as established by resolution of council.

(Code 1971, § 18-51)

• **Sec. 18-109. - Requirements for sales.**

No person shall sell, dispose of, advertise for sale, or offer for sale at public **auction** in the city, any property of any kind, except under the following conditions:

- (1)
The sale shall be conducted by an **auctioneer** duly licensed as required by this article.
- (2)
The property shall have been on the tax rolls of the city for a period of one year prior to the sale; or, that it is all of the stock of goods of a merchant who has regularly done business in the city for one year prior to the sale.
- (3)
All taxes, plus penalties, which have become a lien under any law, provisions of this Code or other city ordinance, whether or not such taxes may have been actually assessed, shall have first been paid.
- (4)
No property of any kind will be added to the stock sought to be sold after the inventory is filed, nor shall any property have been added within 60 days prior to the commencement of such sale in anticipation thereof.
- (5)
No property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during the **auction**.
- (6)
No **auction** sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches, or other jewelry shall be permitted, unless it is a closing-out **auction** and application therefor has been on file with the city clerk for a period of 60 days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and the true names, weight, quality, and color of any precious or semiprecious stone or stones, together with the names of the manufacturer of the article.
- (7)
A sales book shall be kept, showing each sale and each sale shall be signed by the purchaser of such article at the time of the purchase, opposite a description of the article, and, if no purchaser comes forward to sign the book, then the next highest bidder shall have the right to sign the sales book and to demand and receive such article at the amount of his original bid.

(Code 1971, § 18-52)

• **Sec. 18-110. - Sound-making devices to attract attention.**

No bell, musical instrument, buzzer, bally-hoo, or any other mechanical or excessive vocal sound shall be used in any street, public place, or doorway to attract attention to sale at **auction**.

- **Sec. 18-111. - Accounts of sales.**

Each **auctioneer** licensed under this article shall keep an accurate account of goods and chattels sold by him, and of the persons from whom they were received, which record shall be open to inspection by the public safety director or his representative at all reasonable times.

- **Sec. 18-112. - Application to conduct an **auction** sale.**

(a)

At least five full days before commencing any sale by **auction**, except as noted in subsection [18-109\(7\)](#), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

(1)

Whether or not the **auction** sought to be conducted is a closing-out **auction**.

(2)

If it is a closing-out **auction**, that the application is made in good faith for the purpose of retiring from business and that all statutes governing closing-out sales have been complied with.

(3)

That the stock of goods or other property sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year.

(4)

A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article.

(5)

The place where the **auction** is to be conducted.

(6)

The name of the **auctioneer** who is to conduct the sale.

(7)

The name or names of the owners of the property for the preceding year.

(8)

The length of time the applicant has been in business in the city and the location of his business.

(9)

That all taxes on the property have been paid.

(10)

That no property other than that listed shall be sold or offered for sale on the premises where the **auction** is being conducted during the course of the **auction** sale.

(11)

That all of the property listed is actually on the premises where the **auction** is to be conducted.

(b)

No **auctioneer** shall conduct the **auction** at any place other than that stated in the application and it shall be unlawful for either the **auctioneer** or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statements shall be deemed a violation of this Code.

(Code 1971, § 18-55)

- **Sec. 18-113. - Inspection; inspection fee.**

The public safety director may appoint an inspector for each **auction** sale conducted in the city except such as are exempt from this article, who shall be at all times on the premises while such sale is in progress. The inspector shall be given a copy of the inventory by the city clerk and shall, as each article is sold, check the item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of the article, and if the **auctioneer** refuses to comply with the request, the public safety director may forthwith stop the sale until the **auctioneer** furnishes satisfactory proof that the article was included in the inventory. The owner or **auctioneer** shall pay or cause to be paid to the city treasurer the sum established by resolution of council per day in advance, for each day the **auction** is to continue for the services of the inspector, but the payment may be made on the day of the sale if made before the hour of its commencement. If the sale does not run for a full day of eight hours, the owner shall pay the hourly rate established by resolution of council, for each hour the inspector shall be on duty.

(Code 1971, § 18-56)

- **Sec. 18-114. - New goods not to be sold at the time of sale of used goods.**

No new goods, wares, merchandise, or personal property shall be offered for sale at public **auction** when and where secondhand goods, wares, merchandise, or personal property are being sold at public **auction**.

(Code 1971, § 18-57)

- **Sec. 18-115. - Sales exempt from this article.**

The provisions of this article shall not apply to sheriffs, constables, or other public or court officers or to any person acting under the license, direction, or authority of any state or federal court, selling goods, wares, or merchandise in the course of their official duties, or to any person selling goods under and by virtue of any state or federal statutes.

(Code 1971, § 18-58)

- **Secs. 18-116—18-140. - Reserved.**

Signs: No Data Given

- Ann Arbor

734.794.6000

Link: www.alpena.mi.us

Auction: Auctioneers:

- **State Law reference—** Auctions and auctioneers, MCL 446.26 et seq., MSA 19.551 et seq.
- **Sec. 18-106. - Applicability of article to secondhand household articles.**

Subsections [18-109](#)(b) through (h), and sections [18-112](#) and [18-113](#) shall not apply to the selling by auction of secondhand household goods. The words "secondhand household furniture and household goods," as used in this section, shall mean household furniture and household goods actually used by people in keeping house.

(Code 1971, § 18-49)

- **Sec. 18-107. - License and bond required.**

(a)

No person shall engage in the business or trade of auctioneer without first obtaining a license therefor in the manner provided in this article and in article II of this chapter. No license shall be issued under this article except upon certification of the public safety director for the purposes set forth in article II of this chapter.

(b)

No license required by subsection (a) of this section shall be issued until the applicant therefor shall have furnished a bond in the amount as established by resolution of council, with sufficient surety to be approved by the city clerk, which bond shall be conditioned for the due observance during the term of the license of all laws of the state and all provisions of this Code. Any person aggrieved by the action of any license shall have a right of action on the bond for the recovery of money or damages, or both. The bond shall remain in full force and effect for the period of 90 days after the expiration or cancellation of the license or after the termination of any action upon the bond.

(Code 1971, § 18-50)

Cross reference— Business licensing generally, § 18-31 et seq.

- **Sec. 18-108. - License fee.**

The fee for a license required by this article shall be as established by resolution of council.

(Code 1971, § 18-51)

- **Sec. 18-109. - Requirements for sales.**

No person shall sell, dispose of, advertise for sale, or offer for sale at public auction in the city, any property of any kind, except under the following conditions:

- (1)
The sale shall be conducted by an **auctioneer** duly licensed as required by this article.
- (2)
The property shall have been on the tax rolls of the city for a period of one year prior to the sale; or, that it is all of the stock of goods of a merchant who has regularly done business in the city for one year prior to the sale.
- (3)
All taxes, plus penalties, which have become a lien under any law, provisions of this Code or other city ordinance, whether or not such taxes may have been actually assessed, shall have first been paid.
- (4)
No property of any kind will be added to the stock sought to be sold after the inventory is filed, nor shall any property have been added within 60 days prior to the commencement of such sale in anticipation thereof.
- (5)
No property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during the **auction**.
- (6)
No **auction** sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches, or other jewelry shall be permitted, unless it is a closing-out **auction** and application therefor has been on file with the city clerk for a period of 60 days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and the true names, weight, quality, and color of any precious or semiprecious stone or stones, together with the names of the manufacturer of the article.
- (7)
A sales book shall be kept, showing each sale and each sale shall be signed by the purchaser of such article at the time of the purchase, opposite a description of the article, and, if no purchaser comes forward to sign the book, then the next highest bidder shall have the right to sign the sales book and to demand and receive such article at the amount of his original bid.

(Code 1971, § 18-52)

• **Sec. 18-110. - Sound-making devices to attract attention.**

No bell, musical instrument, buzzer, bally-hoo, or any other mechanical or excessive vocal sound shall be used in any street, public place, or doorway to attract attention to sale at **auction**.

(Code 1971, § 18-53)

• **Sec. 18-111. - Accounts of sales.**

Each **auctioneer** licensed under this article shall keep an accurate account of goods and chattels sold by him, and of the persons from whom they were received, which record shall be open to inspection by the public safety director or his representative at all reasonable times.

• **Sec. 18-112. - Application to conduct an auction sale.**

(a)

At least five full days before commencing any sale by auction, except as noted in subsection [18-109\(7\)](#), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

(1)

Whether or not the auction sought to be conducted is a closing-out auction.

(2)

If it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that all statutes governing closing-out sales have been complied with.

(3)

That the stock of goods or other property sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year.

(4)

A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article.

(5)

The place where the auction is to be conducted.

(6)

The name of the auctioneer who is to conduct the sale.

(7)

The name or names of the owners of the property for the preceding year.

(8)

The length of time the applicant has been in business in the city and the location of his business.

(9)

That all taxes on the property have been paid.

(10)

That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during the course of the auction sale.

(11)

That all of the property listed is actually on the premises where the auction is to be conducted.

(b)

No auctioneer shall conduct the auction at any place other than that stated in the application and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statements shall be deemed a violation of this Code.

- **Sec. 18-113. - Inspection; inspection fee.**

The public safety director may appoint an inspector for each **auction** sale conducted in the city except such as are exempt from this article, who shall be at all times on the premises while such sale is in progress. The inspector shall be given a copy of the inventory by the city clerk and shall, as each article is sold, check the item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of the article, and if the **auctioneer** refuses to comply with the request, the public safety director may forthwith stop the sale until the **auctioneer** furnishes satisfactory proof that the article was included in the inventory. The owner or **auctioneer** shall pay or cause to be paid to the city treasurer the sum established by resolution of council per day in advance, for each day the **auction** is to continue for the services of the inspector, but the payment may be made on the day of the sale if made before the hour of its commencement. If the sale does not run for a full day of eight hours, the owner shall pay the hourly rate established by resolution of council, for each hour the inspector shall be on duty.

(Code 1971, § 18-56)

- **Sec. 18-114. - New goods not to be sold at the time of sale of used goods.**

No new goods, wares, merchandise, or personal property shall be offered for sale at public **auction** when and where secondhand goods, wares, merchandise, or personal property are being sold at public **auction**.

(Code 1971, § 18-57)

- **Sec. 18-115. - Sales exempt from this article.**

The provisions of this article shall not apply to sheriffs, constables, or other public or court officers or to any person acting under the license, direction, or authority of any state or federal court, selling goods, wares, or merchandise in the course of their official duties, or to any person selling goods under and by virtue of any state or federal statutes.

Sign: No Data given

- Ann Arbor Charter Township, (Washtenaw Co.)

Phone: (734) 663-3418

Fax: (734) 663-6678

<https://www.facebook.com/AnnArborCharterTownship>

Link: www.aatwp.org

Auction: Auctioneers: No Data Given

Sign:

- **Sec. 74-832. - General sign regulations.**

No sign shall be erected or replaced at any location where, by reason of position, size, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the essential character of such area. Signs, including signs painted onto building walls, shall conform to all yard and height requirements of the district in which located unless otherwise provided in this article. A permit for any sign, whether freestanding or mounted on or applied to a building, including signs painted on building walls, or other structures, or for any change in copy, shall be obtained from the Township Building Inspector before such sign may be erected, replaced, or relocated. Strings of pennants or flags attached to or part of a sign, or independently displayed for purposes of advertising, shall be prohibited.

(Comp. Ords. 1990, § 130.1302)

- Armada

Link: <http://www.villageofarmada.org/>

586-784-9151

Auction: Auctioneers: No Data Given

Signage:

- **Sec. 94-4. - Signs; posting and removal.**

It shall be unlawful and a violation of this chapter to advertise a garage sale by posting signs in contravention of the following:

(1)

No signs advertising a garage sale shall be placed in any manner on public property. The signs may only be placed on private property with the consent of the property owner.

(2)

Under no circumstances shall any such sign be permanently affixed in the ground or on any structure.

Temporary posting on trees, traffic-control devices, street signs or utility poles within twenty-five (25) feet of a public right-of-way is prohibited.

(3)

All **signs** advertising a garage sale shall display each date on which such sale is to be conducted.

(4)

Signs advertising a garage sale shall be removed within forty-eight (48) hours following the last date of the garage sale as designated on the **sign** itself.

(Code 1980, Ch. 113.1, § IV)

- **Sec. 94-5. - Penalty.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine not to exceed five hundred dollars (\$500.00) plus cost of prosecution or by imprisonment for not more than ninety (90) days in the county jail, or by both such fine and imprisonment, in the discretion of the court.

- Atlas Township, (Genesee Co.)

Link: <http://www.atlastownship.org/>

Phone:

810.636.2548

Fax:

810.636.6244

Auction: Auctioneers:

Sign:

- **300.3B06 - Signs not requiring a permit.**

Sec. VI. The following signs do not require a permit, but must adhere to the restrictions set forth in this Ordinance:

1. Agricultural signs.
2. Construction signs.
3. Directional/informational signs.
4. Flags of any country, state, municipality, educational institution, non-profit organization, business entity.

5. Garage, open house and auction sale signs.
6. Identification signs.
7. Political signs.
8. Public signs.
9. Real estate signs.
10. Real estate development signs.
11. Window signs.

- **300.3B07 - Prohibited signs.**

Sec. VII. The following signs are prohibited:

1. Add-on signs.
2. Ancillary signs.
3. Animated signs.
4. Beacon lights.
5. Banners (except street banners advertising community/special events).
6. Festoons.
7. Flashing signs.
8. Freestanding nonaccessory signs.
9. Marquee signs.
10. Moving signs.
- 11.

- Obsolete signs.
12. Painted wall signs.
13. Pennants.
14. Pole signs (except real estate, real estate development signs, and agricultural product signs).
15. Projecting signs.
16. Roof signs.
17. Sandwich signs.
18. Snipe signs (except as permitted herein).
19. Temporary vehicle signs.
20. Under-canopy signs
21. Inflatable signs.
22. Scrolling copy.

- **Auburn Hills**

248-370-9400

Link: www.auburnhills.org

Auction: Auctioneer: No data given

Sign: No data given

- **Aurelius Township, (Ingham Co.)**

PH: 517-628-2093

FX: 517-628-3989

Link: www.aureliustwp.org

Auction: Auctioneers:

No vending license shall be required for any garage sales by owners of the property thereon, or any **auction** sales on property owner by the resident and involving the sale of the property of said owner.

Storage uses. Miniwarehouse developments shall be limited to dead storage use only. **Auctions**, commercial or garage sales, servicing or repair of motor vehicles, boats, trailers, snowmobiles, lawn mowers, and other similar equipment are prohibited.

Transient merchant shall mean any person, firm or corporation, whether owner, agent, consignee or employee, or whether a resident within the township limits or outside said limits, that engages in any temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public for franchises, distributorships, contracts where other business opportunities are offered to participants, or one who sells, offers or exhibits for sale any goods, wares or services out of motor vehicles or temporary structures, or stands located on street/road corners, parking lots, lawns or other devices and locations. The foregoing notwithstanding, however, a transient merchant for purposes of this section shall not include persons, firms or corporations who shall occupy any of such places for the purpose of conducting a permanent business therein or thereon. However, no person, firm or corporation shall be relieved from the licensure provisions of this chapter by reason of temporary association with any such local property owner, trader, merchant or **auctioneer**, or by conducting such temporary transient business in connection with or as part of or in the name of a local business owner or operator.

-
- **Sec. 13-4. - License required.**

It shall be unlawful for any vendor, solicitor, transient merchant or peddler to engage in such business within the township without first obtaining a license in compliance with this chapter.

(Ord. No. 39.10, § IV, 5-12-09)

- **Sec. 13-5. - Exemptions.**

(a)

Persons engaged in soliciting, peddling or vending under the direct supervision of any school or recognized charity or non-profit organization may be exempt from one or more of the provisions of this chapter upon application to the township board.

(b)

Persons engaged in canvassing and distributing printed material or obtaining signatures for political candidates, ballot issues or other political issues, or for religious solicitation or distribution of printed material, shall be exempt from the licensing requirements of this chapter, but shall be subject to the other provisions herein.

(c)

No vending license shall be required to sell fruit or vegetable produce on the same property on which it was grown.

(d)

No vending license shall be required for regular route delivery persons, not including ice cream peddlers and similar vendors.

(e)

No vending license shall be required for any garage sales by owners of the property thereon, or any **auction** sales on property owner by the resident and involving the sale of the property of said owner.

(Ord. No. 39.10, § V, 5-12-09)

• **Sec. 13-6. - Application process.**

(a)

Except as provided in [section 13-5](#), no person shall vend within the Township without first obtaining a license therefor. An application for such license shall be made to the township clerk. In the event an application is made by an organization, business, firm, corporation, partnership or other entity, an application must be made for each agent or employee who will be engaging in active vending. The application shall be made on the form supplied by the township clerk, and the applicant shall supply all the information listed on the application before the application will be processed. The application filed with the clerk shall be a sworn application and include, at a minimum, the following information:

(1)

The name and a description of the applicant;

(2)

The applicant's address, legal and local;

(3)

The applicant's date of birth, driver's license number, and home and work telephone numbers;

(4)

A brief description of the nature of the business and the goods to be offered;

(5)

If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship;

(6)

The length of time for which the right to do business is desired;

(7)

If a vehicle is to be used, a description of the vehicle, together with the license number and state of registration.

(8)

Proof of insurance for all vehicles to be used in the vending operations of the applicant;

(9)

Two photographs of the applicant taken within 60 days immediately prior to the date of the filing of the application, which are two inches by two inches in size and depict the head and shoulders of the applicant;

(10)

Fingerprints of the applicant;

(11)

A statement as to whether the applicant has been convicted of any crime or violation of any municipal ordinance and the nature of the offense;

(12)

The names, addresses and telephone numbers of three local references. If the applicant has never lived or done business within the township, then references from where the applicant lives or has done business may be used;

(13)

A statement as to whether the applicant has ever received a similar license from any other Michigan municipal authority and whether said license was revoked for any cause whatsoever. If so, the name of the municipality and the circumstances of the revocation, if any, are required;

(14)

The signature of the applicant acknowledging his or her understanding of the regulations contained within this chapter and acknowledging that failure by the applicant to comply with any of these regulations may result in revocation of the license.

(15)

As to transient merchants, the application shall identify all locations where vending is proposed to take place, and shall demonstrate that each such location shall not cause a hazard to vehicular traffic and that adequate off-street parking is available.

(b)

At the time the application is filed, an application fee shall be paid to cover the cost of processing the application and conducting an investigation. If the application is approved, an additional fee for the licensing period approved shall be collected by the clerk. The foregoing fees shall be determined by the township board and modified at the discretion of the board from time to time.

(c)

Upon receipt of an application for a vending license, the township clerk shall cause an investigation of the applicant to be made, which is intended to ensure the protection of the public health, safety and welfare of the township citizens. The investigation of the applicant shall at a minimum include the following:

(1)

Verification of the applicant's identification, driving record and criminal history by local law enforcement;

(2)

Contact with the references listed on the application for background information regarding the applicant;

(3)

The township clerk may contact any other source deemed necessary to determine the applicant's business responsibility and/or criminal history.

(Ord. No. 39.10, § VI, 5-12-09)

• **Sec. 13-7. - Issuance of license.**

If the result of the clerk's investigation of the applicant is satisfactory and payment of the prescribed license fee has been made, the clerk shall issue to the applicant a vendor's license, which shall contain the signature of the clerk

and show the name, type of license issued and date of issue and expiration. If the result of the investigation is that the applicant's business history and/or criminal history are unsatisfactory, the clerk shall issue the applicant a Notice of Denial, stating the specific reason for denial, and including notice of the right to appeal pursuant to subsection [13-11\(d\)](#). The notice shall be in writing and served by certified mail, return receipt requested, postage prepaid, to the address on the application.

(Ord. No. 39.10, § VII, 5-12-09)

• **Sec. 13-8. - Display of license.**

(a)

A licensee shall carry his or her license at all times when engaged in the activity for which the license is granted;

(b)

A licensee shall exhibit his or her license at the request of any properly identified public authority or by any person with whom the licensee is dealing in connection with the license activities;

(c)

A licensee shall not loan, sell, give or assign to any other person, or allow any other person to use or display, any license which has been issued to the licensee;

(d)

No person shall display an expired license, a license for which a duplicate has been issued, a license which has been suspended or revoked, or a license which was approved and issued for another person.

(Ord. No. 39.10, § VIII, 5-12-09)

• **Sec. 13-9. - Prohibited conduct.**

The following acts or activities shall be prohibited:

(1)

No peddler, solicitor or vendor shall enter upon or call upon a place of residence or business within the township after having been expressly notified by the occupant that no solicitation is desired, or where the owner or occupant has displayed a "no soliciting," "no peddlers," "no solicitors," "no salespersons," "no trespassing" or similar sign or containing words of similar meaning on the premises;

(2)

No peddler, solicitor or vendor shall threaten or annoy any resident of the township in the course of their solicitation, peddling or vending, or in any way engage in conduct which is or would tend to create a nuisance;

(3)

No peddler, solicitor or vendor shall engage in business without carrying the license issued under the terms of this chapter;

(4)

No peddler, solicitor or vendor shall conduct any business within any township park or upon any property owned or controlled by the township without specific approval of the township board separate from this license;

(5)

No peddler, solicitor or vendor shall obstruct any street, alley, sidewalk, driveway or other place;

(6)

No person shall write upon, alter, amend, modify or change a license, except as authorized by the clerk.

(Ord. No. 39.10, § IX, 5-12-09)

- **Sec. 13-10. - Hours of operation.**

Peddling, soliciting or vending may take place within the township only between 9:00 a.m. and 8:00 p.m.

(Ord. No. 39.10, § X, 5-12-09)

- **Sec. 13-11. - Enforcement, suspension, revocation, appeal.**

(a)

Enforcement. It shall be the responsibility of the township board, or its designee, or local law enforcement personnel to enforce the terms of this chapter, together with the authority to issue cease and desist orders immediately upon evidence that a vending activity is being conducted within the township prior to the issuance of a license, or are occurring in violation of any of the terms of this chapter.

(b)

Suspension. A license issued pursuant to this chapter may be suspended by the clerk and subsequently revoked by the township board, upon notice and a hearing, for any of the following causes:

(1)

Fraud—Misrepresentation or a false statement contained in the application for license;

(2)

Fraud—Misrepresentation or false statement made in the course of carrying on the business of peddler, solicitor or vendor;

(3)

Any violation of this chapter or any other ordinance of the township;

(4)

Conducting the business of a peddler, solicitor, vendor in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public or in violation of any duly issued court order.

(c)

Revocation. Upon suspension, the licensee shall be provided with notice of a revocation hearing, which shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed to the licensee by registered or certified mail, return receipt requested, postage prepaid, at his or her last known address or personally delivered to the licensee at least five days prior to the date set for the hearing. Subsequent to the hearing, the township board may continue the suspension, revoke

or reinstate the license. The action taken by the township board shall be final, and any licensee whose license has been revoked shall not be eligible to apply for a new license for a period of one year after such revocation.

(d)

Appeal of denial of license. Any person aggrieved by the township's denial of an application for licensure may appeal to the township board within 14 days after the mailing of the notice of license denial. The appeal shall contain a written statement setting forth the grounds for the appeal and, upon receipt, the township board shall conduct a hearing in the same manner as provided in subsection (c) of this section. The decision and order of the township board upon such hearing shall be final and conclusive.

(Ord. No. 39.10, § XI, 5-12-09)

- **Sec. 13-12. - Indemnification.**

Application for a license under this chapter shall be deemed an agreement by the applicant to observe all pertinent ordinances and regulations of the township and defend, indemnify and save harmless the township from all damages, costs or actions at law that may arise or may be brought on account of injury to persons or property resulting from the licensee's activities.

(Ord. No. 39.10, § XII, 5-12-09)

- **Sec. 13-13. - Penalties.**

(a)

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not to exceed \$100.00, or by imprisonment in the county jail for not to exceed 90 days, or both, in the discretion of the court; or

(b)

Violation of the provisions of this chapter shall be a municipal civil infraction.

(Ord. No. 39.10, § XIII, 5-12-09)

- **Sec. 13-14. - Severability.**

It is the legislative intent of the township board adopting this chapter that all provisions herein shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the township and all other persons affected by this chapter. Consequently, should any provision of this chapter be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this chapter, it being the intent of the township board that this chapter shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

B

- **Bad Axe**

PH: 989-269-6479

FX989-69-2273

Link: www.cityofbadaxe.com

Auction: Auctioneer: No data given

Sign:

- **Sec. 5-69. - Signs**

-

(a)

Only two signs advertising a garage sale may be erected or placed on the premises of the sale, and such sign shall be removed immediately at the end of the last day of the sale. No sign shall be erected or placed on any other property or on any street right of way without permission of the owner.

(b)

Each face of the sign shall be limited to a maximum of eight square feet. No sign may have more than two faces.

(c)

In the event of any conflict with the sign provisions of the Zoning Code, this section shall control.

- Baroda

Telephone: 269-422-1779

Fax: 269-422-2990

<https://www.facebook.com/villagebaroda>

Link: <http://www.barodavillage.org/>

Auction: Auctioneer:

Sec. 34-246. - Auction house and rummage sales.

Auction houses and individual rummage sales may be operated and conducted only after presentation to the zoning board of appeals of an application therefor and after such use has been approved by the zoning board of appeals. Churches and nonprofit organizations shall be exempt from the provisions of this section when the

operation is confined to the property owned by such organizations. Provided further, private **auction** or rummage sales may be conducted for no longer than one week in any one year without prior approval of the zoning board of appeals.

Signs:

• **Sec. 34-302. - General regulations.**

All **signs** in the village shall meet the following requirements:

- (1)
*Animated **signs**.* Animated **signs** as defined in [section 34-1](#) are prohibited in the Village of Baroda.
- (2)
*Automated changeable copy **signs**.* Automated changeable copy **signs** shall comply with all other applicable **sign** regulations of this section.
- (3)
***Sign** message.* No **sign** shall be constructed or maintained which does not advertise a business transacted or goods and services sold or produced on the premises on which the **sign** is located, except in the "I" industrial zoning district.
- (4)
Illumination permitted. Reflectors, lights and other forms of illumination shall be permitted on all **signs**.
No **sign** shall be illuminated in such a manner as to interfere with, mislead or confuse traffic. No rotating illuminated beacon or flashing luminary shall be permitted. The use of string electric light bulbs which illuminate products which are stored outdoors for sale is prohibited. In no case shall any **sign** illumination exceed a level of illumination of .08 footcandle, and a luminaire brightness of 2,400 foot lamberts, when measured by a hand-held light sensor from the nearest or adjacent residential zoned property.
- (5)
*Flashing **signs**.* No **sign** or any part thereof, other than elements of a clock and/or thermometer display having a display interval of no less than ten seconds, shall move nor shall the illumination of any **sign** or any part of such illumination be anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the **sign** illumination of any bulb or component part thereof is prohibited except for emergency public service announcements, approved by the village code enforcement office or village president.
- (6)
*Electronic message boards/message center (LED **Sign**).* All electronic message boards and any other message center shall comply with the following:
 - a.
Where text is displayed on a background, the text shall be brighter than the background, i.e., dark text shall not be displayed on bright background.
 - b.
Such boards and centers shall not contain animation or any flashing, scrolling, or moving lights, text or graphics, or any type of video.
 - c.

Motion on such boards and centers is limited to message transitions

d.

Illumination shall not exceed a level of illumination of eight hundredths (.08) footcandle, and a luminaire brightness of 2,400 foot lamberts, when measured by a hand-held light sensor from the nearest or adjacent residential zoned property.

e.

The frequency of message transition shall be no more than once every four seconds during day time hours of operation being the period of 6:00 a.m. to no later than 10:00 p.m.

f.

The frequency of message transition, which shall be limited to a "fade in" and "fade out" shall be no more than once every 15 seconds during nighttime hours of operation, being the period between 10:00 p.m. and 6:00 a.m.

g.

Such boards and centers shall only be used to advertise a business transacted or goods and services sold or produced on the premises, date, time and temperature, and public services announcements approved by the village code enforcement office or village president.

h.

No more than one electronic **sign** is permitted per premises, regardless of the number of **signs** permitted by other terms of this section or the number of uses upon the premises.

i.

Such boards and centers shall not be used as a temporary political **sign**.

j

All such **signs** shall comply with all other applicable **sign** regulations.

(7)

Signs not to constitute a traffic hazard. No **sign** shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color it may interfere with, obstruct the view or be confused with any authorized traffic **sign**, signal or device or which makes use of the words "stop," "look," "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. At street intersections no **signs**, other than municipal traffic control **signs**, shall be located within the triangle formed by the property lines paralleling the streets and extending for a distance of 20 feet each way from the intersection of the right-of-way lines at the corner lot. No **sign**, signal, marking, device, blinking, oscillating or rotating light or lights shall be erected so as to create a traffic hazard.

(8)

Obscene matter prohibited. It shall be unlawful for any person to display upon any **sign** or other advertising structure any obscene, indecent or immoral matter.

(9)

Removal of certain signs. Any **sign**, supports and attachments now or hereafter existing which at the time of construction advertised a business being conducted or a product being sold or produced on the premises on which the **sign** is located but no longer does so, shall be taken down and removed by the owner of the building, structure or premises upon which the **sign** shall be found within 30 days' after written notice from the building inspector to remove the **sign**.

(10)

Portable signs. Portable or wheeled signs including signs attached to trucks or motor vehicles, which advertise goods, products or services are prohibited. Trucks containing merchandise which is being sold shall not be parked in such a manner as to become a display sign.

(11)

Window signs. Opaque window signs shall not exceed more than 40 percent of the surface area of the window in which they are displayed. Window signs shall not exceed the ten percent of the building face of which the window is a part.

(Ord. No. 166, § 2, 7-6-2009)

• **Sec. 34-303. - Special requirements.**

The following special requirements shall also apply:

(1)

Ground signs:

a.

Height and area limitations. No ground sign shall be erected or maintained more than 20 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground sign shall have a single surface area exceeding 50 square feet for a single face sign and 100 square feet for signs of two or more faces. All ground signs shall be placed on the same parcel of property as the building or use to which it is accessory.

b.

Number of signs. Only one ground sign may be erected as an accessory to any single building, structure or shopping center regardless of the number of separate parties, tenants or uses contained therein; provided it is located on a parcel of land that has 100 feet of property abutting on one street. Such a sign must be located adjacent to the right-of-way or parking lot from which its maximum allowable size is determined.

(2)

Wall signs:

a.

Limitation on placement. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.

b.

Projection and height over public property. No wall sign shall have a greater thickness than twelve inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight feet above a public sidewalk and at a minimum of 15 feet above public driveways, alleys and thoroughfares.

c.

Area limitations. The total surface area of all wall signs placed on the front of a building shall not exceed two square feet for each lineal foot of building frontage, and all wall signs placed on other than the front of a building shall not exceed a total surface area of 100 square feet.

d.

Supports and attachments. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.

e.

Vertical dimension or height. The vertical dimension of a wall sign shall not be in excess of six feet. No wall sign shall project vertically above the roof of the building immediately adjacent to such wall.

(3)

Roof signs:

a.

Limitation of sign. No roof sign shall be permitted if there is a wall sign on the same building.

b.

Limitation of placement. A roof sign shall be parallel with the front wall of the building on which it is erected.

c.

Area and height limitations. The total surface area of any roof sign placed on the front of a building shall not exceed 50 square feet. A roof sign shall not exceed three feet in height and in the case of:

(i)

Flat or sloping roofs shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building.

(ii)

Gable, hip or curved roofs shall not extend more than three feet above the eave line. In no event shall a roof sign extend above the peak of the roof of the building to which it is affixed.

d.

Material required. Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible materials; provided, however, that combustible structural trim may be used thereon.

e.

Bracing, anchorage and supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. However, all roof signs shall be installed in such a manner that there shall be no visible support structure.

(4)

Projecting signs.

a.

Tastefully proportioned and well spaced projecting signs are permitted if there is not a wall or roof sign. The sign area shall not exceed eight square feet per face.

(5)

Marquee signs.

a.

No marquee signs shall be permitted.

(6)

Temporary signs.

The following regulations shall be applicable to all temporary **signs** placed or situated at any place other than inside a "building":

a.

Permits required. Permits are required to erect any temporary **sign** in excess of four square feet.

b.

Period of display. Period of display for a temporary **sign** shall be a term defined within the permit, but shall not exceed 90 days for which one or more extension may be requested by the applicant.

c.

Projection into right-of-way. No temporary **sign** shall be strung across any public right-of-way nor shall any temporary **sign** project beyond the property line.

d.

Area and height. No temporary **sign** may have a single face greater than 15 square feet in area nor have a greater total surface area than 30 square feet nor be more than ten feet above the ground; provided, however, that the lower edge of the **sign** shall be of a height of not less than 18 inches above the surrounding ground level.

e.

*Number of **signs**.* Only one self-supporting **sign** shall be displayed on any lot having a public right-of-way frontage of more than 100 feet.

f.

Removal. Temporary **signs** shall be removed promptly at the end of the display period provided for above.

(7)

*Unsafe **signs**.*

a.

Any temporary **sign** found by the building inspector to be in an unsafe condition must be removed by the owner within three days after his receipt of notice to do so from the building inspector.

(8)

*Temporary political **signs**.*

a.

Definition: Temporary political **signs**, shall include temporary **signs**, designed and intended to advertise or contain information about or soliciting votes for a candidate, political party, proposal or issue of any sort, or any other matter relating to or at issue in one specific and particular upcoming election and further designed and intended to be temporarily placed on lawns, trees, or posts and not permanently affixed to any structure. Billboards are specifically excluded from this definition. All other types of political **signs** are subject to the general provisions of this article. Portable or wheeled **signs**, including those mounted to or attached, in any manner, to trucks, trailers or motor vehicles are included within this definition.

b.

Temporary political **signs** may be placed in any zoning district and without the need for a permit from the village.

c.

Permission to erect temporary political **signs** must be obtained from the owner of the property where the **sign** is to be located.

d.

Temporary political **signs** may not be located on tree lawns owned by the village or on any property owned, leased, maintained or operated by the village.

e.

Temporary political **signs** may be placed and kept in place only during the period commencing 45 days preceding an election and ending on the seventh day following an election.

f.

Temporary political **signs** shall not exceed five square feet of display area per side.

g.

In addition to the provisions of this subsection (8), political **signs** shall remain subject to provisions of other applicable sections of village ordinances.

h.

Any political **sign** erected or maintained in violation of this subsection (8) shall be subject to removal.

i.

Signs erected and/or maintained in violation of this subsection (8) are deemed to be public nuisances which the village may take appropriate legal action to abate and enjoin.

(9)

*Off-premises **signs**.* Off-premises (third party or outdoor advertising) **signs** including billboards shall be restricted to district I industrial zoning district. They shall not be permitted on wall or roof locations. They shall also be subject to the following restrictions:

a.

Off-premises **signs** on the same street facing the same traffic flow shall not be placed closer together than 300 feet.

b.

Off-premises **signs** can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

c.

Advertising shall not exceed 300 square feet per side and the total area shall not exceed 600 square feet.

d.

Structures for off-premises **signs** shall be of vertical (cantilever) construction, and where the back is visible; it shall be suitably painted or otherwise covered to present a neat and clean appearance.

e.

Advertising **signs** or structures having an area of more than 100 square feet shall not be erected within 50 feet of any public street or highway.

(10)

*Painted **signs**.* **Signs** painted on the front of a building shall not have a total surface area in excess of two square feet for each lineal foot of building frontage, provided that **signs** painted on other than the front of the building shall not exceed a total surface area of 100 square feet.

(11)

Service station signs. There shall be no signs located on fuel pump islands except those constituting an integral part of the pump itself or those required by state law or regulation. There shall be no signs attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps, in which case the maximum size shall be six square feet in surface display area per message. One additional two-sided sign indicating only price and grade of gasoline as shown on the pumps, either side not to exceed 12 square feet in surface display area, may be displayed on the premises.

(12)

Trespass and other safety warning signs. One trespass or other safety or caution warning sign for each 200 feet of perimeter lot line shall be allowed regardless of the zoning districts in which the property is located.

(Ord. No. 166, § 2, 7-6-2009)

• **Sec. 34-304. - Signs in residential areas.**

Signs erected or maintained in residential districts shall be limited to:

(1)

Limited illumination. All signs in residential zoning districts shall be non illuminated or illuminated in such fashion that such illumination will not exceed a level of illumination of .08 footcandle, and a luminaire brightness of 2,400 foot lamberts, when measured by a hand-held light sensor from the adjacent property line.

(2)

Home occupations. For home occupations conducted in compliance with a valid special land use permit issues pursuant to the provisions of [section 34-249](#), one sign advertising the home occupation not exceeding one square foot in area, non illuminated and mounted flat against the wall of the principal building.

(3)

Announcement or bulletin boards for mobile home park residents. One announcement or bulletin board not to exceed 32 square feet in area shall be permitted within state licensed mobile home parks.

(4)

Signs advertising the rental, sale or lease of property upon which they are located. Such signs shall not have a surface area greater than six square feet and there shall be only one sign per parcel.

(5)

Signs advertising buildings under construction. Such signs may be erected for the period of construction and shall not exceed a face area of 32 square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building or materials and equipment used.

(6)

Churches and schools. Churches, colleges, Sunday Schools, schools, building, buildings housing government functions and utilities of the village, county or state or any subdivision thereof, are permitted to erect a sign or electronic message board/message center not to exceed 24 square feet in display area or an overall height of eight feet. Such signs when of a permanent nature shall be constructed of incombustible material.

(7)

Multiple-family residential units. Signs advertising multiple-family residential units shall not exceed ten square feet in area and shall not be more than four feet above ground level. Such signs shall be made of noncombustible material and shall contain no advertising or information other than the name and address of the residential unit. Only one such sign may be erected for each multiple family complex.

(Ord. No. 166, § 2, 7-6-2009)

• **Sec. 34-305. - Sign erection permits.**

(a)

Permit required from building inspector. No person shall erect any sign in the village without first obtaining a permit from the building inspector, with the exception of the following:

(1)

Professional nameplates not exceeding one square foot in area.

(2)

The changing of advertising material or copy on a sign shall not require the issuance of a permit.

(3)

Bulletin boards not over 24 square feet in area for public, charitable or religious institutions when the same are located on the premises of the institutions; provided, however, if the signs are electrically illuminated an electrical permit must be obtained.

(4)

Occupational signs denoting only the name and profession of an occupant in a commercial, public or institutional building and not exceeding two square feet in area.

(5)

Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.

(6)

Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary emergency or non advertising signs as may be approved by the building inspector.

(7)

Signs advertising the rental, sale or lease of property upon which they are located.

(b)

Application contents. Applications for sign erection permits shall be made to the building inspector and shall contain or have attached thereto the following information:

Information required for permanent and temporary signs:

(1)

Name, address and telephone number of the applicant.

(2)

Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.

(3)

Position of the **sign** or other advertising structure in relation to nearby buildings or structures.

(4)

Such fees as shall be required by the village council.

*Additional information required of permanent **signs**:*

(5)

One blueprint or ink drawing or the plan and specifications and method of construction and attachment to the building or in the ground.

(6)

Name of the person erecting the structure.

(7)

Written consent of the owner where the **sign** is to be erected on vacant land.

(8)

In all cases where wiring is to be used in connection with the structure, it shall comply with the electrical code.

(9)

Bond as required by [section 34-306](#)

*Additional information required of temporary **signs**:*

(10)

Date of erection and removal of the temporary **sign**; not to exceed 90 days.

(11)

Such other information as the building inspector shall require showing full compliance with this and other chapters of this Code.

(12)

Such fees as shall be required by the village council.

(c)

*Special use approval for oversized **signs**.* Applications for **signs** having an area of more than 32 square feet shall be approved as a special land use upon the recommendation by the planning commission based upon their finding of extenuating circumstances not of the applicants own making requiring a **sign** larger than that provided for by the terms of this section is required solely for the financial benefit of the businesses located upon the premises. Standards of review by the planning commission shall include a finding of:

(1)

Financial necessity necessary to the continued viability of the business or businesses being advertised.

(2)

The inability to locate a **sign**, meeting the requirements of this section on the premises or at an off-site location proximate to the premises where the business or businesses are physically located.

(3)

An overwhelming public need for advertising and/or a message to assist the general public in identification of the location of the business or businesses which are physically located upon the premises.

(d)

Period of validity and expiration of permit upon issuance by building inspector. If the work authorized under an erection permit has not been completed within six months from the date of issuance, the permit shall expire and be of no further force or effect.

(e)

Variances. The zoning board of appeals shall have the power to vary or modify the application of any provision of this chapter when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of these provisions or the public interest, or when in its opinion the interpretation of the enforcing official should be modified or reversed. A decision of the zoning board of appeals to vary the application or any provision of this chapter or to modify the interpretation of the enforcing official, shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.

(f)

Appeal of administrative decision. Appeals from any ruling of the building inspector, code enforcement office or village president shall be made to the zoning board of appeals as described and provided for in the zoning ordinance and Michigan law.

(Ord. No. 166, § 2, 7-6-2009)

- **Sec. 34-306. - Nonconforming signs.**

Existing signs which do not comply with the provisions of this chapter shall be deemed nonconforming signs.

Nonconforming signs may be maintained or repaired but shall not be enlarged, rebuilt, altered or remodeled unless:

(1)

They will become conforming by virtue of such enlargement, rebuilding, alteration or remodeling; and

(2)

A permit to do so is obtained from the building inspector.

(Ord. No. 166, § 2, 7-6-2009)

- **Sec. 34-307. - Sign erector's bond.**

No person shall engage in the business of erecting signs in the village without first filing a bond with the village clerk in the penal sum of \$5,000.00, which indemnifies and holds the village harmless from any and all costs, damages or expenses resulting from the erection of any sign by such person or resulting from the negligence, failure or refusal of such person to comply with the provisions of this chapter or any other ordinance pertaining to signs.

(Ord. No. 166, § 2, 7-6-2009)

- Bath Charter Township, (Clinton Co.)

PH: 517-641-5728

FX: 517-641-4170

Auction : Auctioneer: No information given

Sign:

• **Sec. 18.03. - Signs permitted in all districts.**

The following signs shall be permitted in all districts subject to the requirements stated herein:

- A.
House numbers legible from the street, and nameplates (fraternal, social, apartment, and professional) identifying the occupant or address of a parcel of land, and not exceeding two square feet in display surface area.
- B.
Memorial signs or tablets, especially those containing the names of buildings and dates of construction.
- C.
For sale signs attached to vehicles.
- D.
Flags bearing the official design of a nation, state, municipality, institution or organization.
- E.
Traffic, or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- F.
Institutional bulletin board located on the premises to which the sign pertains and not exceeding 100 square feet in surface display area.
- G.
Park and playground signs.
- H.
Election signs subject to the following:
 - (1)
They shall not be erected more than 45 days prior to the election to which the sign pertains and shall be removed within ten days following the election.
 - (2)
They shall not be placed closer than 100 feet from any polling place entrance.
 - (3)
No election sign shall exceed six square feet in area.
- I.
One temporary, non-illuminated real estate sign per lot, advertising the sale or lease of property or building, not exceeding 12 square feet in surface display area (but no more than six square feet per side); such sign being placed no closer to the street line than one-half the required setback for a principal building.

J.

Temporary construction signs subject to the following:

(1)

Total surface display area shall not exceed 32 feet.

(2)

Sign height shall not exceed eight feet.

(3)

Placement shall be wholly within the property boundaries to which the sign pertains.

(4)

The sign shall not be erected prior to issuance of a building permit for the proposed construction, and shall be removed upon issuance of a certificate of occupancy.

K.

Trespassing, safety or caution signs, not exceeding two square feet in area, shall be permitted.

- **Sec. 18.04. - Signs for residential uses in all districts.**

- Battle Creek

(269) 966-3348

Link: <http://www.battlecreekmi.gov/>

Auction: Auctioneer:

CHAPTER 806

Auctions and Auctioneers

806.01 License required.

806.02 Age and character of applicants.

806.03 License fee; bond.

806.04 Sales restrictions.

806.05 Prohibited acts.

806.06 Records.

806.07 Application statement.

806.08 Sale inspector; duties; fees.

806.09 New goods prohibited.

806.10 Household goods excepted.

806.11 Excepted sales.

806.99 Penalty.

CROSS REFERENCES

Auctions and auctioneers generally - see M.C.L.A. Secs. 446.26 et seq.

Licenses and permits - see M.C.L.A. Secs. 446.51 et seq.

Licensing in general; fees, bonds and insurance - see B.R. & T. Ch. 802

806.01 LICENSE REQUIRED.

No person shall exercise the business of auctioneer or sell or cry off at an auction any real estate, goods, wares or merchandise of any kind in the City without first obtaining a license therefor.

(1975 Code Sec. 7.41)

806.02 AGE AND CHARACTER OF APPLICANTS.

No license required by this chapter shall be granted to any minor under the age of eighteen years or to any person not of good reputation and moral character. Any person desiring to be licensed as an auctioneer shall file with the City Clerk his or her application therefor. To such application, three citizens and residents of the City shall certify to the good reputation and moral character of the applicant. Before issuing a license, the City Clerk may require such further information as he or she deems necessary in order to pass upon the reputation and character of the applicant.

(1975 Code Sec. 7.42)

806.03 LICENSE FEE; BOND.

Before any license is issued, the applicant shall pay to the City Clerk the license fee prescribed in the schedule provided for in Section 802.24 and shall file a bond in the amount required by such schedule. Such bond shall be conditioned upon the faithful compliance by the applicant with the provisions of this chapter and the payment of all penalties which may be recovered against him or her for the violation of any of the provisions of this chapter and upon the faithful accounting to the consignor or owner of the goods entrusted to such applicant of moneys received by him or her and for the protection of any person purchasing goods from the auctioneer who is injured by an unlawful or fraudulent sale by such auctioneer.

(1975 Code Sec. 7.43)

806.04 SALES RESTRICTIONS.

No person shall sell, dispose of, advertise for sale or offer for sale at a public auction in the City any property of any kind, except under the following conditions:

- (a) Such sale shall be conducted by an auctioneer duly licensed therefor.
- (b) Such property shall have been on the tax rolls of the City for a period of one year prior to such sale, or it is all of the stock of goods of a merchant who has regularly done business in the City for one year prior to such sale.
- (c) All taxes, plus penalties, which have become a lien under any law or ordinance, whether or not such taxes may have been actually assessed, have been paid.
- (d) If such auction sale is also a closing-out sale, the provisions of these Codified Ordinances regulating such sales have been complied with.
- (e) No property of any kind shall be added to the stock sought to be sold after the inventory is filed, nor shall any property be added within sixty days prior to the commencement of such sale in anticipation thereof.
- (f) No property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during such auction.
- (g) No auction sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry shall be permitted unless it is a closing-out auction and application therefor has been on file with the City Clerk for a period of sixty days prior to the first day of such sale. Every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated and/or the true name, weight, quality and color of any precious or semiprecious stone, together with the name of the manufacturer of such article.
- (h) A sales book shall be kept showing every sale, and each sale shall be signed by the purchaser of each article at the time of the purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his original bid.
- (i) No auction shall be conducted or continued in the City after 6:00 p.m., Eastern Standard Time, of any day.

(1975 Code Sec. 7.44)

806.05 PROHIBITED ACTS.

The following acts, omissions and practices in connection with the sale of goods, wares and merchandise at auctions are hereby prohibited:

- (a) The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article;
- (b) The substitution of any article in place of an article bid upon at auction;

- (c) The use of false bidders, cappers or puffers;
- (d) The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at auction;
- (e) The use of any false or misleading advertising matter, whether relating to the kind or quality of the goods or to their history, present status or otherwise;
- (f) The substitution of an unlicensed person in place of a licensed auctioneer;
- (g) The failure to exhibit an auctioneer's license to any police officer upon demand at the place where an auction is being conducted; and
- (h) The receipt for sale by auction, or the sale by auction by any licensed auctioneer, of any goods, wares or merchandise from any minor, knowing him or her to be such.

(1975 Code Sec. 7.45)

806.06 RECORDS.

Every auctioneer shall keep an accurate account of the goods and chattels sold by him or her and of the persons from whom they were received, which record shall be open to inspection by the proper City officials or their representatives at all reasonable times.

(1975 Code Sec. 7.46)

806.07 APPLICATION STATEMENT.

At least five full days before commencing any sale by auction, except as noted in Section 806.04(g), the owner of the property sought to be sold shall file a sworn application with the City Clerk which shall state the following:

- (a) Whether or not the auction sought to be conducted is a closing-out auction;
- (b) If it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that all provisions of these Codified Ordinances governing closing-out sales have been complied with;
- (c) That the stock of goods, or other property, sought to be sold, is a bona fide part of the applicant's stock or has been on the tax rolls of the City for one year;
- (d) A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers or other means of readily determining the identity of each article;
- (e) The place where the auction is to be conducted;

- (f) The name of the auctioneer who is to conduct the sale;
- (g) The name of the owner of the property for the preceding year;
- (h) The length of time the applicant has been in business in the City and the location of such business;
- (i) That all taxes on such property have been paid;
- (j) That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during the course of such auction sale; and
- (k) That all of the property listed is actually on the premises where the auction is to be conducted.

No auctioneer shall conduct an auction at any place other than that stated in the application, nor shall the auctioneer or the owner do, either themselves or through their agents or servants, any act or thing contrary to the statements made in the application. No person shall make a false statement in any such application.

(1975 Code Sec. 7.47)

806.08 SALE INSPECTOR; DUTIES; FEES.

The City Manager shall appoint an inspector for every auction sale conducted in the City, except those exempt under Section 806.11, who shall be at all times on the premises while such sale is in progress. The inspector shall be given a copy of the inventory by the City Clerk and shall, as each article is sold, check each item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of such article, and if the auctioneer refuses to comply with such request, the inspector may forthwith stop the sale until the auctioneer furnishes satisfactory proof that such article was included in the inventory. The owner or auctioneer shall pay or cause to be paid to the City Treasurer a sum determined by the City Commission, in advance, for each day such auction is to continue, for the services of such inspector, but such payment may be made on the day of the sale if made before the hour of its commencement. If the sale does not run for a full day of eight hours, the owner shall pay a sum determined by the Commission for each hour the inspector is on duty.

806.09 NEW GOODS PROHIBITED.

No new goods, wares, merchandise or personal property shall be offered for sale at public auction when and where secondhand goods, wares, merchandise or personal property are being sold at public auction in the City.

(1975 Code Sec. 7.49)

806.10 HOUSEHOLD GOODS EXCEPTED.

Subsections (b) through (h) of Section 806.04 and Sections 806.07 and 806.08 shall not apply to the selling by auction of secondhand household furniture and household goods. The words "secondhand household furniture and household goods," as used in this section, mean household furniture and household goods which have actually been used by people in the keeping of a house.

(1975 Code Sec. 7.50)

806.11 EXCEPTED SALES.

The provisions of this chapter shall not apply to sheriffs, constables or other public or court officers or to any person acting under the license, direction or authority of any court, State or Federal, selling goods, wares or merchandise in the course of their official duties, or to any person selling goods under and by virtue of any statute, State or Federal.

(1975 Code Sec. 7.51)

806.99 PENALTY.

A person who violates or fails to comply with any of the provisions of this chapter is responsible for a Class C Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98 and any other relief that may be imposed by the court.

(Ord. 16-95. Passed 6-20-95.)

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1.800.445.5

- **Bay City**

PH: (989) 894-8200

Link: www.baycitymi.org

Auction: Auctioneers:

- **ARTICLE III. - AUCTIONS**

FOOTNOTE(S):

--- (3) ---

State Law reference— Auctions, MCLA 446.26, MSA 19.551.

- **Sec. 30-101. - Compliance with article.**

It shall be unlawful for any person to hold any auction sale of goods, wares and merchandise in the city except in accordance with the terms of this article. Each separate sale at public auction of any goods, wares and merchandise in violation of the terms of this article shall constitute a separate offense.

(Code 1970, § 8-1)

- **Sec. 30-102. - Exemptions.**

This article shall not apply to judicial or mortgage sales or to sales by receivers or trustees, or by executors or administrators, or to sales in the manner provided by law by or on behalf of licensed pawnbrokers of unredeemed pledges, or by warehousemen or others having statutory liens, or to the sale at public auction of the stock on hand of any person that shall, for the period of one year last preceding such sale, have been continuously in business in the city as a retail or wholesale merchant of goods, wares and merchandise.

(Code 1970, § 8-5)

- **Sec. 30-103. - License required.**

Before any person shall hold or conduct or cause to be held or conducted any auction sale of goods, wares and merchandise in the city, he shall first obtain a license to hold such sale from the city clerk.

(Code 1970, § 8-2)

- **Sec. 30-104. - Fee for and issuance of license; licensed dates.**

The fee for a license shall be those fees on file with the city clerk which have been approved and filed by the city manager and which the city commission has been notified of for at least 30 days in compliance with section 2-1 of this Code. It shall be unlawful to hold any licensed sale except on the date or dates for which such license shall have been issued.

• **Secs. 30-105—30-125. - Reserved.**

Signs

Sec. 122-445. - General provisions.

(a)

Signs not requiring permits. A **sign** permit shall not be required for the following **signs**, which shall be permitted subject to applicable provisions herein:

(1)

Address numbers with a numeral height no greater than six inches for residences and 18 inches for businesses.

(2)

Nameplates identifying the occupants of the building, not to exceed two square feet.

(3)

Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the **sign** shall not be for the purpose of advertising a business on the premises where the vehicle is parked.

(4)

Public **signs**, including the authorized **signs** of a government body or public utility, including traffic **signs**, legal notices, railroad crossing **signs**, warnings of a hazard, and similar **signs**.

(5)

Flags bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization.

(6)

Holiday or special events decorations.

(7)

Incidental **signs**, provided that the total surface area of all such **signs** shall not exceed two square feet.

(8)

Permanent **signs** on vending machines, gas pumps, or ice containers indicating only the contents of such devices.

(9)

Real estate **signs** that advertise the rental, sale or lease of the property on which they are located, subject to the regulations in section 122-445(c).

(10)

Real estate "open house" **signs** that advertise the rental, sale or lease of the property on which they are located, with an area no greater than three square feet.

(11)

"Help wanted" **signs** soliciting employees for the place of business where posted, provided that the maximum area for all such **signs** shall be four square feet.

- (12) Plaques or signs designating a historic resource.
- (13) "No Trespassing," "No Hunting," and "No Dumping" signs.
- (14) Temporary window signs, subject to the regulations in section 122-445(c).
- (15) Promotional signs and banners in a promotional sign frame, subject to the regulations in section 122-445(c) and 122-448(19).
- (16) Temporary banners hung over public rights-of-way that have been approved by the city. The size, location and duration of display of such banners is at the discretion of the city, and may also require approval from the state department of transportation.

(b)

Prohibited signs. The following signs are prohibited in all zoning districts:

- (1) Any sign not expressly permitted by this article.
- (2) Signs that incorporate flashing or moving lights; however, time and temperature signs and theater marquee signs shall be permitted.
- (3) Banners, pennants, festoons, spinners, and streamers, unless specifically permitted elsewhere in this chapter.
- (4) String lights used for commercial purposes, other than holiday decorations.
- (5) Moving signs, including any sign that has any visible moving or revolving parts, or other visible movement achieved by electrical, or mechanical means, including movement caused by wind.
- (6) Any sign or sign structure that is structurally unsafe.
- (7) Any sign or sign structure that constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
- (8) Any sign or sign structure that is capable of causing electric shock to person who come in contact with it.
- (9) Any sign or sign structure that is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
- (10) Any sign affixed to a tree or utility pole, except signs owned by a municipality or public utility.
- (11)

Obsolete **signs**, see 122-443.

(12)

Portable **signs**, except where expressly permitted in this chapter.

(13)

Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.

(14)

Any **sign** that obstructs free access to or egress from a required door, window, fire escape, driveway or other required exit from a building or premises.

(15)

Any **sign** that makes use of the words "Stop," "Look," or "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

(16)

Any **sign** unlawfully installed, erected, enlarged, altered, moved or maintained.

(17)

Roof mounted off-premise advertising **signs**.

(18)

Signs on street furniture including, but not limited to, **signs** on benches, trash receptacles, and table umbrellas.

(19)

Real estate **signs** no longer valid due to the sale, rental, or lease of the property.

(20)

Add-on **signs**.

(21)

Any **signs** or advertising matter of any kind displayed in any way whatsoever on public property, except as permitted by this article or other section of the Bay City Code of Ordinances.

(c)

*Temporary **signs**.* Temporary **signs** shall be permitted as specified in table 122-445.

Table 122-445. Temporary **sign** standards.

Construction sign	All	Freestanding or wall	32 sq. ft.	15 ft.	1 per street frontage	Yes	[a]	From: issuance of bldg. permit To: issuance of C of

								O.
Real estate - sale or lease of individual home or residential lot	Residential	Portable freestanding	6 sq. ft.	6 ft.	1[b]	No	[d]	Remove within 30 days of completion of sale or lease.
Real estate - sale or lease of individual business or vacant lot	All non-residential	Portable freestanding or wall	16 sq. ft.	10 ft.	1[b]	No	[d]	Remove within 30 days of completion of sale or lease.
Real estate - sale or lease of unplatted vacant lot	All	Portable freestanding	32 sq. ft.	10 ft.	1[b]	Yes	[a]	Remove within 30 days of completion of sale land or lease.
Real estate development sign	All	Portable freestanding	32 sq. ft.	10 ft.	[c]	Yes	[a][h]	Remove within 30 days after all units or lots are sold or leased.

Rummage sale sign	Residential	Freestanding or wall	2 sq. ft.	5 ft.	2	No	[d]	Refer to chapter 30.
Community special event advertising	All	[e]	[e]	[e]	[e]	Yes	[d]	30 days prior to and during duration of the event.
Temporary window sign	Commercial and office	Paper or fabric	[f]	Not Applicable	[f]	No	—	[g]
Banner sign	All	As defined in section 122-443	45 sq. ft.	5 ft.	[b]	No	—	Not to exceed 30 days in any twelve-month period [l]
Inflatable signs	Commercial	As defined in section 122-443	Not applicable	20 ft. [j]	1	Yes	[a]	Not to exceed 4 days in any 6 month period.
Promotional signs	All	As defined in section 122-443	15 sq. ft.	5 ft.	—	No	—	[l]

Portable	All non-residential	Portable	50 sq. ft.	5 ft.	1	Yes	[d]	Not to exceed 180 days in any 12 month period.
Type of Sign	Districts Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number Per Lot	Permit Required	Required Setback	Permitted Duration

Footnotes

[a]

The temporary sign shall be set back a distance equal to the height of the sign.

[b]

On a corner lot two signs, one facing each street, shall be permitted.

[c]

One on-premise sign shall be permitted for each frontage on a secondary or major thoroughfare, and one off-premise sign shall be permitted per development.

[d]

Temporary signs may be located in a required setback, but shall not be located within the public right-of-way.

[e]

Community special event advertising may be displayed on any lawfully permitted wall, free standing, ground, projecting, sandwich sign, marquee, roof, electronic message, off-premise, banner, or portable sign.

[f]

The total of all window signs, temporary and permanent, shall not exceed 1/3 of the total window area in commercial districts, and shall not exceed two square feet in office districts.

[g]

Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

[h]

Real estate development **signs** shall not be erected within 50 feet of any occupied dwelling unit.

[j]

Height standard applies to the **sign** only and does not include the building on which it may be placed.

[k]

No limit has been established on the number of election **signs**.

[l]

Promotional **signs** and banners that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

(d)

*Off-premise advertising **signs** (also called billboards).* Off-premise advertising **signs** shall be permitted in the M-1, light industrial district, M-2, general industrial district, and C-2-B, highway business district, subject to the following:

(1)

Maximum size. **Sign** faces shall not exceed 250 square feet each.

(2)

Maximum height. The maximum height for such **signs** shall be 30 feet.

(3)

Sign faces. Off-premise advertising **signs** may have two **sign** faces mounted parallel, back to back, or at such an angle as to be visible by traffic from apposing directions.

(4)

Minimum setbacks.

a.

Off-premise advertising **signs** shall comply with the setback requirement of the district in which they are located.

b.

Off-premise advertising **signs** shall not be located closer than 300 feet to any park, school, church, hospital, residence, cemetery, convention center, or government building.

(5)

Spacing.

a.

Not more than three off-premise advertising **signs** shall be located per linear mile of street, whether or not located on the same side of the street.

b.

There shall be a separation distance of not less than 1,500 feet between off-premise advertising **signs**, whether or not located on the same side of the street.

- Bay County

(989) 895-4130 - Voice

(989) 895-7658 – Fax

Link: www.baycounty-mi.gov

Auction: Auctioneer : No info given

Sign: No info given

- **Bedford Township, (Monroe Co.)**

734-847-6791

Link: <http://www.bedfordmi.org/>

Auction: Auctioneer: No information given.

Signs: No information given

- **Belding**

Phone: (616) 794-1900

Fax: (616) 794-0091

Link: <http://belding.mi.us/>

Auction: Auctioneer: No info given

Sign:

Special

Event When Permitted Special event signs shall only advertise events that will be held within the city limits, or within a 5 mile radius thereof

Number No more than 5 special event signs shall be displayed for each special event. The signs may be located either on or off the lot on which the special event is held

Area (max.) 32 square feet

Location 15 feet from any side or rear property line

Height (max.) 5 feet high

Other Requirements Special events signs may not be erected more than 10 days prior to the advertised event. Special event signs shall be removed within 48 hours of the conclusion of the special event which is being advertised

There shall be signs for no more than 4 special events on the same property within a calendar year. No permit may be issued for a special event sign less than 14 days after the expiration of the most recent permit issued for the same property

Garage or Estate Sale Number 1 per lot or parcel

Area (max.) 6 square feet

Location On the same premises of the sale, at least 15 feet from any side or rear lot line

Up to 3 signs may be located off the premises and may be located within a city right-of-way.

Height (max.) 4 feet

Other Requirements The sign located on the premises shall be erected no more than 3 days prior to the day(s) of the sale and shall be removed within 1 day after the completion of the sale

Any off premise sign(s) shall be erected no more than 1 day prior to the day(s) of the sale and shall be removed within 1 day after the completion of the sale.

TABLE 16.4-3 TEMPORARY SIGNS PERMITTED IN ALL DISTRICTS

- **Benton Charter Township, (Berrien Co.)**

Phone (269) 925-0616

Fax (269) 925-7134

Link: www.bentonchartertp.org

Auction: Auctioneer:

- **DIVISION 2. - LICENSE**

- **Sec. 18-41. - Required.**

It shall be unlawful for any person to conduct an auction in the township or to do business as an auctioneer, whether the goods sold are owned by the auctioneer or not, without having first obtained a license as provided in this article.

(Ord. eff. 5-12-1994, § 15.916)

- **Sec. 18-42. - Application.**

Applications for **auctioneer**'s licenses, or for a single **auction**, shall state on each license the place of business intended to be occupied or the place of such **auction**.

(Ord. eff. 5-12-1994, § 15.917)

- **Sec. 18-43. - To whom issued.**

No **auctioneer**'s license shall be issued to only persons of good character. The chief of police shall investigate the character of each applicant before the license shall be issued.

(Ord. eff. 5-12-1994, § 15.918)

- **Sec. 18-44. - Exception to provisions of division.**

Nothing in this division shall be held to apply to any public **auction** or sale made or conducted by a public officer by virtue of any judicial order to process or by virtue of any power or authority contained in a mortgage or trust deed.

(Ord. eff. 5-12-1994, § 15.919)

Sign

- **Sec. 82-649. - **Sign** prohibitions.**

(a)

Strings of light bulbs, pennants, streamers, banners, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) are prohibited, except as permitted in [section 82-673](#) as temporary **signs** for promotions.

(b)

Signs, including reader boards, shall not employ any flashing, moving, blinking, or variable intensity light, however, variable time-temperature **signs** may be permitted.

(c)

Signs shall not contain any moving or animated parts or be designed so as to give the appearance of movement.

(d)

A **sign** shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of or be confused with any authorized traffic **signs**, signal, or device, or constitute a nuisance per se.

(e)

A **sign** shall not be erected in a manner that would confuse or obstruct the view or interpretation of any official traffic **sign**, signal or device.

- (f) No **sign** or **sign** structure shall be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.
- (g) No **sign** or **sign** structure other than official highway markers shall be placed upon any street or highway right-of-way.
- (h) A wall **sign** shall not extend beyond the edge of the wall to which it is affixed nor extend above the roof line of a building.
- (i) Roof **signs** are not permitted.
- (j) Billboards and advertising **signs** are not permitted.
- (k) Balloon **signs** are prohibited except as permitted in [section 82-673](#) as a temporary **sign** for promotions.
- (l) Any vehicle (including trailers) which has the primary function of acting as a **sign** shall not be permitted.
- (m) Any **sign** which is not specifically permitted by, or does not conform, to the provisions of this article is prohibited.
- (n) The regulations of this article are not intended to permit any violation of the provisions of any other lawful ordinance.

(Ord. No. 82-646—82-765, eff. 10-12-2001)

- **Sec. 82-650. - Enforcement.**

- (a) *Authority.* The building official is authorized and directed to enforce all the provisions of this article.
- (b) *Right of entry.* The building official shall have all rights and authorization as set forth in the township building codes.
- (c) *Violations.* It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any **sign** or **sign** structure in the township, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article.
- (d) *Removal of unsafe or unlawful **signs**.* If the building official determines that any **sign** regulated by this article is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this article, the official or inspector may

remove the **sign** or require its immediate removal. Failure to comply with a notice of violation by the official or inspector shall be deemed a misdemeanor or nuisance per se.

(e)

Penalty. Any person violating any provision of this article shall be fined not less than \$10.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. No. 82-646—82-765, eff. 10-12-2001)

- **Secs. 82-651—82-670. - Reserved.**

- **Berkley**

Ph. 248.658.3300

fx 248.658.3401

Link: <http://www.berkleymich.org/>

Auction: Auctioneer:

Sec. 30-546. - Violations.

(a)

It shall be the duty of every licensee, before selling any article, to file with the city an inventory of the items to be sold at **auction** within the following month and, as to any such article not owned by the licensee, or seller for whom the **auctioneer** acts, for a period of at least 60 days prior to the date of such **auction** sale, a statement of the names and addresses of the persons from whom the items to be sold were obtained, the date of delivery of the items to the licensee and other details necessary to fully identify the items to be sold and where they came from. Any person selling any item at public **auction** which is not included in such inventory shall be deemed in violation of this article and shall forfeit his license to sell in this city.

(b)

It shall be deemed a violation of this article for any person operating a public **auction** to assist or take part in the practice of any fraud of any kind, or misrepresent the quality or description of any article or thing offered to be sold.

(c)

Any licensee in this article, or any employee of such licensee or **auctioneer**, who receives for sale by **auction** any goods from a minor shall be deemed in violation of this article.

(d)

No property shall be sold at **auction** or exposed for outdoor sales at any street, avenue, alley or public place of the city.

(e)

No public **auctions** shall be conducted between

- **Sec. 30-567. - When license not required.**

A license shall not be required to sell at public **auction** in the following cases:

- (1)
Property under process of any court;
- (2)
Property belonging to an estate and being **auctioned** by the personal representative or other fiduciary of the estate;
- (3)
Property being sold upon the foreclosure of mortgages or liens;
- (4)
Sales by the city treasurer; abandoned goods by the public safety department or any property under municipal authority;
- (5)
Property sold for charitable purposes;
- (6)
Auction for the sale of household goods for a legal resident of the city; or
- (7)
Sale of property at legitimate business closings in the city.

(Code 1981, § 14-148)

- **Sec. 30-568. - Application; posting.**

Application for a license under this article shall be filed on forms provided by the city setting forth where the public **auctions** will be conducted and other pertinent information. Upon payment of the proper fee, such license, when issued, shall be posted in a conspicuous place where the **auctions** are conducted.

- **Cross reference—** Licensing of handbills, § 6-34; licenses and permits for alcoholic liquors, § 14-31 et seq.; license for amusement devices, § 18-61 et seq.; licensing of pool, billiards and bowling, § 18-96; business license, § 30-86 et seq.; license for snow removal service, § 30-151 et seq.; licenses for food service establishments, § 30-341 et seq.; licensing of drive-in restaurants, § 30-377; licenses for peddlers and solicitors, § 30-466 et seq.; licenses for public **auctions**, § 30-566 et seq.; permits for massage parlors, § 30-636 et seq.; permits for charitable solicitations, § 34-36 et seq.; permit required for garage sales, § 54-34; business license for taxicab, § 134-51 et seq.; taxicab drivers permit, § 134-71 et seq.; license for motorcycles and motor-driven cycles, § 134-126 et seq.
- **Sec. 30-31. - Required.**

Sign

Sec. 94-6. - Prohibited **signs.**

All **signs** not expressly permitted under the ordinance from which this chapter was derived, or exempt from regulation in accordance with [section 94-4](#) or [section 94-5](#) are prohibited. Prohibited **signs** shall include, but not be limited to:

- (1) Off-premise advertising **signs**.
- (2) Animated **signs**.
- (3) Banners, exceeding six square feet.
- (4) Beacons.
- (5) Pennants.
- (6) Portable **signs**, exceeding six square feet.
- (7) Temporary **signs**, exceeding six square feet.
- (8) **Signs** that either by their position, wording, illumination, size, shape, or color obstruct, impair, or interfere with traffic **signs**, signals, or devices.
- (9) **Signs** that mimic official traffic control **signs** and devices.
- (10) **Signs** that obstruct any door, fire escape, stairway, or opening intended to provide ingress or egress for any building.
- (11) Illuminated **signs** that shine light directly onto traffic or that shine directly onto adjacent property.
- (12) Illuminated **signs** that have blank **sign** faces.
- (13) **Sign** support structures that do not support a **sign** or **sign** face.
- (14) **Sign** support structures that no longer support a permitted **sign**.
- (15) Any **sign** unlawfully installed, erected, or maintained.
- (16) **Signs** installed in the public right-of-way without a permit.

- **Berlin Charter Township, (Monroe Co.)**

Ph: (734) 586-2187

FX: (734) 586-8900

Link: http://www.michigantownships.org/twp_details.asp?fips=07720

Auction: Auctioneer:

The use of any loudspeaker or other device for the purpose of attracting attention to any performance, show, sale or display of merchandise which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity, except when in conjunction with an **auction** operation held in compliance with township ordinances or except when a specific permit for such device operation is first granted by the township board. The township board may cause such a permit to be issued when it finds the following

Sign:

Sec. 11-3. - **Signs and handbills.**

No person shall post, fasten, paint or fix any placard, bill, notice, **sign** or handbill upon any structure, tree or automobile within township parks unless such person has obtained the advance written permission from the township board.

- **Berrien Springs**

(269) 473-6921

Link: <http://www.villageofberriensprings.com/>

Auction: Auctioneer: No information given

Sign:

- **Sec. 32-10. - Special permit for flashing **signs** and portable and temporary **signs**.**

Interior illuminated flashing **signs** (including neon **signs**) and exterior portable or temporary **signs** will be permitted in commercial districts only upon obtaining a special permit from the building official. Such a special **sign** permit may be issued by the building official after an investigation and report by the police department that such an interior illuminated flashing **sign** or exterior portable and/or temporary **sign** shall not cause a traffic hazard because of its proposed location, size and brightness, or illuminated flashing, and/or location of such **sign**, and such a special **sign** permit shall not only be issued for special promotions and commercial purposes and shall be issued only for a period not to exceed 14 days. Such a special **sign** permit shall not be issued for a particular business or

parcel of property more often than once every six months, unless the particular business or parcel of property has had a change of ownership within the previous six-month period. No exterior flashing illuminated signs shall be permitted in the village.

(Ord. No. 307, § 10, 11-1-2004)

- **Birch Run**

Phone: (517) 624-5711

Fax: (517) 624-9681

Link <http://www.infomi.com/city/birchrun/gov.html>

Auction / Auctioneer

Birch Run, MI Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: PERMITS

CHAPTER 111: PERMITS

Section

Special Event Permit

111.01 Purpose

111.02 Definitions

111.03 Special event application

111.04 Revocation of the permit

111.05 Traffic control and safety requirements

111.06 Liability insurance requirements

111.07 Litter

111.08 Noise control

111.09 Hours of operation

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Recreation and Dance Hall

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SPECIAL EVENT PERMIT

§ 111.01 PURPOSE.

To insure that events and activities open to the public are conducted in a manner that will minimize safety hazards and preserve the peace and tranquility of the citizens of the village and surrounding areas within which they are conducted.

(Ord. 02-02, passed 7-22-2002)

§ 111.02 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

(B) Unless specifically defined below, words or phrases used in this subchapter shall be interpreted so as to give them the meaning they have in common usage and to give this subchapter its most reasonable application.

ATTENDANT. Any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

PERSON. An individual, partnership, corporation, limited liability company or any other business or charitable organization.

SPECIAL EVENT. An outdoor event or activity open to the public, whether free of charge or by paid admission, that is conducted occasionally and is not part of the normal daily activities of the

sponsoring individual or organization. Examples include, but are not limited to fairs, auction sales, tractor pulls, circus and/or carnivals, concerts, car shows and vehicle races. The following events and activities are excluded from this subchapter:

- (a) Events and/or activities conducted on village property;
- (b) Events and/or activities conducted on school or church property when the event and/or activity is sponsored by the school or church;
- (c) Events and/or activities conducted on private, residential premises where no admission is charged, anticipated attendance is fewer than 100 persons or there is no commercial activity planned;
- (d) Private garage sales, family reunions and/or gatherings, single farm auctions or estate auctions ; and
- (e) An event held entirely within the confines of a permanently enclosed and covered structure.

SPECIAL EVENT PERMIT. A formal application filed with Village of Birch Run detailing the time, location and nature of the outdoor event or activity to be conducted.

SPONSOR. Any person who organizes, promotes, conducts or causes to be conducted, an outdoor assembly.

(Ord. 02-02, passed 7-22-2002)

§ 111.03 SPECIAL EVENT APPLICATION.

(A) Application. Any individual or organization wishing to sponsor or hold a special event in the Village of Birch Run shall be required to complete and file a Village of Birch Run Special Event Application at least 45 days prior to conducting the event. The application shall be on a form approved by the Village Council.

(B) Procedure.

- (1) Obtain special event application form from the Village of Birch Run Office;
- (2) Complete and file the application, along with any required additional documentation, with the Village Zoning Administrator. The processing fee, which is established from time to time by the Village Council, shall also be paid; and
- (3) The Zoning Administrator will approve, approve with conditions or deny the request based on the applicant's demonstration of compliance with special event requirements. As a result of the review, the village may place special conditions on the event to insure that public interest is served. The special conditions may include, but are not limited to security personnel, water facilities, sanitary facilities and parking.

(C) Appeals and petitions. A person aggrieved by any final decision of the Village Zoning Administrator may appeal the decision to the Village Council by filing a petition within 21 days from the date of the decision. The hearing on the petition will be scheduled at the next regular meeting not fewer than five days from the date the petition is received.

(Ord. 02-02, passed 7-22-2002)

§ 111.04 REVOCATION OF THE PERMIT.

A permit may be suspended or revoked if:

(A) The applicant fails to comply with any or all of the requirements of this subchapter, with any or all conditions imposed hereto or with any other applicable provision of state or local law; or

(B) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(Ord. 02-02, passed 7-22-2002)

§ 111.05 TRAFFIC CONTROL AND SAFETY REQUIREMENTS.

(A) Other permits. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.

(B) Traffic control. The special event sponsor shall be responsible for complying with all usual traffic and road safety procedures required for the area where the event is to be held. This shall include a plan for managing road or highway traffic if the event is expected to attract much heavier than usual vehicular traffic to the area. Consideration also must be given to the impact of traffic to the event upon other residents or commercial establishments in the vicinity of the event.

(C) Parking. The special event sponsor shall, as part of the application, provide a plan for adequate parking of the number of vehicles anticipated at the event.

(D) Food safety. An event that is serving food must comply with all requirements of the Saginaw County Health Department. Commercial food vendors must supply a valid certificate of insurance naming the Village of Birch Run as an additional insured prior to opening the food stand.

(E) Lighting. Exterior lighting shall be installed in such a manner so that it does not impede the vision of traffic along adjacent roadways. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.

(F) Safety. The event sponsor must demonstrate that adequate measures are in place to insure reasonable safety for event participants and spectators, as well as for residents and/or occupants of areas adjacent to the event location. Events are categorized according to the level of risk, as defined herein:

(1) Low hazard. Involves no physical activity by participants and no severe exposure to spectators. Examples include, but are not limited to, meetings, seminars and auctions .

(2) Moderate hazard. Involves limited physical activity by participants and no severe exposure to spectators. Events in this category include, but are not limited to, amateur team sports, dances, political rallies, flea markets and picnics.

(3) High hazard. Involves major participation by participants and/or moderate exposure to spectators. Events in this category include, but are not limited to, parades with floats, marathons and/or foot races and circus and/or carnivals.

(4) Severe hazard. Involves severe exposure to spectators and/or participants. Examples in this category include, but are not limited to, fireworks displays, alcoholic beverage sales, music concerts and vehicle races.

(Ord. 02-02, passed 7-22-2002)

§ 111.06 LIABILITY INSURANCE REQUIREMENTS.

(A) Liability insurance. All sponsors of special events shall carry liability insurance with coverage of at least \$1,000,000, with the exception of events in the low hazard category. The village may require higher levels of insurance based on risk factors and past experience. An event sponsor shall provide the Village of Birch Run with a valid certificate of insurance naming the Village of Birch Run as an additional insured prior to the event.

(B) Participant waiver of responsibility. When the nature of the event, in the opinion of the Village Council, presents a high degree of risk to participants, the Village of Birch Run may require the event sponsor to obtain signed indemnification agreements from participants. The indemnification agreement shall be on a form approved by the Village Council.

(Ord. 02-02, passed 7-22-2002)

§ 111.07 LITTER.

(A) The special event sponsor shall provide for solid waste storage on, and removal from the premises. Storage shall be in approved, covered, fly-tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendees.

(B) It is the responsibility of event sponsors to remove, within 24 hours, all debris and litter generated by the event. Those who fail to do so are subject to the penalties set forth in §§ 93.20 through 93.23.

(C) Prior to issuance of any license, the licensee shall provide the village with a true copy of an executed agreement in force and effect with a licensed refuse collect, or other approved methods which will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on

the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public.

(Ord. 02-02, passed 7-22-2002)

§ 111.08 NOISE CONTROL.

The special event sponsor shall comply with the current Village Noise Control Ordinance.

(Ord. 02-02, passed 7-22-2002)

§ 111.09 HOURS OF OPERATION.

Operating hours for all uses shall be determined by the Zoning Administrator and approved by the Village Manager.

(Ord. 02-02, passed 7-22-2002)

§ 111.10 SPECIAL EVENT SIGNS.

(A) The special event application shall include a description of the advertising signs that are proposed to be used for the event. The use of signs shall conform to the event description contained in the application in its approved form. All signs and/or banners must conform to the regulations listed in the Village of Birch Run Zoning Ordinance.

(B) Special event signs may be displayed during the event in compliance with the Village of Birch Run Zoning Ordinance.

(Ord. 02-02, passed 7-22-2002)

§ 111.11 LOCATION AND/OR DURATION.

Special events are allowed only in those areas zoned for the use for not more than 11 days. The Village Council, regardless of the zoning of that particular area may approve a permit for not more than four days for a special event in another area. No special event shall be located within 200 feet of any residential structure, including motels, hotels and any structure being used for the overnight sleeping of persons.

(Ord. 02-02, passed 7-22-2002) Penalty, see § 111.99

§ 111.12 ENFORCEMENT.

(A) Violations. It shall be unlawful for a permittee, his or her employees or agents to:

- (1) Conduct or operate an assembly without first obtaining a permit as herein provided;
- (2) Conduct or operate an assembly in such a manner as to create a public or private nuisance;

(3) Conduct or permit, within the assembly, any obscene display, exhibition, show, plays, entertainment or amusement;

(4) Permit any person on the premises to cause or create a disturbance by obscene or disorderly conduct;

(5) Permit any person to unlawfully consume, sell or possess intoxicating liquor while on the premises; and

(6) Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other substances, as defined in Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 et seq. while on the premises.

(B) Civil infraction. Any violation of this subchapter, violation of any condition of a permit issued pursuant to this subchapter or any of the above enumerated violations constitutes a municipal civil infraction subject to payment of a civil fine as set forth in Chapter 35.

(1) In the case of a continued violation, penalties shall accrue for each day during the period of the violation.

(2) In addition to the penalties provided in this subchapter, the village may recover costs incurred as a consequence of the violation, and reasonable attorneys' fees, court costs and other expenses associated with enforcement activities. The costs shall be recoverable from the person found to have violated this subchapter or the permits issued under this subchapter. A civil infraction shall not be a bar against, or a prerequisite for, taking any other action against a person.

(C) Public nuisance. Any violation of this subchapter, or a violation of any condition of a permit issued pursuant to this subchapter, is hereby declared to be a public nuisance per se.

(D) Injunction issuance. It is further provided that any violation is a sufficient basis for revocation of the permit and for immediately enjoining further conduct of the assembly.

(1) Injunctive relief. Whenever a person is in violation of the provisions of this subchapter, or of a permit issued pursuant to this subchapter, the village may cause a petition to be filed in the Circuit Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of the violation. The court may order any condition, nuisance or violation abated immediately and may order whatever further relief as is necessary to prevent reoccurrence of any condition, nuisance or violation.

(2) Costs. The village may recover its costs incurred as a consequence of the violation, including reasonable attorney fees. The costs shall be recoverable from the person found to have violated this subchapter or the permits issued under this subchapter.

(Ord. 02-02, passed 7-22-2002) Penalty, see § 111.99

RECREATION AND DANCE HALL

§ 111.30 PERMIT REQUIRED.

Any individual person, partnership or corporation who establishes and/or operates any dance hall, recreational center, pool or billiard room, bowling alley or any related activity or any combination of the activities, shall first obtain a permit to carry out the activities from the Clerk of the Village of Birch Run who shall issue the permits only upon authorization of the Council of the Village of Birch Run meeting in a regular or special session.

(1992 Code, § 131.001) (Ord. 1-65, passed - - 1965)

§ 111.31 PERSONS ELIGIBLE FOR PERMIT.

(A) The Council may authorize the issuance of permits, as described in this subchapter, only to persons of good moral character.

(B) Persons convicted of violations of the laws of the State of Michigan relating to the operation of establishments named in the title of this subchapter, or involved in litigation before the Courts in such cases, shall be deemed ineligible to receive permits under this subchapter.

(1992 Code, § 131.002) (Ord. 1-65, passed - - 1965)

§ 111.32 PERMITS; FEES.

Permits issued under the terms of § 111.30 shall cost \$10 initially and shall be renewed annually on January 1. Payment of the same fee and the permission of the Council of the Village of Birch Run shall be necessary for the renewal.

(1992 Code, § 131.003) (Ord. 1-65, passed - - 1965)

§ 111.33 SHORT TITLE.

The short title of this subchapter shall be The Village of Birch Run Recreation and Dance Hall Ordinance.

(1992 Code, § 131.005) (Ord. 1-65, passed - - 1965)

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

(B) Any person who shall violate any provision of §§ 111.30 through 111.33 shall be deemed guilty of a misdemeanor and shall be subject to the penalties as permitted under the laws of the State of Michigan for the offenses but not to exceed a fine of \$100 and/or 30-days' imprisonment in the county jail.

(1992 Code, § 131.004) (Ord. 1-65, passed - - 1965)

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1.800.445.55

- **Birmingham**

248.530.1880

Link: www.ci.birmingham.mi.us

Auction: Auctioneer:

Section 5. - [Same—Licenses, businesses generally.]

The city shall have power:

(1)

[*Power to regulate hotels.*] To regulate and license hotels, roominghouses, boardinghouses, restaurants, and single and multiple dwelling rental units.

(2)

[*Pool rooms.*] To prohibit or to regulate and license public billiard and pool tables, public billiard and pool rooms, and bowling alleys, and to restrict the location thereof.

(3)

[*Theatres.*] To regulate and license theatres, motion picture shows, public shows, exhibitions and other amusements.

(4)

[*Dance halls.*] To regulate and license public dances and public dance halls, and to restrict the location thereof.

(5)

[*Peddlers, hawkers.*] To regulate and license **auctioneers**, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers and junk yards.

(6)

[*Dogs.*] To license dogs and other animals and to restrict or prevent their running at large.

(7)

[*Use of firearms.*] To license, regulate or prohibit hunting, trapping and the use of firearms within the corporate limits.

(8)

[*Prohibit certain businesses.*] To regulate trades, occupations and amusements within its boundaries in such manner as shall be consistent with state and federal laws, and to prohibit such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants.

(9)

[*Taxis.*] To regulate and license vehicles used for the conveyance of persons and property for hire, and to regulate and license the drivers thereof.

(10)

[*Explosives.*] To regulate and license the storing, handling, transportation, sale and disposition of combustible and explosive substances of every character, and to prohibit the same if not in conflict with the laws of the state.

(11)

[*Licensing.*] To prescribe the terms and conditions upon which licenses shall be granted; to require the payment of such license fees and the furnishing of such bond as the commission may deem reasonable and proper, and to provide that all licenses shall be subject to revocation by the commission in the manner provided in each particular ordinance.

Sign

[*Peddlers, hawkers.*] To regulate and license auctioneers, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers and junk yards.

- **Blissfield**

517-486-4347

Link: <http://blissfieldmichigan.gov/>

Auction: Auctioneer:

- **25.000 - AUCTIONEERS**

- **25.001 - License.**

Sec. 1. No person shall engage in the trade or business of **auctioneer** without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief of Police. The annual fee for such license shall be \$15.00. A one day license may be issued for a fee of \$5.00 dollars.

- **25.002 - Bond.**

Sec. 2. Before any such license is issued, the applicant shall furnish a corporate surety bond in the penal sum of \$500.00, which bond shall be conditioned for the due observance during the time of the license of all laws of the State of Michigan and all provisions of this Code pertaining to such trade or business. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of 90 days after the expiration or cancellation of any such license and until the conclusion of any action on said bond commenced while it was in force.

- **25.003 - Prohibited activity.**

Sec. 3. No **auctioneer** shall knowingly misrepresent the quality of any goods sold by him. No **auctioneer** shall accept any goods from any minor for sale at **auction**.

- **25.004 - **Auction** accounts.**

Sec. 4. Every **auctioneer** shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. No **auctioneer** shall fail to make such account available to any police officer of the Village for inspection upon demand.

- **25.005 - **Auctions** for charitable purposes.**

Sec. 5. The Village Council shall have the authority to waive the license fee and penal bond requirement for **auctions** conducted for charitable purposes.

Sign:

- **216.1408 - Permitted temporary **signs**.**

Sec. 14.08. The following temporary **signs** shall be permitted in accordance with the regulations herein:

1.

Permitted Real Estate:

(a)

Non-illuminated **signs** used for advertising land or buildings for rent, lease, or sale shall be permitted in any district. Such **signs** shall not exceed an area of six square feet and a height of four feet in all

single family residential districts and an area of 20 square feet and a height of 12 feet in all other districts. A maximum of one real estate **sign** per street frontage is permitted on each lot for sale. In addition, two additional off-premises **signs** are permitted (i.e. directional, open house, etc.) per lot for sale.

(b)

Real estate **signs** shall not be placed in any manner on public property. They may only be placed on private property with the consent of the property owners.

(c)

One non-illuminated freestanding **sign** listing persons or firms connected with construction work being performed or a residential or commercial subdivision under development. Such **signs** shall not exceed 20 square feet in area and a height of 12 feet.

2.

*Permitted Portable Temporary **Signs**:*

(a)

A portable temporary **sign** shall be permitted in the C-1, C-2, C-3, I-1, I-2, O/R/I, Mixed Use, and PL Zoning Districts.

(b)

A portable temporary **sign** shall not exceed six feet in height.

(c)

A portable temporary **sign** shall not exceed 32 square feet per side in area.

(d)

A portable temporary **sign**, excepting sandwich board **signs**, will require a thirty-day renewable permit which will be issued by the Blissfield Village Zoning Administrator. Provided, however, that no more than four permits shall be issued per portable temporary **sign** in any one calendar year, and that no more than two permits may be issued for the same portable temporary **sign** in any 90-day period.

(e)

Sandwich board **signs** shall be placed only in the front of the place of business which they advertise and shall only be placed out for display during the hours of operation of the business advertised. Each side of the sandwich board may be no larger than eight square feet. Sandwich board **signs** shall be the only portable temporary **sign** allowed in the Mixed Use District.

(f)

Placement of a portable temporary **sign** or sandwich board **sign** shall be approved by the Village of Blissfield Zoning Administrator and Village of Blissfield Chief of Police or their designated representative in order to ensure safe and efficient pedestrian and vehicular movement.

3.

*Permitted Garage Sale **Signs**:*

(a)

Garage sale **signs** shall not exceed four square feet in size.

(b)

Garage sale **signs** shall not be placed in any manner on public property. They may only be placed on private property with the consent of the property owner.

(c)

No garage sale **signs** may be put up more than five days prior to the date of the sale and must be taken down within one day following the sale.

(d)

A garage sale **sign** may be permitted for up to a five-day period. All starting and ending dates of the sale shall be posted on the **sign**.

4.

*Permitted Special Event **Signs** and Advertising Devices:*

(a)

Special event **signs** and advertising devices shall be permitted for a period not to exceed 15 calendar days.

(b)

Searchlights shall not be located nearer than 50 feet to any property line.

(c)

Special event **signs** and advertising devices, other than searchlights, shall not exceed 32 square feet in area.

(d)

Special event **signs** and advertising devices, other than searchlights, shall not be located nearer than 20 feet to any property line.

(e)

One cold air or helium inflatable balloon may be used, subject to the following conditions:

(1)

The balloon shall not exceed 40 feet in height and shall be set back from any property line one foot for every one foot in height.

(2)

Said balloon may be roof mounted or ground installed.

(3)

Said balloon may be illuminated from inside or by exterior lighting placed to direct the light source away from adjacent roadways or properties.

(4)

Said balloon shall be installed so as not to interfere with utility lines, traffic circulation, visibility of drivers or fire lanes.

5.

Banners and Pennants:

(a)

Banners shall be permitted in all zoning districts.

(b)

Pennants are permitted only in commercial or industrial zoned districts.

(c)

Banners shall not exceed 32 square feet in commercial, industrial and public land zoned districts.

(d)

Banners shall not exceed 20 square feet in residential zoned districts.

(e)

Placement of banners and pennants is subject to approval by the Zoning Administrator or Village of Blissfield Police Chief.

6.

Digital Message Signs:

(a)

Digital message signs are only permitted in the US-223 corridor, East of the intersection of US-223 and Depot Street, and West of the intersection of US-223 and the Main Street, and on all lands zoned Public Lands (PL). Digital message signs along the remainder of US-223, or along other areas of the Village, shall not be permitted.

(Amended: 1-13-92; 3-25-02; 4-22-02; 1-28-08; 9-28-09; 10-8-12; 11-25-13)

- **Bloomfield Charter Township, (Oakland Co.)**

ph: 248.433.7700

fax: 248.433.7714

Link: www.bloomfieldtp.org

Auction: Auctioneer: No information given

: Sign: No information given

- **Bloomfield Hills**

Link: <http://www.bloomfieldhillsmi.net>

Auction: Auctioneer:

To regulate and license auctioneers, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers and junk yards. The above occupations may also be prohibited unless such prohibition may be contrary to the state or federal law.

Sign

Sec. 16-10. - Permitted in a zoning district.

The following signs may be located in a zoning district subject to the conditions imposed in this section:

(1)

Signs identifying architects, builders or contractors in connection with actual construction work in progress shall be permitted on the lot where the work is being done provided such **sign** shall not exceed six (6) square feet in area in an A-1 through A-4 district and forty (40) square feet in area in all remaining districts and shall be of the ground or wall **sign** type. Such **signs** shall contain the name, address, and character of occupation only of the architect, builder or contractor, as the case may be. Such **sign** shall be constructed of wood or noncombustible materials with a black background and gold color characters, produced by applying pigments to the **sign** surface. Not more than one (1) such **sign** shall be permitted and such **sign** shall be immediately removed upon completion of the work.

(2)

Signs announcing the sale, lease or other disposition of real estate shall be permitted provided such **sign** shall not exceed six (6) square feet in area in an A-1 through A-4 district and twelve (12) square feet in area in all remaining districts and shall be located on the real estate involved and shall be of the ground or wall type **sign**. The **signs** herein permitted shall not exceed six (6) feet in height measured from ground level. Said **sign** shall contain only a description of the property, the purpose for which it is being advertised, and the name and address of the owner, agent or seller, as the case may be. Such **sign** shall be constructed of wood or noncombustible materials, with a black background and gold letter characters, produced by applying pigments to the **sign's** surface. No more than one (1) such **sign** shall be permitted per development under common ownership or control including condominium developments and/or where parking facilities are shared in common with adjoining buildings. All such signage shall be removed within nine (9) months after the permit is issued or immediately after such land or building is rented, leased, or sold.

(3)

Temporary **signs** of the following nature may be permitted by the city manager subject to the following conditions:

a.

Signs announcing civic, church and local affairs, and sporting events sponsored by an established school, church or nonprofit club, and conducted for a period of not to exceed one (1) week within or adjacent to the city limits, provided that such **signs** do not remain up for a period longer than two (2) weeks, and are removed immediately upon the conclusion of such affairs or events. Such **signs** shall not exceed twenty-four (24) square feet in area and shall be constructed of wood or noncombustible materials with black background and gold color characters produced by the application of pigments to the **sign** surface.

b.

So called "open house" **signs** directing persons to and/or identifying a specific real estate in the city for the purpose of inspection relative to sale, lease or other disposition.

1.

Not more than one (1) **sign** shall be permitted which shall be located in the immediate proximity of or located on the real estate involved. Not more than one (1) additional **sign** may be permitted when in the judgment of the city manager the real estate in question is not readily visible from the right-of-way of a major thoroughfare.

2.

Such **signs** shall not remain up for a period exceeding six (6) hours. Such **sign** shall not exceed nine (9) square feet in area and shall be constructed of wood or noncombustible materials, with

a black background and gold color characters, produced by applying pigments to the sign surface.

3.

Such sign shall contain only a description of the property, the purpose for which it is being advertised, and the name and address of the owners, agent or seller, as the case may be.

c.

The sign shall be located so as not to interfere with the free passage of vehicular and pedestrian traffic upon the public right-of-way, so as not to constitute a hazard to public safety, and so as to be in reasonable proximity to the event or real property sought to be published.

- **Boyne City**

PH (231)582-6597

FX (231)582-6506

Link: <http://www.cityofboynecity.com/>

Auction: Auctioneer: no information given

Sign: **Sec. 42-76. - Signs requiring a permit.**

The following on-premise signs may be erected, altered, or relocated in accordance with the regulations of this section and subject to the permit requirements of Article IX.

(1)

Banners. Banners not exceeding 16 square feet may be displayed on a building wall for not more than 14 days in any 90-day period.

(2)

Directional signs. Directional signs, each not exceeding three square feet in surface area and no more than four signs per lot, displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking-area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional directional sign, not exceeding three square feet in surface area, may be permitted subject to the approval of the sign committee upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be five feet.

- **Brandon Charter Township, (Oakland Co.)**

PH (248) 627-4918

Fax: (248) 627-6938

Link: www.brandontownship.us

Auction: Auctioneer: No information given

Sign:

Sec. 46-452. - Temporary signs.

Temporary signs shall be permitted in accordance with the regulations herein:

(1)

Permit required. Unless specified elsewhere in this chapter, a permit shall be required to display any temporary sign described by these regulations. Such permit shall be issued by the township building official or designee and shall clearly specify the name, address and telephone number of the applicant as well as the title and dates of the event advertised and authorized location for placement of the sign. The permit number shall be clearly displayed on the sign. The permit fee, if any, is to be established by resolution of the township board.

(2)

Construction signs. Construction signs shall only be erected on the construction site. Construction signs shall advertise only the project under construction and information related thereto, such as its developer, contractor, engineers, brokers, and architects. Signs advertising buildings or projects under construction shall not exceed 32 square feet. Such signs shall have a maximum height of eight feet and shall be set back at least 15 feet from any public right-of-way unless attached to a building, construction fence, or barricade. All such signs shall be removed promptly upon completion of construction. No more than one construction sign shall be permitted per thoroughfare frontage. Signs six square feet in area or less and a maximum of four feet in height which list persons or firms connected with construction, maintenance, or service work being performed at the time, shall be permitted without permit. Such signs must be located on the property under consideration and must be removed upon completion of work on site.

(3)

Election signs.

a.

Such signs shall not be erected more than 30 days prior to the election.

b.

Such signs shall not be erected within 100 feet from an entrance to a public polling place, nor shall they be erected within a 25-foot clear zone on corner lots. No election sign shall be erected in a manner as to impede clear vision by motorists on a highway.

c.

Election signs shall not exceed 32 square feet in total area and eight feet in height.

d.

Election signs shall not be attached or erected on public utility poles or installations.

e.

All election **signs** shall be removed no later than seven days after an election.

f.

The building inspector or the director of planning and building is authorized to remove any election **signs** placed in the public right-of-way and dispose of such **signs** with the costs assessed to the organization identified on the **sign**.

g.

Violations of this section will be subject to the penalty provisions of article 3 of this chapter.

(4)

Real estate.

a.

Single- and multiple-family residential real estate **signs**: A **sign** with an area not in excess of six square feet advertising the sale, rent and/or lease of a single- or multiple-family structure or vacant property, placed adjacent to such a structure and upon the premises is permitted without permit. Such a **sign** may indicate only that the property is for sale, rent, and/or lease and the address or telephone number where the inquiry can be made. It shall have a maximum height of three feet from grade and shall be set back a minimum of ten feet from any public right-of-way unless attached to the building.

b.

Nonresidential real estate **signs**: One **sign**, with a total area not in excess of 32 square feet, shall be permitted on each parcel for the purposes of advertising the sale, rent and/or lease of nonresidential real estate. Such **signs** shall have a maximum height of eight feet and shall be set back a minimum of 15 feet from any public right-of-way unless attached to a permanent building.

c.

Residential subdivision or condominium developments: The allowable area for one on-premises **sign** pertaining to the sale, rent and/or lease of real estate within a residential subdivision or condominium complex being developed shall be limited to an area of 32 square feet. Such **signs** shall have a maximum height of eight feet and shall be set back a minimum of 15 feet from any public right-of-way. Not more than one real estate **sign** per thoroughfare frontage shall be placed on any premises. Real estate **signs** larger than six square feet shall not be placed on any premises with an occupied structure. Temporary portable real estate directional **sign**, not exceeding three square feet in area and four in number, saying "Open House" and/or showing a directional arrow and placed back of property lines outside the public right-of-way shall be permitted on approach routes to an open house, only for the day of the open house. The top of such **signs** shall not exceed three feet in height, nor may such **signs** be displayed for more than one day in any seven day period. No such **signs** shall be placed on private property without the consent of the owner. A permit is not required for this type of **sign**.

d.

Removal: Real estate **signs** shall be removed within ten days of the sale, lease or rental of the premises, land parcels or residential subdivision/complex.

- **Brighton Charter Township, (Livingston Co.)**

Phone: 810-229-0550

Fax: 810-229-1778

Link: www.brightontwp.com

Auction; Auctioneer: No information given information given

- **Bronson**

Phone: 517-369-7334

Fax: 517-369-1457

Link: <http://www.bronson-mi.com/>

Auction / Auctioneer

Signs

Bronson, MI Code of Ordinances

TITLE XV: LAND USAGE

CHAPTER 152: SIGN REGULATIONS

CHAPTER 152: SIGN REGULATIONS

Section

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§ 152.01 PURPOSE.

The purpose of this chapter is to encourage the effective uses of signs as a means of communication in the city; to maintain and enhance the aesthetic environment, to augment historical preservation and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety and public health, to minimize the possible adverse effect of signs on nearby public and private property, to keep signs within a reasonable scale with respect to

the buildings and the property to which they relate, and to enable the fair and consistent enforcement of these sign restrictions.

(Ord. 167, passed - -2003)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any sign that is still on the premises 90 days after a business ceases to operate or moves from the location.

AGGREGATE SQUARE FOOTAGE. The total sum of all signs and their areas per parcel.

ANIMATED. Any sign that used movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene. This term does not refer to changeable copy signs.

AWNING. A retractable or fixed shelter constructed of ridged or non-rigid materials on a supporting framework that projects from the exterior wall of a building.

AWNING SIGN. A sign affixed flat against the surface of an awning.

BANNER SIGN. A fabric, plastic or other sign made of non-rigid material without a supporting structural framework.

BILLBOARD. A sign that advertises an establishment, product, service or activity not available on the lot on which the sign is located.

BUSINESS CENTER SIGN. A freestanding or monument identification sign for a group of multiple establishments.

CANOPY. A permanent roof like shelter extending from part or all of a building face over a public access area.

CHANGEABLE COPY SIGN. Any sign designated or constructed whereby the lettering or message usually contained thereon is capable of being changed by rearranging or installing new letters without removing, replacing or resurfacing the face of the sign.

CITY. The City of Bronson.

CONSTRUCTION SIGN. A sign that identifies the owner, financiers, contractors, architects, engineers or other individuals or firms involved with the project under construction.

COMMERCIAL MESSAGE. Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

DIRECTIONAL SIGN. A sign that gives directions, instructions or facility information such as parking, exit and entrance signs, or location.

ESSENTIAL SERVICES. Those services that are provided for penetrating to health, safety and welfare of the general public.

FREESTANDING SIGN. A sign supported on poles, not attached to a wall or building.

GOVERNMENT SIGN. A temporary or permanent sign erected by the city, the county, townships or the state or federal government.

HISTORICAL SIGN. A sign for which certain criteria has been recognized, and has been granted a historical permit.

MALL AREA. Those areas of multi-tenant developments which are designed exclusively for the public promenade of pedestrians.

MARQUEE. A permanent structure constructed of rigid materials that projects from the exterior wall of a building; also a sign affixed flat against the surface of a MARQUEE.

MONUMENT SIGN. A sign supported by a solid base with zero ground clearance, not attached to a wall or building.

MURAL. A design or representation painted or drawn on a wall that does not advertise the establishment, product, service or activity.

POLITICAL SIGN. A sign used to convey political opinions or in support or opposition of political candidates, parties, or other political views.

PORTABLE SIGN. A sign designated to be moved easily, not permanently affixed to the ground, structure or building, and is visible from the public right-of-way, for the purpose of advertisement.

PROJECTING SIGN. A sign attached to a building or wall that extends more than 12 inches from the face of the building or wall.

REAL ESTATE SIGN. A sign advertising the real estate upon which the sign is located as being for sale, rent, lease or auction .

RIGHT-OF-WAY. An area of land set aside for the placement of public utilities, sidewalks and vehicular traffic. Generally, when sidewalks are present, the edge of the walk that is closest to the home is the outer most edge of the RIGHT-OF-WAY. Common RIGHT-OF-WAY widths in the city are 49.5 feet, 50 feet, 57.75 feet and 66 feet. The RIGHT-OF-WAY for Chicago Street (U.S. 12) is 99 feet.

ROOF LINE. The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.

ROOF SIGN. A sign erected above the roof line of a building.

SIGN. A device, structure or fixture using graphics, symbols and/or written copy designed specifically for advertisement identifying an establishment, product, service, activity or statement(s) and/or opinion(s).

SPECIAL EVENTS SIGN. Signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations, and/or those special events by for profit organizations as determined by established policy and the Zoning Administrator.

STOREFRONT. The predominant frontage of the building.

SUSPENDED SIGN. A sign suspended from a horizontal plane surface, and supported by the surface.

TEMPORARY SIGN. Any sign used only temporarily and is not attached/affixed in any permanent manner.

WALL SIGN. Any sign painted or attached directly to and parallel to the exterior wall of a building.

WINDOW SIGN. Any paper, cardboard, paint, graphic or material placed on or behind a window visible to the public. This term does not include merchandise displayed in a window.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.03 SIGN PERMIT REQUIRED.

No person shall erect, alter, place or replace any sign without first obtaining a sign permit, unless expressly exempt elsewhere in this chapter.

(Ord. 167, passed - -2003) Penalty, see § 152.99

§ 152.04 APPLICATION PROCESS.

(A) Applications for sign permits and the appropriate non-refundable fee shall be made upon forms provided by the city office and be completed as specified by the Zoning Administrator, or designee. Applications must be accompanied by a rendering of the sign, dimensions, site location and any other criteria as required by the Zoning Administrator in order to enable him or her to determine compliance with the applicable provisions of this chapter.

(B) The application will be evaluated by Zoning Administrator, or his or her designee for compliance of municipal and other applicable law. The application, if not denied by the Zoning Administrator, or his or her respective designees, within three business days of the date of its receipt, shall be deemed approved and a permit shall be issued. The applicant shall be notified and informed of any reasons for denial along with the corresponding section of the code.

(C) If construction is not complete within 12 months of the issuance date of the permit, the permit shall lapse and become void.

(Ord. 167, passed - -2003)

§ 152.05 GENERAL RESTRICTIONS.

- (A) Signs shall be maintained and be legible.
- (B) Sign supports, braces, guys and anchors shall be maintained in a manner so as not to cause a hazard. All signs must be installed in accordance with the most recently adopted building construction code.
- (C) Signs may be illuminated internally or externally, unless expressly prohibited elsewhere in this chapter. All lighting shall be enclosed or directed to prevent light from shining onto traffic or residential property.
- (D) No sign shall be placed in, upon or over any public right-of-way, alley or other public place, unless otherwise permitted.
- (E) No light pole, utility pole or other supporting member shall be used for the placement of any sign unless specifically designed and approved for the use.
- (F) No sign shall be placed where it might, due to its position, shape, color or other characteristics interfere with, or obstruct the view of, or be confused with a traffic signal sign or device.
- (G) No wall sign shall extend beyond the edge of the wall to which it is affixed or beyond the roof line.
- (H) No sign shall be erected over the roof line.
- (I) Removal of city-owned trees (trees located on city property or in city rights-of-way) is prohibited for construction of, or visibility to, any sign. Any tree trimming to gain visibility for advertisement, must be approved by the city.
- (J) No signs shall be placed on the city-owned trees.
- (K) A business shall be allowed window signs which occupy not more than 75% of the window area of each floor level of the business.
- (L) Awnings, suspended signs, canopies and marquees are permissible within the right-of-way with the approval of the Zoning Administrator. Awnings may not project over eight feet into the public right-of-way, and have a minimum clearance of eight feet from grade.
- (M) "A" frames, sandwich boards and menu signs shall be allowed under the following provisions:

 - (1) Only one per storefront or per tenant in the Business Districts;

- (2) Height may not exceed 42 inches as the sign stands;
- (3) Width may not exceed 24 inches;
- (4) The sign shall be allowed only during business hours; and

(5) Permits shall be issued on an annual basis, at a fee to be determined by Council. As a prerequisite to the issuance of a new or the renewal of a prior permit, the business owner shall provide proof satisfactory to the city of liability insurance coverage in which the city is a named insured and which provides a minimum of \$500,000 in single limit coverage.

(Ord. 167, passed - -2003) Penalty, see § 152.99

§ 152.06 EXEMPTIONS FROM PERMITS.

The following signs are exempt from permit requirements, but must conform with all other provisions of this chapter:

- (A) Governmental signs;
- (B) Holiday or special events (non-profit) decorations and signs;
- (C) Nameplates (two square feet or less);
- (F) Real estate signs (six feet square or less);
- (G) Interior building signs, not visible from the exterior;
- (H) Directional signs (six square feet or less);
- (I) Garage or occasional sale signs (six square feet or less); and
- (J) Window signs.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.07 GENERAL EXEMPTION.

The following signs are exempt from provisions of this chapter for the city, except the provisions of § 152.05:

- (A) Governmental signs;
- (B) Historical markers;
- (C) Memorial signs or tablets;

- (D) Murals;
- (E) Signs for essential services;
- (F) Owner/occupant nameplates and address up to two square feet; and
- (G) Flags of any nation, state, city, not for profit organization, educational institution or company emblems providing no other advertisement is present.
- (H) Political signs.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.08 REMOVAL OF CERTAIN SIGNS.

(A) In the event a sign is abandoned for a period of 90 days the sign owner and/or property owner shall immediately remove any sign identifying the business announced thereby. The Zoning Administrator may grant an extension upon good cause shown.

(B) Any sign that is found to be constructed, painted, installed or maintained in a manner not consistent with this chapter, or without the proper permit, or for which the permit has lapsed and become void, or the time for nonconformance has expired, shall be forthwith removed.

(C) In the event a sign subject to removal pursuant to the preceding division is not removed as provided therein, the Zoning Administration shall forthwith notify the sign owner and/or the property owner in writing to remove the sign within 14 calendar days of the date of the notice.

(D) Should the sign owner and/or property owner fail to remove or cause the removal of the sign within the time established pursuant to division (C) above, the Zoning Administrator, or designee, is hereby authorized to remove or cause the removal of the sign. Any expense incidental to the removal shall be charged to the owner on which the sign is located and shall constitute a lien on the property, collectible in the same manner as taxes.

(E) Any sign placed within the right-of-way, except those provided for in § 152.07, shall be forfeited to the public and subject to immediate confiscation and removal at the sign owner's sole expense.

(F) The words REMOVE, REMOVAL and REMOVED as used in this section and its divisions shall mean and include the demolition, destruction, removal and disposal of the sign face, posts, columns, backing material and supports of all signs. In case of painted wall signs, the words shall also include painting over the original sign face in its entirety so as to completely cover it.

(Ord. 167, passed - -2003) Penalty, see § 152.99

§ 152.09 NONCONFORMING SIGNS, ILLEGAL SIGNS AND SIGNS ACCESSORY TO NONCONFORMING USES.

(A) A sign which is in existence as of the effective date of this chapter, or on a later date when the property was annexed into the city, and that was constructed in accordance with the ordinance and applicable laws in effect as of the date of its construction, but because of its size, height, location, design or construction is not in conformance with the requirements of this chapter, is hereby deemed to be nonconforming.

(B) These signs shall be allowed to remain in place and be maintained.

(C) These signs are subject to the following provisions.

(1) Nonconforming signs or their commercial messages may not be altered, expanded, enlarged or extended. Nonconforming signs may be maintained so as to continue its useful life as a sign.

(2) Any nonconforming sign destroyed or damaged by fire or other casualty loss shall not be restored or rebuilt.

(3) A sign, accessory to a nonconforming use, may be erected in the city in accordance with the sign regulation for the subject zoning district.

(4) Any sign which for a period of 90 days or more that no longer advertises a bona fide business conducted or product sold shall, be removed by the owner of the property on which the sign is located, within 14 days of receipt of the written notice by the Zoning Administrator, as provided in § 152.08 and its divisions, the provisions of which shall apply to the removal of the signs, the sign owners and property owners in question.

(5) Any sign existing in the city on the effective date of this chapter shall be registered by application and must be submitted to the Zoning Administrator's office within six months of the effective date of this chapter. For any sign on property annexed into the city, the owner shall submit an application within six months of the effective date of the annexation. Applications submitted for existing signs within six months of the effective date of this chapter shall be exempt from the initial registration fees. Fees will be set by the City Council, for registration after the stated date.

(Ord. 167, passed - -2003) Penalty, see § 152.99

§ 152.10 SIGN AND AREA CALCULATIONS.

(A) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo or graphic, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

(B) The area of a freestanding, projecting or monument sign that has two or more faces shall be measured by including the area of all faces, unless the two faces are placed back to back and are of equal size, the area of the two back to back faces shall be counted as one face.

(C) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign.

(D) Awning signs will not include the material of fabric of the awning itself.

(Ord. 167, passed - -2003) Penalty, see § 152.99

§ 152.11 REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS.

The following sign regulations are applicable to all zoning districts.

(A) Portable and temporary signs are prohibited, unless provided for elsewhere in this chapter.

(B) Real estate signs shall be removed within ten days after the completion of the sale, lease or auction of the property.

(C) Construction signs are permitted within any zoning district, if they do not exceed 32 square feet in area. They may not exceed eight feet in height, or be erected until a proper building permit for the construction has been approved. They must be removed upon an occupancy permit being issued.

(D) Special events signs for governmental and non-profit organizations, including banners are permitted within any zoning district provided that no more than five such signs shall be allowed per event. They shall be limited to 21 days previous to the event and two days after the event. They may not exceed 32 square feet of five feet in height, shall comply with district setback requirements.

(E) Directional signs are permitted with the following conditions: they may contain a logo, or company name only, but no advertising copy. They may not exceed six square feet or six feet in height. They shall be limited to traffic control functions only.

(F) Garage and occasional sale signs are allowed. They may not exceed six square feet in area. The sign may be erected one day prior to and removed one day after the sale. Signs not located on the sale premises must be freestanding and are limited to 32 inches in height. All signs must have the address of the sale and the date of the event displayed on the front of the sign.

(G) All signs, except signs noted in § 152.07, shall be set back at least eight feet from the property line in all zoning districts, unless provided for elsewhere in this chapter.

(H) All signs, except signs noted in § 152.07, shall be prohibited from the sight clearance triangle.

(I) Billboards shall be prohibited from all districts.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012) Penalty, see § 152.99

§ 152.12 VIOLATIONS.

Any of the following shall be a violation of this chapter, and shall be subject to the enforcement remedies and penalties provided by this chapter, and by state law:

- (A) To install, create, erect or maintain any sign in violation of any provision of this chapter;
- (B) To install, create, erect or maintain any sign requiring a permit without the permit;
- (C) To install, create, erect or maintain any sign requiring a permit without the permit;
- (D) To fail to remove any sign that is installed, created, erected or maintained, in violation of this chapter, or for which the sign permit has lapsed;
- (E) Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation; and
- (F) Each day on which a violation continues shall constitute a separate violation of this chapter.

(Ord. 167, passed - -2003) Penalty, see § 152.99

§ 152.13 ENFORCEMENT AND REMEDIES.

(A) Any violations or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law.

(B) The remedies of the city shall include the following:

- (1) Issuing a stop work order for any and all work on any sign;
- (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of its nonconformity;
- (3) Imposing any penalties that can be imposed directly by the city under this chapter;
- (4) Seeking in court the imposition of any penalties that can be imposed by the court;
- (5) In the case of a sign that poses an immediate danger to the public health, or safety, taking measures as are available to the city under the applicable provisions of Municipal and Building Code for those circumstances;
- (6) The city shall have other remedies as are and as may from time to time be provided for or allowed by state law for the violation of a zoning ordinance; and
- (7) All remedies provided herein shall, to the extent allowed by, be cumulative for each violation to which they apply.

(Ord. 167, passed - -2003)

§ 152.14 APPEALS AND VARIANCES.

(A) Any person aggrieved by a decision of the Zoning Administrator relative to the placement, area, height or construction of a sign may appeal the decision of the Zoning Board of Appeals.

(B) The Zoning Board of Appeals may grant a variance from the requirements of this chapter after a public hearing as follows:

(1) On a factual proof presented by the applicant for the variance that is found to be satisfactory and credible by the Zoning Board Appeals that:

(a) The variance would not be contrary to the public interest or general purpose and intent of this chapter;

(b) The variance does not adversely affect properties in the immediate area of the proposed sign;

(c) The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property; and

(d) The variance sought is one for an historic sign which, if not related to the business currently conducted on the property on which it is located, shall not be included as part of the aggregate sign area.

(2) All sign variances shall terminate upon alteration or reconstruction of more than 50% of the sign, or a date set by the Zoning Board of Appeals.

(Ord. 167, passed - -2003)

§ 152.15 HISTORIC VARIANCES.

Historical sign variances may be sought, without fee, by application and request therefore directed to the Zoning Administrator, and shall be granted upon factual proof presented by the applicant, and found to be satisfactory and credible to the Zoning Board of Appeals that one or more of the following criteria apply:

(A) The sign is associated with historic figures, events or places;

(B) The sign is significant as evidence of the history of the product, business or service advertised;

(C) The sign is significant as reflecting the history of the building or the development of a historic district;

(D) The sign is characteristic of a specific history period, such as old leaf neon or stainless steel lettering;

(E) The sign is integral to the buildings design or physical fabric or if the removal will cause significant harm to the integrity of the building;

(F) The sign, by reason of craftsmanship, materials or design, is an outstanding example of sign marker art;

(G) The sign is a local landmark, recognized a popular focal point in the community; and/or

(H) The sign contains elements important in defining a district, such as marquees in a theater district.

(Ord. 167, passed - -2003)

§ 152.16 PERMIT AND FEE SCHEDULE.

The City Council shall from time to time, by resolution, set a schedule of permits and fees for various aspects of this chapter.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.17 R-1 RESIDENTIAL DISTRICT.

(A) Monument and freestanding signs for R-1 residential subdivisions, schools, churches and other nonresidential uses allowed. Note: home occupations are limited to wall signs only.

(1) Number: two per major entrance.

(2) Size: no greater than 32 square feet.

(3) Location: minimum of eight feet outside of the right-of-way.

(4) Height: no higher than six feet.

(B) Wall signs for home occupations. (Total aggregate of 28 square feet in area per lot.)

(1) Number: one per lot or parcel.

(2) Size: no greater than four square feet.

(3) Location: on wall of building facing street.

(C) Wall signs or nonresidential use.

(1) Number: one per street front.

(2) Size: no greater than 5% of the wall area to which it is affixed, not to exceed 28 square feet.

(3) Location: on wall of building, facing the street.

(D) Political and real estate signs.

(1) Number: one per candidate, two per issue, one each per lot or parcel.

(2) Size: no greater than 32 square feet.

(3) Location: minimum of eight feet outside of the right-of-way.

(4) Height: no higher than five feet.

(Ord. 167, passed - -2003)

§ 152.18 R-2 RESIDENTIAL DISTRICT.

(A) Monument and freestanding signs for R-3 residential subdivisions, schools, churches and other nonresidential used allowed.

(1) Number: two per major entrance.

(2) Size: no greater than 32 square feet.

(3) Location: minimum of eight feet outside of the right-of-way.

(4) Height: no higher than six feet.

(B) Wall signs for home occupations. Total aggregate of 28 square feet in area per lot.

(1) Number: one per lot or parcel.

(2) Size: no greater than four square feet.

(3) Location: on wall or building facing street.

(C) Wall signs for nonresidential use. Total aggregate of 28 square feet in area per lot.

(1) Number: one per street front.

(2) Size: no greater than 5% of the wall area to which it is affixed, not to exceed 28 square feet.

(3) Location: on wall of building, facing the street.

(D) Real estate signs.

(1) Number: two per parcel.

- (2) Size: no greater than six square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than five feet.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.19 R-3 RESIDENTIAL DISTRICT.

(A) Monument and freestanding signs for R-3 residential subdivisions, schools, churches and other nonresidential uses allowed.

- (1) Number: two per major entrance.
- (2) Size: no greater than 32 square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than six feet.

(B) Wall signs for home occupations. Total aggregate of 28 square feet in area per lot.

- (1) Number: one per unit.
- (2) Size: no greater than four square feet.
- (3) Location: on wall of building facing street.

(C) Wall signs for nonresidential use. Total aggregate of 28 square feet in area per lot.

- (1) Number: one per street front.
- (2) Size: no greater than 5% of the wall area to which it is affixed, not to exceed 28 square feet.
- (3) Location: on wall of building, facing the street.

(D) Real estate signs.

- (1) Number: two per parcel.
- (2) Size: no greater than six square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than five feet.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.20 MH RESIDENTIAL DISTRICT.

(A) Monument and freestanding signs for MH residential subdivisions, schools, churches and other nonresidential uses allowed.

- (1) Number: two per major entrance.**
- (2) Size: no greater than 32 square feet.**
- (3) Location: minimum of eight feet outside of the right-of-way.**
- (4) Height: no higher than six feet.**

(B) Wall signs for home occupations. Total aggregate of 28 feet in area per lot.

- (1) Number: one per lot or parcel.**
- (2) Size: no greater than four square feet.**
- (3) Location: on wall of building facing street.**

(C) Wall signs for nonresidential use. Total aggregate of 28 feet in area per lot.

- (1) Number: one per street front.**
- (2) Size: no greater than 5% of the wall area to which it is affixed, not to exceed 28 square feet.**
- (3) Location: on wall of building, facing the street.**

(D) Real estate signs.

- (1) Number: two per parcel.**
- (2) Size: no greater than six square feet.**
- (3) Location: minimum of eight feet outside of the right-of-way.**
- (4) Height: no higher than five feet.**

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.21 B-1 BUSINESS RESIDENTIAL DISTRICT; PERMITTED SIGNS.

(A) Monument and freestanding signs.

- (1) Number: only one freestanding or monument sign per lot or parcel.
- (2) Size: no greater than 32 square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than six feet for monuments, 21 feet for freestanding.

(B) Wall signs.

- (1) Number: no more than three, per exterior wall.
- (2) Size: no sign, or group of signs shall cover more than 10% of the wall to which the sign is affixed.
- (3) Location: on wall of building facing street, alley or parking area.

(C) Real estate sign.

- (1) Number: two per parcel.
- (2) Size: no greater than six square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than six feet.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.22 B-2 CENTRAL BUSINESS DISTRICT; PERMITTED SIGNS.

(A) Wall or projecting signs.

- (1) Number: no more than three, per exterior wall.
- (2) Size: no sign, or group of signs shall cover more than 10% of the wall to which the sign is affixed.
- (3) Location: on wall of building facing street, alley or parking area.

(B) Real estate sign.

- (1) Number: two per parcel.
- (2) Size: no greater than six square feet.

(3) Location: minimum of five feet from adjacent property, minimum of eight feet outside of the right-of-way, unless placed on the wall of the building.

(4) Height: no higher than six feet.

(C) Freestanding and monument signs.

(1) Number: only one freestanding or monument sign per lot or parcel.

(2) Size: no greater than 32 square feet.

(3) Location: minimum of eight feet outside of the right-of-way.

(4) Height: no higher than six feet for monuments, 21 feet for freestanding.

(D) Marquee, suspended and awning signs.

(1) Number: one per business.

(2) Size: no greater than 32 square feet per storefront, on awning face or marquee face.

(3) Location: on face of awning or marquee or suspended from a horizontal plane.

(4) Height: minimum clearance of eight feet from bottom of sign, maximum overhang of eight feet into the right-of-way.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.23 B-3 COMMUNITY COMMERCIAL DISTRICT; PERMITTED SIGNS.

(A) Monument signs, freestanding and business center. Number: one per 300 feet of lineal road frontage, only one monument, freestanding.

(B) Wall signs.

(1) Number: one per tenant, additional signs will be allowed providing the aggregate amount of signage does not exceed 15% of the face of the building.

(2) Size: no sign, of group of signs shall cover more than 15% of the wall to which the sign is affixed.

(3) Location: on wall of building facing street, alley or parking area.

(C) Real estate sign.

- (1) Number: two per parcel.
- (2) Size: no greater than six square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than six feet.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.24 B-4 OFFICE DISTRICT; PERMITTED SIGNS.

(A) Monument and freestanding signs.

- (1) Number: only one freestanding or monument sign per lot or parcel.
- (2) Size: no greater than 32 square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than six feet for monuments, 21 feet for freestanding.

(B) Wall signs.

- (1) Number: one per street front, maximum of two.
- (2) Size: no greater than 10% of the wall to which the sign is affixed, not to exceed 48 square feet.
- (3) Location: on wall of building facing street, alley or parking area.

(C) Real estate signs.

- (1) Number: one per lot or parcel.
- (2) Size: no greater than 32 square feet.
- (3) Location: minimum of eight feet outside of the right-of-way.
- (4) Height: no higher than six feet.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.25 I INDUSTRIAL DISTRICT; PERMITTED SIGNS.

(A) Monument and freestanding signs.

(1) Number: one per lot or parcel or major entrance.

(2) Size: no greater than 60 square feet.

(3) Location: minimum of five feet from adjacent property, minimum of eight feet outside of the right-of-way.

(4) Height: no more than eight feet.

(B) Wall signs.

(1) Number: no more than three per exterior wall.

(2) Size: no sign, or group of signs shall cover more than 15% of the wall to which the sign is affixed.

(3) Location: on wall of building facing street, alley or parking area.

(C) Directional signs.

(1) Height: no more than six feet.

(2) Size: no greater than 12 square feet (permit not required for less than six square feet).

(3) Location: minimum of five feet from adjacent property, minimum of eight feet outside of the right-of-way.

(D) Real estate.

(1) Number: two per parcel.

(2) Size: no greater than six square feet.

(3) Location: minimum of five feet from adjacent property, minimum of eight feet outside of right-of-way.

(4) Height: no more than six feet.

(Ord. 167, passed - -2003; Ord. 182, § 16, passed 2-13-2012)

§ 152.99 PENALTY.

(A) Violation of any provision of this chapter shall constitute a civil infraction. Any person who violates any provision of this chapter shall upon conviction thereof, be fined not less than \$100 for a first offense, not less than \$200 for a second offense and not less than \$300 for a third offense. Each day an offense continues shall constitute a separate offense at the same level as the initial offense, (first offense, subsequent days would each be considered an additional first offense). The court, at

its discretion, may levy a fine of up to but not more than \$500 if the court finds the offense at issue warrants the fine.

(B) The owner and if applicable, the tenant of any building, structure, premises or part thereof: who commits participates in, or maintains the violation may be found guilty of a separate offense and suffer the penalties herein provided.

(C) Nothing herein contained shall prevent the city from taking other lawful action as is necessary to prevent or remedy any violation.

(D) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

(Ord. 167, passed - -2003)

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techsupport@amlegal.com

1.800.445.5588.

- **Brooklyn**

Ph: 517.592.2591

Fx: 517.592.2277

Link: www.villageofbrooklyn.com

Auction: Auctioneer: No information given

Sign:

Sec. 62-229. - Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations enumerated in this section as follows:

(1)

Permitted real estate.

a.

One nonilluminated sign used for advertising land or buildings for rent, lease or sale shall be permitted in any district, provided that such signs are located on the property intended to be rented, leased or sold. Such signs shall not exceed an area of six square feet and a height of four feet in all single-family residential districts and an area of 20 square feet and a height of 12 feet in all other districts.

b.

One nonilluminated freestanding sign listing persons or firms connected with construction work being performed or a residential or commercial subdivision under development. Such signs shall not exceed 20 square feet in area and a height of 12 feet.

(2)

Permitted portable temporary signs.

a.

A portable temporary sign shall be permitted in the C-1, C-2 and C-3 zoning districts.

b.

Only one portable temporary sign shall be permitted per premises at any given time when located adjacent to the road right-of-way. However, each business shall be permitted to display a temporary sign attached to their building provided it complies with the requirements of this section.

c.

A portable temporary sign shall not exceed four feet in height when located adjacent to the road right-of-way.

d.

A portable temporary sign shall not exceed 16 square feet per side in area when located adjacent to the road right-of-way. However, when attached to a building, the size shall be commensurate with the frontage of the building. Specifically, for every two square feet of building frontage (excluding windows) the temporary sign area may be one square foot.

e.

Portable temporary signs may be permitted for up to a 35-day period within a calendar year. All such signs may be periodically changed provided the combined duration does not exceed the previously noted number of days. The number of days shall apply to any signs located on the building wall or adjacent to the road right-of-way and shall be calculated on a per business basis

f.

The placement of a portable temporary sign located adjacent to the road right-of-way shall be approved by the village clerk or designated representative in order to ensure safe and efficient pedestrian and vehicular traffic movement.

g.

A temporary **sign** permit is required prior to the installation of the **sign**. Permits are valid for one calendar year beginning January 1, and ending December 31 and are nontransferable

h.

A sketch including dimensions, content, materials, and location of the **sign** must be attached to the permit application. The permit application must be approved and **signed** by the village manager before the **sign** may be displayed. If a **sign** is displayed prior to obtaining a **sign** permit, application may be denied.

(3)

*Permitted garage sale **signs**.*

a.

Garage sale **signs** shall not exceed four square feet in size.

b.

Garage sale **signs** shall not be placed in any manner on public property. They may only be placed on private property with the consent of the property owner, and cannot be placed on any property located more than 1,000 feet from the place of sale.

c.

No garage sale **signs** may be put up more than five days prior to the date of the sale and must be taken down within one day following the sale.

d.

A garage sale **sign** may be permitted for up to a five-day period, not to exceed three times per year. All starting and ending dates of the sale shall be posted on the **sign**.

(4)

*Removal of temporary **signs**.* Temporary **signs** that do not conform to the provisions of this section or other sections of this division shall be removed by the village and shall be destroyed if not claimed within 30 days.

(5)

*Permitted sandwich board **signs**.*

a.

The maximum area shall be eight square feet per side of **sign** with the maximum height being 48 inches. Up to 16 square feet is permitted for sandwich board **signs** in the C-3 district.

b.

Acceptable primary sandwich board **sign** materials include the following: steel, iron, metal, and wood. Acceptable primary material colors include: black, white, and green. Synthetic materials such as chalkboard and whiteboard are acceptable.

c.

Only one sandwich board **sign** per business shall be permitted. Sandwich board **signs** shall not be placed more than six feet from the front primary entrance of the business unless being used as a portable temporary **sign**. In all such instances, the duration shall not exceed more than 70 days per year (see portable temporary **signs** subsections (2)f., g., and h.). However, when unique circumstances exist (excluding any deed restrictions within the development) the village manager may grant exceptions.

d.

Sandwich board **signs** shall not be placed so as to cause the width of the sidewalk to be reduced below four feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape.

e.

A temporary **sign** permit is required prior to the installation of the **sign**. Only one temporary **sign** permit for a sandwich board **sign** is allowed per business and such permit is not transferable. Permits are valid for one calendar year beginning January 1, and ending December 31. If the **sign** is to be located within the public right-of-way, business owners shall **sign** a disclaimer that indemnifies the village of any liability for use of said public right-of-way.

f.

A sketch including dimensions, content, materials, and location of the sandwich board **sign** must be attached to the permit application. The permit application must be approved and **signed** by the village manager before the sandwich board **sign** may be displayed. If a **sign** is displayed prior to obtaining a sandwich board **sign** permit, application may be denied.

g.

Sandwich board **signs** shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Attaching sandwich board **signs** to structures, poles, objects, **signs**, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited. They shall be removed from public sidewalks if there is any snow accumulation and shall not be returned until the snow is removed except those located on private property. **Signs** shall only be displayed during business operating hours.

h.

Sandwich board **signs** placed in violation of this subsection will result in immediate removal of the **sign** and the business's temporary **sign** permit privileges will be denied for the remainder of that year. Sandwich board **signs** displayed without approved permits shall be confiscated.

i.

Sandwich board **signs** within the public right-of-way may be moved/removed by the village for municipal purposes. (i.e. code enforcement, snow removal, traffic issues, maintenance, etc.).

j.

Sandwich board **signs** are permitted within any of the commercial districts; however, only those within the C-1 district may be placed within the public right-of-way.

- **Brownstown Charter Township (Wayne Co.)**

675-0071

Link: www.brownstown-mi.org

Auction: Auctioneer:

The foregoing notwithstanding, however, a transient merchant, for the purposes of this section, shall not include the following:

(a)

A person, firm or corporation who shall occupy any building, store or commercial shopping center or mall whether as owner or tenant for the purpose of conducting a permanent business therein; provided however, that no person, firm or corporation shall be relieved from the provisions of the ordinance by reason of a temporary association with any local dealer, trader, merchant or **auctioneer**, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or **auctioneer**

Sign:

- **131.006 - Signs and handbills.**

Sec. 6.

Sec. 6.1. Handbills, newspapers or other circulars may be offered or distributed within the boundaries of the Metropark only by passing them hand-to-hand; such distribution will be allowed only in automobile parking lots, unless other areas for such distribution are designated in writing or by posting by the Authority.

Sec. 6.2. No person shall post, fasten, paint or affix any placard, bill, notice or **sign** upon any structure, tree or automobile within the boundaries of the Metropark, except that temporary directional **signs** for group picnics or events may be placed on signposts designated in writing or by posting for such purposes by the Authority and must be removed at the conclusion of the event.

- **Buchanan**

269.695.3844

Link: www.cityofbuchanan.com

Auction: Auctioneer:

Sec. 58-111. - Advertising by loud or unusual noise.

No person shall operate or cause to be operated any whistle, bell, rattle, gong, clapper, hammer, drum, horn, player piano, calliope, radio, phonograph or other sound-producing or sound-amplifying instrument, or use loud or boisterous language, or any unusual noise whatever to advertise goods, wares, or merchandise for sale, either at **auction** or in any other manner, or by any such means advertise any show, theater, exhibition or entertainment, whereby the public peace and quiet are disturbed.

To license **auctioneers** and pawn-brokers; license and regulate hawkers, peddlers and solicitors, and to regulate or prohibit sales of property at **auction**, except sales made pursuant to some order of court or public

law and also to require transient traders and dealers to take out licenses before engaging in business and may regulate by ordinance the term and conditions of issuing the same.

Sign:

Temporary **auction** or estate sale signs, to the extent that they are regulated under other ordinances specific to such activities.

- **Byron Township, (Kent Co.)**

616-878-1222

Link: www.byrontownship.org

Auction: Auctioneer: No info given

Sign: No information given.

C

- **Cadillac**

Phone:(231) 775-0181

Fax:(231) 775-8755

Link: <http://www.cadillac-mi.net/>

Auction: Auctioneer: No information given

Sig **Sec. 46-664. - Signs.**

(a)

Findings. The city council finds that **signs** and other visual outdoor advertising are necessary to the commerce, health, safety and general welfare of the residents of the city. Further, it finds that failure to regulate their size, location and construction may lead to poor identification of individual businesses, deterioration of the business and residential areas of the city, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic control devices, and safety hazards to pedestrians and motorists. Further, it finds that the city's economic base is dependent on preserving property values and a healthy business climate

- **Canton Charter Township, (Wayne Co.)**

Link: www.canton-mi.org

Auction: Auctioneer: No information given

Sign:

6A.18. - Portable and temporary community non-profit event signs.

A.

On-site portable signs: Nonprofit religious organizations and other similar community non-profit organizations may utilize a portable sign for the purpose of advertising the time and place of worship services or other meetings or special events open to the public. Such sign may not exceed six square feet in area or four feet in total height. The sign shall not exceed two feet in horizontal width. The sign must be located so as not to disrupt or create a safety hazard for pedestrian or vehicular movement. A sign permit is required. However, such portable sign will be permitted only if the nonprofit organization is not permitted other permanent ground signs on the property. The portable sign utilized by the nonprofit organization may not be placed closer than three feet to any road right-of-way.

B.

Off-site community event signs: Signs proposed to be placed off-site shall meet the same size and placement requirements as on-site portable signs portable signs as described in paragraph A above. The signs may only be placed in conjunction with an special event approved pursuant to section 2.07B. A sign permit shall be required and the sign plan shall indicate on a map all of the locations the community event organizer has owner approval to place the signs. The signs may be erected no earlier than one week prior to the event and shall be removed within 48 hours after the end of the event.

- **Caro**

Phone (989) 673-2226

Fax (989) 673-7310

Link: www.carocity.net

Auction: Auctioneer:

Ministorage facilities.

1.

The area used for all structures must occupy less than 50 percent of the property. Access to the facility shall be from a public street. The storage units shall be arranged so that the ends of the units are parallel with the front of the lot, however, alternate arrangement could be considered by the planning commission. Internal driveway aisles shall be designed with one ten-foot-wide loading/unloading lane and one 15-foot travel lane. The use of the ministorage

units shall be limited to storage only, and shall not be used for any **auction** other than four **auctions** per year held by the owner of the ministorage facility for the purpose of disposing of material forfeited by clients of that facility. Nor shall it be used for sales or transfer business; for the servicing, repair or fabricating of any vehicle, boat, trailer, appliance or similar item; or for the operation of power tools, compressors, kilns or other similar equipment.

Ministorage facilities. The area used for all structures must occupy less than 50 percent of the property. Access to the facility shall be from a public street. The storage units shall be arranged so that the ends of the units are parallel with the front of the lot, however, alternate arrangement could be considered by the planning commission. The entire site, exclusive of access drives, may be enclosed with a wall or fence, the extent of which may be determined by the planning commission based on adjacent zoning. Maximum building height shall be 20 feet with pitched roof. A landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with landscaping ordinances. Internal driveway aisles shall be designed with one ten-foot-wide loading/unloading lane and one 15-foot travel lane. All storage on the property shall be kept within an enclosed building. The use of the ministorage units shall be limited to storage only, and shall not be used for any **auction** other than four **auctions** per year held by the owner of the ministorage facility for the purpose of disposing of material forfeited by clients of that facility. Nor shall it be used for sales or transfer business; for servicing, repair or fabricating of any vehicle, boat, trailer, appliance or similar item; or for the operation of power tools, compressors, kilns or other similar equipment. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire code or toxic materials are expressly prohibited.

Sign:

Sec. 44-628. - Conditions applying to all **signs.**

(a)

The following conditions shall apply to all **signs** erected or located in any use district:

(1)

All **signs** shall conform to all applicable codes and ordinances of the city and, where required, shall be approved by the zoning administrator, and a permit issued.

(2)

No **sign** except those established and maintained by the city, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except in the B-1 district, in which case the **sign** shall not extend more than one foot into the right-of-way.

(3)

No **sign** otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located.

(4)

All directional **signs** required for the purpose of orientation, when established by the city, county, state, or federal government shall be permitted in all use districts.

(5)

Off-premises signs shall be permitted only in I-1 and I-2 industrial districts, except that off-premises signs pertaining to real estate development located within the city and designed to promote the sale of lots or homes within a subdivision located within the city may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and ordinances of the city, approved by the zoning administrator and a temporary permit issued. Non-premises signs located along M-81 or M-24 shall be regulated under the Highway Advertising Act of 1972 (MCL 252.301 et seq.).

a.

Signs shall not be put on trees or utility poles.

b.

Signs shall not be in the public right-of-way.

c.

All signs must have a date and cannot be posted for more than 72 hours.

d.

No signs shall be allowed that announce a sale outside the city.

e.

The maximum size of the sign cannot exceed 18 inches by 24 inches.

(6)

Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.

(7)

Freestanding accessory signs may be located in the required front yard except as otherwise provided herein.

(8)

Seasonal banners owned and maintained by the city or governmental entities established by the city and approved by the city, shall be exempt from the provisions of this section, provided all banners shall comply with the following standards:

a.

The banner shall be attached to a wall and shall not extend more than 20 inches from the wall.

b.

The bottom of the banner shall be located at least seven feet from the ground.

c.

The banner shall not exceed 48 inches in length.

- **Carrollton Township, (Saginaw Co.)**

989-754-4611

Link: <http://carrolltontwp.com/>

Auction: Auctioneer: No information Given

Sign: **Sec. 66-129. - Prohibited signs.**

The following signs are prohibited unless a variance shall be applied to and granted by the township zoning board of appeals:

- (1)
Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- (2)
Contain or are in imitation of an official traffic sign or signal or contain the terms: "stop," "go slow," "caution," "danger," "warning," or similar words.
- (3)
Are of size, location, movement, content, coloring or manner of illumination that may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- (4)
Advertise an activity, business, product or service no longer conducted or available on the premises upon which the sign is located.
- (5)
Move in any manner or have a major moving part. Moving parts include banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices.
- (6)
May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.

- **Cass City**

989 872 2911

Link: <http://www.casscity.org/>

Auction: Auctioneer: No information given

Sign: No information given

- **Cedar Springs**

Phone: 616-696-1330

Fax: 616-696-0202

Link: <http://www.cityofcedarsprings.org/>

Auction: Auctioneer: No information Given

Sign:

Real estate signs.

1.

One such sign is permitted per lot or parcel, not exceeding 24 square feet in area.

2.

Real estate signs shall be set back at least 15 feet from any property line.

3.

Such signs shall be removed after the sale, lease, or other transaction related to such signs have been completed.

- **Center Line**

586-757-6800

Link: <http://www.centerline.gov/>

Auction: auctioneer:

-

- any other city street which intersects with any of the foregoing streets, during the hours of 6:30 a.m. to 10:30 a.m. and 3:30 p.m. to 6:30 p.m.

(Code 1962, § 4-104)

- **Sec. 18-4. - State license or permit not exemption.**

Except as otherwise expressly provided in this chapter, a license or permit granted to any person by the state to engage in the operation, conduct, maintenance or management of any business, trade, occupation or profession shall not exempt such person from the necessity of obtaining a license from the city under the provisions of this chapter.

(Code 1962, § 4-105)

- **Sec. 18-5. - License application.**

(a)

Any person desiring to engage in any regulated business activity in the city shall make an application with the city clerk in the manner and form prescribed by the clerk, and shall provide under oath, the following information:

(1)

The name, business and residence address, business and residence telephone numbers, driver's license number, social security number and date of birth of the applicant, and of each owner or proprietor, if the business activity is a sole proprietorship; of each partner, if the business activity is a partnership; and of the officers and general manager, if the business activity is a corporation.

(2)

A brief description of the nature of the business proposed to be conducted.

(3)

A brief description of the method or manner in which the goods or services will be sold or offered for sale.

(4)

The location and address of the site or sites at which the business activity will occur.

(5)

The sales tax license number and federal employer's identification number, if any, for the business activity.

(6)

The length of time for which the license is required.

(7)

The nature and character of all advertising done, or proposed to be done in order to attract customers.

(8)

A statement of all assumed names, trade, business or firm names under which the applicant has conducted business during the preceding three years, and the address and dates that such business was conducted, including the name under which the business activity for which the license is requested will be conducted.

(9)

A statement as to whether the applicant, owners, officers or general manager has filed for, or been adjudicated a bankrupt within the past three years, or had a judgment entered against them arising out of their business practices, and if so, the title of the cause in which such judgment was entered.

(10)

A statement as to whether the applicant, owners, officers or general manager has been convicted of a crime or misdemeanor, excluding traffic violations, within the past three years, and if so, the full particulars thereof, including the title of the cause in which such conviction resulted.

(11)

An authorization for a criminal history file check signed by the applicant and the owners, officers or general managers named in the application.

(12)

A statement as to whether the applicant, owners, officers or general manager has been granted a license to engage in any business activity in the city on any prior occasion within the past three years.

(13)

A copy of any license or permit required by any law of the state, including the assumed name certificate or articles of incorporation, as applicable.

(14)

A statement of whether the applicant, owners, officers or general manager has had any state or municipal business license revoked or suspended within the preceding three years, and if so, the full particulars thereof.

(15)

Such other information as may be required by any other ordinance of the city.

(b)

Whenever the application is for a coin-operated device regulated by [section 18-22](#) et seq., the application shall contain the following information in addition to that required above:

(1)

The number of devices intended to be operated.

(2)

The type of device.

(3)

The proposed location for such devices.

(4)

Name and address of the owner.

Sign: No information given

- **Cheboygan**

Phone: 231-627-9931

Fax: 231-627-6351

Link: <http://www.cheboygan.org/>

Auction / Auctioneer

- **Chelsea**

PH: 617-466-4060

Fax: 617-466-4065

Link: http://www.chelseama.gov/Public_Documents/index

Auction: Auctioneer: No information given

Sign:

Sec. 26-86. - Portable sandwich boards and two-sided freestanding signs permitted under certain conditions.

(a)

Intent. The city would like to provide businesses an opportunity to provide high-quality creative signage, which expresses the unique character of a business or building. Such signs shall be designed and constructed so as to promote and not visually obscure the significant architectural and urban design of the district. Sign owners are encouraged to consult with the city prior to designing signage.

(b)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sandwich board sign means two rigid boards, connected at the top to form an A-frame, which shall be structurally stable under all reasonable wind and weather conditions.

Two-sided freestanding sign means a single board, held vertically and supported at the bottom, which shall be structurally stable under all reasonable wind and weather conditions.

- **China Charter Township, (St. Clair Co.)**

PH: 810-765-1145

FX: 810-765-4080

Link: <http://www.chinatownship.net/>

Auction: Auctioneer: No information given

Sig Sec. 30-430. - Signs.

(a)

Exemptions from sign regulations. Signs having an area of not more than two square feet, the message of which is limited to conveying street numbers, the name of the premises, the name of the owner of the premises and the name of the occupant of the premises; signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition thereon, or regulation of the use of property or traffic or parking thereon, or advertising the premises for sale or rent; the flag of the state or nation respectfully displayed; signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates which are travelling or lawfully parked upon public highways, or lawfully parked upon any other premises for a period not exceeding four hours or for a longer period where the primary purpose of such parking is not the display of any sign; church or institutional bulletin boards without interior illumination having an area not exceeding 32 square feet; on-premises signs located inside an enclosed building; on any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election located at least 100 feet and not more than 200 feet from any entrance to a building in which a polling place is located; signs visible only from the premises on which located; labels identifying the source, brand name or manufacturer of merchandise exhibited for sale; signs indicating only the

date of erection of a building and having an area not exceeding six square feet; and **signs** posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this chapter.

(b)

*Temporary **signs**.* Temporary **signs** shall be authorized by the zoning administrator for not more than three months at a time by written permit which shall show the size, shape, content, height, type of construction and location of such **signs** and the period during which authorized, upon a finding by the zoning administrator, on the basis of written information furnished by the applicant, that the proposed **sign** is necessary for the direction of the public and is not contrary to the spirit and purpose of this chapter, and upon payment of a fee in an amount to be adopted from time to time by resolution of the township board for each permit and renewal for each **sign**.

- **Clare**

PHONE: (989) 386-7541, x 106

FAX: (989) 386-4508

Link: www.cityofclare.org

Auction: Auctioneer

- **State Law reference—** Sales at public **auction**, new merchandise, MCL 446.51; UCC sales at public **auction**, MCL 440.2328; duties upon sales at **auctions**, MCL 446.26 et seq.
- **Sec. 12-91. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auction sale means the offering for sale or selling of personal property to the highest bidder or offering for sale at a high price and then offering the personal property at successive lower prices until a buyer is secured.

(Code 1985, § 7.91)

Cross reference— Definitions generally, § 1-2.

- **Sec. 12-92. - License required.**

Except as otherwise provided in this article, it shall be unlawful for any person to sell, dispose of or offer for sale at public **auction** within the city any personal property whatsoever, unless and until such person and the person acting or intending to act as **auctioneer** shall have first obtained a license from the city clerk in accordance with the provisions of article II of this chapter.

(Code 1985, § 7.92)

- **Sec. 12-93. - License application.**

Any person desiring to conduct an **auction** shall, at least ten days prior to any single proposed **auction** sale or at least ten days prior to the opening and commencement of any **auction** business on a continuing basis, file with the city clerk an application, in writing, duly verified by the applicant, which application shall state the following facts:

- (1)
Name, residence and post office address of the person making the application, and if a firm or corporation, the name and post office address of the members of the firm or officers of the corporation, as the case may be.
- (2)
Address at which the **auction** sale will be conducted.
- (3)
Name, residence and post office address of the **auctioneer** who will conduct such sale.
- (4)
A detailed inventory of all new merchandise to be offered for sale and a valuation thereof.
- (5)
A detailed inventory of all other personal property to be offered for sale and a valuation thereof.
- (6)
If it is proposed to conduct **auction** sales on any other basis than a single sale of property on hand at the time of application, then, in such event, the applicant shall submit a statement covering the kind and nature of property to be offered for sale and a fair estimate of the average value of property to remain on hand for sale from day to day. If the license applied for covers only the sale of property then on hand, the statement shall disclose whether the sale will be with or without reservation.
- (7)
All information required under article II of this chapter.

(Code 1985, § 7.93)

- **Sec. 12-94. - Continuing **auctions**.**

Where the license applied for covers a continuing business, the sale shall be conducted without reservation.

(Code 1985, § 7.94)

- **Sec. 12-95. - License fees.**

The fees for licenses issued under the provisions of this article shall be as prescribed in [section 12-43](#).

(Code 1985, § 7.95)

- **Sec. 12-96. - Reports.**

Within ten days after completing any **auction** or sale extending for a period of not more than six days, the applicant shall file, in duplicate, with the city clerk, a listing of all property sold at such sale and the prices received on each separate bid and sale, together with a detailed inventory of all property unsold at the end of such **auction**. In all other cases, such listing of sales shall be filed on or before the tenth day of each month to cover all such business for the preceding calendar month.

(Code 1985, § 7.96)

- **Sec. 12-97. - Fraudulent practices.**

At any sale by **auction**, no person shall act as a bidder (commonly referred to as a "capper," "booster" or "shill"), offer to make any false bid or falsely offer or pretend to buy any article sold or offered for sale by **auction**.

(Code 1985, § 7.97)

- **Sec. 12-98. - False representations and statements.**

It shall be unlawful for any person to sell or attempt to sell by **auction** or advertise for sale any personal property by falsely representing the whole or a part thereof to be bankrupt or insolvent stock, damaged goods or goods saved from fire, or make any false statement as to the previous history or character of such property.

(Code 1985, § 7.98)

- **Sec. 12-99. - Street sales.**

It shall be unlawful for any person to conduct **auction** sales on any street, sidewalk or other public place.

(Code 1985, § 7.99)

Cross reference— Streets, sidewalks and other public places, ch. 40.

- **Sec. 12-100. - Exempt sales.**

The provisions of this article shall not extend or apply to the following sales:

(1)

Sales under mortgage foreclosure or under direction of a court or court officers.

(2)

Sales by or on behalf of or under authority of the city, the United States or the state, or any political subdivision, branch, board, agency or commission of such governmental bodies.

(3)

Sales made in pursuance of judgment, decree, order or authority of any court or seizure of any officer.

(4)

Sales by receivers appointed by law or by a general assignment for the benefit

Sign

Signs for temporary uses/seasonal events. Temporary buildings, structures, uses, and special events, shall be permitted to have on- and off-premises **signs** provided the property contains an occupied structure, and complies with the following:

(1)

A maximum [of] two on-premises **signs** with a combined maximum of 100 square feet.

(2)

A maximum [of] 15 off-premises **signs** advertising the event, each no greater than four square feet in area, per side, and spaced at least 100 feet apart; such **signs** shall not be placed within the public street right-of-way line; all off-premises **signs** shall be erected no earlier than one week prior to the event; and removed within one business day following the event for which they are erected; a map shall be provided to the building and zoning administrator illustrating locations for proposed **signs**.

(3)

A nonrefundable fee shall be required for all such **signs** to ensure all **signs** are removed within one business day following the termination of the temporary use or seasonal event.

(g)

Temporary grand opening **signs**. One on-premises temporary grand opening **sign**, a maximum of 32 square feet in surface display area per side, a maximum ten feet in height and set back a minimum ten feet from any public street right-of-way may be permitted for a period not to exceed 14 days for those businesses which meet at least one of the following conditions:

(1)

The business is new at the particular location.

(2)

The business is under new ownership.

(3)

The business has undergone a major expansion which has received site plan approval by the planning commission.

(4)

The business has reopened after being closed for at least one year.

Note that conditions for a permitted temporary grand opening **sign** shall not include an additional or change in product line, new services, new management or other situations not expressly provided for above.

(h)

Portable A-frame **signs**. Portable A-frame or sandwich board **signs** are permitted in the C-1, C-2, and I districts at the public entrances to businesses subject to the following requirements:

(1)

Signs. No **sign** shall be constructed, erected or displayed within any public right-of-way, upon any public land, ground or building, or upon any public utilities apparatus or structure within the city without the specific permission and approval of the city planning commission. The administrative process and procedures for such approval shall be in accordance with the site plan application process outlined in article VII.

(2)

Off-premises signs. Off-premises signs are prohibited unless approved by the city planning commission and/or except as outlined under subsection [52-142\(4\)](#).

(3)

Sandwich boards. Sandwich boards shall:

a.

Be constructed of durable, weather-resistant material.

b.

Be professionally lettered and painted, and appropriately maintained.

c.

Be freestanding.

d.

Only be displayed during the operating hours of the respective business or commercial activity.

e.

Not exceed five feet in height or three feet in width.

f.

Be displayed within one block of the respective business location.

g.

Not be an impediment or obstruction to pedestrian traffic.

h.

Not be erected within 20 feet of another sandwich board.

i.

No objection from the business the sign is put in front of.

(i)

Limited on wall signs. One wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two wall signs, one for each front facade. The maximum wall sign area shall not exceed ten percent of the front facade of the building (any facade which faces a public street), per use or business establishment.

(j)

Limited on ground signs. Only one ground sign is permitted per use, including uses which occupy more than one parcel and business centers, with additional signs permitted according to the following table, however, no site shall have more than two ground signs, regardless of the number of street frontages or the amount of frontage.

Sec. 52-439. - Exempt signs.

The following signs are specifically exempt from the provisions of this article provided they are not located in the public right-of-way or in conflict with the regulations found elsewhere in this chapter:

(a)

Address numbers with a numeral height no greater than six inches for residences and 18 inches for businesses.

(b)

Banners advertising a public entertainment or event, provided that they receive a permit from the city commission, are only used in a location designated by the city commission, and are erected no more than 14 days before the event they advertise and are removed within one business day following the event.

Garage and estate sale **signs** announcing the sale of household goods, provided that there is only one **sign** per premises; that the **sign** is placed on-premises only, entirely on private property; that it is set back a minimum of 15 feet from any property line or public street right-of-way; that it does not exceed six square feet in area; and it is erected no more than ten business days before and is removed within one business day after the announced sale.

- **Clawson**

248.435.4500

Link: www.cityofclawson.com

Auction: auctioneer:

- **Sec. 9.24 - Special assessments; collection; city treasurer, duties.**

Upon receiving said special assessment roll and warrant[,] the treasurer shall proceed to collect the amount assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city or elsewhere in the state of Michigan, belonging to such person, and sell the same at public **auction**, first giving six days' notice of the time and place of such sale, by posting such notice in three public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, the costs and expenses of seizure and sale; and the surplus, if any, shall be paid to the person entitled thereto. Or such assessment may be collected by suit in the name of the city against the person assessed in any action of assumpsit.

State law reference— Authority to institute an action in assumpsit to recover unpaid assessments, MCL 211.501.

Sign **Sec. 36-12. - Portable **signs**.**

(a)

Portable **signs** shall be permitted in all commercial districts as a temporary **sign** only (with the exception of the city center district, where they shall be permitted on a regular basis subject to the standards listed in subsection (b) below). Such **signs** shall be permitted for commercial uses to identify special events and sales only. Additionally, the following provisions shall apply:

(1)

No more than one portable **sign** shall be permitted per business for duration not to exceed two weeks at a time, for a maximum of six times/events per calendar year. The events shall not run consecutively.

(2)

The **sign** shall be removed when weather conditions create potentially hazardous conditions.

(3)

The maximum area of a portable sign is six square feet per side with no dimension greater than four feet (not counted towards total sign area), a maximum footprint of two feet by three feet, with a maximum of two faces per sign.

(4)

The sign shall be similar to the pictures provided at the end of this chapter (appendix). The sign boards shall continue to the ground for detection by those who are visually impaired. The bottom two inches of the sign shall also have a strong color contrast with the grade below.

(5)

The sign shall be located directly in front of the building it represents on the building side of the sidewalk in such a manner that it is not in the pedestrian clear path of travel area.

(6)

The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties. For businesses located at a street corner, the sign shall not be located within the clear vision triangle area.

(7)

The sign should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. A natural wood one-inch by two-inch frame is strongly encouraged. The lettering may be permanent or temporary with a preference towards hand lettering; no individually applied changing marquee style letters are allowed.

(8)

Paper signs, wind-activated items (such as balloons, windsocks, and pinwheels), and nonrigid changeable areas shall not be used as or attached to a sign.

(9)

The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions, and materials of a sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. Any cracked or broken surfaces, missing sign copy, or other poorly maintained or damaged portion of a sign shall be repaired, replaced or removed. No glass, breakable materials, or attached illumination shall be allowed.

(10)

No sign shall be permitted referring to off-premises locations because the signage in the City of Clawson is designed specifically to promote the activities of the businesses located in that specific parcel and/or commercial corridor. The above limitation is in keeping with section 36-1.

(11)

The primary colors of such signs shall be compatible with the colors of the buildings within the area.

(12)

Portable signs shall be placed outside only from dawn to dusk.

(13)

Portable signs within the road right-of-way shall require approval by the applicable agency.

(14)

Providing a sidewalk sign complies with the above criteria and photographic examples provided at the end of this chapter, a temporary permit for the same will be issued.

(b)

Portable sidewalk **signs** are only permitted within the City Center district and CMD-2 areas. Portable **signs** are permitted for ground floor commercial uses to identify the store/business, indicate that it is open, its hours of operation, to show restaurant menus and daily specials, to advertise sales and special deals or service. Additionally, the following provisions shall apply:

(1)

No more than one portable sidewalk **sign** shall be permitted per business which is located on the ground floor.

(2)

The **sign** shall be removed when weather conditions create potentially hazardous conditions.

(3)

The maximum area of a portable sidewalk **sign** is six square feet per side with no dimension greater than four feet (not counted towards total **sign** area), a maximum footprint of two feet by three feet, with a maximum of two faces per **sign**.

(4)

The **sign** shall be similar to the pictures provided at the end of this chapter (appendix). The **sign** boards shall continue to the ground for detection by those who are visually impaired. The bottom two inches of the **sign** shall also have a strong color contrast with the grade below.

(5)

The **sign** shall be located directly in front of the building it represents on the building side of the sidewalk in such a manner that it is not in the pedestrian clear path of travel area; a width of four feet is maintained between the **sign** and any fixed element on the sidewalk and/or the curb and is not in the clear area adjacent to street furniture.

(6)

The **sign** shall not unreasonably interfere with the view, access to, or use of adjacent properties.

(7)

The **sign** should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. A natural wood one-inch by two-inch frame is strongly encouraged. The lettering may be permanent or temporary with a preference towards hand lettering; no individually applied changing marquee style letters are allowed.

(8)

Paper **signs**, wind-activated items (such as balloons, windsocks, and pinwheels), and nonrigid changeable areas shall not be used as or attached to a **sign**.

(9)

The **sign** shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires. All parts, portions, and materials of a **sign** shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. Any cracked or broken surfaces, missing **sign** copy, or other poorly maintained or damaged portion of a **sign** shall be repaired, replaced or removed. No glass, breakable materials, or attached illumination shall be allowed.

(10)

No **sign** shall be permitted referring to off-premise locations because the signage in the City of Clawson is designed specifically to promote the activities of the businesses located in that specific parcel and/or commercial corridor. The above limitation is in keeping with section 36-1.

(11)

The primary colors of such **signs** shall be compatible with the colors of the buildings within the area.

(12)

Sidewalk **signs** shall be removed daily at the close of business hours.

(13)

Sidewalk **signs** within the road right-of-way shall require approval by the applicable agency and must meet ADA requirements.

(14)

Providing a sidewalk **sign** complies with the above criteria and photographic examples provided at the end of this chapter, a permit shall be granted for a period of one year. Annual permit fees will be set from time to time by resolution of the city council.

- **Clayton Township**

PH: 810.635.4433

Fax: 810.635.4526

Link: <http://www.claytontownship.org/>

Auction: Auctioneer: No information given

Sign: No information given

- **Clinton**

Phone: 517-456-7494

Fax: 517-456-6350

Link: <http://www.villageofclinton.org/>

Auction: Auctioneer: No information given

Sign:

Sec. 66-302. - **Signs.**

(a)

Purpose and intent. The purpose of this section is to harmonize the identification and informational needs of all land uses with the health, safety and welfare of the general public. The regulations and standards of this

chapter are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, traffic safety, aesthetics, protection of property values, and are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of **signs** in the village so as to:

(1)

Protect the public right to express and receive messages protected by the First Amendment of the U.S. Constitution.

(2)

Recognize that the proliferation of **signs** is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of **signs** directing and warning the public, causes confusion, reduces desired uniform traffic flow, creates potential for accidents, and may result in visual clutter.

(3)

Recognize that the principal intent of commercial **signs**, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises.

(4)

Recognize that different areas of the village require different **sign** regulations due to factors such as their intended audience (pedestrians, drivers, etc.) and their ability to help promote the character of an area.

(5)

Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the number and placement of **signs**.

(6)

Prevent off-premise **signs** from conflicting with land uses.

(7)

Preserve and improve the appearance of the village and road corridors through the village.

While the legitimate interests of business and industry are recognized, it is also recognized that unrestricted **signs** do not benefit private enterprise or the community at large. This section is specifically intended to prevent unnecessary competition and clutter of advertising **signs** in their demand for public attention. Therefore, the definitions and regulations set out in this article apply.

(b)

Definitions.

For purposes of this section the following terms shall have the meanings designated in this subsection:

A-Frame Sign means a moveable **sign** designed to stand on its own that is usually placed along public sidewalks to attract pedestrians to adjacent businesses.

Animated sign means any **sign** which uses movement, action, color, or change of lighting to depict continuous action or to create a continuous special effect or scene.

Awning means a retractable or fixed shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Awning sign means a **sign** painted on, printed on or attached flat against the surface of an awning.

Billboard means a **sign** which advertises a message, goods, products or services unrelated to the premises on which the **sign** is located and is a freestanding structure or wall-mounted structure on which lettered, figured, painted or pictorial matter is displayed for advertising purposes, and is regulated in accordance with the regulations governed by the Highway Advertising Act, Public Act No.106 of 1972 (MCL 252.301 et seq).

*Blade **sign*** means same as "Projecting **Sign**".

Canopy means a permanent roof like shelter extending from part or all of a building façade, usually over an entrance, and constructed of a durable material.

*Construction **sign*** means a temporary **sign** identifying an architect, contractor, subcontractor, owner, project or material supplier associated with on-going construction on the property on which the **sign** is located.

*Directional/informational **sign*** means on-premises **sign** giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance **signs**.

*Double-faced **sign*** means a **sign** with two parallel faces which can be read only from opposite directions. Areas of the faces shall not be cumulative when calculating the areas of the **sign**.

*Electronic message **sign*** means a **sign** with the capability of a variable message that utilizes computer generated messages or some other electronic or mechanical means of changing copy. These **signs** include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall **signs**.

Facade means the entire building wall, including the parapet.

*Feather flag **sign*** means a **sign** with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single **sign** attached to a support post. The feather flag typically has a dimensional ratio of four high to one wide. The flag feather **sign** may also be referred to as a flag tear drop or flag wind feather.

*Flashing **sign*** means a **sign** which contains an intermittent or sequential flashing light source used primarily to attract attention. The term does not include electric or electronic message **signs**, animated **signs**, or **signs** which, through reflection or other means, create an illusion of flashing intermittent light.

*Freestanding **sign*** means any **sign** supported by uprights, braces or a solid base placed and anchored into the ground and not attached to any building. It shall not include portable **signs**.

Frontage means the length of the property line of any one premises along a public right-of-way on which it borders.

*Government **sign*** means any temporary or permanent **sign** erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility:

Height (of a **sign**) means the vertical distance measured from the highest point of the **sign**, including decorative, embellishments, to the grade of the adjacent street or the surface grade beneath the **sign**, whichever is less.

*Identifying **sign*** means a **sign** which displays the name and/or address of a person or business.

*Illuminated **sign*** means any **sign** which has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the **sign** proper. See *limited illumination*.

*Incidental **sign*** means a small **sign**, emblem or decal informing the general public of goods, facilities or services available on the premises (e.g., a credit card **sign** or a **sign** indicating the hours of business).

*Legal nonconforming **sign*** means any **sign** which before the effective date of the ordinance from which this section derives was lawful, but which would be prohibited, regulated or restricted under the terms of this chapter or a future amendment.

Limited illumination means lighting of a **sign** to identify certain evening activities for a time period commencing not earlier than two hours before the scheduled activity, and ending at the conclusion of the activity.

Maintenance means the cleaning, painting, repair or replacement of defective parts of a **sign** in a manner that does not alter the basic copy, design or structure of the **sign**.

Marquee means a roof like structure, often bearing a signboard, projecting over an entrance, as to a theater or hotel.

*Marquee, or canopy **sign*** means a **sign** attached to or on a marquee, or canopy.

*Monument ground **sign*** means a freestanding **sign** supported by a pedestal or base with permanent attachment to the ground.

Nameplate means a nonelectric on-site identification **sign** giving only the name, address and occupation of an occupant or group of occupants.

*Non-commercial **sign*** means a **sign** that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.

*Off-site **sign*** meaning a **sign** that is not related to the use of the property, a product sold, or the sale or lease of the property on which it is displayed, does not identify the place of business as seller of the merchandise, services, etc, advertised upon the **sign**. A **sign** that disseminates information that does not directly relate to the use of the property on which the **sign** is located.

*On-site **sign*** means any **sign** identifying or advertising a business, person, activity, goods, products or services located on the premises where the **sign** is installed and maintained.

Parapet means the extension of a false front or wall above a roofline.

Pole sign means a free standing sign with visible support structure in the form of a pole or poles that is elevated off the ground. Does not include monument signs or billboard signs.

Portable sign means a sign designed to be moved from place to place and not permanently anchored to the ground or to a structure or building.

Projecting sign means a sign which is attached directly to the building wall, and which extends more than 15 inches from the face of the wall.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Real estate sign means any sign advertising the rental, sale or lease of the property upon which it is located.

Sight clearance triangle means the part of a property on a corner lot on which no sign or other object shall intrude upon the airspace greater than three feet in height. The triangle shall be formed as follows: beginning at the corner of the property where the property lines intersect, a distance of 30 feet shall be measured along each property line. From the end of those lines, another line shall be made connecting the two ends. The triangle thus formed shall be known as the sight clearance triangle.

Sign means every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy and street clock, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when such announcement, declaration, demonstration, display, illustration or insignia is placed in view for the general public.

Size means the size of the sign shall be its surface area including any borders.

Subdivision entranceway sign means a permanent sign located at the entrance to a residential subdivision.

Surface area means the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames shall be included in computation of surface-area. Double-faced signs, where one face is superimposed on the other, shall be calculated on the basis of one side only.

Temporary sign includes any sign, banner, pennant, feather flag or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames which advertises a private or public seasonal or special event, function, or sale. A temporary sign may be displayed for a maximum of seven days each month.

Under-canopy sign, under-marquee sign and under-awning sign mean a sign suspended beneath a canopy, marquee or awning.

Wall sign means a sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, where the horizontal sign surface is parallel to the wall and which extends not more than 15 inches from the face of the fence or wall.

Window **sign** means any **sign** that is placed inside a window or door window or upon the window panes or glass and is visible from the exterior of the window or door.

(c)

General regulations.

(1)

A zoning compliance permit is required for the erection, construction, relocation or alteration of any **sign**, except as noted in subsection d.

(2)

All **signs** shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.

(3)

The provisions of the Michigan Building Code shall apply.

(4)

No **sign** shall be erected at any location where, by reason of its position, size, shape, color, animation or illumination, it may interfere with or obstruct the view of traffic, nor shall any **sign** be permitted which may be confused with any authorized traffic **sign**, signal or device. No **sign** may be placed within the sight clearance triangle.

(5)

No person shall erect, display or maintain any **sign** which obstructs any fire escape, building entrance or public passage or which is at a horizontal distance less than ten feet from any fire hydrant or traffic light.

(6)

All **signs** must comply with the site clearance triangle regulations.

(d)

*Regulations and standards for **signs** exempt from permit requirements.* The following **signs** are permitted in all zoning districts and do not require a zoning compliance permit; however are subject to the following regulations and standards:

(1)

One nameplate of not more than two square feet in surface area per business, residence or building.

(2)

Incidental **signs** except in areas zoned residential.

(3)

Non-Commercial **signs** means **signs** of not more than six square feet in area which pertain to an election; such **signs** are exempt for a period of 60 days prior to and five days after the election. **Signs** shall be located on private property outside of any street right-of-way or sight clearance triangle. Such **signs** shall be back a minimum of 100 feet from any polling place entrance on an election day.

(4)

"For sale" **signs** of less than six square feet in area and attached to vehicles, personal possessions and articles of a noncommercial nature; such **signs** are exempt for a period of ten days.

(5)

"Garage sale," and "yard sale" signs when less than two square feet in area and displayed on the owner's property or on other property with the owner's permission for seven days with village approved garage sale permit. These signs cannot be attached to public utility poles.

- **Cohoctah Township, (Livingston Co.)**

Phone # 517-546-0655

Fax # 517-548-5029

Link: www.cohoctahtownship.org

Auction: Auctioneer:

20. Livestock Auction One parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.

Sign:

- **Sec. 19.05. - Prohibited signs.**

A.

Miscellaneous Signs and Posters. Tacking, pasting, or otherwise affixing of signs or posters visible from a public way, except "No Trespassing," "No Hunting," "Beware of Animal," warning or danger signs, political signs and other legal postings as required by law, located on the walls of buildings, barns, or sheds, or on trees, poles, posts, or fences is prohibited.

B.

Banners. Pennants, banners, searchlights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, or other gas-filled figures are prohibited except as provided in Section 19.10.G, pertaining to temporary signs.

C.

Swinging Signs. Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.

D.

Moving Signs. Except as otherwise provided in this Article, no sign or any portion thereof which moves or assumes any motion constituting a nonstationary or unfixed condition shall be permitted.

E.

Abandoned Signs. Signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited.

F.

Unclassified Signs. The following signs are prohibited:

1.

Signs which imitate an official traffic **sign** or signal which contains the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words, except as otherwise provided in this Article.

2.

Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or road **sign** or signal or which obstruct the view in any direction at a road intersection.

3.

Signs that contain statements, words or pictures of an obscene, pornographic or immoral character.

G.

Intermittent Flashing Signs. Intermittent flashing illuminated portable **signs** are prohibited in all zoning districts.

(Ord. of 11-12-1987, § 19.05; Amd. No. 1, 8-11-1988)

• **Sec. 19.06. - Permitted **signs** in RD, WRD, and AR Districts.**

A.

Each **sign** advertising the type of farm products grown on the farm premises shall not exceed 16 square feet in area. Each farm is permitted two **signs**.

B.

One identification **sign** shall be permitted for each public road frontage for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use, except home occupations.

Each **sign** shall not exceed 32 square feet in area and eight feet in height.

(Ord. of 11-12-1987, § 19.06; Amd. No. 20, 2-8-1996)

• **Sec. 19.07. - Permitted **signs** in RR, SR, S, and NSC Districts.**

A.

One identification **sign** shall be permitted for each public road frontage, for a subdivision, multiple-family building development, mobile home park and each NSC business. Each **sign** shall not exceed 25 square feet in area. One additional **sign** advertising "For Rent" or "Vacancy" may be placed on each public road frontage of a rental residential development provided that such **sign** shall not exceed nine square feet in area and is incorporated into the identification **sign**. Each **sign** shall be located behind the right-of-way line of any public road.

B.

In NSC Districts, one identification **sign** shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each **sign** shall not exceed 25 square feet in area and eight feet in height.

C.

In RR, SR and S Districts, one identification **sign** shall be permitted for each public road frontage for a vehicle entrance for a school, church, public building, or other authorized use or lawful nonconforming use, except home occupations. Each **sign** shall not exceed 16 square feet in area and five feet in height.

(Ord. of 11-12-1987, § 19.07; Amd. No. 60, §§ 1, 2, 2-19-2009)

- **Sec. 19.08. - Permitted signs in LI Districts.**

On-site canopy or marquee signs, wall signs, and freestanding signs are allowed in LI Districts, subject to the following:

A.

Signs permitted for single buildings on developed lots or group of lots developed as one lot, not in a shopping center, not subject to Subsection B, are subject to the following:

1.

Each developed lot or parcel shall be permitted at least 80 square feet of sign area for all exterior on-site signs. The area of exterior on-site signs permitted for each lot or parcel shall be determined as two square feet of sign area for each one linear foot of building length that faces on a public road. The maximum area for all exterior on-site signs for each developed lot or parcel shall be 200 square feet. No freestanding identification sign shall exceed 100 square feet in area. No exterior wall sign for businesses without ground floor frontage shall exceed 24 square feet in area.

2.

Each developed lot or parcel shall be permitted two exterior on-site signs, one wall and one freestanding. For every developed lot or parcel which is located at the intersection of two collector or arterial roads or highways as classified in the Comprehensive Plan, three exterior on-site signs shall be permitted. Only one freestanding identification sign shall be permitted on any single road. All businesses without ground floor frontage shall be permitted one combined exterior wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all exterior signs shall not exceed the total sign area permitted in Subsection A.1.

3.

Each sign shall pertain exclusively to the name and type of business carried on within the building.

B.

Signs permitted for a shopping center or other integrated group of stores, commercial buildings, office buildings or industrial buildings not subject to Subsection A are subject to the following:

1.

Each shopping center or commercial district shall be permitted one freestanding identification sign for each collector or arterial road or highway, as classified in the Comprehensive Plan, that it faces. Each sign shall state only the name of the shopping center and major tenants located therein. The sign area shall be determined as one square foot for each one linear foot of building that faces one public road. The maximum area for each freestanding sign shall be 200 square feet. Tenants of a shopping center shall not permit individual freestanding identification signs.

2.

Each business in a shopping or commercial district with ground floor frontage shall be permitted one exterior wall sign. The area for such an exterior wall sign shall be computed as one square foot for each one linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than 25 square feet in area. Each sign shall pertain exclusively to the name and type of business carried on within the building.

C.

Window **signs** shall be permitted and shall not be included in total **sign** area computation if said **signs** do not occupy more than 25 percent of the total window areas of the floor level on which displayed or exceed a total of 200 square feet for any one building. If window **signs** occupy more than 25 percent of said window area or exceed a total of 200 square feet for any one building, they shall be treated as exterior **signs** and shall conform to Subsections A.1 and B.2.

D.

A time and temperature **sign** shall be permitted in addition to the above conditions, provided that ownership identification or advertising copy does not exceed ten percent of the total **sign** area and further provided that the total area of the **sign** does not exceed 30 square feet.

E.

In addition to the provisions of Subsections A and B above, an automobile service station may have one additional **sign** for each public road or highway frontage for a vehicle entrance, for the purpose of advertising gasoline prices and other services provided on the premises. Said **sign** shall be mounted on a freestanding structure or on the structure of another permitted **sign**, provided that clear views of road traffic by motorists or pedestrians are not obstructed in any way. Said **sign** shall not exceed eight square feet in area and shall not advertise the brand name of gasoline or other materials sold on the premises.

(Ord. of 11-12-1987, § 19.08)

- **Sec. 19.09. - Outdoor advertising **signs**.**

A.

Outdoor advertising **signs** are permitted only on undeveloped and vacant unimproved lots in LI Districts, and shall be considered the principal use of such lots. **Signs** shall not be placed on a lot where such a **sign** is located. Outdoor advertising **signs** shall also be subject to the following requirements:

1.

Where two or more outdoor advertising **signs** are located along the frontage of a road or highway, they shall not be less than 1,000 feet apart. A double-face (back-to-back) or a V-type structure shall be considered a single **sign**, provided the interior angle of such **signs** does not exceed 20 degrees.

2.

The total surface area, facing the same direction, of any outdoor advertising **sign** shall not exceed 300 square feet. **Signs** may be single-faced or double-faced and shall contain no more than two faces or panels.

3.

Outdoor advertising **signs** shall not exceed 20 feet in height from ground level. The permitted height may be increased to 40 feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge construction, and/or similar conditions obstruct views of the **sign**.

4.

Outdoor advertising **signs** shall not be erected on the roof of any building, nor have one **sign** above another.

(Ord. of 11-12-1987, § 19.09; Amd. No. 20, 2-8-1996)

- **Sec. 19.10. - Temporary **signs**.**

Unilluminated on-site temporary exterior **signs** may be erected in accordance with the regulations of this Article.

A.

In all districts, one **sign** for each public road frontage advertising a recorded subdivision or development shall be permitted. Each **sign** is not to exceed 25 square feet in area. Each **sign** shall be removed within one year after the sale of 70 percent of all lots or units within said subdivision or development.

B.

One identification **sign** shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction. Each **sign** is not to exceed nine square feet in area, with not more than a total of three such **signs** permitted on one site. If all building contractors, professional design firms and lending institutions combine together in one identification **sign**, such **sign** shall not exceed 25 square feet in area with not more than one **sign** permitted on one site. **Signs** shall have a maximum height of ten feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within 14 days after final inspection by the Zoning Administrator.

C.

Temporary real estate direction **signs**, not exceeding three square feet in area and four in number, showing a directional arrow and placed back of the road right-of-way line, shall be permitted on approach routes to an open house. **Signs** shall not exceed five feet in height.

D.

Temporary **signs** announcing any annual or semi-annual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum **sign** area shall not exceed 25 square feet. **Signs** shall be allowed no more than 21 days prior to the event or function. If building-mounted, **signs** shall be flat wall **signs** and shall not exceed six feet in height. **Signs** shall be set back in accordance with Section 19.03.D.

E.

In RR, SR, S, and NSC Districts, one temporary real estate "For Sale," "For Rent," or "For Lease" **sign**, located on the property and not exceeding nine square feet in area, shall be permitted. In the LI Districts, one **sign** of this type shall be permitted, provided it does not exceed 25 square feet in area and is set back in accordance with Section 19.03.D. If the lot or parcel has multiple street frontage, one additional **sign** not exceeding nine square feet in area in the RR, SR, S and NSC and 25 square feet in area in the LI Districts is permitted. Under no circumstances shall more than two such **signs** be permitted on a lot or parcel. Such **signs** shall be removed within seven days following the sale, rent or lease. In no case, shall a **sign** list the sale, rent, or lease of a building that is not located on the property on which the **sign** is located.

F.

A **sign** that serves only to identify the location or direction of premises used for seasonal uses only, and erected for a period not to exceed six months, may be located off the premises if a permit is obtained pursuant to [Section 19.13](#). Such directional **signs** shall also comply with the following conditions:

1.

Any such **sign** shall not exceed a maximum **sign** area of six square feet nor shall it be similar in shape, color, or legend to a traffic control device.

2.

No such **sign** shall exceed five feet in height above the edge of the roadway and the post with which it is attached shall not exceed four inches by four inches.

3.

No such **sign** may be placed within the road right-of-way line, nor within ten feet of a side lot line. The placement of such **sign** shall not be subject to the setback requirements specified in Section 19.03.D.

4.

No such **sign** shall be placed in any manner so as to prevent any traveler on any roadway from obtaining a clear view necessary for safe operation of his or her vehicle.

5.

Any such **sign** shall be properly maintained so as to not corrode, rust, peel, break up, or otherwise reach a state of disrepair or that otherwise creates an unsightly or dangerous condition. Any **sign** found to be in any such condition shall be removed within ten days after written notice thereof is sent to the **sign** owner or property owner. If said responsible party fails to remove the offending **sign** in said ten days, the Township may then remove the offending **sign** and assess the costs of the removal of the **sign** to the owner of the **sign** without liability therefor.

6.

No applicant shall be entitled to more than four **signs** within the Township boundaries for each permitted use.

7.

The designated use must be solely located within the Township or an adjacent township.

8.

Seasonal directional **signs** must be removed at the expiration of the time period for which the **sign** permit was issued under [Section 19.13](#). Such **signs** may be re-erected and permits may be renewed for subsequent seasons upon renewal of the application and payment of any fees as required pursuant to [Section 19.13](#)

9.

Such **signs** shall not contain any logo or otherwise be utilized for advertising purposes.

G.

Banners, pennants, searchlights, balloons, or other gas-filled figures are permitted in NSC and LI Districts for a period not to exceed 30 consecutive days. Such **signs** and objects shall not obstruct pedestrian or vehicular view.

(Ord. of 11-12-1987, § 19.10; Amd. No. 26, 2-8-1996)

• **Sec. 19.11. - Exempted **signs**.**

The following types of **signs** are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

A.

Signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional **signs**, regulatory **signs**, warning **signs**, and informational **signs**.

B.

Political campaign **signs** announcing candidates seeking public political office and other data pertinent thereto, except as prohibited in Section 19.05.A, providing that these **signs** shall be removed within seven days after the date of the election for which they were posted.

C.

Names of brands, manufacturer's labels and logos, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, metal or similar material or made of other permanent type construction and made an integral part of the structure.

D.

Yard or garage sale **signs** not exceeding six square feet and displayed only on days of such sales.

(Ord. of 11-12-1987, § 19.11)

• **Sec. 19.12. - Nonconforming **signs**.**

Nonconforming **signs** shall not be reestablished after the activity, business, or usage to which it relates has been discontinued for 90 days or longer.

(Ord. of 11-12-1987, § 19.12)

• **Sec. 19.13. - Permits and fees.**

A.

Application for a permit to erect or replace a **sign** shall be made by the owner of the property, or his authorized agent, to the Township Clerk, by submitting the required forms, fees, exhibits and information. Fees for **sign** permits for all **signs** erected pursuant to Sections [19.04](#), [19.06](#), [19.07](#), [19.08](#), [19.09](#) and [19.10](#) shall be established by resolution of the Township Board.

B.

An application for a **sign** permit shall contain the following information:

1.

The applicant's name and address in full, and a complete description of his relationship to the property owner.

2.

If the applicant is other than the property owner, the signature of the property owner concurring in a submittal of said application is required.

3.

The address of the property.

4.

An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed **sign**.

5.

A complete description and scale drawings of the **sign**, including all dimensions and the area in square feet.

C.

All proposed **sign** locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site; foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the **sign** support structure.

D.

A **sign** permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. Said **sign** permit may be extended for a period of 30 days upon request by the applicant and approval of the Planning Commission.

E.

Painting, repainting, cleaning and other normal maintenance and repair of a **sign** or a **sign** structure, unless a structural or size change is made, shall not require a **sign** permit.

(Ord. of 11-12-1987, § 19.13)

- **Sec. 19.14. - Removal of **signs**.**

Signs erected or maintained in violation of this Ordinance shall be removed

- **Coldwater**

(517) 279-9501

Link <http://www.coldwater.org/>

Auction / Auctioneer

Coldwater, MI Code of Ordinances

PART EIGHT - BUSINESS REGULATION AND TAXATION CODE

CHAPTER 870 Transient Merchants and Temporary Businesses

CHAPTER 870

Transient Merchants and Temporary Businesses

870.01 Definitions.

870.02 Purpose.

870.03 License required.

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870.12 Activities on public property; sound devices.

870.13 Fixed location transient merchants.

870.14 Issuance of civil infraction citations and notices.

870.99 Penalty.

CROSS REFERENCES

Sales of personal property - see CHTR. Sec. 13.2

Hawkers, peddlers and transient merchants generally - see M.C.L.A. Secs. 445.371 et seq.

Peddlers - see B.R. & T. Ch. 846

870.01 DEFINITIONS.

The following definitions shall apply to the interpretation of this chapter:

(a) "City" means the City of Coldwater, Michigan.

(b) "Person" means an individual person, firm, corporation, partnership or association.

(c) "Residence" means every separate living unit occupied for residential purposes by one or more persons, which unit is contained within any type of building or structure.

(d) "Transient merchant" means any person intending to remain in business in the City for less than one year who:

(1) Offers for sale tangible personal property or personal services; or

(2) Takes or attempts to take orders for the sale of tangible personal property or services, including advertising or subscriptions to be furnished or performed in the future.

(Ord. 392. Passed 7-11-83.)

870.02 PURPOSE.

The purpose of this chapter shall be to regulate transient merchants and other temporary businesses in the City in order to protect the health, safety and welfare of the citizens of Coldwater; to maintain a record of transient merchants doing business within the City in order to protect the citizens of Coldwater from fraudulent business practices; and to prevent persons convicted of fraudulent or dishonest business practices from doing business within the City.

(Ord. 392. Passed 7-11-83.)

870.03 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of a transient merchant in the City without first obtaining a license as herein provided. However, no license shall be required for solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise who go in or upon private residences at the request of the owner or owners, occupant or occupants of such residences for the purposes of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking the sales.

(Ord. 392. Passed 7-11-83; Ord. 463. Passed 9-9-91.)

870.04 DISPLAY OF LICENSE.

Each transient merchant shall, at all times while doing business in this City, keep in his or her possession the license required by this chapter and shall, upon request, display the license as evidence of compliance with the requirements of this chapter.

(Ord. 392. Passed 7-11-83.)

870.05 APPLICATION FOR LICENSE.

An application for a transient merchant license shall give the following information:

(a) The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed it will be carried on in the City, and the local address or addresses of such person or persons while engaged in such business.

(b) The permanent address or addresses of such person or persons; whether such person will act as proprietor, agent, consignee or employee, and the credentials establishing such relationship; the

name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of that state in which the same is incorporated.

(c) The place or places in the City where it is proposed that the applicant's business will be carried on, and the length of time during which it is proposed that said business shall be conducted.

(d) The place or places, other than the permanent place of business of the applicant, where the applicant, within three years next preceding the date of said application, conducted a transient business, stating the nature thereof and giving the post office box number and street address of any building or office in which said business was conducted.

(e) A statement of the nature and character of the tangible personal property or service to be sold or offered for sale by the applicant in the City; whether the goods are new, damaged or rejects; whether the same are proposed to be sold from stock in possession or by sample, at auction, by direct sales or by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced, and where such goods or products are located at the time said application is filed.

(Ord. 392. Passed 7-11-83.)

(f) A current State of Michigan sales tax license number and a copy of such license.

(g) A statement acknowledging that the applicant understands that a criminal records check on the applicant and all employees of the applicant who will carry out the business of the applicant in the City will be conducted by the City.

(Ord. 463. Passed 9-9-91.)

870.06 ISSUANCE OF LICENSE.

If the application contains a complete statement of the information required, and if all material required to be submitted therewith is filed with the Police Chief, the Police Chief shall, subject to the provisions of Section 870.99, within twenty-one days determine whether or not to issue a license and charge the fee in accordance with the current fee schedule. If the decision of the Police Chief is to issue the license, the license shall be issued three days after such decision and payment of the fee. The license issued hereunder shall not be transferable. There shall be no refund of the license fee.

(Ord. 463. Passed 9-9-91.)

870.07 LICENSE FEES.

Before a transient merchant license shall be issued, the applicant shall pay a license fee according to a schedule of fees which shall be adopted by the City Council from time to time by resolution.

(Ord. 463. Passed 9-9-91.)

870.08 LICENSE REQUIREMENTS FOR EMPLOYEES, AGENTS, CONSIGNEES OR UNINCORPORATED FIRMS OR ASSOCIATIONS.

A transient merchant license may be issued to a person carrying on the business of transient merchant in this City through employees. Such employees shall carry a duplicate license issued to the person, which license shall be obtained at the Police Department. If the business of transient merchant in this City is carried on through agents who are not employees, by consignees or by an unincorporated firm or association, each person so conducting the business of transient merchant in this City shall be required to have a separate license.

(Ord. 392. Passed 7-11-83.)

870.09 CHARITABLE AND NONPROFIT ORGANIZATIONS.

A religious, charitable, patriotic, social service, civic or political nonprofit organization shall receive a license for activities regulated under this chapter where its authorized representative volunteers to undertake such activities without remuneration and where the entire proceeds of the activities will go to the organization and not for private profit. The organization shall file the information required for a transient merchant license in the Police Department office. The Police Department shall issue, free of charge, a license for the requested activity. The license shall be valid for a period of one year and may be renewed on or before the expiration date.

(Ord. 392. Passed 7-11-83.)

870.10 EXEMPTIONS FROM LICENSING.

Persons engaged in the following described activities are exempt from the duty of applying for a transient merchant license:

- (a) Persons selling at wholesale to merchants for the purpose of resale.
- (b) Persons selling or distributing newspapers.
- (c) Persons selling tangible personal property or services to business enterprises.
- (d) Persons who sell, at their permanent residence in the City, works of art or crafts made or created by such person or a member of such person's immediate family.
- (e) Persons selling or delivering tangible personal property or services through a permanent business licensed through the City.
- (f) Persons selling at events for which a blanket license has been obtained.
- (g) Persons selling tangible personal property at a garage, basement or yard sale held at one of the person's premises, if permitted under the terms of the Zoning Code.

(h) Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, circuses, carnivals or any other public amusement where no sales of other products are involved, and where the sale of such admissions are made on the premises where the event is to be conducted.

(i) Persons selling food and beverages at a food service establishment regulated pursuant to the Michigan Public Health Code.

(Ord. 392. Passed 7-11-83.)

870.11 DENIAL OR REVOCATION OF LICENSE; PROCEDURE.

(a) Denial of License. The Chief of Police may deny a license to an applicant only:

(1) If the applicant has failed to complete the application; or

(2) If the applicant or his or her officers, agents or employees have, within two years of the date of application under consideration:

A. Held a license under this chapter that was revoked under subsection (b) hereof;

B. Been denied a license as a transient merchant or its equivalent in another jurisdiction, or had such a license revoked; or

C. Been convicted of a crime involving fraud, deceit, misrepresentation, moral turpitude or injury to a person.

(Ord. 392. Passed 7-11-83.)

(3) If the applicant does not have a current State of Michigan sales tax license.

(Ord. 463. Passed 9-9-91.)

(b) Revocation of License. The Chief of Police may revoke a license issued under this chapter by sending a Notice of Revocation, by certified mail to the license holder at the holder's last known address, or by personal service on the holder or his or her agents or officers. A license may be revoked only:

(1) If the license holder made false or misleading statements on the application; or

(2) Upon the conviction of the license holder or his or her officers, agents or employees for:

A. Violations of the provisions of this chapter;

B. Violations of any ordinance or statute regulating the sales activities of the license holder;
or

C. A crime involving fraud, deceit, misrepresentation, moral turpitude or injury to a person.

(Ord. 392. Passed 7-11-83.)

870.12 ACTIVITIES ON PUBLIC PROPERTY; SOUND DEVICES.

(a) No person shall engage in activities regulated under this chapter on public property without first procuring special authorization from Council.

(b) No person shall shout or use any sound device upon any of the public places of the City, or upon any private premises in said City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard from the public places, for the purpose of attracting attention to any goods, wares, merchandise or services which such person proposes to sell.

(Ord. 392. Passed 7-11-83.)

870.13 FIXED LOCATION TRANSIENT MERCHANTS.

(a) No transient merchant shall engage in business at a fixed location without the written permission, by lease or otherwise, of the owner or person in control of the property. This written agreement shall be signed by the parties and shall include the dates the transient merchant shall be conducting business. This agreement shall be displayed by the transient merchant at such fixed location when he or she is doing business there.

(b) A transient merchant doing business at a fixed location shall provide sufficient off-street parking spaces for his or her employees and customers.

(c) Any display of tangible personal property, or signs or advertisements therefor, shall be at least fifteen feet from the curblane. All signs and advertisements used in connection with the business licensed herein shall comply with the appropriate sections of the Zoning Code and Chapter 1462 of these Codified Ordinances.

(d) The owner or person in control of the property shall furnish bathroom facilities for the use of the transient merchant.

(Ord. 392. Passed 7-11-83.)

870.14 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.

The Director of Police and Fire Services and his or her designated representative, and/or the Zoning Administrator and his or her designated representative, are hereby designated as the authorized City officials to issue Municipal civil infraction citations (directing alleged violators to appear in court) or Municipal civil infraction violation notices (directing alleged violators to appear at the City of Coldwater Municipal Ordinance Violations Bureau) as provided in Chapter 211 of the Administration Code.

(Ord. 500. Passed 12-12-94.)

870.99 PENALTY.

A person who violates any provision of this chapter is responsible for a Municipal civil infraction and shall be subject to the payment of a civil fine of not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction. A second offense, within a period of ninety days, shall be subject to a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions, for each infraction. Third and subsequent offenses, within ninety days, shall be subject to a civil fine of two hundred fifty dollars (\$250.00), plus costs and other sanctions, for each infraction.

(Ord. 500. Passed 12-12-94.)

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1.800.445.5588.

- **Commerce Charter Township, (Oakland Co.)**

PH (248) 624-0110

FX (248) 624-5384

Link: www.commercetwp.com

Auction: Auctioneer:

Sec. 30-60. - Transient merchant permit required; application; fees.

(a)

No person shall act as a transient merchant within the township without having first applied for and obtained a permit from the township clerk for each location at which the person intends to sell goods, services, wares or merchandise. A transient merchant shall obtain a separate permit for each location at which the transient merchant intends or desires to operate as a transient merchant selling goods, services, wares or merchandise.

(b)

At least 14 days in advance of the date for which any person seeks a transient merchant permit, that person shall submit to the township clerk all of the following information and materials to the township clerk as part of such application:

(1)

A valid sales tax license for the applicant's business issued by the state;

(2)

A valid transient merchant license issued by the Oakland County Treasurer;

(3)

A nonrefundable application review fee and a permit fee in amounts set forth in the township fee ordinance to be applied for the review and processing of the application, monitoring of the activity, and inspection of the premises;

(4)

Written evidence of deed, land contract, lease or license agreement which substantiates permission for the applicant to operate a transient merchant business at each location at which the transient merchant will be located for the period of time that the applicant proposes to operate as a transient merchant. Additionally, there must be a written authorization signed by the occupant and owner of the property, specifying the days, dates and hours for which such authorization has been granted, and the purpose for which the authorization has been granted; and

(5)

Completion of a sworn application signed by the applicant stating the following, which shall, where applicable, refer to each location at which the transient merchant intends or desires to sell goods, services, wares or merchandise:

a.

The name of the person having the management or supervision of each location of the applicant's business during the time that it is proposed that it will be carried on in the township; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act, e.g., as proprietor, agent or otherwise; the name and address of the person for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the corporation is incorporated;

b.

Whether there is presently a pending criminal charge or an active law enforcement complaint against the applicant or person designated as manager by the applicant, during the past 24 months preceding the date of the application, and an identification of the charges, and the arresting agency;

c.

Each criminal offense, except misdemeanor traffic offenses, of which the applicant or the person designated as manager by the applicant has been convicted, including the location and date thereof, the nature of the offense, the arresting agency and, other than fines and costs, the punishment assessed therefore;

d.

All locations in the township where the applicant proposes to carry on transient merchant sales, and the days, dates and hours during which it is proposed that said business shall be conducted;

e.

All places of business in the last 12 months, whether or not licensed as a transient merchant, at which the applicant engaged in any retail sale of goods, services, wares or merchandise, including the location and duration of such business, whether an employee or owner thereof;

f.

A statement describing all of the following: the nature, character and quality of the goods, services, wares and merchandise to be sold or offered for sale by the applicant; the invoice value and quantity of such goods, services, wares and merchandise; whether the same are proposed to be served from stock in possession or by sample, at **an auction**, by direct sale or by taking orders for future delivery; where the goods, services, wares and merchandise proposed to be sold are manufactured or produced; and where such goods, wares, merchandise and products are located at the time such application is file

- **Comstock Charter Township, (Kalamazoo Co.)**

(269) 381.2360

Link: www.comstockmi.com

Auction: Auctioneer:

Sec. 2.01.32. *Farm*: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries. However, establishments keeping or operating fur bearing animals, riding or boarding stables, commercial dog kennels, game fish hatcheries, **an auction** yards or stock yards, stone quarries or gravel and/or sand pits, slaughter houses, fertilizer works or operations, rendering plants or sanitary landfills shall not be considered a farm for the purposes of the Ordinance

- **Constantine**

Ph: (269) 435-2085

Fax: (269) 435-7681

Link: www.constantinemi.org

Auction: Auctioneer:

- **Sec. 46-28. - Permit application; fee.**

A permit approving the commercial retail, **auction**, yard or garage sale of goods and merchandise, shall be secured upon application made to the village clerk, and the payment of a fee of \$1.00.

(Ord. No. 140, § 2, eff. 10-17-84)

- **Sec. 46-29. - Permit limitations.**

The permit provided for in this article shall be issued for a period not to exceed three days at any one time, and no more than three permits shall be granted for the same location within any one calendar year.

(Ord. No. 140, § 3, eff. 10-17-84)

- **Sec. 46-30. - Signs.**

No sign advertising a sale under this article shall be attached to any utility pole, highway traffic sign, or tree within the village road right-of-way nor shall such a sign be placed in any public park nor shall it be placed in the highway right-of-way of U.S. 131. Any sign placed in violation of this section may be removed and destroyed by the village staff.

- **Coopersville**

616-997-9731

Link: <http://www.cityofcoopersville.com/>

Auction: Auctioneer: No information given

- **Corunna**

Phone: (989) 743-3650

Fax: (989) 743-4417

Link: www.corunna-mi.gov

Auction: Auctioneer:

Sec. 34-121. - Definitions.

(a)

For the purpose of this article, the term "occasional sale" shall mean and include "estate sale", "**auction** sale", "garage sale", "basement sale", "rummage sale" and any similar terms such as "attic sale", "lawn sale", "flea

market sale", or any similar "casual sale", etc., shall mean sale of tangible personal property, whether used, secondhand, damaged or discarded, not otherwise regulated in this Code, advertised by any means whereby the public at large is or can be aware of such sale.

(b)

For the purpose of this article, the term "person" shall mean and include individuals, groups, organizations, partnerships, voluntary associations and corporations.

- **Cottrellville Township, (St. Clair Co.)**

Phone: 810-765-4730

Fax: 810-765-2203

Link: www.cott-township.org

Auction: Auctioneer: No information given

D

- **Dearborn**

313-943-2000

Link: <http://www.cityofdearborn.org/>

Auction: Auctioneer:

Sec. 12-45. - Terms and conditions of sale at auction.

In the case of a sale by auction:

(1)

Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2)

A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner, until such announcement is made, any bidder may retract his bid and the auctioneer may withdraw the goods from sale, unless the auction has been announced beforehand to be without reserve.

(3)

A right to bid may be reserved expressly by or on behalf of the seller.

(4)

Where notice has not been given beforehand that a sale of **auction** is subject to a right to bid on behalf of the seller, it shall be unlawful for the seller to bid himself or to have any person bid on his behalf. Any sale in violation of this rule shall be considered fraudulent.

- **ARTICLE II. - AUCTIONS**

- **Sec. 12-41. - License required.**

No new or used personal property such as goods, wares, merchandise or automobiles shall be sold at **auction** in the city except by an individual or corporation who has obtained an **auctioneer**'s license from the city clerk.

(Ord. No. 81-99, § 1, 11-4-81)

- **Sec. 12-42. - Issuance of license.**

The license required by this article shall be applied for and issued pursuant to the terms of this chapter.

(Ord. No. 81-99, § 2, 11-4-81)

- **Sec. 12-43. - License fees.**

The fees for an **auctioneer**'s license shall be as follows:

- (1)
One hundred dollars for a period of one year; provided, however, that if there are four months or less left in the license year on day of application, the fee shall be \$50.00.
- (2)
Fifteen dollars per day for any period of time less than one year.

(Ord. No. 81-99, § 3, 11-4-81)

- **Sec. 12-44. - Expiration of license.**

The city clerk may issue licenses for any period of time not to exceed one year. All yearly licenses issued shall expire at 12:00 midnight, December 31, of the year of issuance.

(Ord. No. 81-99, § 4, 11-4-81)

- **Sec. 12-45. - Terms and conditions of sale at **auction**.**

In the case of a sale by **auction**:

- (1)

Where goods are put up for sale by **auction** in lots, each lot is the subject of a separate contract of sale.

(2)

A sale by **auction** is complete when the **auctioneer** announces its completion by the fall of the hammer or in other customary manner, until such announcement is made, any bidder may retract his bid and the **auctioneer** may withdraw the goods from sale, unless the **auction** has been announced beforehand to be without reserve.

(3)

A right to bid may be reserved expressly by or on behalf of the seller.

(4)

Where notice has not been given beforehand that a sale of **auction** is subject to a right to bid on behalf of the seller, it shall be unlawful for the seller to bid himself or to have any person bid on his behalf. Any sale in violation of this rule shall be considered fraudulent.

(Ord. No. 81-99, § 6, 11-4-81)

- **Sec. 12-46. - Reserved.**

Editor's note—

Ord. No. 94-584, adopted Feb. 1, 1994, repealed former § 12-46, which pertained to business hours and days.

- **Sec. 12-47. - Regulation of premises.**

The licensee shall be required to provide sufficient personnel to properly safeguard the public and to direct traffic and parking upon the premises of the licensee.

- **Dearborn Heights**

PH: 313-791-3400

FX: 313-791-3401

Link: <http://ci.dearborn-heights.mi.us/>

Auction: Auctioneer:

- **Sec. 24-53. - Sale and proceeds.**

All unclaimed property shall be sold at **auction** sale under the direction of the police chief; the **auction** sale to be held not less than once each calendar year; the **auction** sale or **auction** sales as to date, time and place thereof shall be advertised by publication in the official city newspaper at least seven (7) days prior to the date thereof.

(Code 1969, § 1.43)

Sec. 8-2. - License required.

(a)

In general. It shall be unlawful for any person to engage in or conduct a business, trade, or other activity, or operate a vehicle requiring a city business license, unless such business, trade, activity, or vehicle shall have been licensed according to the provisions of this chapter. Provided further, that it shall be unlawful for any licensee to engage in or continue to conduct a business, trade, activity, or continue to operate a vehicle requiring a license during the time that the licensee's license has been revoked, suspended, or expired.

(b)

Scope. The following businesses, trades, or other activities are required to have a city business license pursuant to this chapter:

(1)

Any retail business, trade, or activity operated in whole or in part within the city whether or not specifically enumerated herein;

(2)

Any peddler;

(3)

Any transient merchant;

(4)

Any auctioneer;

- **Delhi Charter Township, (Ingham Co.)**

Phone: (517) 694-2137

Fax: (517) 699-3847

Link: <http://www.delhitownship.com/>

Auction: Auctioneer:

VIII, [section 8.1](#), "Uses Authorized by Special Use Permit: General Standards and Requirements", are satisfied, together with any applicable requirements as outlined in the particular article and sections cited:

1)

Public recreation and playgrounds.

2)

Greenhouses and nurseries selling at retail on the premises.

3)

Riding stables and livestock auction yards.

- **Delta Charter Township, (Eaton Co.)**

PH: 517-323-8500

FX: 517-323-8599

Link: www.deltami.gov

Auction: Auctioneer: No information given

- **Detroit**

(313) 224-3443

(800) 649-3777

Link: www.ci-detroit.mi.us

Auction: Auctioneer:

- **ARTICLE I. - IN GENERAL**

- **Sec. 7-1-1. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Down hill selling shall mean the first offering of any article at a high price and then offering the same at successive lower prices until a buyer is secured.

Selling at auction shall mean the offering for sale or selling of personal property to the highest bidder or offering for sale or selling of such property by the method known as "down hill selling."

(Code 1964, § 8-1-1)

Cross reference— Definitions and rules of construction generally, § 1-1-2.

- **Sec. 7-1-2. - Sales of jewelry, watches, etc.—Restricted.**

(a)

It shall be unlawful for any person to sell, dispose of or offer for sale in the city at public **auction** or to cause or permit to be sold, disposed of or offered for sale in the city at public **auction** any gold, silver, plated ware, precious stones, watches, clocks or jewelry, whether the same shall be their own property or whether the same shall be their own property or whether they sell the same as agents or employees of others; provided, that this section shall not apply to judicial sales to executors or administrators or to sales by or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law, nor to the sale at public **auction** of the stock on hand of any person who shall, for the period of one year last preceding such sale, have been continuously in business in the city as a retail or wholesale merchant of gold, silver, plated ware, precious stones, watches, clocks or jewelry; provided, further, that such sale at public **auction** of the stock on hand of such merchant or merchants shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than thirty (30) days in all within the period of one year.

(b)

Each separate sale at public **auction** of any article of gold, silver, plated ware, precious stones, watches, clocks or jewelry in violation of this section shall constitute a separate offense.

(Code 1964, § 8-1-7)

- **Sec. 7-1-3. - Same—Right to return and recover price.**

The purchaser at any **auction** sale of any watch, clock, jewelry, silver or silver-plated ware or optical goods shall have the right return it to the **auctioneer** at any time within five (5) days from the day of the sale, if the watch, clock, jewelry, silver or silver-plated ware or optical goods is not of the quality represented to him. The **auctioneer** shall return to the purchaser of the price of the article and the bondsmen of such **auctioneer** shall be liable for the return to the purchaser of the purchase price. Should the **auctioneer** refuse to do so, he shall, in addition to other penalties provided by [section 1-1-9](#), forfeit his license. If it shall be made to appear, to the satisfaction of the mayor, that the place of sale or the place of business of any such **auctioneer** shall have been closed at any time during such five (5) days, for the purpose of avoiding an offer to return any such article so sold, the consumer affairs department shall revoke the license of such **auctioneer**.

(Code 1964, § 8-1-8)

- **Sec. 7-1-4. - Same—Copy of section 7-1-3 to be posted.**

Every person licensed under this chapter shall post in a conspicuous place, so that it can be readily seen, a sign or placard containing [section 7-1-3](#). Such sign shall be printed in fourteen-point linwood type and prepared and furnished by the city clerk free of cost. The place of posting such sign shall be designated by a member of the police department. It shall be the duty of every such **auctioneer**, his agents and employees to maintain the placard or sign required by this section in the place designated.

(Code 1964, § 8-1-9)

- **Sec. 7-1-5. - Substitution of articles prohibited.**

Any **auctioneer** who shall offer for sale at **auction** any article and induce its purchase by any bidder and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder shall forfeit his license in addition to any other penalty imposed under [section 1-1-9](#).

(Code 1964, § 8-1-10)

- **Sec. 7-1-6. - Boosting or capping prohibited.**

No person operating a public **auction** by virtue of a license issued under this chapter shall permit or allow any person to remain in or upon the premises wherein such public **auction** is being conducted to engage in the practice of boosting or capping or assist or take part in the practice of any fraud of any kind, nature or description or to misrepresent the quality or description of any article or thing offered to be sold.

(Code 1964, § 8-1-11)

- **Sec. 7-1-7. - False representations.**

No **auctioneer** or person present when any personal property is offered for sale shall knowingly, with intent to induce any person to purchase the same or any part thereof, make any false representations or statements as to the ownership of or the character or quality of the property offered for sale or as to the poverty or circumstances of the owner or pretended owner of such property. If such false representation is made by such **auctioneer** or by any other person with such **auctioneer**'s knowledge, consent or connivance, the license of such **auctioneer** shall be revoked.

(Code 1964, § 8-1-12)

- **Sec. 7-1-8. - Misrepresentations as to goods saved from fire, damaged goods, bankrupt or insolvent stock, etc.**

Whoever sells or attempts to sell by **auction** or whoever advertises for sale any goods, wares or merchandise, falsely representing or pretending that such goods, wares or merchandise are, in whole or in part, a bankrupt or insolvent stock or damaged goods or goods saved from fire, or makes any false statement as to the previous history or character of such goods, wares or merchandise, shall be punished as provided in [section 1-1-9](#), and shall be further liable in an action of contract to any person purchasing any such goods, wares or merchandise because of such representation or statement in an amount equal to three (3) times the amount paid therefor. If such false representation is made by such **auctioneer** or by any person with such **auctioneer**'s knowledge, consent or connivance, the license of such **auctioneer** shall be revoked.

(Code 1964, § 8-1-13)

- **Sec. 7-1-9. - Receiving goods from minors prohibited.**

No **auctioneer** shall receive for sale by **auction** any goods from a minor.

(Code 1964, § 8-1-14)

Cross reference—Minors generally, Ch. 33.

- **Sec. 7-1-10. - Sales on streets prohibited.**

No personal property shall be sold at **auction** or exposed for sale by any **auctioneer** in any street, avenue, alley or public place in the city.

(Code 1964, § 8-1-15)

Cross reference— Streets, sidewalks and other public places, Ch. 50.

- **Sec. 7-1-11. - Sales within one-mile circle.**

(a)

No goods, wares or merchandise of whatsoever nature shall be sold or offered for sale at **auction** within the one-mile circle; provided, that special leave may be granted by the city council for so-called closing out sales of a business within the one-mile circle if the business to be closed out by **auction** has been located at the place where the sale is to be held for a period of one year or longer, excepting herefrom perishable goods.

(b)

This section shall not apply to the sale of goods, wares and merchandise, as provided by law.

(Code 1964, § 8-1-16)

- **Sec. 7-1-12. - Use of musical instruments, flags, etc., prohibited.**

No barker or crier, mechanical or electrical musical device, musical instrument, show signal or means of attracting the attention of the public, other than a sign or flag, shall be employed or permitted to be used in connection with any **auction** sale at or near any place of such sale or at or near any **auction** room.

(Code 1964, § 8-1-17)

Cross reference— Noise generally, Ch. 36.

- **ARTICLE II. - LICENSE**

FOOTNOTE(S):

--- (2) ---

Cross reference— Licenses generally, Ch. 30.

- **Sec. 7-2-1. - Required.**

Any person of good character may become an **auctioneer** and be licensed to sell personal property at public **auction**, at a place to be named in his license, upon making application in writing to the consumer affairs department for a license therefor and paying a license application fee in accord with [chapter 30](#) of this Code. Every **auctioneer**'s license shall expire on the first day of May following the date of issue.

(Code 1964, §§ 8-1-2, 8-1-4; Ord. No. 500-H, § 1, 5-5-82)

Editor's note—

The editor has transferred Code 1964, § 8-1-4, concerning expiration dates, to [§ 7-2-1](#) hereof.

- **Sec. 7-2-2. - Application.**

Any person desiring to obtain a license as an **auctioneer** shall make application in writing to the consumer affairs department, setting forth in such application his name, place of residence, place of business and the names of his sureties.

(Code 1964, § 8-1-3)

- **Sec. 7-2-3. - Bond required; cash deposit by itinerants and nonresidents of city.**

No **auctioneer**'s license shall be issued until the applicant shall execute a bond to the city, with two (2) sureties, who shall be freeholders, or a surety company bond, in the sum of one thousand dollars (\$1,000.00), to be approved by the consumer affairs department, such bond to be conditioned for the faithful observance of this Code and other ordinances of the city; and further, before an **auctioneer**'s license is granted to any itinerant or nonresident of the city he shall deposit with the city treasurer the sum of one thousand dollars (\$1,000.00), the same to be held to secure the payment of all city taxes for the period of such license.

- **DeWitt**

(517) 669-2441

Link: www.dewittmi.org

Auction: Auctioneer: No information given

- **DeWitt Charter Township, (Clinton Co.)**

Phone: (517) 668-0270

Fax: (517) 668-0277

Link: www.dewitttownship.org

Auction: Auctioneer:

No vending license shall be required for any garage sales by owners of the property thereon, or any **auction** sales on property owned by the resident and involving the sale of the property of said owner.

- **Dexter**

(734) 426-8303

Link: www.dextermi.gov

Auction: Auctioneer: No information given

- **Dorr Township, (Allegan Co.)**

phone: 616.681.9874

fax: 616.681.2411

Link: <http://www.dorrtownship.org/>

- **Durand**

Phone (989) 288-3113

Fax (989) 288-7214

Link: www.durandmi.com

Auction: Auctioneer: no information given

E

- **Eastpointe**

Phone: 586-445-3661

Fax: 586-445-5191

Link <http://cityofeastpointe.net/>

Auction / Auctioneer

Eastpointe, MI Code of Ordinances

TITLE TWO - Business Regulation

CHAPTER 806 Auctioneers

CHAPTER 806

Auctioneers

806.01 License required; bond; deposit.

806.02 License application.

806.03 Sale of jewelry; returns.

806.04 Posting identification cards.

806.05 Auction defined.

806.06 Substitution of articles.

806.07 Fraud.

806.08 Purchases from minors.

806.09 Foreclosure sales.

806.10 Hours of operation.

806.11 Sales on public property.

806.99 Penalty.

CROSS REFERENCES

Sales at public auction - see CHTR. Ch. XVI, Sec. 20

Money appraisals - see M.C.L.A. Secs. 434.182 et seq.

Auctions and auctioneers - see M.C.L.A. Secs. 446.26 et seq.

Public sales - see ADM. Ch. 212

Sales of lost and unclaimed property - see ADM. 250.03(b)

Sales of abandoned vehicles - see TRAF. 420.04(UTC 2.5g)

Temporary outdoor sales - see P. & Z. 1298.07

806.01 LICENSE REQUIRED; BOND; DEPOSIT.

Any person of good character may become an auctioneer and be licensed to sell personal property at public auction, at a place to be named in his or her license, upon making application, in writing, to the City Clerk for a license, and upon paying to the Director of Finance a fee established by resolution of Council. No person shall sell any personal property at public auction without first obtaining a license therefor. Every licensee shall file a bond to the City with two sureties, who shall be freeholders, or surety company bond, in the sum of three thousand dollars (\$3,000), to be approved by the City Clerk. Such bond shall be conditioned for the faithful observance of these Codified Ordinances. Before a license is granted to any person, he or she shall deposit with the Director of Finance the sum of one thousand dollars (\$1,000) to assure the payment of any debt to the City and any delinquent and current taxes for the period of such license. The City Clerk shall waive the surety bond requirement and deposit requirement for nonprofit organizations and said nonprofit organizations must comply with the requirements of this section.

(Ord. 993. Passed 9-12-07.)

806.02 LICENSE APPLICATION.

Any person desiring to obtain a license as an auctioneer shall make application, in writing, to the City Clerk, setting forth in such application his or her name, place of residence and place of business, and the names of his or her sureties.

(1973 Code Sec. 7.132)

806.03 SALE OF JEWELRY; RETURNS.

The purchaser at any auction sale of any watch, clock, jewelry, silver or silver-plated ware or optical goods may return such item to the auctioneer at any time within five days from the date of the sale if the watch, clock, jewelry, silver or silver-plated ware or optical goods are not of the quality represented to him or her. In such case, the auctioneer shall return to the purchaser the price of the article, and the bondsmen of such auctioneer shall be liable for the return to the purchaser of the

purchase price. If the auctioneer refuses to do so, he or she shall forfeit his or her license and shall be subject to the penalty provided in Section 806.99. If it is made to appear, to the satisfaction of the City Manager, that the place of sale or the place of business of any such auctioneer has been closed at any time during such five days, for the purpose of avoiding an offer to return any such article so sold, the City Manager shall revoke the license of such auctioneer.

806.04 POSTING IDENTIFICATION CARDS.

Every person licensed under this chapter shall post, in a conspicuous place so that it can be readily seen, a photocopy of the identification card issued by the Clerk's office stating the date and time the auction is to be held. Every such licensee shall also post, together with such photocopy, for public inspection, a copy of this chapter. The place of posting shall be designated by the Chief of Police, and every auctioneer or his or her agents and employees shall maintain the photocopy of the identification card as herein provided in the place designated.

806.05 AUCTION DEFINED.

As used in this chapter, "selling at auction" means the offering for sale or selling of personal property to the highest bidder, or the offering for sale or selling of such property by the method known as "down hill selling." "Down hill selling" means the first offering of any article at a high price and then offering the same at successive lower prices until a buyer is secured.

(1973 Code Sec. 7.142)

806.06 SUBSTITUTION OF ARTICLES.

Any auctioneer who offers for sale at auction any article and induces its purchase by any bidder, and afterward substitutes any article in lieu of that offered to and purchased by the bidder, shall forfeit his or her license and shall be subject to the penalty provided in Section 806.99.

806.07 FRAUD.

(a) No person operating a public auction by virtue of a license issued as herein provided shall permit or allow any person to remain in or upon the premises wherein the public auction is being conducted to engage in the practice of boosting or capping, or assist or take part in the practice of any fraud of any kind, nature or description, or misrepresent the quality or description of any article or thing offered to be sold.

(1973 Code Sec. 7.136)

(b) No auctioneer or person present when any personal property is offered for sale shall knowingly, with the intent to induce any person to purchase the same, or any part thereof, make any false representations or statement as to the ownership, character or quality of the property offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such property. If such false representation is made by the auctioneer or by any other person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

(c) No person shall sell or attempt to sell by auction , or advertise for sale, any goods, wares or merchandise falsely representing or pretending that such goods, wares or merchandise are, in whole or in part, a bankrupt or insolvent stock, damaged goods or goods saved from fire, or make any false statement as to the previous history or character of such goods, wares or merchandise. Such person, in addition to the penalty provided in Section 806.99, shall be further liable in an action of contract to any person purchasing any goods, wares or merchandise because of such representation or statement in an amount equal to three times the amount paid therefor. If such false representation is made by such auctioneer or by any person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

(1973 Code Sec. 7.137)

806.08 PURCHASES FROM MINORS.

No auctioneer shall receive for sale by auction any goods from a minor.

(1973 Code Sec. 7.138)

806.09 FORECLOSURE SALES.

This chapter shall not apply to the sale of goods, wares and merchandise under legal process or upon foreclosure.

(1973 Code Sec. 7.139)

806.10 HOURS OF OPERATION.

Any person doing business as a duly licensed auctioneer shall operate a public auction room or sell goods at publicauction from Monday through Saturday of any week between the hours of 8:00 a.m. and 10:30 p.m. No public auctions shall be conducted on Sunday.

(1973 Code Sec. 7.141) (Ord. 993. Passed 9-12-07.)

806.11 SALES ON PUBLIC PROPERTY.

No personal property shall be sold at auction or exposed for sale by any auctioneer in any street, avenue, alley or public place in the City.

(1973 Code Sec. 7.143)

806.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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1.800.445.5588.

- **East Jordan**

Phone: 231 536-3381

Link: www.eastjordancity.org

Auction: Auctioneer:

Sec. 32-2. - Definitions.

The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auctioneer means any person selling, or offering for sale, any goods, wares, merchandise, or services at public **auction**.

Sec. 32-31. - Required.

(a)

Solicitors, transient merchants, peddlers, door-to-door salesmen, roadside stands, temporary businesses, **auctioneers**, and vendors shall not operate within the city without first obtaining a license in compliance with the provisions of this chapter.

(b)

Persons selling newspapers, commercial travelers or selling agents calling upon commercial establishments in the usual course of business, and any business operating under the auspices of a civic event sanctioned by the city shall not be required to obtain a license.

Upon receipt of an application for a solicitor's, **auctioneer**'s, or temporary business license, the city clerk and the chief of police may cause such investigation of such person's business responsibility or propensity to serve the public in a fair, honest and open manner to be made as they deem necessary for the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the city clerk shall proceed to issue a license.

- **East Lansing**

Ph: (517) 337-1731

Link: www.cityofeastlansing.com

Auction: Auctioneer: No information given

Transient merchant means and includes an itinerant merchant or itinerant vendor, and is any person whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, or the taking of photographs for sale or for a service fee within the city, and who in the furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, boxcar or boat, public room in hotels, lodgings, apartments, shops, or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public **auction**. The term "transient merchant" shall not include any person who, while occupying such temporary location, does not sell from stock, and does not take deposits, but exhibits samples only for the purpose of securing orders for future delivery.

(Code 1992, § 14-1; Ord. No. 175, § 2, 9-6-1960)

- **East Tawas**

Ph: (989) 362-6161

Fx: (989) 362-6736

Link: www.easttawas.com

Auction: Auctioneer:

Transient merchant means and includes an itinerant merchant or itinerant vendor, and is any person whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, or the taking of photographs for sale or for a service fee within the city, and who in the furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, boxcar or boat, public room in hotels, lodginghouses, apartments, shops, or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public **auction**. The term "transient merchant" shall not include any person who, while occupying such temporary location, does not sell from stock, and does not take deposits, but exhibits samples only for the purpose of securing orders for future delivery.

(Code 1992, § 14-1; Ord. No. 175, § 2, 9-6-1960)

- **Eastpointe**

Ph: 586-445-3661

: 586-445-5191

Link: <http://cityofeastpointe.net/>

Auction: Auctioneer:

- **ARTICLE II. - AUCTIONEERS**

FOOTNOTE(S):

--- (1) ---

State Law reference— Closeout sales, MCL 442.211 et seq.; sales at public **auction**, new merchandise, MCL 446.51 et seq.; UCC sales at public **auctions**, MCL 440.2328; duties upon sales at **auctions**, MCL 446.26 et seq.

- **Sec. 32-19. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Down hill selling means the first offering of any article at a high price and then offering the same at successive lower prices until a buyer is secured.

*Selling at **auction*** means the offering for sale or selling of personal property to the highest bidder, or the offering for sale or selling of such property by the method known as down hill selling.

(Code 1973, § 7.142; Code 1989, § 806.05)

- **Sec. 32-20. - License required; bond; deposit.**

Any person of good character may become an **auctioneer** and be licensed to sell personal property at public **auction**, at a place to be named in his or her license, upon making application, in writing, to the city clerk for a license, and upon paying to the director of finance a fee in an amount as adopted by the city council from time to time. No person shall sell any personal property at public **auction** without first obtaining a license therefor. Every licensee shall file a bond to the city with two sureties, who shall be freeholders, or surety company bond, in the sum as adopted by the city council from time to time, to be approved by the city manager. Such bond shall be conditioned for the faithful observance of this Code. Before a license is granted to any itinerant person or nonresident of the city, he or she shall deposit with the director of finance the sum as adopted by the city council from time to time. The same shall be held to secure the payment of all city taxes for the period of such license.

(Code 1989, § 806.01; Ord. No. 993, § 806.01, 9-12-2007)

- **Sec. 32-21. - License application.**

Any person desiring to obtain a license as an **auctioneer** shall make application, in writing, to the city clerk, setting forth in such application his or her name, place of residence and place of business, and the names of his or her sureties.

(Code 1973, § 7.132; Code 1989, § 806.02)

- **Sec. 32-22. - Sale of jewelry; returns.**

The purchaser at any **auction** sale of any watch, clock, jewelry, silver or silverplated ware or optical goods may return such item to the **auctioneer** at any time within five days from the date of the sale if the watch, clock, jewelry, silver or silverplated ware or optical goods are not of the quality represented to him or her. In such case, the **auctioneer** shall return to the purchaser the price of the article, and the bondsmen of such **auctioneer** shall be

liable for the return to the purchaser of the purchase price. If the **auctioneer** refuses to do so, he or she shall forfeit his or her license and shall be subject to the penalty provided in [section 1-15](#). If it is made to appear, to the satisfaction of the city manager, that the place of sale or the place of business of any such **auctioneer** has been closed at any time during such five days, for the purpose of avoiding an offer to return any such article so sold, the city manager shall revoke the license of such **auctioneer**.

(Code 1989, § 806.03)

State law reference— Sterling or sterling marked articles, MCL 750.287.

- **Sec. 32-23. - Posting identification cards.**

Every person licensed under this article shall post, in a conspicuous place so that it can be readily seen, a photocopy of the identification card issued by the clerk's office stating the date and time the **auction** is to be held. Every such licensee shall also post, together with such photocopy, for public inspection, a copy of this article. The place of posting shall be designated by the chief of police, and every **auctioneer** or his or her agents and employees shall maintain the photocopy of the identification card as herein provided in the place designated.

(Code 1989, § 806.04)

- **Sec. 32-24. - Substitution of articles.**

Any **auctioneer** who offers for sale at **auction** any article and induces its purchase by any bidder, and afterward substitutes any article in lieu of that offered to and purchased by the bidder, shall forfeit his or her license and shall be subject to the penalty provided in [section 1-15](#).

(Code 1989, § 806.06)

- **Sec. 32-25. - Fraud.**

(a)

No person operating a public **auction** by virtue of a license issued as herein provided shall permit or allow any person to remain in or upon the premises wherein the public **auction** is being conducted to engage in the practice of boosting or capping, or assist or take part in the practice of any fraud of any kind, nature or description, or misrepresent the quality or description of any article or thing offered to be sold.

(b)

No **auctioneer** or person present when any personal property is offered for sale shall knowingly, with the intent to induce any person to purchase the same, or any part thereof, make any false representations or statement as to the ownership, character or quality of the property offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such property. If such false representation is made by the **auctioneer** or by any other person with such **auctioneer**'s knowledge and consent or connivance, the license of such **auctioneer** shall be revoked.

(c)

No person shall sell or attempt to sell by **auction**, or advertise for sale, any goods, wares or merchandise falsely representing or pretending that such goods, wares or merchandise are, in whole or in part, a bankrupt

or insolvent stock, damaged goods or goods saved from fire, or make any false statement as to the previous history or character of such goods, wares or merchandise. Such person, in addition to the penalty provided in [section 1-15](#), shall be further liable in an action of contract to any person purchasing any goods, wares or merchandise because of such representation or statement in an amount equal to three times the amount paid therefor. If such false representation is made by such **auctioneer** or by any person with such **auctioneer's** knowledge and consent or connivance, the license of such **auctioneer** shall be revoked.

(Code 1973, §§ 7.136, 7.137; Code 1989, § 806.07)

State law reference— Frauds and cheats, MCL 750.271 et seq.

- **Sec. 32-26. - Purchases from minors.**

No **auctioneer** shall receive for sale by **auction** any goods from a minor.

(Code 1973, § 7.138; Code 1989, § 806.08)

- **Sec. 32-27. - Foreclosure sales.**

This article shall not apply to the sale of goods, wares and merchandise under legal process or upon foreclosure.

(Code 1973, § 7.139; Code 1989, § 806.09)

- **Sec. 32-28. - Hours of operation.**

Any person doing business as a duly licensed **auctioneer** shall operate a public **auction** room or sell goods at public **auction** from Monday through Saturday of any week between the hours of 8:00 a.m. and 10:30 p.m.

(Code 1973, § 7.141; Code 1989, § 806.10; Ord. No. 993, § 806.10, 9-12-2007)

- **Sec. 32-29. - Sales on public property.**

No personal property shall be sold at **auction** or exposed for sale by any **auctioneer** in any street, avenue, alley or public place in the city.

(Code 1973, § 7.143; Code 1989, § 806.11)

- **Secs. 32-30—32-46. - Reserved.**

- **Eaton Rapids**

PH: (517) 663-8118

FX: (517) 663-1116

Link: <http://www.cityofeatonrapids.com/>

Auction: Auctioneer: No information given

- **Ecorse**

PH: 313-386-2520

FX: 313-386-4316

Link: www.ecorsemi.org

- **Auction: Sec. 6-1. - Sale restrictions.**

It shall be unlawful for any person to sell, dispose of, advertise for sale or offer for sale at public **auction** any property of any kind unless he complies with the following conditions:

- (1)
Such sale shall be conducted by any **auctioneer** duly licensed as herein provided.
- (2)
Such property shall have been on the tax rolls of the city for a period of one year prior to such sale, or comprise the stock of goods of a merchant who has regularly done business in the city for one year continuously prior to such sale.
- (3)
All taxes, plus penalties, which have become a lien under any law or provision of this Code, shall have first been paid.
- (4)
In the event such sale is a closing-out sale, the statutes and provisions of this Code regulating such sales shall be complied with.
- (5)
No property of any kind shall be added to the goods, wares or stock at any closing-out sale after the inventory is filed, nor shall any property be added within sixty (60) days to the commencement of such sale in anticipation thereof.
- (6)
No property which has been struck off to the highest bidder during the course of such sale shall again be offered for sale during such **auction**.
- (7)
No sale of platinum, gold, silver, plated ware, precious ore, semi-precious stones, watches or other jewelry shall be permitted unless it is a closing-out **auction** and application therefor has been on file with the city clerk for a period of sixty (60) days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is

plated, and the true name or names, weight, quality and color of any precious or semi-precious stone or stones, together with the name of the manufacturer of such article.

(8)

A sales book shall be kept, signed by the purchaser, showing each sale of any article at the time of purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his last highest bid.

(Ord. of 8-2-71, § 6-15.6)

- **Sec. 6-2. - Prohibited practices.**

The following acts, omissions and practices are prohibited:

(1)

The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article;

(2)

The substitution of any article in place of any article bid upon at **auction**;

(3)

The use of false bidders, or what is commonly known as a "capper", "booster" or "shiller";

(4)

The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at **auction**;

(5)

The use of any false or misleading advertising matter, relative to the kind or quality of the goods or to the past history or present status thereof;

(6)

The substitution of any unlicensed person in place of a licensed **auctioneer**;

(7)

The failure to exhibit an **auctioneer**'s license to any police officer upon demand at the place where an **auction** is conducted;

(8)

The receipt for sale by **auction** or the sale by **auction** by any licensed **auctioneer** of any goods, wares or merchandise from any minor, knowing him to be such;

(9)

The sale of personal property at **auction** or exposure for sale by any **auctioneer** in any street, avenue, alley or public place in the city.

(Ord. of 8-2-71, § 6-15.7)

- **Sec. 6-3. - Accounts required.**

Each **auctioneer** shall keep an accurate record of all goods and chattels sold by him, together with the name and address of the person whom such goods and chattels were received, which record shall be open to inspection by any police officer or the city clerk at all reasonable times.

(Ord. of 8-2-71, § 6-15.8)

• **Sec. 6-4. - Sworn statement required.**

(a)

At least five (5) full days before commencing any sale by **auction**, except as specified elsewhere, the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

(1)

Whether the **auction** sought to be conducted is a closing-out **auction**;

(2)

If it is a closing-out **auction**, that the application is made in good faith for the purpose of retiring from business and that all statutes and the provisions of this Code governing closing-out sales have been complied with;

(3)

That the stock of goods, or other property, sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year;

(4)

A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article;

(5)

The place where the **auction** is to be conducted;

(6)

The name of the **auctioneer** who is to conduct the sale;

(7)

The name of the owner of the property for the preceding year;

(8)

The length of time the applicant has been in business in the city and the address of such business;

(9)

That all taxes on such property have been paid;

(10)

That no property other than that listed shall be sold or offered for sale on the premises where the **auction** is being conducted;

(11)

That all the property listed is actually on the premises where the **auction** is to be conducted.

(b)

It shall be unlawful for the **auctioneer** to conduct the **auction** at any place other than that stated in the application, and it shall be unlawful for either the **auctioneer** or owner to do, either themselves or through their

agents or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this Code.

(Ord. of 8-2-71, § 6-15.9)

- **Sec. 6-5. - New goods.**

As used in this Code new goods shall mean all goods not previously sold at retail. Whenever any **auction** sale is one of used or secondhand goods, no new goods, wares or merchandise of any description shall be offered or included at such sale.

(Ord. of 8-2-71, § 6-15.10)

- **Sec. 6-6. - Household goods.**

The provisions of [section 6-1](#)(2), (3), (4), (5), (6) and (7) and [section 6-4](#) shall not apply to **auction** sales of secondhand and household furniture and household goods. The words "secondhand furniture and household goods", in this chapter means household furniture and household goods which have actually been used for housekeeping purposes.

(Ord. of 8-2-71, § 6-15.11)

- **Sec. 6-7. - Sales authorized by court.**

The provision of this chapter shall not apply to any sale conducted by any sheriff, constable or other public or court officer, or any person acting under the license, direction or authority of any court.

(Ord. of 8-2-71, § 6-15.12)

Auctioneer:

- **Chapter 15 - LICENSES**

FOOTNOTE(S):

--- (1) ---

Cross reference— Administration, Ch. 2; license for amusement device arcades, § 4-36 et seq.; license for bowling, pool and billiards, § 4-66 et seq.; license for boxing and wrestling exhibitions, § 4-91 et seq.; license for circuses and parades, § 4-106 et seq.; license for dancing schools, § 4-131 et seq.; license for mechanical ride devices, § 4-156 et seq.; license for motion pictures or shows, § 4-186 et seq.; license for nightclubs, § 4-211 et seq.; license for public dances, § 4-236 et seq.; license for skating rinks, § 4-261 et seq.; license for tent shows and meetings, § 4-284 et seq.; license for **auctions** and **auctioneers**, § 6-21 et seq.; license for electrical work, § 7-59; license for food handling establishments, § 12-26 et seq.; license for restaurants, § 12-51 et seq.; license for coffeehouses, § 12-81 et seq.; license for vehicles hauling garbage and refuse, § 13-91; license for public lodging

houses, § 14-46 et seq.; license for peddlers and hawkers, § 19-31 et seq.; license for transient merchants, § 19-66 et seq.; license for junk dealers and secondhand dealers, § 20-31 et seq.; license for sale of secondhand automobiles, § 20-51; license for motorcycle clubs, § 22-101 et seq.; business license for taxicabs, § 24-36 et seq.

License Required 100.00/ Insurance 2,000.00

- **Elk Rapids**

Phone: (231) 264-9333

Fax: (231) 264-6676

Link: www.elkrapids.com

Auction: Auctioneer:

Elk Rapids Zoning and Unified Development Code

CHAPTER 162: SIGNS

CHAPTER 162: SIGNS

Section

162.01 Purpose

162.02 Definitions related to signs

162.03 Determination of number of signs

162.04 Computation of sign area

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162.09 Required sign setbacks and height requirements

162.10 Sign illumination and signs containing lights

162.11 Nonconforming signs

§ 162.01 PURPOSE.

(A) The purpose of this chapter is to regulate commercial and noncommercial outdoor signs in a manner which does not significantly restrict the content thereof, while:

- (1) Recognizing the mass communications needs of all parties.
- (2) Protecting property values and neighborhood character.
- (3) Creating a more attractive business climate.
- (4) Promoting pedestrian and traffic safety by reducing sign obstructions and other hazards.
- (5) Promoting community environmental aesthetics.

(B) Indoor signs visible from the outdoors are not regulated by this chapter.

(C) Compliance with this Zoning and Unified Development Code does not assure compliance with other county, state, or federal sign regulations, nor does the issuance of a zoning compliance permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control of the applicant. The issuance of a zoning compliance permit only assures the applicant that the sign meets the requirements of this Zoning and Unified Development Code.

(Ord. passed 11-2-89, Art. XIII, § 220; Am. Ord. 369, passed 6-5-06)

§ 162.02 DEFINITIONS RELATED TO SIGNS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AWNING SIGN. A permanent or temporary awning/canopy projecting over an entrance and/or window of a commercial business structure which may include a business identification message, symbol and/or logo.

BANNER. A temporary sign made of flexible material used to call attention to a land use or product, service, or activity, not including pennants or flags.

BUSINESS CENTER SIGN. A sign which gives the name and other identification for a business center and names of individual businesses in the center. Such sign shall not contain any additional information regarding individual stores, businesses, institutions, or organizations located within the complex or contiguous stores.

COMMERCIAL ADVERTISING SIGN. A sign, banner or flag erected in connection with a commercial advertising event such as a grand opening, merchandise sale or special service offering.

CONSTRUCTION SITE SIGN. A sign that identifies the project, owner or developer, architect, engineer, contractor and sub-contractors, funding sources, and containing related information including, but not limited to, sale or leasing information.

FLAG. A sign made of flexible material having a distinctive size, color, and design used as an identifying symbol or emblem.

FLASHING SIGN. Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color when such sign is in use.

GROUND SIGN. A sign permanently supported by one or more uprights, poles, braces or some other structure placed in the ground surface and not attached to any building.

HIGHWAY ADVERTISING SIGN. An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.

HOME OCCUPATION SIGN. A non-illuminated sign announcing a home occupation, bed and breakfast, or professional service.

IDENTIFICATION SIGN. A sign containing the name of a business operating on the premises where located, the type of business, the owner and/or the street address and setting forth no other advertisement.

ILLUMINATED SIGN. A sign that is purposefully artificially lit.

INFORMATION SIGN. A small, non-advertising sign used to identify architectural features of a land use, such as building entrances, drop boxes, restrooms, handicapped ramps, and similar features.

INGRESS-EGRESS SIGN. A sign adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.

MARQUEE SIGN. A permanent canopy projecting over an entrance and/or window of commercial business structures that may or may not be back-lighted and is capable of having the announcements of events changed in a stationary mode only.

NON-CONFORMING SIGN. A sign lawfully existing on the effective date of the Zoning and Unified Development Code, which does not conform to one or more of the regulations set forth in this Zoning and Unified Development Code.

OFF-PREMISE SIGN. A sign containing a message about a business or profession conducted or a commodity, service, or activity offered other than where the sign is located.

PENNANT. A small, often flexible triangular shaped flag used as a device to call attention to a land use or activity.

PORTABLE OR FREE STANDING SIGN. A sign not permanently anchored or secured to either a building or the ground.

PROJECTING SIGN. A sign, other than a marquee or awning sign, which is affixed to any building or structure which projects so that the message is perpendicular to the wall to which it is attached.

ROOF SIGN. Any sign which is erected or painted above or on the roof of a building. No sign shall extend above the height of the building, wall or structure to which it is attached.

SIGN. Any identification, description, illustration, display, or device, illuminated or non- illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation. SIGN includes all support structures, any permanently installed or situated merchandise or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information, except for window displays and national, state, municipal, and institutional flags.

SIGN FACE. That part of a sign structure which is used to communicate graphically a message or announcement.

SUBDIVISION SIGN. A free standing sign for a subdivision plat, illustrating the plat and indicating the location and/or availability of lots within the plat.

TEMPORARY SIGN. A sign, banner or advertising device with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations.

WALL SIGN. A sign attached directly to or painted upon a building wall which shall not project more than 12 inches from the wall. The exposed face of the sign must be in a plane parallel to the building wall or structure.

(Ord. 253, passed 2-6-95; Am. Ord. 299, passed 10-20-97; Am. Ord. 369, passed 6-5-06)

§ 162.03 DETERMINATION OF NUMBER OF SIGNS.

(A) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(B) A two-sided or multi-sided sign shall be regarded as one sign so long as:

(1) With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and

(2) With respect to double faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.

(Ord. passed 11-2-89, Art. XIII, § 225; Am. Ord. 369, passed 6-5-06)

§ 162.04 COMPUTATION OF SIGN AREA.

(A) The sign face area of a sign shall be computed by including the entire area within a single, continuous perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(B) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.

(C) With respect to two-sided, multi-sided or three-dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information. Without otherwise limiting the generality of the foregoing:

(1) The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

(2) The sign face area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the interior angle of the "V" does not exceed 30° and at no point does the distance between the backs of such sides exceed five feet.

(Ord. passed 11-2-89, Art. XIII, § 226; Am. Ord. 247, passed 9-6-94; Am. Ord. 369, passed 6-5-06)

§ 162.05 PROHIBITED SIGNS.

The following signs shall not be allowed in any district and shall be considered a violation of this chapter:

(A) Signs which are not consistent with the standards of this Zoning and Unified Development Code.

(B) Signs that are not legible, safe, and/or securely affixed to the support structure.

(C) Signs which appear to attempt to regulate, warn, or direct the movement of traffic on public thoroughfares or which interface with or resemble any official traffic sign, signal, or device.

(D) Commercial advertising flags, and all types of banners, pennants, streamers, and devices attached to the ground or buildings, excepting those banners and commercial advertising flags approved under § 162.06(L)(4).

(E) Revolving, moving, or flashing signs.

(F) Signs other than utility company signs affixed to power utility poles or other utility structures or fixtures.

(G) Signs located so as to interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. (See § 158.20.)

(H) Signs which do not relate to an existing business or product or service.

(I) Signs which are illegal under state laws or regulations and applicable local ordinance or regulations.

(J) Signs, except those established, maintained or approved by municipal, county, state, or federal governments, located in, projecting into, or overhead within a public right-of-way or dedicated public easement.

(K) Signs that project above the maximum height limitations of the zoning district in which it is located.

(L) Ground signs in excess of 20 feet in height with the exception of highway advertising signs as defined in § 162.08Footnote 17.

(M) Roof signs.

(N) Off-premise signs that are not allowed in other sections of this chapter.

(O) Off-premise signs that do not relate to activities in or information about property, in the Village of Elk Rapids.

(Ord. passed 11-2-89, Art. XIII, § 222: Am. Ord. 313, passed 5-3-99; Am. Ord. 369, passe 6-5-06)

§ 162.06 SIGNS EXCLUDED FROM ZONING COMPLIANCE PERMIT.

The following signs are permitted without a zoning compliance permit but shall conform to the requirements set forth herein as well as all other applicable requirements of this chapter:

(A) Signs not exceeding six square feet in area that are associated with residential use and that are strictly not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(B) Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification, and information signs or historical markers and traffic, directional, and regulatory signs. Off-premise signs of a non-commercial nature, that are determined to benefit the community and are related to church, non-profit organization and civic group, may be allowed by special approval of the Village Council.

(C) Official signs of a non-commercial nature erected by public utilities.

(D) Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising service.

(E) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

(F) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.

(G) Information signs of a non-commercial nature not exceeding one square foot in sign face area.

(H) Automobile gasoline service stations, including any business selling gasoline, in addition to the principal signs, may attach two other signs, not exceeding 15 square feet in display area, per side, to the column(s) of the sign advertising the price of gasoline or other accessory product sold on the premises, including the advertising of accepted credit cards.

(I) Subject to the requirements of § 162.06(L)(4), one banner or commercial advertising banner or flag.

(J) Street name signs located in accordance with village standards at street intersections, not to exceed one square foot in sign face.

(K) One church announcement or bulletin board sign with a maximum size of 25 square feet, a maximum height of 6 feet and a minimum setback of 10 feet from the edge of right-of-way.

(L) The following temporary signs are permitted without a zoning compliance permit. However, such signs shall conform to the requirements set forth herein as well as all other applicable requirements of this chapter.

(1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Not more than one such sign shall be erected per site. Signs shall not exceed 12 square feet in sign face area in commercial zones or six square feet in sign face area in residential zones and shall be removed within ten days after sale, lease or rental. However, a second sign may be erected on a site having a street frontage width of 660 feet or more as long as the second sign shall not exceed 12 square feet in sign face area and shall be removed within ten days after sale, lease or rental. Off premise, directional type or "For Sale" signage is prohibited. One off premise "Open House" sign shall be allowed with a maximum sign face area of four square feet. Such sign shall be displayed only during the hours of the open house.

(2) Construction site signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information, including but not limited to sale or leasing information. Not more than one such sign, not

exceeding 12 square feet in sign face area, shall be erected per site. In the place of one large sign, up to four individual smaller signs may be erected on the site, upon the condition that each such smaller sign shall not exceed four square feet in sign face area per sign. All such signs shall be removed not later than three days after completion of individual sub-contractor work or demobilization of all construction equipment, whichever occurs first.

(3) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed four square feet in sign face area in a residential district or 16 square feet in sign face area in a commercial or industrial district.

(4) Signs, banners and commercial advertising flags erected in connection with any temporary event are subject to the following requirements:

(a) Not more than one such sign, banner or commercial advertising flag may be located on any single lot of record.

(b) No such sign, banner or commercial advertising flag may exceed 24 square feet in sign face area.

(c) No sign, banner or commercial advertising flag shall be erected and/or displayed more than three days prior to the starting date of a special event and not more than three days after the end of the event. Such signs, banners or commercial advertising flags shall not be displayed longer than 30 consecutive days. The same signs, banners or advertising flags shall not be erected and/or displayed more than three times per calendar year.

(5) Signs for yard sales, estate or auction sales or other similar temporary activity signs not covered in the foregoing categories, so long as such signs meet the following restriction:

(a) Not more than one such sign may be located on any lot. Not more than one off-premise sign shall be allowed.

(b) No such sign may exceed four square feet in sign face area.

(c) Such signs shall be allowed to be displayed only on the days of the event (not to exceed three days) and shall be removed immediately following the event.

(6) Special event off-premise signs that are determined to benefit the community and are not related to a specific individual business, may be allowed by special approval of the Village Council.

(M) Other temporary signs, not listed in division (L) of this section, shall be regarded and treated in all respects as permanent signs.

(Ord. passed 11-2-89, Art. XIII, §§223, 224, 228; Am. Ord. 243, passed 6-20-94; Am. Ord. 247, passed 9-6-94; Am. Ord. 369, passed 6-5-06)

§ 162.07 ZONING COMPLIANCE PERMIT REQUIRED.

Except as otherwise provided in § 162.06, no sign may be constructed, erected, moved, enlarged, illuminated, or altered unless a zoning compliance permit has been issued in accordance with the provisions of this Zoning and Unified Development Code. Repainting shall not be considered an alteration.

(Ord. passed 11-2-89, Art. XIII, § 221; Am. Ord. 253, passed 2-6-95; Am. Ord. 369, passed 6-5-06)

§ 162.08 ALLOWED SIGNAGE TABLES.

The tables set forth in this section summarize the signage allowed by this Zoning and Unified Development Code for each category of land use. To use the tables, refer to the key to the tables and related footnotes set forth in this section:

Key to Tables:

The signage is indicated thus N/A/(F)

Where:

N = The number of signs allowed on a single lot of record.

A = Sign face area allowed, in square feet.

F = The related footnote.

Abbreviations used:

v – Used in place of N to indicate that a variable number of signs is allowed.

ea – Used with A to indicate the area allowed for each sign face where multiple signs are allowed.

T – Used with A to indicate the total sign face area for all signs in the category.

Where no information is presented on the allowed signage tables for the type of sign listed, that sign in that zoning district is prohibited.

SIGN TYPE (§ 162.08)

(Requiring Permit)

District	Highway Advertising Sign	Business Center Sign	Awning Sign	Ground Sign	Home Occupation Sign	Identification Sign	Ingress-Egress Sign	Marquee Sign	Projecting Sign	Portable or Free Standing Sign	Subdivision Sign	Wall Sign
R-1, R-2, R-3 Residential							1/3/(1)					1/16
	1/3/(1)											
RM-L, RM-H Multi-Res.							1/3(1)	1/6/(6)v/4ea				1/16
	1/3/(1)											
RM-MH Mobile Home							1/3/(1)	1/16/(6)	v/4ea			
	1/16											
B-1 Local Business	1/40/(13)	v/7%/(9)	1/20/(13)	1/3/(1)	v/4ea	v/20%/(8)						
	v/6ea/(15)	v/6/(16)	1/16	v/7%/(1)(12)								
B-2 CBD		v/7%/(9)	1/3/(1)	v/20%/(8)	v/6ea/(15)							
	v/6/(16)	v/7%/(1)(12)										
B-3 Commercial Business	1/40/(13)	v/7%/(9)	1/32/(13)	1/3/(1)	1/6/(6)v/4ea							
	v/20%/(8)	v/6ea/(15)	v/6/(16)	1/16	v/7%/(1)(12)							
I-1 Industrial	1/100ea/(17)	1/40/(13)	v/7%/(9)	1/36/(13)	1/6/(6)v/4ea	v/20%/(8)						
	1/16	v/7%/(1)(12)										
P Public		v/7%/(9)	1/36/(13)	1/6(6)	v/4ea							
	v/7%/(1)(12)											

SIGN TYPE (§ 162.08)

(Not Requiring Permit)

District Site Sign	Banner Commercial Advertising Sign/Flag Political Sign	Real Estate Sign	Temporary Event Sign	Flag Information Sign	Yard Sale Sign	Construction Sign
R-1, R-2, R-3 Residential	v/v	v/1ea/(4)	1/12/(2)	v/4ea/(11)	1/6/(5)	1/4/(3)
RM-L; RM-H Multi-Res.	v/v	v/1ea/(4)	1/12/(2)	v/4ea/(11)	1/6/(5)	1/4/(3)
RM-MH Mobile Home	v/v	v/1ea/(4)	1/12/(2)	v/4ea/(11)	1/6/(5)	1/4/(3)
B-1 Local Business	1/24/(7)	v/v	v/1ea/(4)	1/12/(2)	v/16ea/(11)	1/12/(5)
1/24(10)						
B-2 CBD	1/24/(7)	v/v	v/1ea/(4)	1/12/(2)	v/16ea/(11)	1/12(5)
						1/24(10)
B-3 Commercial	1/24/(7)	v/v	v/1ea/(4)	1/12/(2)	v/16ea/(11)	1/12/(5)
1/24(10)						
I-1 Industrial	1/24/(7)	v/v	v/1ea/(4)	1/12/(2)	v/16ea/(11)	1/12/(5)
						1/24(10)
P Public	(14)	v/v	v/1ea/(4)	1/12/(2)	v/16ea/(11)	v/24(10)

Footnotes for table are as follows:

Notes:

1. Shall be attached flat against a building wall.
2. See § 162.06 (L)(2) for specific requirements.
3. See § 162.06(L)(5) for specific requirements.
4. See § 162.06(G).
5. See § 162.06(L)(1) for specific requirements.

6. Such sign may be used to identify the offices of the operator of a mobile home park or the management offices of a multiple housing development.
7. See § 162.06(L)(4) for specific requirements.
8. Marquee sign shall provide for eight feet of clearance above the finished grade or walkway about the building at the sign location. Marquee sign shall not exceed 20% of wall area to which it is attached as determined by the front elevation of the marquee sign projected against the wall.
9. Awning sign shall not exceed 7% of the area of the awning projected against the wall to which the awning is attached as seen in the front elevation. Total sign face area of all of signage attached to a single wall surface will not exceed 10% of the wall surface to which they are attached.
10. See § 162.06(L)(4) and § 162.06(L)(6) for specific requirements.
11. See § 162.06(L)(3) for specific requirements.
12. The percentage indicated is the percent of the area of any single front, rear, or in the case of corner lot, side wall of the building. Such signs are only allowed on a wall which faces onto a street or alley. Total signage of wall, projecting, and marquee signs will not exceed 10% of building wall surface to which they are attached.
13. One ground sign is allowed along each street frontage in the case of lots having frontage on more than one street. One ground sign is allowed per developed legal lot or lot of record, provided that no single business shall have more than one sign per street frontage. Multiple businesses on one or more lots shall utilize a business center sign rather than individual ground signs. (See § 162.09(D).) Ground signs for Planned Shopping Centers shall be designed as an integral part of the development. Signs identifying individual businesses shall be placed on the building or business. Only signs that identify the shopping center and/or are directional in nature shall be allowed adjacent to the public roadway.
14. The use of banners or commercial flags at public facilities shall be as approved by the Village Council.
15. 48 inches maximum horizontally total distance from front of building. Natural wood or natural appearing wood encouraged. Minimum height of 8 feet from bottom of sign to finished grade. One per commercial entrance. (See §162.10(H).)
16. Portable signs are allowed to provide visibility to the merchant or provide current information to the consumer/visitor (such as restaurants "Daily Specials" or menu).

(a) Portable signs in the B-2 Central Business District MUST COMPLY WITH THE CENTRAL BUSINESS DISTRICT SIDEWALK OBSTRUCTION ORDINANCE #262.

(b) Portable sign permits shall be renewed annually by applications (due May 30th) with fee as set by Village Council Fee Schedule resolution.

(c) Portable signs must be taken in during hours of non-operation of the business.

(d) Portable sign size is limited to six square feet, with a maximum height of 48" from the ground or sidewalk. Leg length is not part of sign area determination.

(e) Portable signs are limited to one per business and must be located on or adjacent to the applicant's business property.

17. Off-premise highway advertising signs shall be placed only in the industrial zone as allowed by the state Highway Advertising Act of 1972, Act 106 of the Public Acts of 1972, as amended, being M.C.L.A. §§ 252.301 et seq., provided that the signs do not exceed 20 feet in height and meet the front and side yard setback requirements of the zoning district in which they are located.

(Ord. passed 11-2-89, Art. XIII, §§ 227, 229; Am. Ord. 243, passed 6-20-94; Am. Ord. 247, passed 9-6-94; Am. Ord. 253, passed 2-6-95; Am. Ord. 290, passed 9-16-96; Am. Ord. 299, passed 10-20-97; Am. Ord. 307, passed 6-15-98; Am. Ord. 313, passed 5-3-99; Am. Ord. 369, passed 6-5-06)

§ 162.09 REQUIRED SIGN SETBACKS AND HEIGHT REQUIREMENTS.

(A) Setbacks are subject to the provisions of § 158.20. For the purpose of establishing sign setback requirements from an abutting roadway, the below listed types of signs shall observe a front yard setback as follows:

Sign	Feet
------	------

Business center	10
-----------------	----

Construction Site	10
-------------------	----

Entrance Way	0
--------------	---

Ground sign 10

Information 0

Real Estate 5

Section 162.06(A)(1*)

10

Section 162.06(L) (2*)

10

Highway advertising sign At Front or side yard setback

(1)* Signs allowed by § 162.06(A) having to do with mailboxes and newspaper tubes may be allowed in the street right-of-way.

(2)* Political signs as allowed in § 162.06(L)(3) shall have a zero-foot setback.

(B) No sign may extend above any parapet or be placed or painted upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75° or more from horizontal shall be regarded as wall space. This division shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(C) No wall sign attached to a building may project more than 12 inches from the building wall.

(D) With the exception of highway advertising signs as defined in § 162.02, no part of a ground sign may exceed a height of ten feet as measured from the mean elevation immediately beneath the sign.

(E) No sign need observe a setback greater than the structure setback for the district in which it is permitted.

(Ord. passed 11-2-89, Art. XIII, §231; Am. Ord. 369, passed 6-5-06)

§ 162.10 SIGN ILLUMINATION AND SIGNS CONTAINING LIGHTS.

(A) Unless otherwise prohibited by this Zoning and Unified Development Code, signs may be illuminated in accordance with this section.

(B) No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m.

(C) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(D) Except as herein provided, illuminated signs are not permissible in the residential zoning districts.

(E) Subject to division (G) of this section, illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(F) Subject to division (G) of this section, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.

(G) Divisions (E) and (F) of this section do not apply to temporary signs erected in connection with the observance of holidays.

(H) Projecting signs cannot be illuminated either internally or externally.

(Ord. passed 11-2-89, Art. XIII, § 232; Am. Ord. 243, passed 6-20-94; Am. Ord. 253, passed 2-6-95; Am. Ord. 369, passed 6-5-06)

§ 162.11 NONCONFORMING SIGNS.

(A) Subject to the remaining restrictions of this section and other village ordinances, nonconforming signs that were otherwise lawful on the effective date of this Zoning and Unified Development Code may be continued.

(B) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to increase the nonconforming condition. Nor may illumination be added to any nonconforming sign.

(C) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning and Unified Development Code or as allowed in division (D) below.

(D) If a nonconforming sign is destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Zoning and Unified Development Code, and the remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this section, a nonconforming sign is “destroyed” if damaged to an extent that the cost of repairing the sign to its former stature equals or exceeds the cost to replace the sign so damaged. Detailed written documentation from a recognized professional sign company indicating both the repair and replacement cost of the destroyed sign must be submitted to the Zoning Administrator for final disposition of the destroyed nonconforming sign.

(E) The message of a nonconforming sign may not be changed for any reason, including but not limited to a change in ownership, text, or graphics, unless the sign is brought into complete conformity with this code or the sign is one designed for having its event- or offering-related messages changed from time to time.

(F) Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted. For the purpose of this section, the refacing of a non-conforming sign with new, single or multiple, composite material panel(s), shall not be considered "maintenance" or "repair", but rather shall be considered a new sign requiring the non-conforming sign be brought into complete compliance with the Code.

(G) If a nonconforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted for a period of 180 consecutive days, that sign shall be considered abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over the sign within 30 days after such abandonment.

(H) If a nonconforming off-premise highway advertising sign remains blank for a continuous period of 180 days, that off-premise sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Zoning and Unified Development Code or be removed by the owner of the sign, owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:

(1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

(2) The advertising message it displays becomes illegible in whole or in part.

(I) The Zoning Administrator shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

(Ord. 254, passed 6-5-95; Am. Ord. 369, passed 6-5-06) Penalty, see Ch. 166

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1.800.445.5588.

- **Emmett Charter Township, (Calhoun Co.)**

269-968-0241

Link: www.emmett.org

Auction: Auctioneer No Information given

- **Escanaba**

(906) 786-1194

Link: www.escanaba.org

Auction: Auctioneer:

- **ARTICLE III. - TRANSIENT MERCHANTS**

- **Sec. 20-101. - Definition.**

(a)

A "transient merchant" is any person, firm or corporation, whether as owner, agent, consignee or employee, or whether a resident within the city limits that:

(1)

Engages in a temporary business of selling and/or delivering goods, wares or services or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to participants; or

(2)

Sells, offers or exhibits for sale any goods, wares or services, franchises, distributorships, contracts or business opportunities during the course of or any time within six (6) months after a lecture or public meeting on said goods, wares, services, franchises, business opportunities, contracts or distributorships.

(b)

The foregoing notwithstanding, however, a transient merchant, for the purposes of this section, shall not include the following:

(1)

A person, firm or corporation who shall occupy any of the aforesaid places for the purpose of conducting a permanent business therein; provided, however, that no person, firm or corporation shall be relieved from the provisions of the ordinance by reason of a temporary association with any local dealer, trader, merchant or **auctioneer**, or by conducting such temporary or transient business in connection with or as a part of or in the name of any local dealer, trader, merchant or **auctioneer**.

(2)

A person, firm or corporation exhibiting goods for sale concurrent with and as an adjunct to a group display, meeting or convention duly authorized to be held in a publicly owned building.

(3)

A person who sells his own property which was not acquired for resale, barter or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year.

(4)

Art exhibits, where participating artists sell their original works and which do not contain any sales of art works purchased elsewhere and held for resale, providing said art exhibits are sponsored by a local, responsible organization.

(Ord. No. 753, 11-1-84)

- **Sec. 20-102. - License—Required.**

It shall be unlawful for a transient merchant, as defined in this article, to engage in such business within the city without first obtaining a license therefor in compliance with the provisions of this article.

(Ord. No. 753, 11-1-84)

- **Sec. 20-103. - Application.**

Applicants for license under this article shall file a written application, signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the city clerk, showing:

F

- **Fabius Township, (St. Joseph Co.)**

PH: 269-244-5491

Fx: 269-244-5440

Link: www.fabiustownship.org

Auction: Auctioneer: No information given.

- **Farmington**

ph: 248-474-5500,

Link: <http://www.ci.farmington.mi.us/Default.asp>

Auction: Auctioneer:

- **ARTICLE I. - IN GENERAL**

- **Sec. 6-1. - Auction sale defined.**

"Auction sale," as used in this chapter, means the offering for sale or the selling of personal property to the highest bidder or offering for sale at a high price and then offering the same at successive lower prices until a buyer is secured.

(Code 1977, § 7.98)

Cross reference— Definitions and rules of construction generally, § 1-2.

- **Sec. 6-2. - Continuing auctions.**

Where the license applied for covers a continuing business, the auction sale shall be conducted without reservation.

(Code 1977, § 7.94)

- **Sec. 6-3. - Reports.**

Within ten (10) days after completing any **auction** or sales extending for a period of not more than six (6) days, the applicant shall file in duplicate with the city clerk a listing of all property sold at such sale and the prices received on each separate bid and sale, together with a detailed inventory of all property unsold at the end of such **auction**. In all other cases such listing of sales shall be filed on or before the tenth day of each month to cover all such business for the preceding calendar month.

(Code 1977, § 7.97)

- **Sec. 6-4. - Conditions of sale.**

(a)

In a sale by **auction**, if goods are put up in lots each lot is the subject of a separate sale.

(b)

A sale by **auction** is complete when the **auctioneer** so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the **auctioneer** may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(c)

Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an **auction** with reserve the **auctioneer** may withdraw the goods at any time until he announces completion of the sale. In an **auction** without reserve, after the **auctioneer** calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the **auctioneer**'s announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(d)

If the **auctioneer** knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

(Code 1977, § 7.99)

State law reference— Similar provisions, MCL 440.2328.

- **Sec. 6-5. - False representations.**

It shall be unlawful for any person to sell, attempt to sell or to advertise for sale by **auction** any personal property by falsely representing the whole or a part thereof to be bankrupt or insolvent stock, damaged goods, goods saved from fire or to make any false statements as to the previous history or character of such property.

(Code 1977, § 7.102)

- **Sec. 6-6. - Street sales.**

It shall be unlawful for any person to conduct **auction** sales on any street, sidewalk or other public place.

(Code 1977, § 7.103)

Cross reference— Streets, sidewalks and other public places, Ch. 28.

- **Sec. 6-7. - Hours.**

It shall be unlawful to conduct any **auction** sale except on weekdays between the hours of 8:00 a.m. and 10:30 p.m.

(Code 1977, § 7.104)

- **Sec. 6-8. - Exempt sales.**

The provisions of this chapter shall not extend or apply to the following sales:

- (1)
Sales at public **auction** of personal property consisting of used household goods and other similar items if sold in connection with a so-called "estate sale."
- (2)
Sales under mortgage foreclosure; or sales under direction of a court or court officers;
- (3)
Sales by, on behalf or under the authority of the city, the United States, the state or any political subdivision, branch, board, agency or commission of such governmental bodies;
- (4)
Sales made in pursuance of judgment, decree, order or authority of any court or seizure of any officer;
- (5)
Sales by receivers appointed by law or by a general assignment for the benefit of creditors.

(Code 1977, § 7.105)

- **Secs. 6-9—6-25. - Reserved.**

- **Sec. 6-46. - Required.**

Except as otherwise provided in this chapter, it shall be unlawful for any person to act as **auctioneer** at any **auction** sale of personal property within the city unless and until such **auctioneer** shall have obtained a license from the city clerk in accordance with the provisions of chapter 8.

(Code 1977, § 7.92)

- **Sec. 6-47. - Application.**

Any person desiring to obtain a license as an **auctioneer** in the city shall first make and file with the city clerk an application in writing which shall contain all information required by chapter 8, and in addition thereto the following information:

- (1)
The name of the applicant, his residence, post office address and business place, if any;
- (2)
The place where he intends to conduct such sales if on a continual basis;
- (3)
Whether or not he is to be self-employed for the purpose of selling his own property;
- (4)
If he is to be employed by others on a continual basis, the name and address of his general employer;
- (5)
Whether or not he has a county license.

(Code 1977, § 7.100)

- a)
At the time of filing a permit application under this chapter, the applicant shall execute and file with the city clerk a bond with two (2) individual sureties or a surety company in an amount not less than one thousand dollars (\$1,000.00) nor more than fifty thousand dollars (\$50,000.00) as determined by the city assessor. Such bond shall be approved by the city manager or the city attorney, and it shall run to the city for the use and benefit of any purchaser of property at such **auction** who might have a cause of action of any nature arising from or out of such sale against the **auctioneer** or applicant, or both. The bond is to be further conditioned on the payment by the applicant of all taxes that may be payable by or due from the applicant to or collectable by the city, the county or that may be due to the state or any department or division thereof; the payment of any fines that may be assessed by any court against the applicant or **auctioneer** for violations of this chapter and the satisfaction of all causes of action commenced within one (1) year from the date of any **auction** sale and arising therefrom, provided that the aggregate liability of the surety for all taxes, fines and causes of action shall in no event exceed the sum of the bond.
- (b)
In such bond the applicant and the surety or sureties shall appoint the city clerk to be the agent of the applicant and sureties for the service of process. In the event of such service, the agent on whom such service is made shall within three (3) days after service mail by ordinary mail a true copy of the process served upon him to each party for whom he is served, addressed to the last known address of such party. Failure to so mail a copy shall not, however, affect the court's jurisdiction.
- (c)
Such bond shall also contain the consent of the applicant and surety that the county circuit court or the district court of the city shall have jurisdiction of all actions within their respective jurisdiction, against the applicant or surety or both, arising out of any such sale.
- (d)
The city, the county, any affected school district, the state, or any subdivision thereof, or any person having a cause of action against the applicant arising out of the **auction** sale of personal property may join the applicant and the surety on such bond in the same action, or he may in such action sue either such applicant or surety alone.

- **Farmington Hills**

248-871-2400

Link: www.fhgov.com

Auction: Auctioneer:

- **Sec. 22-47. - Auctioneer's license.**

Except as otherwise provided in this article, it shall be unlawful for any person to act as **auctioneer** at any **auction** sale of personal property within the city until such **auctioneer** has obtained a license from the city clerk in accordance with the provisions of article I of chapter 8.

(Code 1981, § 53.610)

- **Sec. 22-48. - Application.**

(a)

Any person desiring to engage in the business of **auctions** shall at least ten (10) days prior to any single proposed **auction** sale, and at least ten (10) days prior to the opening and commencement of any **auction** business on a continuing or any other basis, file with the city clerk an application in writing duly verified by the applicant. The application shall state the following facts:

(1)

The name, residence and post office address of the person making the application, and if a firm or corporation, the name and post office address of the firm or officers of the corporation, as the case may be;

(2)

The address at which the **auction** sale or sales will be conducted;

(3)

The name, residence and post office address of the **auctioneer** who shall conduct such sale or sales;

(4)

A detailed inventory of all new merchandise to be offered for sale and a valuation thereof;

(5)

A detailed inventory of all other personal property to be offered for sale and a valuation thereof;

(6)

If it is proposed to conduct **auction** sales on any other basis than a single sale of property on hand at the time of application, the applicant shall submit a statement covering the kind and nature of property to be

offered for sale and a fair estimate of the average value of property to remain on hand for sale from day to day;

(7)

If the license applied for covers only the sale or property then on hand the statement shall disclose whether the sale will be with or without reservation;

(8)

All information required under article I of chapter 8.

(b)

Where the license applied for covers a continuing business the sale shall be conducted without reservation.

(Code 1981, §§ 53.620, 53.630)

• **Sec. 22-49. - Auctioneer license application.**

Any person desiring to obtain a license as an auctioneer in the city shall first make and file with the city clerk an application in writing which shall contain all information required by article I of chapter 8, and the following information:

(1)

The applicant's name, residence, post office address and business place, if any;

(2)

The place where the applicant intends to conduct such sales if on a continual basis;

(3)

Whether or not the applicant is to be self-employed for the purpose of selling his or her own property;

(4)

If the applicant is to be employed by others on a continual basis, the name and address of the general employer;

(5)

Evidence of the applicant's reputation as to honesty, fair dealing and good moral character;

(6)

Whether or not the applicant has a county license.

(Code 1981, § 53.670)

• **Sec. 22-50. - Bond.**

(a)

At the time of filing a license application under this division, the applicant or auctioneer shall execute and file with the city clerk a bond with two (2) individual sureties or a surety company in an amount to be set by resolution of the council. Such bond shall be approved by the city manager or the city attorney and shall run to the city for the use and benefit of any purchaser of property at such auction who might have a cause of action of any nature arising from or out of such sale against the applicant or auctioneer or both. The bond shall be further conditioned on the payment by the applicant of all taxes that may be payable by or due from the applicant to or collectable by the city, the county or that may be due to the state or any department or division

thereof; the payment of any fines that may be assessed by any court against the applicant or auctioneer for violations of this article and the satisfaction of all causes of action commenced within one (1) year from date of any auction sale and arising therefrom; provided, that the aggregate liability of the surety for all such taxes, fines and causes of action shall in no event exceed the sum of the bond.

(b)

In such bond the applicant and the surety or sureties shall appoint the city clerk the agent of the applicant and sureties for the service of process. In the event of such service, the agent on whom such service is made shall within three (3) days after service mail by ordinary mail a true copy of the process served upon the agent to each party for whom he or she is served, addressed to the last known address of such party. Failure to so mail the copy shall not, however, affect the court's jurisdiction.

(c)

Such bond shall also contain the consent of the applicant and surety that the circuit court of the county or the district court for the city shall have jurisdiction of all actions within their respective jurisdiction, against the applicant or surety or both, arising out of any such sale.

(d)

The city, the county, any affected school district, the state or any subdivision thereof, or any person having a cause of action against the applicant arising out of the auction sale of personal property may join the applicant and the surety on such bond in the same action or may in such action sue either such applicant or surety alone.

(Code 1981, § 53.640)

- **Sec. 22-51. - Fees.**

The fees for licenses issued under the provisions of this division shall be as prescribed in section 8-23.

(Code 1981, § 53.650)

- **Sec. 22-52. - Renewal.**

All applications for renewals of licenses under this division shall clearly state any changes regarding information contained in the original application, any new conditions that may affect the issuance of a license and any other information the city clerk may request.

(Code 1981, § 53.670)

- **Fenton**

(810) 629-2261

Link: www.CityofFenton.org

Auction: Auctioneer:

- **Sec. 25-39. - Public auction.**

(a)

After authorization by the city manager, the chief of police shall set the date, time and place for a public auction of all property recovered by the police department for which no claim has been made for more than one year.

(b)

The chief of police shall cause a notice of sale containing a general description of items to be sold to be published in a newspaper of general circulation in the city at least two weeks prior to the sale.

(Code 1967, § 2-809)

- **Sec. 25-40. - Claims prior to sale.**

If, prior to the sale, a claim is made by any person of ownership of a particular item which was to be sold at the public auction, such item shall be removed from the items to be sold until the claim can be diligently checked.

(Code 1967, § 2-810)

- **Sec. 25-41. - Auctioneer services authorized.**

The services of a professional auctioneer may be used if this is deemed necessary and desirable.

(Code 1967, § 2-811)

- **Ferndale**

(248) 546 - 2525

Link: www.ferndalemi.gov

Auction: Auctioneer: No information given

- **Flat Rock**

(734) 782-2455 Extension: 6

Fax: (734) 783-0304

Link: www.flatrockmi.org

Auction: Auctioneer: No information given

- Flint

810-766-7416 3116

Link <http://www.cityofflint.com/>

Auction / Auctioneer

Flint, MI Code of Ordinances

CHAPTER 10: AUCTIONS

CHAPTER 10: AUCTIONS

Section

- 10-1 Limitation on sites of auctions
- 10-2 Bidding by owners on property being auctioned
- 10-3 Misleading bidders prohibited; Dutch auctions prohibited
- 10-4 Acts in connection with conduct of auction prohibited
- 10-5 Auctioneer's license required; exception; application; revocation; nontransferable
- 10-6 Same — fees
- 10-7 Bond required
- 10-8 Applicability of State laws as to transient merchants
- 10-9 Sale of silver, jewelry and the like
- 10-10 Same — each item constitutes separate offense
- 10-11 Sale of household furniture, equipment and the like

Statutory reference:

Auctions , see MCLA 446.51 et seq.

§ 10-1 LIMITATION ON SITES OF AUCTIONS .

It shall be unlawful for any person to hold or conduct or aid in holding or conducting any auction or auction sale of any article or thing whatsoever, upon any public street, lane, alley or public place in the City of Flint, or in any room, building, lot or place so situated that the conducting of such auction or auction sale will attract or induce any person or persons to stand or be upon any public street, sidewalk or other public place for the purpose of bidding at such auction or auction sale.

(Ord. 138, passed 12-7-1917)

§ 10-2 BIDDING BY OWNERS ON PROPERTY BEING AUCTIONED .

It shall be unlawful for the owner or for any person acting for the owner of any goods or property sold or offered for sale at any auction in the City of Flint, to make more than one bid at such sale on any article or thing and then only when the right to make such bid is reserved and publicly announced at the time of the opening of any such auction .

(Ord. 138, passed 12-7-1917)

§ 10-3 MISLEADING BIDDERS PROHIBITED; DUTCH AUCTIONS PROHIBITED.

It shall be unlawful for any person to hold or conduct or to aid in holding or conducting any mock auction or by any fraudulent game, device or practice to misrepresent to or mislead any person bidding at any auction sale within the City of Flint, or to conduct any auction or auction sale after the manner of Dutch auctions by offering any property at a price beyond its value then gradually lowering the price or adding other property thereto until someone accepts it as purchaser.

(Ord. 138, passed 12-7-1917)

§ 10-4 ACTS IN CONNECTION WITH CONDUCT OF AUCTION PROHIBITED.

The following acts, omissions and practices in connection with auction sales conducted under this ordinance are hereby prohibited:

- (a) The use of bells, buzzers or any variety of mechanical instrument to attract attention to the sale.
- (b) The use of any false or misleading statement of advertising matter relating to the kind or quality of any goods, wares or merchandise or personal property to be sold or offered for sale.
- (c) The substitution of an unlicensed auctioneer in place of a licensed auctioneer.

(d) The failure of an auctioneer at an auction sale to exhibit an auctioneer's license to any police officer or any City official upon demand at the place where the auction is conducted.

(e) The use of false bidders, "cappers and puffers."

(Ord. 389, passed 6-15-1931; Ord. 463, passed 6-26-1933)

§ 10-5 AUCTIONEER'S LICENSE REQUIRED; EXCEPTION; APPLICATION; REVOCATION; NONTRANSFERABLE.

It shall be unlawful for any person to hold or conduct or aid in holding or conducting as an auctioneer in the City of Flint an auction or auction sale of any real estate or personal property without first obtaining from the City Council a license for that purpose and paying the license fee or fees hereinafter provided; and before any such license shall be granted the person applying therefor shall make an application in writing, giving his name and address and stating whether a license is desired for a period ending April 30 next following the date of the application, or whether such a license is desired for the period of ninety days or less, and such application shall contain an agreement that the license, if granted, shall be accepted on condition that it may be revoked, for a good cause, by the City Council; and no such license will be transferred. No license shall be required for a sale at auction under legal process where such sales are required by law to be made at public auction .

(Ord. 138, passed 12-7-1917; Ord. 328, passed 7-25-1923)

§ 10-6 SAME — FEES.

Any person applying for a license hereunder shall pay to the City Clerk a license fee as specified in Chapter 26 of this code.

(Ord. 138, passed 12-7-1917; Ord. 1066, passed 3-24-1953)

§ 10-7 BOND REQUIRED.

It shall be unlawful for any person to hold or conduct or to aid in holding or conducting as an auctioneer in the City of Flint any auction or auction sale without first executing a bond to the people of the State of Michigan with a surety company authorized to transact business in the State of Michigan as a surety, in the penal sum of \$2,000.00 for the use and benefit of any and all persons claiming damages because of the violation of any of the provisions of the ordinance of which this amendment forms a part, which bond shall contain the conditions that the principal therein will well and faithfully in all things comply with the provisions of said ordinance and pay or cause to be paid all

loss or damage that any and all persons may sustain by reason of the failure of said principal to comply with said provisions. The bond shall be approved by the Chief Legal Officer.

(Ord. 138, passed 12-7-1917)

§ 10-8 APPLICABILITY OF STATE LAWS AS TO TRANSIENT MERCHANTS.

The sale of any goods at auction which are being handled and sold within the City of Flint by transient traders or dealers, as defined by laws of the State of Michigan, shall not excuse the compliance by such transient trader or dealer with the laws of the State requiring the payment of a license fee as a transient trader or dealer.

(Ord. 138, passed 12-7-1917)

§ 10-9 SALE OF SILVER, JEWELRY AND THE LIKE.

It shall be unlawful for any person or persons, firm or corporation, to sell, dispose of or offer for sale in the City of Flint at public auction , or to cause or permit to be sold, disposed of or offered for sale in the City at public auction any gold, silver, plated ware, precious stones, semiprecious or synthetic stones, watches, clocks or jewelry, whether the same shall be their own property or whether they sell the same as agents or employees of others; provided, that this shall not apply to judicial sales or sales by executors, or administrators or to sales by or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law, nor to the sale at public auction of the stock of any person or persons, firm or corporation that shall, for the period of one year last preceding such sale, have been continuously in business in the City of Flint as a retail or wholesale merchant of gold, silver, plated ware, precious stones, watches, clocks or jewelry; provided further, that such sale at public auction of the stock of such merchant or merchants shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than fourteen days and no more than two such sales shall be held within the period of any calendar year.

(Ord. 389, passed 6-15-1931)

§ 10-10 SAME — EACH ITEM CONSTITUTES SEPARATE OFFENSE.

Each separate sale at public auction of any article or articles of gold, silver, plated ware, precious stones, watches, clocks or jewelry in violation of this ordinance shall constitute a separate offense hereunder.

(Ord. 389, passed 6-15-1931)

§ 10-11 SALE OF HOUSEHOLD FURNITURE, EQUIPMENT AND THE LIKE.

It shall be unlawful for any person or persons, firm or corporation to sell, dispose of or offer for sale in the City of Flint at public auction , or to cause or permit to be sold, disposed of or offered for sale in the City at public auction any new, used and secondhand household furniture, kitchenware, stoves, ranges, dishes, rugs, carpets, household equipment and floor coverings of every kind and nature, whether the same shall be their own property or whether they sell the same as agents and employees of others; provided, that this shall not apply to judicial sales or sales by executors or administrators or to sales by or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law, nor to the sale at public auction of the stock on hand of any person or persons, firm or corporation that shall, for the period of one year last preceding such sale, have been continuously in business in the City of Flint as a retail or wholesale merchants of new, used and secondhand household furniture, kitchenware, stoves, ranges, dishes, rugs and carpets, household equipment and floor coverings of every kind and nature; provided further, that such sale at public auction of the stock on hand of such merchant or merchants shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than fourteen days and no more than two such sales be held within the period of any calendar year; provided further, that this shall not apply to sales by warehousemen of storage goods sold by them under their lien by virtue of the statute which said goods were actually in the warehouse in the City of Flint and the storage accrued thereon; provided further, that this ordinance shall not apply to individual householders seeking to dispose of their personal effects and have lived at the address where the sale is conducted for a period of not less than thirty days preceding the date of said sale. This proviso shall not be construed to mean a householder disposing of his personal effects is privileged to do so as a regular means for profit.

(Ord. 463, passed 6-26-1933)

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1.800.445.5588.

- Flint Charter Township, (Genesee Co.)

PH: 810-732-1350

FX: 810-732-0866

Link: www.flinttownship.com

Auction: Auctioneer:

No person shall sell at **auction** drugs in bulk or in open packages unless the sale has been approved in accordance with the laws of the state.

- **Flushing Charter Township, (Genesee Co.)**

Ph: 810-659-0800

Fx: 810-659-4212

Link: www.flushingtownship.com

Auction: Auctioneer:

Sec. 20-402. - Uses permitted.

No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used except for one (1) or more of the following:

(1)

Any use permitted as a matter of right in the C-1 district.

(2)

Business and commercial activities, conducted within an enclosed building only, of a general character of large service activity and normally depending for support on more than a small neighborhood area, including business and commercial activities of the type included in, although not limited to, the following:

a.

Amusement, commercial. Including dance halls, bowling alleys, billiards or pool halls, skating rinks, shooting galleries, games of skill and science, and miniature golf courses.

b.

Art, antique, book, curio, gift, or novelty shop.

c.

Auction or secondhand store.

- **Fort Gratiot Charter Township, (St. Clair Co.)**

PH: (810) 385-4489

FX: (810) 385-9010

Link: www.fortgratiottwp.org

Auction: Auctioneer: No information given

- **Fowlerville**

Phone 517-223-3771

Fax: 517-223-7435

Link: www.fowlerville.org

Auction: Auctioneer:

Transient merchant, itinerant merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the village or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the village, and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in a hotel, lodging house, apartment, shop or any street, alley or other place within the village for the exhibition and sale of such goods, wares and merchandise, either privately or at public **auction**. This definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purposes of securing orders for future delivery only. The person so engaged shall not be relieved from complying

with this article merely because of association temporarily with any local dealer, trader, merchant or **auctioneer** or by conducting such transient business in connection with, as a part of or in the name of any local dealer, trader, merchant or **auctioneer**. Transaction of such business by a person for a period of less than six consecutive months shall be prima facie evidence that such person was a transient merchant under this article.

(Ord. No. 248, § 2, eff. 10-20-1987)

A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the village; the invoice value and quantity of such goods, wares and merchandise; whether the goods, wares and merchandise are proposed to be sold from stock in possession or from stock in possession and by sample, at **auction**, by direct sale or by direct sale and by the taking of orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filed;

Fraser

Ph: (586) 293-3100 Ext. 3

Link: <http://www.ci.fraser.mi.us/>

Auction: Auctioneer:

Sec. 21-43. - **Auction; proceeds; eligibility.**

Property not disposed of in any other manner as provided for in this article shall be sold at **auction**. The proceeds or monies shall be turned over to the treasurer to the credit of the general fund of the city. No person who is an employee of the city or any other law enforcement agency shall be eligible to receive any proceeds or money under this article, if such property were found or delivered to the department of public safety while in the course of employment for same.

- **Fremont**

P: (231) 924-2101

F: (231) 924-2888

Link <http://www.cityoffremont.net>

Auction: Auctioneer

Fremont, MI Code of Ordinances

CHAPTER 16.1. SALE OF TANGIBLE PERSONAL PROPERTY

CHAPTER 16.1.

SALE OF TANGIBLE PERSONAL PROPERTY

§ 16.1-1. Short title.

§ 16.1-2. Purpose.

§ 16.1-3. Definitions.

§ 16.1-4. Prohibition of yard sales.

§ 16.1-5. Exemptions.

§ 16.1-6. Responsibilities of property owner or tenant conducting sale.

§ 16.1-7. Prohibition of sale of vehicles, boats, campers, recreational and other vehicles.

§ 16.1-8. Signs.

§ 16.1-9. Persons responsible for placement of signs.

§ 16.1-10. Right of entry for enforcement and inspection.

§ 16.1-11. Removal of unsafe or unlawful signs.

§ 16.1-12. Public nuisance per se.

§ 16.1-13. Notice of violation.

§ 16.1-14. Penalties.

Sec. 16.1-1. Short Title.

This Ordinance shall be known as and may be cited as the "Sale of Personal Property Ordinance."
(Ord. No. O-04-03, - -04)

Sec. 16.1-2. Purpose.

These rules and regulations are intended to serve the following purposes, among others:

- (a) To protect and promote the health, safety, convenience and general welfare of the residents of the City of Fremont.
- (b) To regulate the sale of tangible personal property within any one area of the City.
- (c) To prohibit the infringement of any businesses into established residential areas.
- (d) To eliminate perpetual, prolonged and extended sales in residential areas.
- (e) To establish time limits and annual frequencies for said sales.
- (f) To limit the type of merchandise to be sold.
- (g) To establish parking and other safety requirements.
- (h) To provide for the regulation of signs for said sales. (Ord. No. O-04-03, - -04)

Sec. 16.1-3. Definitions.

In interpretation of this Ordinance, the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

- (a) "Person" shall mean any private individual, family group, association of individuals, voluntary association, firm, partnership, company, corporation, entity or private organization of any kind, either singular or plural. "Person" shall also include spouse, children, residents of a household or other residents of residential premises.
- (b) "Personal Property" shall mean tangible property that is owned, utilized and maintained by and individual person or the members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment.
- (c) "Yard Sale" shall mean all general sales, open to the public, conducted from or on a residential premise or in any residential zone as defined by Chapter 22 "Zoning", for the purposed of disposing of personal property or other property. The sale shall be for the display for sale, barter, trade or auction , or the sale, barter, trade or auction of or offer to sell, barter, trade or auction any item of personal property from a property, whether inside or outside a building or structure located within the incorporated area of the City of Fremont. This term shall be deemed to include, but not be limited to all sales entitled "garage," "estate," "moving," "auction ," "porch," "yard," "backyard," "lawn," "room,"

"rummage," "driveway," "attic," "patio," "carport," "basement," "tag" and "flea market," and sales of the same nature as the foregoing by whatever name. (Ord. No. O-04-03, - -04)

Sec. 16.1-4. Prohibition of Yard Sales.

No person shall have, hold, cause to be held or permit to be held a yard sale on property within the City of Fremont except a person may have, hold, cause to be held or permit to be held a yard sale only under the following limitations:

- (a) The sale shall not exceed three (3) consecutive days in length.
- (b) No more than two (2) yard sales shall be held by any person or on any particular lot or location in any calendar year.
- (c) Sales shall be conducted only between the hours of 8:00 AM and 6:00 PM local time.
- (d) Personal property offered for sale may be displayed within the residence, in a garage, carport or yard, but only in such areas. No property offered for sale at a yard sale shall be displayed in any public right-of-way, street or alley or on or across any sidewalk.
- (e) All personal property for sale and all sales material, tables, etc. shall be removed from the exterior of the premises within twenty-four (24) hours of the conclusion of the sale. (Ord. No. O-04-03, - -04)

Sec. 16.1-5. Exemptions.

This Chapter shall not be applicable to:

- (a) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) Any sale conducted by any merchant or mercantile or other business, commercial or industrial establishment from or at a place of business as would be permitted by the Chapter 22 "Zoning" of the City Code of Ordinances.
- (d) Persons selling or advertising for sale an item or items of tangible personal property specifically named or described in the advertisement and which separate items do not exceed five in number. (Ord. No. O-04-03, - -04)

Sec. 16.1-6. Responsibilities of Property Owner or Tenant Conducting Sale.

Both the owner as well as the occupant or lessee of the premises on which the sale or activity is conducted under the provisions of Section 4.01 above, shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct or noise on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police, Fire or Public Works Departments of the City of Fremont in order to maintain the public health, safety, convenience and welfare. (Ord. No. O-04-03, - -04)

Sec. 16.1-7. Prohibition of Sale of Vehicles, Boats, Campers, Recreational and Other Vehicles.

(a) No person shall place for sale a vehicle, boat, camper, recreational or other similar vehicle for more than thirty (30) days and for not more that twice in any calendar year.

(b) No person shall place for sale the same vehicle, boat, camper, recreational or other vehicles for more than thirty (30) days in any calendar year.

(c) No more than two (2) of such vehicles shall be advertised as being for sale or be parked on a lot during any calendar year.

(d) No person shall have more than one (1) such vehicle for sale at any given time. (Ord. No. O-04-03, - -04)

Sec. 16.1-8. Signs.

One sign advertising the sale may be placed on the property on which the sale will be conducted. Said sign shall:

(a) Not exceed an area of four (4) square feet.

(b) Be placed no earlier than 6:00 PM on the day before the sale begins and must be removed within one (1) hour of the conclusion of the sale.

(c) Be placed in a location that would not inhibit or obstruct the vision of drivers of vehicles on public streets or entering or exiting driveways or of pedestrians along sidewalks.

(d) Not be illuminated by any artificial means.

(e) Not be placed by any method or means, including but not limited to being taped, wired, glued, tied or in any way affixed:

- (i) On or over any public property.
- (ii) On, over or within ten (10) feet of the edge of any street, alley, sidewalk or similar public right-of-way.
- (iii) On any utility pole, light pole, streetlight, decorative light pole, street name sign, postal box, flagpole, City building or fixture.
- (iv) On any tree or fence, whether on public or private property.
- (v) On any traffic control or safety device, including, but not limited to any sign, signpost, signal control box, signal post, crosswalk signal post, barrel or barricade. (Ord. No. O-04- 03, - -04)

Sec. 16.1-9. Persons Responsible for Placement of Signs.

The installation or placement of temporary signs within the City advertising a yard sale at locations within or outside the City, other than those signs as authorized in Section 8.01 of this Ordinance shall be a violation of this Ordinance. The owner tenant or person in apparent control of the property whereat such sale is being conducted as advertised by signs posted in violation of the provisions of this Ordinance shall be deemed to be prima facie the person responsible for the installation or placement of any such sign. (Ord. No. O-04-03, - -04)

Sec. 16.1-10. Right of Entry for Enforcement and Inspection.

A police officer, code compliance officer, firefighter or any other official designated by any City ordinance or by the City Manager shall have the right of entry to any premises showing evidence of a sale of tangible personal property for the purposes of enforcement or inspection and may close the premises from such a sale or issue a civil infraction citation, or in the case of a police officer, arrest any individual who violates the provisions of this Ordinance.

Sec. 16.1-11. Removal of Unsafe or Unlawful Signs.

(a) If any of the officials authorized in Section 10.01 of this Ordinance determines that any sign regulated by this Ordinance is unsafe or constitutes a hazard to the public, such as obstructing or detracting the vision of vehicle drivers or pedestrians, or has been constructed, erected, installed, placed or maintained in violation of this provisions of this Ordinance, then the official shall remove the sign or require its immediate removal. Failure to comply with a notice of violation by the official shall be deemed a civil infraction and a public nuisance per se as described in Section 12.01 of this Ordinance.

(b) Any sign placed or erected in a public street, alley or right-of-way, or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and any official so authorized in Section 10.01 of this Ordinance shall remove such sign. Such removal may be without written or other notice to the owner, lessee or person of the property adjacent to the public street, alley or right-of-way or other public place upon which such sign is located. No compensation shall be made for the removal or disposal of any such sign. (Ord. No. O-04-03, - -04)

Sec. 16.1-12. Public Nuisance Per Se.

A violation of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and the same may be abated by order of any court of competent jurisdiction. (Ord. No. O-04-03, - -04)

Sec. 16.1-13. Notice of Violation.

A notice of violation of this Ordinance may be served in any manner allowed by law upon the person who has violated provisions of this Ordinance. (Ord. No. O-04-03, - -04)

Sec. 16.1-14. Penalties.

A violation of this Ordinance shall be deemed a civil infraction, and person who violates any provision or provisions of this Ordinance, upon conviction, shall be punished with a fine as established by the Fremont City Council by way of a Resolution from time to time.

(a) Each day that a violation continues shall be considered, and may be charged as a separate offense.

(b) If a civil fine is ordered to be paid under this Section 14.01, the judge, district court referee, or district court magistrate shall summarily tax and determine the costs of the action, which shall not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the City of Fremont has been put in connection with the civil infraction, including attorney fees. (Ord. No. O-04-03, - -04)

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G

- **Gaines Charter Township, (Kent Co.)**

Link

Phone: 616-698-6640

Fax: 616-698-2490

Link: www.gainestownship.org

Auction: Auctioneer: No information given

- **Garden City**

(734) 793-1620

Link: <http://www.gardencitymi.org/>

Auction / Auctioneer

TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: TEMPORARY BUSINESSES AND SALES

CHAPTER 112: TEMPORARY BUSINESSES AND SALES

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TRANSIENT MERCHANTS

§ 112.01 DEFINITIONS.

For the purpose of this chapter, a TRANSIENT MERCHANT, ITINERANT MERCHANT, or ITINERANT VENDOR is any person, firm, or corporation, whether an owner, agent, consignee, or

employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who in furtherance of that purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, tent, public room in hotels, lodging house, apartment, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction . This definition shall not be construed to include any person, firm, or corporation who, while occupying a temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

('83 Code, § 112.01)

§ 112.02 LICENSE REQUIRED.

No transient merchant, itinerant merchant, or itinerant vendor shall engage in business within the city without obtaining a license therefor in compliance with the provisions of this chapter.

('83 Code, § 112.02) Penalty, see § 10.99

§ 112.03 APPLICATION FOR LICENSE.

An applicant for a license under this subchapter, whether a person, firm, or corporation, shall file a written sworn application or form furnished by the City Clerk, signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation. The application shall be filed with the City Clerk, and shall provide the following information.

(A) The full name, permanent residence, and local address, if other than the foregoing, of the applicant.

(B) The name of the firm or corporation represented, if any, together with the address of the central or district office of the firm or corporation.

(C) The address or location of the place within the city at which the applicant proposes to engage in business.

(D) A statement of the nature, character, and quality of the goods, wares, inventory, or merchandise to be sold or offered for sale by applicant in the city, and the invoice value of the goods,

as well as the book value of any furniture, fixtures, machines, or equipment used in connection with the business.

(E) The length of time for which the license is desired.

(F) Whether the applicant has ever held a transient merchant's license within the city, or has applied for a license previous to the present application, together with the years in which any previous licenses were held or applications were made.

(G) Any other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing business as the City Clerk may deem proper to fulfill the purpose of this chapter in the protection of public goods.

(H) The affidavit of the applicant as to the truth of the statements contained in the application, signed by the applicant.

('83 Code, § 112.03) Penalty, see § 10.99

§ 112.04 INVESTIGATION; ISSUANCE.

(A) Upon receipt of an application, the City Clerk shall notify the Chief of Police, who shall cause an investigation of the applicant's business responsibility or moral character to be made as the Chief of Police deems necessary to the protection of the public good. If, as a result of the investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the Chief of Police shall so certify in writing, and a license shall be issued by the City Clerk upon approval of the City Council.

(B) The City Clerk shall keep a full record in his office of all licenses issued. The record shall contain the number of the license, the date that it was issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name or names of the person or persons authorized to carry on the business.

('83 Code, § 112.04)

§ 112.05 LICENSE FEES.

(A) A license fee charged in accordance with the Comprehensive Fee Schedule in Chapter 12 of this Code for various classifications of business shall be collected by the City Clerk before issuing an initial merchant's license. The fees shall be determined according to the principal business of the establishment.

(B) The above license fees shall be in addition to any annual license fees now required by law or ordinance and not in lieu thereof.

('83 Code, § 112.05) (Ord. 79-017, passed 9-4-79)

Cross-reference:

License fees, see Ch. 110

§ 112.06 LICENSE BOND.

(A) Before any license shall be issued under § 112.02, each applicant shall deposit with the City Treasurer a cash bond of not less than \$1,000 and in a sum sufficient to equal the estimated city, county, school, and state tax, if any, which would be assessed against his personal property in the event he remains in business in the city a sufficient length of time to have the property assessed. The applicant shall secure a statement from the City Assessor indicating the estimated total amount of any assessment, and shall present this statement to the City Treasurer with the amount of money required as a result of the statement. The applicant shall furnish the City Assessor with any true and accurate information as shall enable him to make an accurate estimate.

(B) In the event that the personal property used or owned in the business by any transient merchant does, in fact, become subject to assessment and is duly assessed by the City Assessor, and the taxes paid thereon for a period of one year, then the amount of the bond shall be refunded forthwith or credited upon the payment of any taxes, in the discretion of the licensee.

(C) In the event that any transient merchant fails to continue in business for a sufficient length of time so that any personal property shall become subject to assessment and taxes paid thereon for a period of one year, then the cash bond so deposited shall become the property of the city and shall be deposited in the general fund.

('83 Code, § 112.06) Penalty, see § 10.99

§ 112.07 ESTABLISHED BUSINESSES.

Merchants who on September 14, 1970, were already lawfully engaged in business, shall not be required to procure an initial merchant's license as provided in this chapter, it being the intent of this chapter to apply only to the merchants starting in business after that date.

('83 Code, § 112.07)

§ 112.08 POSTING OF LICENSE.

The license issued under the provisions of this subchapter shall be posted conspicuously in the place of business named therein. In the event that the person applying for a license desires to do business in more than one place within the city, separate licenses may be issued for each place of business.

('83 Code, § 112.08) Penalty, see § 10.99

§ 112.09 TRANSFER OF LICENSE.

No license shall be transferred without written consent from the Mayor and Council, as evidenced by an endorsement on the face of the license by the City Clerk, showing to whom the license is transferred and the date of the transfer.

('83 Code, § 112.09) Penalty, see § 10.99

§ 112.10 REVOCATION OF LICENSE.

(A) The permits and licenses issued pursuant to this subchapter may be revoked by the Mayor and Council of the city, after notice and hearing, for any of the following causes.

- (1) Any fraud, misrepresentation, or false statement contained in the application for license.
- (2) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise.
- (3) Any violation of this subchapter.
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
- (5) Conducting the business licensed under this subchapter in an unlawful manner, or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

('83 Code, § 112.10)

PEDDLERS

§ 112.20 PEDDLER DEFINED.

The word PEDDLER, as used in this subchapter shall include any person traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, from house to house, or from street to street; carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions; offering and exposing the same for sale, or making sales and delivering articles to purchasers, or without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this subchapter shall be deemed a peddler. The word PEDDLER shall include the words STREET VENDOR.

('83 Code, § 112.15)

§ 112.21 LICENSE REQUIRED.

No person shall engage in the business of peddling without obtaining a license therefor. No license shall be granted except upon certification of the Chief of Police.

('83 Code, § 112.16) Penalty, see § 10.99

§ 112.22 REGULATION OF PEDDLERS.

(A) No person who operates as a street vendor shall create any undue noise or disturbance by any instrument, horn, bell, radio, electrical appliance, or noise-making device in connection with the solicitation of business, and in no event shall any such instrument be employed for the solicitation of business on the streets of the city before the hour of 8:00 a.m., or after the hour of 8:00 p.m.

(B) No street vendor shall sell or deal in unclean, unripe, or unwholesome food which might be deleterious to health, and no licensee shall stop in any one place longer than is necessary to make a sale, nor in any event shall stop for the purpose of selling or offering to sell any food products within

the distance of 500 feet from any city park or any public, private, or parochial school building, or the lands on which school buildings are located in the city on any days during which the school is in session.

(C) No street vendor shall operate or conduct his business in any public park, public parking lot, or recreational area in the city.

(D) No licensee operating as a street vendor shall transact any business with any child, adult, or any person whatsoever while the person is standing on the street side of any curb; and where there is no curb, no business shall be transacted in the traveled portion of the public highway or five feet on either side thereof.

('83 Code, § 112.17) Penalty, see § 10.99

§ 112.23 INTERFERENCE WITH TRAFFIC PROHIBITED.

No peddler shall engage in peddling on any street, alley, or public place after having been requested to desist by any police officer of the city because of congested or dangerous traffic conditions.

('83 Code, § 112.18) Penalty, see § 10.99

§ 112.24 EXEMPTIONS.

The following shall be exempt from the licensing requirements of §§ 112.20 through 112.23, but shall be subject to the other provisions hereof.

(A) Farmers or truck gardeners selling or offering for sale any products grown, raised, or produced by them, the sale of which is not otherwise prohibited or regulated.

(B) Any person under 18 years of age, when engaged in peddling on foot in the neighborhood of his residence under the direct supervision of any school or recognized charitable or religious organization.

('83 Code, § 112.19)

§ 112.25 SELLING FROM PRIVATE PROPERTY PROHIBITED; EXCEPTION.

No person shall vend, sell, offer for sale, or peddle any vegetables, fruit, farm products, flowers, plants, or any goods, wares, and merchandise whatsoever from trucks, motor vehicles, or portable stands parked or placed on private property adjacent to any public street, highway, or alley; however,

the provisions of this section shall not apply to any person who sells or offers for sale on his own property vegetables, fruit, produce, or other farm-grown products grown or produced on that property.

('83 Code, § 112.20) (Ord. 72-010, passed 6-19-72) Penalty, see § 10.99

SOLICITORS

§ 112.35 SOLICITOR DEFINED.

The word SOLICITOR as used in this subchapter shall include any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house, or from street to street; taking or attempting to take orders for sale of goods, wares, and merchandise, books or magazines, insurance policies of any kind, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future; whether or not the individual has, carries, or exposes for sale a sample of the subject of the sale, and whether he is collecting advance payments on sales or not. This definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The word SOLICITOR shall include the word CANVASSER.

('83 Code, § 112.25)

§ 112.36 LICENSE REQUIRED.

No person shall engage in the business of soliciting within the city without obtaining a license. No license shall be granted except upon certification of the Chief of Police.

('83 Code, § 112.26) Penalty, see § 10.99

§ 112.37 LICENSE APPLICATION; FEES.

(A) The license application filed under the provisions of Chapter 110 of this code shall furnish the following information.

- (1) The name and a description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.

(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(5) The length of time for which the right to do business is desired.

(6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where the goods or products are located at the time the application is filed, and the proposed method of delivery.

(7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(8) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Wayne, State of Michigan, who will certify as to the applicant's good character and business respectability; or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate character and business responsibility.

(9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.

(10) A statement by a reputable physician of the city, dated not more than ten days prior to submission of the application, certifying the applicant to be free of contagious, infectious, or communicable disease.

('83 Code, § 112.27)

(B) (1) The fees for a solicitor's license shall be as specified in Chapter 110 of this Code. No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the Mayor for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. The application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business, and any other information as the Mayor may deem necessary in order to determine the extent, if any, of undue burden on interstate commerce. The Mayor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is

unfair, unreasonable, or discriminatory as to applicant's business; and he shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or if the fee has already been paid, he shall order a refund of the amount over and above the fee so fixed.

(2) In fixing the fee to be charged, the Mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by Chapter 110 of this code. Should the Mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales, and to pay the amount of fee therefor; however, no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in Chapter 110 of this Code.

('83 Code, § 112.28) Penalty, see § 10.99

§ 112.38 EXEMPTIONS.

Persons under 18 years of age, when engaged in soliciting on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization, shall be exempt from the licensing requirements of §§ 112.35 through 112.37, but shall otherwise be subject to the provisions thereof.

('83 Code, § 112.29)

§ 112.39 HOURS OF SOLICITATION.

No person shall engage in the business of soliciting within the city after dusk.

('83 Code, § 112.30) (Ord. 96-005, passed 5-13-96) Penalty, see § 10.99

HANDBILL SOLICITATION

§ 112.50 PURPOSE.

The purpose of this subchapter is to protect the people against the nuisance of the promiscuous distribution of handbills as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience, and necessity require the regulation of handbill solicitation. To that end, the further purposes of this subchapter are specifically declared to be as follows.

(A) To protect local residents against trespassing by solicitors, canvassers, or handbill distributors upon the private property of local residents, if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

(B) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(C) To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency, good morals, and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars, and the right to deliver noncommercial handbills to all who are willing to receive the same.

('83 Code, § 112.35)

§ 112.51 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL HANDBILL. Any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature as follows.

(1) Which advertises for sale any merchandise, product, commodity, or thing.

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales.

(3) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

NEWSPAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law; and any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL. Any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of **COMMERCIAL HANDBILL** or **NEWSPAPER** with the exception of political and religious literature.

OBSCENE. Any material that meets all of the following criteria:

(1) The average individual, applying contemporary community standards, would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(2) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(3) The material depicts or describes sexual conduct in a patently offensive way.

(M.C.L.A. § 752.362)

PRIVATE PREMISES. Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to a dwelling, house, building, or other structure.

PUBLIC PLACE. Any and all streets, boulevards, avenues, lanes, alleys, or other public ways; and any and all public parks, squares, spaces, plazas, grounds, and buildings.

(‘83 Code, § 112.36)

§ 112.52 PROHIBITED DISTRIBUTION.

(A) No person shall deposit, place, throw, scatter, or cast any commercial handbills in or upon any public place within this city; and no person shall hand out or distribute or sell any commercial handbill in any public place; however, it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept the noncommercial handbill. (‘83 Code, § 112.37)

(B) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting, or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same. (‘83 Code, § 112.38)

(C) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. ('83 Code, § 112.39)

(D) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed, or to have any handbills left upon the premises. However, it shall be the duty of the owner, landlord, or person in control of any premises remaining vacant for a period of more than five days to post in a conspicuous position on the premises a sign as is indicated by this section. The term "vacant" as used herein shall not be deemed to include temporary absences from the premises by its regular occupants. ('83 Code, § 112.40)

(E) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any handbill directly to the owner, occupant, or any other person then present in or upon the private premises. However, in case of inhabited private premises which are not posted as provided in this subchapter, the distributor, unless requested by anyone upon the premises not to do so, may place or deposit any handbill in or upon any inhabited private premises, if the handbill is so placed or deposited as to secure or prevent it from being blown or drifted about the premises or elsewhere, except that mailboxes may not be so used when prohibited by federal laws or regulations. ('83 Code, § 112.41)

(F) (1) No person shall distribute, deposit, scatter, hand out, or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front, or back thereof, the name and address of the following.

(a) The person who printed, wrote, compiled, or manufactured the handbill.

(b) The person who caused the handbill to be distributed.

(2) In the case of a fictitious person or club, in addition to the fictitious name, the true names and addresses of the owners, managers, or agents of the person sponsoring said handbill shall also appear thereon.

('83 Code, § 112.42)

(G) No person shall post, hand out, distribute, scatter, or transmit any sign, or any commercial or noncommercial handbill as follows.

(1) Which may reasonably tend to incite riot or other public disorder, or which advocates the overthrow of the government of the United States or of this state by means of any artifice, scheme, or violence, or which urges any unlawful conduct or encourages or tends to encourage a breach of the public peace or good order of the community.

(2) Which is obscene.

('83 Code, § 112.43) Penalty, see § 10.99

§ 112.53 EXEMPTIONS.

The provisions of this subchapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in § 112.51.

('83 Code, § 112.44)

§ 112.54 CERTAIN EXISTING ORDINANCES UNAFFECTED.

The provisions of this subchapter shall not be deemed to repeal, amend, or modify any ordinance either prohibiting, regulating, or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprise or for commercial sales, not covered herein.

('83 Code, § 112.45)

GARAGE SALES

§ 112.60 PURPOSE.

It is the intent of this chapter to regulate the term and frequency of personal property sales within residential areas so that the environment of those areas is not disturbed or disrupted. It will also, in conjunction with Chapter 156, Zoning, prohibit the establishment of businesses in residential areas. It is not the intent of this chapter to seek control of sales by individuals selling a few of their household goods or personal property.

('83 Code, § 99.01) (Ord. 76-014, passed 12-20-76)

§ 112.61 DEFINITION.

BASEMENT SALE, GARAGE SALE, RUMMAGE SALE, or YARD SALE, including similar terms such as ATTIC SALE, FLEA MARKET SALE or LAWN SALE and the like. Any sale of tangible personal property, whether new, used, secondhand, damaged, or discarded, not otherwise regulated in the code, advertised by any means whereby the public at large is or can be aware of the sale.

('83 Code, § 99.02) (Ord. 76-014, passed 12-20-76)

§ 112.62 PERMIT REQUIRED; EXCEPTION.

(A) It shall be unlawful for any person, organization, corporation, partnership, or association of whatever description to conduct, advertise, or promote any sales of new, used, secondhand, damaged, or discarded property of any description whatsoever upon any property, public or private, within the city unless the property is licensed as provided in Chapters 110 and 113 of the code or as further permitted herein. ('83 Code, § 99.03)

(B) It shall be unlawful for any owner, tenant, or lessee of a residence or charitable institution to conduct, advertise, or promote a garage sale unless a permit is obtained as follows.

(1) A written application shall be filed with the City Clerk on forms prescribed by the Clerk and shall contain the following information.

(a) Name and address of the person, association, or organization conducting the sale.

(b) The location at which the sale is to be conducted.

(c) The number of days which the sale is to be conducted within the limits hereinafter prescribed.

(d) A general description of the items proposed to be sold.

(e) The date, nature, and location of any past sale conducted by the applicants.

(2) An affidavit signed by the applicant affirming that the items to be sold are the sole property of the applicant must be filed with the application.

(3) The applicant shall pay the required fee to the City Clerk for the issuance of the sale permit at the time of filing the application.

('83 Code, § 99.05)

(C) An owner, tenant, or lessee of a residence or charitable institution, including churches, schools, and hospitals, may conduct a garage sale upon the premises of his or her residence or the premises of the charitable institution, as hereinafter provided. ('83 Code, § 99.04)

(Ord. 76-014, passed 12-20-76; Am. Ord. 79-015, passed 9-4-79) Penalty, see § 10.99

Cross-reference:

General Provisions, licensing, see Ch. 110

Junk dealers; Secondhand Merchants, see Ch. 113

§ 112.63 CONDITIONS.

Any sale as described in this chapter shall not be conducted for any period in excess of three consecutive days. No permit shall be granted for more than two sales within any 12 calendar months, provided however, that an additional permit may be issued by the City Clerk during the 12-month period if the applicant is in the process of moving into, out of, or within the city. However, the City Clerk may not issue more than one additional permit during the 12-month period for any reason. The permit authorizing the sale shall be displayed in the front window or other prominent place, clearly visible from the street, at each location where a sale is being conducted. The items offered for sale shall not be displayed in the front yards of residences.

('83 Code, § 99.06) (Ord. 76-014, passed 12-20-76) Penalty, see § 10.99

§ 112.64 SIGNS.

(A) One sign may be erected advertising a sale on the premises of the sale. The sign shall not be in excess of four square feet and shall not be artificially illuminated. Two other signs may be erected within the right-of-way, but not including the traveled portion of a main thoroughfare of the city within a half-mile radius of the sale during the period of the sale as hereinbefore provided. Under no circumstances shall any signs be attached to any tree, traffic-control device, street sign, or utility pole on any public right-of-way or land either by nail, screw, wire, cord, or by any manner whatsoever.

('83 Code, § 99.07)

(B) No sign placed for advertising any sale as described herein shall be allowed to remain erected or displayed for a period longer than 24 hours after the sale is terminated. The applicant for the required permit shall be responsible for the removal of all signs within the time limit of this section.

('83 Code, § 99.08)

(Ord. 76-014, passed 12-20-76) Penalty, see § 10.99

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1.800.445.5588.

- **Gibraltar**

PH: 734.676.3900

FX: 734.676.7509

Link: www.cityofgibraltar.net

Auction: Auctioneer: No information given

- **Gladstone**

906-428-2311 x 6

Link: www.gladstonemi.org

Auction: Auctioneer: No information given

- **Grand Blanc Charter Township, (Genesee Co.)**

Phone: (810) 424-2600

'Link: <http://www.twp.grand-blanc.mi.us/>

Auction: Auctioneer:

No person shall sell a drug in bulk or in an open package at **auction**, unless the sale has been approved in accordance with rules of the township board.

- **Grand Haven**

616-842-3210

Link: www.grandhaven.org

Auction: Auctioneer:

- **ARTICLE II. - LICENSE**

FOOTNOTE(S):

--- (2) ---

Cross reference— Licenses generally, Ch. 21.

- **Sec. 8-20. - Required.**

(a)

No person shall own, hold, sponsor or promote an **auction** of any real estate, goods, wares or merchandise of any description within the city until having first procured a license so to do from the city clerk.

(b)

No person shall engage in the business of **auctioneer** to sell or cry off at **auction** any real estate, goods, wares or merchandise of any description within the city until having first procured a license so to do from the city clerk.

(Code 1962, § 3-701)

- **Sec. 8-21. - Application; qualifications.**

No **auction** or **auctioneer**'s license shall be granted to any person under eighteen (18) years of age or to any person not of good moral character as defined in Public Act 381 of 1974 [MCL 338.41 et seq.]. Each applicant shall file with

the city clerk his application therefor. Before issuing a license the clerk may require such further information as he/she deems necessary to determine the character of the applicant.

(Code 1962, § 3-702)

- **Sec. 8-22. - Fee and bond prerequisite to issuance.**

Before any **auction** or **auctioneer**'s license is issued the applicant shall pay to the clerk a license fee as located in the city's fee schedule adopted by city council resolution, and shall execute a bond in the penal sum located in the city's fee schedule adopted by city council resolution with two (2) or more sufficient sureties to be approved by the city attorney, conditioned upon the faithful compliance by the applicant with the provisions of the Charter and this Code and the payment of all penalties which may be recovered against him/her for the violation thereof and upon the faithful accounting to the consignor or owner of the goods entrusted to and moneys received by him/her, and for the protection of any person purchasing goods who shall sustain any damage by unlawful or fraudulent sale by said **auction** owner and or **auctioneer**. Provided, if an **auctioneer** has filed a bond with the county treasurer pursuant to state law, the bond required under this section and located in the city's fee schedule adopted by city council resolution shall be deemed waived. Such waiver is contingent upon the receipt from the county treasurer's office by the city clerk a letter attesting to the fact that the bond has been filed.

- **Sec. 8-1. - Sale restrictions.**

It shall be unlawful for any person to sell, dispose of, advertise for sale, or offer for sale at public **auction** any property of any kind unless such person complies with the following conditions:

- (1)
Such sale shall be conducted by an **auctioneer** duly licensed as herein provided.
- (2)
Such property shall have been on the tax rolls of the city for a period of one year prior to such sale, or comprise the stock of goods of a merchant who has regularly done business in the city for one year continuously prior to such sale.
- (3)
All taxes, plus penalties, which have become a lien under any law or provision of this Code, shall have first been paid.
- (4)
If such sale is a closing-out sale, the statutes and provisions of this Code regulating such sales shall be complied with.
- (5)
No property of any kind shall be added to the goods, wares or stock at any closing-out sale after the inventory is filed, nor shall any property be added within sixty (60) days prior to the commencement of such sale in anticipation thereof.
- (6)
No property which has been struck off to the highest bidder during the course of such sale shall again be offered for sale during such **auction**.
- (7)

No sale of platinum, gold, silver, plated ware, precious or semi-precious stones, watches or other jewelry shall be permitted unless it is a closing-out **auction** and application therefor has been on file with the city clerk for a period of sixty (60) days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, the true name or names, weight, quality and color of any precious or semi-precious stone or stones, together with the name of the manufacturer of such article.

(8)

A sales book shall be kept, signed by the purchaser, showing each sale of any article at the time of purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales and to demand and receive such article at the amount of his/her highest bid.

(9)

No **auction** shall be conducted or contained in the city after 9:00 p.m. of any day excluding Sunday.
No **auction** shall be conducted at any time on Sunday.

(Code 1962, § 3-704)

- **Sec. 8-2. - Prohibited practices.**

The following acts, omissions and practices by **auctioneers** are prohibited:

(1)

The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article;

(2)

The substitution of any article in place of an article bid upon at **auction**;

(3)

The use of false bidders, cappers or puffers;

(4)

The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at **auction**;

(5)

The use of any false or misleading advertising matter, relative to the kind or quality of the goods or to the past history or present status thereof;

(6)

The substitution of an unlicensed person in place of a licensed **auctioneer**;

(7)

The failure to exhibit either an **auction** or **auctioneer**'s license or both to any police officer upon demand at the place where an **auction** is conducted;

(8)

The receipt for sale by **auction** or the sale by **auction** of any licensed **auctioneer** of any goods, wares or merchandise from any minor, knowing the minor to be such.

(Code 1962, § 3-705)

- **Sec. 8-3. - Accounts required.**

Each **auctioneer** shall keep an accurate record of all goods and chattels sold, together with the name and address of the person from whom such goods and chattels were received, which record shall be open to inspection by any police officer or the city clerk at all reasonable times.

(Code 1962, § 3-706)

- **Sec. 8-4. - Sworn statement required.**

(a)

At least five (5) full days before commencing any sale by **auction**, except as specified in [section 8-7](#), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

(1)

Whether the **auction** sought to be conducted is a closing-out **auction**;

(2)

If it is a closing-out **auction**, that the application is made in good faith for the purpose of retiring from business and that all statutes and the provisions of this Code governing closing-out sales have been complied with;

(3)

That the stock of goods, or other property, sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year;

(4)

A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article;

(5)

The place where the **auction** is to be conducted;

(6)

The name of the **auctioneer** who is to conduct the sale;

(7)

The name of the owner of the property for the preceding year;

(8)

The length of time the applicant has been in business in the city and the address of such business;

(9)

That all taxes on such property have been paid;

(10)

That no property other than that listed shall be sold or offered for sale on the premises where the **auction** is being conducted during such **auction** sale;

(11)

That all of the property listed is actually on the premises where the **auction** is to be conducted.

(b)

It shall be unlawful for the **auctioneer** to conduct the **auction** at any place other than that stated in the application, and it shall be unlawful for either the **auctioneer** or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this chapter.

(Code 1962, § 3-707)

- **Sec. 8-5. - Sale inspection.**

The city clerk may appoint an inspector for every **auction** sale conducted in this city, except such as are exempt by the provisions of this chapter, who shall be at all times on the premises while such sale is in progress. The inspector shall be given a copy of the inventory by the city clerk and shall, as each article is sold check such item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of such article, and if the **auctioneer** refuses to comply with such request the inspector may forthwith stop the sale until the **auctioneer** furnishes satisfactory proof that such article was included in the inventory. The owner or **auctioneer** shall pay or cause to be paid to the city treasurer in advance the daily inspection fee located in the city's fee schedule adopted by city council resolution.

(Code 1962, § 3-708)

- **Sec. 8-6. - New goods.**

Whenever any **auction** sale is one of used or secondhand goods, no new goods, wares, merchandise or personal property shall be offered or included at such sale.

(Code 1962, § 3-709)

- **Sec. 8-7. - Household goods.**

The provisions of [section 8-1](#)(2), (3), (4), (5), (6) and (7), and [section 8-4](#) shall not apply to **auction** sales of secondhand household furniture and household goods. The words "secondhand household furniture and household goods," mean household furniture and household goods which have actually been used for house-keeping purposes.

(Code 1962, § 3-710)

- **Sec. 8-8. - Sales authorized by court.**

The provisions of this chapter shall not apply to any sale conducted by any sheriff, constable or other public or court officer, or any person acting under the license, direction or authority of any court.

(Code 1962, § 3-711)

- **Secs. 8-9—8-19. - Reserved.**

- **Grand Ledge**

517-627-2149

Link: <http://www.grand-ledge.com/>

Auction / Auctioneer

City of Grand Ledge, MI

Wednesday, December 24, 2014

Chapter 151. PEDDLING, SOLICITING AND VENDING

§ 151-2. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed:

SALES ACTIVITY

The act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going door to door, house to house, person to person or car to car, or the exchange of goods or services in any other manner related to the vending activity.

SPECIAL EVENT

An organized activity, held on public property, specific to an identifiable place, occurring for a limited period of time and for which appropriate permission has been obtained from the City.

VENDING

The act of offering merchandise for sale from a fixed place not within a building, from a vehicle or from a fixed place in a tent, canopy or similar shelter, not including merchants offering merchandise for sale upon commercial premises permanently occupied by them; and the act of offering merchandise for immediate sale, or for sale by sample, description or otherwise for delivery or sale at a future time, by going from door to door, house to house, person to person or car to car; not including the act of offering merchandise for wholesale to retailers or for resale to manufacturers for use in their processes; also not including regular route delivery persons delivering products.

VENDING LICENSE or LICENSE

A license which allows a person to conduct an approved vending activity within the City, as permitted under this chapter.

VENDOR

Any person engaged in the act of vending as defined herein. For the purposes of this chapter, the terms "canvasser," "drummer," "hawker," "huckster," "itinerant merchant," "itinerant vendor," "peddler," "solicitor" and "transient merchant" shall be included as persons herein defined as "vendors."

§ 151-3. Rules of conduct.

A.

Identification shall be presented by the vendor upon request of any citizen, law enforcement officer, representative of the City or the county.

B.

The vendor's City vending license and state sales tax license shall be displayed at all times by the vendor so as to be conspicuous during the time of the vending operation.

C.

Vending, soliciting or peddling, as defined herein, is prohibited at a private residence prior to 9:00 a.m. and after 9:00 p.m. and shall not be conducted on property zoned commercial, office or industrial under City ordinance after 9:00 p.m. and prior to 9:00 a.m.

D.

Vending is not permitted on property where the owner or occupant thereof has displayed a "no soliciting" or similar sign on such premises.

E.

The proposed vending activity shall not create a fire hazard and may be subject to approval by the Fire Department.

F.

The proposed vending activity shall not create a structural safety hazard and may be subject to approval by the City building official.

G.

The proposed vending activity shall not create traffic circulation and/or parking problems and may be subject to approval by the City Zoning Administrator.

H.

Upon termination of the vending activity, which shall mean cessation of sales activity or expiration of vendor permit, whichever shall come first, all items generated or used by the vending activity shall be removed from the site, including any and all litter, debris, refuse, signs, structures, temporary buildings, display tables, etc., which were related to the vending activity on the site.

I.

The display of goods, merchandise, vehicles, services or other items permitted by this chapter are prohibited upon any public property located within the City, except during a special event in and around the location of the special event, or within the limits of the public road right-of-way of any street or highway located within the City. Tents, canopies, trailers, sales stands and other similar structures and/or shelters relating to the vending activity are also prohibited upon any public property located within the City, except during a special event in and around the location of the special event, or within the limits of the public road right-of-way of any street or highway located within the City.

J.

The use of any sign, banner, flag or similar device intended to attract attention to the vending activity shall be prohibited within the road right-of-way and shall be in compliance with the City sign ordinance.

K.

The display of goods, merchandise, vehicles, services or any other items permitted by this chapter shall be conducted at a minimum setback of 20 feet from the edge of any road right-of-way or from the edge of the property line if said property does not border a roadway. This section shall also apply to tents, canopies or similar shelters, trailers, sales stands or any manner whatsoever of display relating to vending activity.

L.

If the proposed vending activity intends to use a tent, canopy or similar structure and/or shelter, vendors shall be in compliance with all applicable laws, City ordinances and regulations, including but not limited to the City Fire Code.

Editor's Note: See Ch. 108, Fire Prevention, Art. I, Fire Code.

The vendor may be required to obtain a permit for said tent, canopy or similar structure and/or shelter and allow for an inspection by the Fire Department. Any permit fee associated with this section shall be in addition to the vending permit fee of this chapter.

M.

The use of any temporary structure, building, stand, booth, trailer or similar structure shall be prohibited as set forth within the City zoning ordinance.

Editor's Note: See Ch. 220, Zoning.

N.

A vendor, while conducting vending activity, shall remain a minimum distance of 1,320 feet, measured in a straight line, apart from any other vendor on the same side of any roadway.

O.

The use of any portable or vehicle-mounted generator, or any similar portable energy-producing device, shall comply with all applicable City ordinances.

§ 151-4. Vending in City parks.

No vending license shall be issued for vendors in any area controlled by the City Parks and Recreation Commission, unless first authorized, in writing, by the Parks Commission, its authorized agent or the appropriate governmental agency.

§ 151-5. Administration.

It shall be the responsibility of the City Clerk to administer the terms of this chapter.

§ 151-6. Enforcement.

It shall be the responsibility of the Grand Ledge Police Department, the City Administrator, or a City official appointed by the City Administrator to enforce the terms of this chapter. The Grand Ledge

Police Department, City Administrator or City official appointed by the City Administrator shall have the authority to issue cease-and-desist orders immediately upon evidence that a vending activity is being conducted within the City prior to the issuance of a vending license by the City Clerk or that licensed vending activities are occurring in violation of any of the terms of this chapter. In all arrests and prosecutions for violation of this chapter, appearance tickets and the appropriate procedures set forth in Act No. 147, Michigan Public Acts of 1968, as amended, may be used.

§ 151-7. Violations and penalties.

A.

Violation of the provisions of this chapter shall be punishable as a municipal civil infraction as prescribed within the City Code of ordinances.

B.

The City shall hold the legal property owner responsible for the cleanup and/or repair of any property within the City due to debris or damage caused by the vending activity. The property owner shall be notified by certified mail of the City's concerns regarding the cleanup and/or repair of any property due to a vending activity and shall be given 14 days to clean up and/or repair the property to its original condition as documented in the photographs kept on file by the Clerk. If the Clerk determines that sufficient cleanup and/or repair has not commenced within the allotted time, the Clerk shall cause the cleanup and/or repair of the property to commence and shall pay for the cost of same out of the City's contingency fund. The property owner shall be billed for the cost of the cleanup and/or repair. The City may use any means necessary to recover the cost of the cleanup and/or repair from the property owner.

§ 151-8. License required.

No person, either as principal, agent or representative, shall engage in vending as defined in this chapter within the City without first having obtained a vending license in compliance with the provisions of this chapter, except those persons identified under § 151-9.

§ 151-9. Exceptions from license requirement.

Persons identified under this section shall not be required to obtain a vending license under the terms of this chapter. In addition, all fees associated with the granting of such license shall also be waived. It is expected that persons operating in the capacities listed below shall respect the terms of this chapter in good faith and shall otherwise comply with the regulations outlined herein.

A.

No vending license shall be required for those persons operating yard sales, garage sales, bakes sales or other similar types of activities from their own residentially zoned property or from property on which they currently legally reside. These activities must be temporary in nature so as to comply with all applicable City ordinances.

B.

No vending license shall be required to sell produce on the same property on which it was grown. An activity permitted by this subsection must comply with all other applicable City ordinances.

C.

No vending license shall be required for regular route delivery persons, not including ice cream peddlers and similar vendors.

D.

No vending license shall be required for licensed food catering trucks that visit multiple private commercial and/or industrial properties on a daily basis and which remain at each property for no more than 30 minutes on any day. For purposes of this section "multiple" shall mean at least three.

E.

No vending license shall be required for sale of products by charities and nonprofit organizations. The City Council or its designee may require any entity alleged to be a charity or a nonprofit organization to produce a valid IRS Code 501(c)(3) certification.

§ 151-10. Application.

Applicants for a license under this chapter shall submit a verified written application on a form to be provided by the City Clerk containing the following information:

A.

The applicant's name, date of birth, social security number, driver's license number, address, vehicle description, license plate number, home and work phone number.

B.

If the applicant intends to have persons other than himself participate in the proposed vending activity, a list of such persons, including the information listed above, shall also be submitted to the City Clerk prior to the approval of the vending license.

C.

The name of the business represented, if different than the applicant, together with the address of the business, phone number and name of the owner or representative for the service of legal process.

D.

A description of the nature of the business represented, indicating the goods to be sold, method of delivery, structure to be used, parking available, date the permit is desired, hours of operation, location and the name and phone number of the property owner.

E.

If a lot, tent, canopy or similar shelter is to be used, or if a vehicle is to be placed upon property that is not owned by the applicant, the name, phone number and signature of the legal owner of the property shall be provided on the application.

F.

The names, addresses and phone numbers of three local references. If the applicant has never lived or done business within the City, then references from where the applicant lives or has done business may be used.

G.

A statement as to whether or not the applicant has ever had any occupational license revoked by any other municipal authority. If so, the name of the municipality and the circumstances of the revocation shall be submitted.

H.

The signature of the applicant acknowledging his understanding of the regulations contained within this chapter and acknowledging that failure by the applicant to comply with any of these regulations may result in revocation of the vending license.

I.

The signature of the property owner granting permission for the proposed vending activity and acknowledging his understanding that the City shall hold the property owner responsible for the cleanup and/or repair of the site to its original condition prior to commencement of the vending activity, as established in § 151-7B.

J.

The applicant shall also submit a copy of his valid current state sales tax license or, if exempt, a copy of a current exemption certificate for all goods or services sold other than nonprepared food for human consumption.

K.

If prepared food for human consumption is to be sold, the applicant shall submit a copy of the certificate of approval issued by the Barry-Eaton District Health Department.

§ 151-11. Investigation of applicant.

A.

Upon receipt of an application, the City Clerk shall cause an investigation of the applicant to be made, which is intended to ensure the protection of the public health, safety and welfare.

B.

The investigation of the applicant may include the following:

(1)

Verification of the applicant's identification, driving record and criminal history by the sheriff's department.

(2)

Contact with the references listed on the application for background information regarding the applicant.

(3)

Review of the proposed vending activity by the Fire Department, Building Official and Zoning Administrator.

(4)

Verification of the property owner's consent for the applicant to operate the proposed vending activity.

C.

The City Clerk may contact any other source deemed necessary by the Clerk to help determine the applicant's business responsibility and/or criminal history.

D.

The City Clerk, or his or her designee, shall photograph the location of the proposed vending activity. The photograph is for the purpose of documenting the condition and appearance of the subject property prior to the establishment of the vending activity.

§ 151-12. Application and renewal fee.

Before considering any application submitted in accordance with the requirements of this chapter, a nonrefundable fee shall be collected by the City Clerk, except from those persons exempt from the license fee as identified by §§ 151-9 and 151-13, in order to defray the cost of the investigation of the applicant as mandated by § 151-11. The application fee shall be set from time to time by the City Council by resolution. There shall be two fees established, one being an application fee and the other being a renewal fee. The renewal fee shall be charged to renew any vending license for the same applicant to conduct the same activity at the same site within six months of the issuance of the original license. In all other instances, the full application fee shall be charged for the investigation of the applicant as mandated by § 151-11.

§ 151-13. Exemptions from license fee requirements.

Persons identified under this section shall be required to obtain a vending license under the terms of this chapter. However, all fees associated with the granting of such license shall be waived.

A.

Any persons operating a vending activity, as defined herein, by attempting to solicit sales of goods, wares or merchandise thereafter to be transported to the customer in interstate commerce.

B.

Any person obtaining a vending license as the duly authorized representative or agent of any political group seeking funds or membership.

C.

Veterans who have been issued a vending license under State of Michigan Act 359 of 1921, as amended.

§ 151-14. Issuance, display and denial of license; appeal process.

A.

If, as a result of the Clerk's investigation, the business responsibility and/or criminal history of the applicant are satisfactory, the Clerk shall approve the license and issue a certificate bearing the words "licensed vendor" and the signature of the City Clerk or Deputy Clerk. The license and certificate shall be issued within 10 business days from the day the application was originally filed. The certificate shall also stipulate the period for which the license is valid and the license number. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.

B.

If, as a result of the Clerk's investigation, the business responsibility and/or criminal history of the applicant are unsatisfactory, the Clerk shall deny the application within 10 business days from the day the application was originally filed. The Clerk shall notify the applicant, in writing, of the specific reason(s) why the application was denied. The notice shall be sent by certified mail, return receipt requested, postage prepaid, to the address as stated on the application.

C.

The denial of the license by the Clerk may be appealed to the City Council, if so desired by the applicant, provided that a written request to appeal is filed with the Clerk within 20 days of the receipt of license denial. A failure to file a request for appeal within 20 days shall be deemed to constitute a waiver of appeal. Upon proper filing of a timely request for appeal by the applicant, the Clerk shall take the appropriate steps necessary to place the applicant's appeal on the next City Council agenda. The City Council shall deny, approve or approve with conditions the application as determined by the board to be in the best interests of the public health, safety and welfare.

D.

If, after an appeal to the City Council, the application is approved, the Clerk shall issue a certificate bearing the words "licensed vendor" and the signature of the City Clerk or Deputy Clerk. The license and certificate shall be issued on the next business day following the City Council meeting. The

certificate shall stipulate the period for which the license is valid, the number of the license and shall note any special conditions the board may have attached to the issuance of the license. The certificate shall be displayed by the vendor so as to be conspicuous during the time of the vending operation.

E.

If the City Council denies the application, the City Clerk shall notify the applicant thereof, in writing, by certified mail, return receipt requested, postage prepaid, sent to the address as stated on the application with a statement of the specific reason(s) for denial. Any decision made by the City Council shall be final.

§ 151-15. Transferability of license.

No vending license issued to any person under the provisions of this chapter shall be used by any person other than the person to whom it was issued.

§ 151-16. Term, number and filing of licenses.

A.

Term. Vending licenses shall be valid for a maximum of 15 consecutive days from the day the license was originally issued, except as provided by § 151-17G.

B.

Number per persons and property. No more than two fifteen-day vending licenses shall be issued to the same person, firm, corporation or other entity, including any agent or representative thereof, and vending shall not be allowed to be conducted upon property zoned commercial, office or industrial under City ordinance for longer than the terms of two fifteen-day vending licenses within a one-year time period. The prescribed fee shall be required to be paid for each license, as determined by § 151-2.

C.

Number per site. No more than one license may be issued for the same site for the same time period by the City Clerk. The issuance of more than one license for a site shall be as determined by the City Council. The following criteria shall be used by the City Council to reach its decision:

(1)

Size and location of site.

(2)

Availability of parking.

(3)

Type of vending activity.

(4)

Hours of operation of the vending activity.

D.

Copies to be filed. A copy of the vending license application and a copy of the state sales tax license issued by the county treasurer shall be mailed to the registration section of the State Department of Treasury by the City Clerk within 10 days of the issuance of the vending license.

§ 151-17. Suspension and revocation of license.

A.

The City Clerk may suspend any license issued under the provisions of this chapter upon evidence being presented to the Clerk alleging any of the following:

(1)

A violation of any of the regulations or provisions outlined within this chapter.

(2)

Fraud, misrepresentation or false statement contained in the application for the license.

(3)

Fraud, misrepresentation or false statement made in the course of carrying on the vending activity.

(4)

Conviction of a felony.

(5)

Operation of the vending activity in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the public health, safety and welfare.

B.

The City Clerk shall notify the sheriff's department of the suspension and request that a certified letter drafted by the Clerk, notifying the licensee of his license suspension with a statement of the specific reason(s) for same, be immediately hand-delivered to the licensee by the sheriff's department.

C.

Upon notice of license suspension by the City Clerk, all vending activity on the site must cease immediately. If the person aggrieved by such action fails to contact the City Clerk within five days from the day of the license suspension, the vending license shall be revoked.

D.

The person aggrieved by the suspension of the license shall have the right to a hearing before the City Council, provided that a written request thereof is filed with the City Clerk within five days of the receipt of the notice of license suspension. The hearing shall be conducted at the next City Council meeting.

E.

The City Council shall, after the holding of a hearing, reinstate, reinstate with conditions or revoke the vending license. Any decision made by the City Council shall be final.

F.

Upon revocation of the license, the fee therefor shall not be refunded.

G.

If the license is reinstated by the City Council, the aggrieved licensee shall be credited with the number of days during which the license was suspended, such that the licensee will not lose any business days permitted by the issuance of the original thirty-day license.

H.

No person whose vending license has been revoked shall be eligible to receive another vending license to do business within the City for two years from the date of license revocation.

- **Grand Rapids**

616.456.3000

Link: www.grcity.us

Auction: Auctioneer:

Sec. 1.514. - Personal Property Not Needed for Any Municipal Use.

If any Department, Division, Agency or Commission has personal property not needed, it shall certify such fact to the Purchasing Agent. Unless such property is needed by another branch or agency of the City, it shall be sold by the Purchasing Agent. Where the property involved has a value of five hundred dollars (\$500.00) or less, no bidding shall be necessary, but the Purchasing Agent shall seek to sell the same for the highest price. If the property is worth more than five hundred dollars (\$500.00), it shall be sold to the highest and best bidder in the same manner as for a purchase or by public **auction**.

Assembly and Fundraising Activities. Assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows) and fundraising activities (e.g. car washes, bake sales, **auctions**) that benefit a community service group or non-profit organization are permitted in mixed-use commercial and residential Zone Districts and on properties approved for an educational or institutional use, subject to the following requirements:

- **Grandville**

(616) 531-3030

Link: <http://www.cityofgrandville.com/>

Auction: Auctioneer:

Sec. 12-2. - License required.

- (a)
- No person shall:
- (1)
Commence a business within the city without first obtaining a license pursuant to this chapter.
 - (2)

Conduct within the city an **auction** of any goods, wares, merchandise, or services without first obtaining a license pursuant to this chapter.

- **Green Oak Charter Township, (Livingston Co.)**

PH: (810).231.1333

FAX: (810).231.5080

Link: www.greenoaktwp.com

Auction: Auctioneer: No information given

- **Greenville**

(616) 754-5645

Link: www.greenvillemi.org

Auction: Auctioneer:

Sec. 10-188. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale means a sale of used household effects and personal property, appliances, clothing, china, glassware, tools, toys, garden implements, recreational equipment and other such items by a person from his residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence. The term "garage sale" also means an estate sale and/or **auction** conducted at or around a residence or in a residential subdivision. The term "garage sale" shall not mean the sale of a single automobile by means of a "For Sale" sign in the window of such vehicle parked at or near the residence.

Sec. 30-34. - Application.

Applicants for a permit under this article shall file with the city clerk an application containing the following information:

(1)

The name or names of the person or persons having the management or supervision of business during the time it is proposed to be carried on in the city; the local address or addresses of such person or persons while engaged in such business; the capacity in which they will act; the name and address of the

person for whose account the business will be carried on, if any; and if a corporation, the laws of the state in which the same is incorporated.

(2)

Fingerprints of the person having the management or supervision of the applicant's business.

(3)

The place or places in the city proposed to carry on the business; the length of time during which it will be conducted; the place or places, other than the permanent place of business of the applicant, where the applicant within six months next preceding the date of this application has conducted a transient business, stating the nature of such business, and the giving the address of any building or office in which the business was conducted.

(4)

A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale; the invoice value of the goods, wares and, merchandise; whether the same are to be sold from stock in possession, by sample, at **auction**, by direct sale or by taking orders for future delivery; where the goods or products proposed to be sold are manufactured or produced, and where such goods or products are located at the time the application is filed.

- **Grosse Pointe**

(313) 885-5800

Link: www.grossepointecity.org

Auction: Auctioneer:

- No person shall conduct or engage in the public selling, or any **auctioneering**, public or private, of furniture in the city on the first day of each week, commonly called Sunday; provided, that the provisions of this section shall not be applicable to any person who conscientiously believes that the seventh day of the week, from sunset Friday to sunset Saturday, shall be observed as the Sabbath and actually refrains from performing secular business or labor on that day.

(Code 1980, § 9.121)

- **Sec. 18-27. - Permitting use of premises for sales.**

No person shall allow premises in the city of which he is in possession be used for the public selling, or any **auctioneering**, public or private, of furniture on the first day of each week, commonly called Sunday; provided that the provisions of this section shall not be applicable to any person who conscientiously believes that the seventh day of the week, from sunset Friday to sunset Saturday, should be observed as the Sabbath and actually refrains from performing secular business or labor on that day.

(Code 1980, § 9.122)

- **Grosse Pointe Shores**

Phone: (313) 881-6565

Fax: (313) 881-2622

Link: www.gpshoresmi.gov

Auction: Auctioneer: No information given

- **Grosse Pointe Woods**

313-343-2440

Link: www.gpwmi.us

Auction: Auctioneer: no information given

- **Groveland Township, (Oakland Co.)**

PH: (248) 634-4152

Fax (248) 634-1351

Link: www.grovelandtownship.net

Auction: Auctioneer: No information given

- **Gun Plain Charter Township, (Allegan Co.)**

Phone: 269.685.9471

Fax: 269.685.5169

Link: www.gunplain.org

Auction: Auctioneer: No information given

- **Hancock**

PH: 906.482.2720

FX: 906.482.7910

Link <http://www.cityofhancock.com/>

Hancock, MI Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 114: TRANSIENT MERCHANTS

CHAPTER 114: TRANSIENT MERCHANTS

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§ 114.01 DEFINITION.

For the purpose of this chapter, TRANSIENT MERCHANT includes any individual, whether principal, agent, or employee, who engages in, does or transacts any temporary or transient business in this city, either in one location or by moving from place to place in the city selling goods, wares, services or merchandise, and whether or not for the purpose of carrying on such business such individual hires, leases, occupies or uses a building, structure, vacant lot, place or vehicle for the exhibition and sale of such goods, wares, services and merchandise.

(Ord. 62, passed 10-5-55)

§ 114.02 EXCEPTIONS.

(A) The terms of this chapter shall not be held to include the acts of persons selling personal property at wholesale to dealers in such articles, nor to newsboys, nor to apply to any farmer or truck gardener who shall sell, vend, or dispose of any agricultural products of the farm or garden occupied and cultivated by him.

(B) Nothing contained in this chapter shall be held to prohibit any sale required by statute or by order of any court, or prevent any person from conducting a bona fide auction sale pursuant to law. The provisions of this chapter shall not apply to the acts of persons selling products produced, grown or manufactured by their own labor.

(Ord. 62, passed 10-5-55)

LICENSE; FEES

§ 114.15 LICENSE REQUIRED.

It shall be unlawful for any transient merchant to operate within the city without first having obtained a license from said city for that purpose, and having paid the license fee therefor, as hereinafter provided and prescribed.

(Ord. 62, passed 10-5-55) Penalty, see § 114.99

§ 114.16 APPLICATION.

Any person desiring to obtain a license for the aforementioned purpose shall make application therefore to the City Clerk. Said application shall be in writing, shall state the name and permanent address of the applicant, the length of time the applicant expects to continue in said business in the city, the article or articles to be offered for sale, and any other information which may be required by

the Clerk. If acting as the agent of any person, corporation or firm in the sale of such articles, the applicant shall also state address and name of such principal.

(Ord. 62, passed 10-5-55)

§ 114.17 FEES; COLLECTION.

(A) Before a license is issued as authorized by this ordinance, each applicant shall pay a fee to the City Clerk in accordance with the following schedule:

Length of Time	Fee
One day, or fraction thereof	\$ 10
One week	50
One month	150

(B) The City Clerk shall collect the appropriate fees as herein provided before issuing the license or licenses, and shall maintain a separate list of all the fees collected under the terms of this ordinance, and shall deposit and properly account for such fees with the City Treasurer.

(Ord. 62, passed 10-5-55)

§ 114.18 ISSUANCE.

Upon receipt of the application provided for in the preceding section and upon the payment of the appropriate fee according to the schedule hereinafter provided, the City Clerk shall issue to such applying person a Transient Merchants License for the dates therein specified; said license shall show on its face the information required in the application, the dates of issue and expiration, and shall be signed by the Mayor and countersigned by the City Clerk. Nor license shall be issued for a period greater than one month, nor shall any license be transferable or assignable in any way.

(Ord. 62, passed 10-5-55)

§ 114.19 BUSINESS HOURS.

All persons licensed under this chapter shall transact such business between the hours of 9:00 a.m. and 6:00 p.m. only, and on the day or days only for which the license is issued. No license shall ever be issued for a Sunday.

(Ord. 62, passed 10-5-55) Penalty, see § 114.99

§ 114.20 CARRYING LICENSE.

Persons licensed pursuant to this chapter shall carry said license (or evidence of having paid for same) at all times when engaged in the business for which said license is issued, and shall display said license (or evidence of having paid for same) upon demand of any adult resident of the city. Failure to display such license (or evidence of having paid for same) when requested shall be deemed a violation of this chapter.

(Ord. 62, passed 10-5-55) Penalty, see § 114.99

§ 114.21 REVOCATION OR SUSPENSION.

Any license granted and issued under this chapter shall be upon the express condition that it may be suspended or revoked by the Mayor whenever in his judgment it is for the best interest of the community to do so, having in mind the welfare, safety and/or revocation shall not be effective until the licensee is informed of such action by an authorized officer or agent of the city.

(Ord. 62, passed 10-5-55)

§ 114.99 PENALTY.

Any person who comes within the definition of the words "transient merchant" as herein used, designated and intended by this chapter, and who violates any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine of not more than \$100, or imprisonment in the county jail for a term not exceeding 60 days, or both such fine and imprisonment, at the discretion of the court, together with the costs of prosecution. Each day or part of a day that any person shall violate any provision of this chapter shall be considered a separate offense.

(Ord. 62, passed 10-5-55)

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- **Hamtramck**

(313) 876-7700

Link <http://www.hamtramck.us/>

Auction / Auctioneer

Hamtramck, MI Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 117: PUBLIC SALES

CHAPTER 117: PUBLIC SALES

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AUCTIONS

§ 117.001 RESTRICTIONS ON ITEMS OFFERED.

It shall be unlawful for any person or persons, firm or corporation to sell, dispose of, or offer for sale in the city at public auction , or to cause or permit to be sold, disposed of or offered for sale in the city at public auction any gold, silver plated ware, precious stones, watches, clocks or jewelry, whether the same shall be their own property or whether they sell the same as agents or employees of others. This shall not apply to judicial sales or sales by executors or administrators or to sales by or on behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law, nor to the sale at public auction of the stock on hand of any person or persons, firm or corporation continuously in business in the city as a retail or wholesale merchant of gold, silver, plated ware, precious stones, watches, clocks or jewelry. The sale at public auction of the stock on hand of a merchant or merchants shall be held on successive days, Sundays and legal holidays excepted and shall not continue for more than 30 days in all within the period of one year.

(Ord. 89, passed 7-23-1929) Penalty, see § 117.999

§ 117.002 LICENSE REQUIRED.

No persons or persons shall follow or engage in the business or occupation of an auctioneer within the city without first securing a license from the City Clerk.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.003 CITY CLERK AUTHORIZATION.

The Clerk of the city is hereby authorized to license any person or persons of good character who desire to sell personal property at public auction in the city at a place to be named in his or her license, upon application being made in writing to the City Clerk for a license and upon the payment by the person or persons and each of them, to the City Treasurer of the city of the sum of \$100 and upon the execution of a bond to the city in the sum of \$1,000 with two sureties who shall be freeholders, or a surety company bond in the sum of \$1,000 to be approved by the City Attorney, the bond to be conditioned for the faithful observance of the regulations of this city.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.004 LICENSE FEE.

Every license so granted shall expire on the April 15 following the date of issue. In no case shall a license be issued for a fee of less than \$100 even though it be wanted for a period of less than one year.

(Ord. 90, passed 3-25-1930)

§ 117.005 APPLICATION.

Every person desiring to obtain a license as an auctioneer shall make an application in writing to the City Clerk, setting forth in the application his or her name, place of residence, place of business and the name and address of his or her sureties and thereupon the City Clerk may issue, or cause to be issued a license to the applicant authorizing the applicant to act as an auctioneer at the place mentioned in the license in accordance with the provisions of this subchapter for the during the period of the license.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.006 SALES PROHIBITED WITHOUT LICENSE.

No person or persons shall sell, or attempt to sell at public auction in the city any personal property (except under and by virtue of legal process, or under and by virtue of a mortgage) without first having obtained a license therefor as herein required.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.007 RETURN OF PURCHASED GOODS.

The purchaser at any auction sale of any personal property shall have the right to return it to the auctioneer at any time within five days after the date of the sale if the personal property be not of the quality represented to him or her, and the auctioneer shall return to the purchaser the price of the article; and the bondsmen of the auctioneer shall be liable for the return to the purchaser of the purchase price; and it is hereby provided that if it shall be made to appear, to the satisfaction of the City Council, that the place of sale, or the place of business, of any auctioneer shall have been closed at any time during the five days, for the purpose of avoiding any offer to return any article so sold, the City Council shall revoke the license of the auctioneer.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.008 SIGN POSTED.

(A) It shall be the duty of every person licensed under this subchapter to post in a conspicuous place so that it can be readily seen a sign or placard containing the information in § 117.007. The sign shall be printed in 14-point linwood type and prepared and furnished by the City Clerk free of cost.

(B) The place of posting the sign shall be designated by the Chief of Police, or some member of the Police Department designated by him or her, and it shall be the duty of every auctioneer, his or her agents and employees, to maintain the placard or sign as herein provided in the place designated.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.009 INDUCED SALES AND SUBSTITUTIONS PROHIBITED.

No auctioneer, his or her agents or employees, shall offer for sale at auction any article, and induce its purchase by any bidder, and afterward substitute any article in lieu of that offered to and purchased by the bidder.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.010 BOOSTING OR CAPPING PROHIBITED.

No person operating a public auction , by virtue of a license issued as herein provided, shall permit or allow any person or persons to remain in or upon the premises wherein the public auction is being conducted to engage in the practice of boosting or capping, or assist or take part in the practice of any fraud of any kind, nature or description, or to misrepresent the quality or description of any article or thing offered to be sold.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.011 FALSE REPRESENTATIONS PROHIBITED.

(A) No auctioneer or person being present when any personal property is offered for sale, shall knowingly, with the intent to induce any person or persons to purchase the same, or any part thereof, make any false representation or statement as to the ownership of or the character or quality of the property offered for sale, or as to the property or circumstances of the owner or pretended owner of the property.

(B) No auctioneer or any of his or her agents or employees shall sell, or attempt to sell by auction , or advertise for sale any goods, wares or merchandise falsely representing or pretending that the goods, wares, or merchandise are in whole or in part a bankrupt or insolvent stock, or damaged

goods, or goods saved from fire, or make any false statement as to the previous history or character of the goods, wares or merchandise. Every person convicted of violating the provisions of this section shall, in addition to the penalty provided in § 117.999, be liable in an action of contract to any person purchasing any goods, wares or merchandise because of the representation or statement, in an amount equal to three times the amount paid therefor; and if the false representation is made by the auctioneer or by any person with the auctioneer's knowledge and consent or connivance, the license of the auctioneer shall be revoked.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.012 GOODS FROM MINOR PROHIBITED.

No auctioneer shall receive for sale by auction any goods from a minor.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.013 DOWN HILL SELLING PROHIBITED.

Selling at auction under this subchapter shall mean the offering for sale or selling of personal property to the highest bidder; or offering for sale or selling of the property by the method known as DOWN HILL SELLING. By DOWN HILL SELLING is meant the first offering of any article at a high price and then offering the same at successive lower prices until a buyer is secured.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.014 AUCTION LOCATION PROHIBITIONS.

No personal property shall be sold at auction , or exposed for sale, by any auctioneer in any street, avenue, alley or public place in the city.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.015 NOISE RESTRICTIONS.

No bellman or crier, nor any drum or fife, or other instrument of music, nor any show signal, or means of attracting the attention of the public, other than a sign or flag, shall be employed, or suffered or permitted to be used in connection with any auction sale at or near any place of the sale, or at or near any auction room.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.016 HOURS OF OPERATION.

No person or persons shall operate a public auction or sell goods at public auction , within the meaning of this subchapter, except on weekdays between the hours of 8:00 a.m. and 9:00 p.m.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.017 RECORDKEEPING.

Every person licensed under the provisions of this subchapter shall, at the place of business named in the license keep a book in which shall be written in ink at the time of the purchase, or at the time of the selling of any personal property a description thereof, the name, age, address and personal description of the person or persons from whom the purchase was made, and the name and address of the person to whom the sale is made, also the day and hour of the purchase or sale. The book shall at all times be open to public inspection. Every licensee shall make out and file with the City Clerk, before 10:00 a.m. each day, a report of all sales made and the name and address of the persons to whom the sale was made. The report shall be made out on a blank form to be furnished by the City Clerk and shall give the full details in accordance with the provisions of this subchapter, of all transactions the day previous and up to the time of making the report.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.018 REFUSAL TO SELL.

When any article is advertised or offered for sale at public auction , no auctioneer shall refuse to sell the same providing there have been two bids on the article so offered for sale.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.019 PERSONAL TAXES TO BE PAID BEFORE SALE.

No personal property shall be sold at public auction until a certificate has been obtained from the City Treasurer of the city that the personal taxes on the property have been paid.

(Ord. 90, passed 3-25-1930) Penalty, see § 117.999

§ 117.020 REVOCATION OR SUSPENSION OF LICENSE.

The City Council may at any time suspend or revoke any license granted under the provisions of this subchapter and order the place of business of the licensee closed for any infraction of this subchapter or other violation of the law. All licenses granted hereunder shall be issued and accepted

with the understanding that they are subject to suspension or revocation at the will of the City Council for cause.

(Ord. 90, passed 3-25-1930)

GARAGE SALES

§ 117.035 TITLE.

This subchapter may be cited, pleaded and referred to, and as the short title of Garage Sales Subchapter of the city.

(Ord. 436, passed 10-26-1989)

§ 117.036 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALE, LAWN SALE, ATTIC SALE, RUMMAGE SALE, YARD SALE, BASEMENT SALE or FLEA MARKET SALE or OTHER SIMILARLY TERMED SALES. Any sale of tangible personal property not otherwise regulated in the city regulations.

PERSON. All individuals, firms, corporations or organizations.

(Ord. 436, passed 10-26-1989)

§ 117.037 PERMIT REQUIRED.

No person shall conduct a sale within the city limits without having first procured from the City Clerk a permit therefor. The fee therefor shall be \$5.

(Ord. 436, passed 10-26-1989) Penalty, see § 117.999

§ 117.038 SALE PERIOD NO LONGER THAN THREE DAYS.

Any person conducting the sale may not conduct the sale for a period of more than three consecutive days.

(Ord. 436, passed 10-26-1989) Penalty, see § 117.999

§ 117.039 NUMBER OF PERMITS ALLOWED PER YEAR.

No person, including non-profit organizations, shall be allowed more than two permits within any 12-month period.

(Ord. 436, passed 10-26-1989) Penalty, see § 117.999

§ 117.040 VIOLATION.

Any person who shall conduct a garage sale or rummage sale without having procured a permit from the City Clerk shall be considered guilty of violating this subchapter.

(Ord. 436, passed 10-26-1989) Penalty, see § 117.999

§ 117.041 PERMIT TO BE POSTED; STORAGE OF GOODS.

The permit issued by the City Clerk shall be posted at the location of sale so as to be visible to the public. There shall be no overnight outside storage of the goods or merchandise held for purchase in the garage sale.

(Ord. 436, passed 10-26-1989) Penalty, see § 117.999

§ 117.042 SIGNS.

(A) No signs advertising a garage sale shall be placed upon any public property. Two signs advertising a garage sale are permitted to be placed upon private property with the consent of the owner of the property.

(B) Within 24 hours of the conclusion of a garage sale, all advertising signs shall be removed.

(Ord. 436, passed 10-26-1989)

§ 117.999 PENALTY.

(A) Restrictions on items offered. Any person, persons, firm or corporation who shall violate any of the provisions of § 117.001 shall, upon conviction thereof, be punished by a fine of not to exceed \$500 and costs of prosecution, and, in default of the payment of the fine and costs, the court may make a further sentence that the offender be imprisoned in the Wayne County Jail, or another place of imprisonment as may be hereafter established by the City Council as a place of confinement, until the fine and costs be paid, but no longer than 90 days, or, in the discretion of the court having jurisdiction of the cause; both a fine and imprisonment may be imposed. In the event that there shall be imposed upon any corporation any fine and costs, or either, or both, for the violation of any of the

terms of § 117.001, then it shall be lawful to collect the fine and costs, or either, or both in an action of assumpsit before any court of competent jurisdiction.

(Ord. 89, passed 7-23-1929)

(B) Auctions - §§ 117.002 through 117.020. Every person who shall violate any provision of §§ 117.002 through 117.020, or shall fail to comply with the same, shall upon conviction thereof, be punished by a fine at not to exceed \$100 and costs of prosecution, and, in default of the payment of the fine and costs, the court may make a further sentence that the offender be imprisoned in the Wayne County Jail, or another place of imprisonment as may be hereafter designated by the City Council as a place of confinement, until a fine and costs be paid, but not longer than 90 days, or, in the discretion of the court having jurisdiction of the cause, both a fine and imprisonment may be imposed.

(Ord. 90, passed 3-25-1930)

(C) Garage sales. Any person violating any of the provisions of §§ 117.035 through 117.042 shall, upon conviction thereof, be subject to a fine of not more than \$100 or imprisonment for a period of not more than five days, or both a fine and imprisonment, in the discretion of the court.

(Ord. 436, passed 10-26-1989)

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1.800.445.5588.

- **Harper Woods**

313-343-2500

Fax 313-642-6825

Link: <http://www.harperwoodscity.org>

Auction: Auctioneer

- **Sec. 12-238. - Definition.**

As used in this article the term "transient merchant" means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, used or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public **auction**, excluding any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or **auctioneer**, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or **auctioneer**. The transaction of business by any person for a period of less than six (6) months consecutively shall be prima facie evidence that such person was a transient merchant.

(Code 1962, §§ 3-201, 3-202)

State law reference— Similar provisions, MCL §§ 445.371, 445.376, MSA §§ 19.601, 19.696.

- **Sec. 12-239. - Exemption.**

The provisions of this article shall not apply to any person selling goods, wares or merchandise of any description raised, produced or manufactured by the individual offering the same for sale, nor to any person handling vegetables, fruits or perishable farm products at any established city market, or parties operating stores or refreshment stands at resorts or having booths on or adjacent to the property owned or occupied by them, nor to any stands on any fairgrounds.

(Code 1962, § 3-203)

State law reference— Similar provisions, MCL § 445.317, MSA § 19.691.

- **Sec. 12-240. - Enforcement.**

(a)

The chief of police and any other officer designated by him may enter any licensed premises at any time during business hours for the purpose of ascertaining the manner in which such business is conducted and to investigate complaints, and shall at all times have access to the books of such business.

(b)

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with, and to enforce the provisions of this article against any person found to be violating the same.

(Code 1962, § 3-211)

- Applicants for a transient merchant's license shall file a sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the city clerk, stating:

(1)

The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act, whether as proprietor, agent or otherwise; the name and address of the person for whose account the business will be carried on, if any, and, if a corporation, under the laws of what state the same is incorporated;

(2)

The fingerprints of the person having the management or supervision of applicant's business; or, in lieu thereof, three (3) or more letters of recommendation from real property owners in the city, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the city manager, the good character and business responsibility of such person;

(3)

The place in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted;

(4)

The place, other than the permanent place of business of the applicant, where the applicant within the six (6) months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(5)

A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at **auction**, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed;

(6)

A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the city clerk, copies of all said advertising whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to said application as exhibits thereto;

(7)

Whether the person having the management or supervision of the applicant's business has been convicted of a crime, misdemeanor or the violation of any city ordinance, the nature of such offense and the punishment assessed therefor;

(8)

Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative; and

(9)

Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the city clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

(Code 1962, § 3-204)

- **Sec. 12-254. - Investigation and issuance.**

Upon receipt of an application, the city clerk shall cause such investigation of such person's business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the city clerk shall so certify in writing, and a license shall be issued by the city clerk. The city clerk shall keep a full record in his office of all licenses issued.

(Code 1962, § 3-205)

- **Sec. 12-255. - Bond required.**

Before any transient merchant's license, shall be issued for engaging in a transient business, the applicant shall file with the city clerk a surety company bond, issued by a company licensed to do business in this state, in favor of the city in the sum of five hundred dollars (\$500.00); such bond shall be approved by the city attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person.

(Code 1962, § 3-206)

- **Sec. 12-256. - Service of process.**

Before any license shall be issued for engaging in business as a transient merchant, such applicant shall file with the city clerk an instrument nominating and appointing the city clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the said license under this ordinance, according to state law, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the city clerk, he shall send to the licensee at his last known address, by registered mail, a copy of said process.

(Code 1962, § 3-207)

- **Sec. 12-257. - License fees.**

Each applicant for a license shall, at the time of his application, pay a fee based on the length of time he desires to conduct such business, as specified in [section 12-8](#) of this Code.

(Code 1962, § 3-209)

- **Sec. 12-258. - Form.**

A transient merchant's license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name of the person authorized to conduct the same.

(Code 1962, § 3-205)

- **Sec. 12-259. - Display.**

A transient merchant's license shall be posted conspicuously in the licensed premises. In the event that such person applying for said license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business and shall be posted conspicuously in each place of business.

(Code 1962, § 3-208)

- **Sec. 12-260. - Revocation.**

A transient merchant's license may be revoked by the city manager, after notice and hearing, for any of the following causes:

(a)

Any fraud, misrepresentation or false statement contained in the application for license;

- (b) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (c) Any violation of this article;
- (d) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (e) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for the hearing.

(Code 1962, § 3-213)

- **Sec. 12-261. - Records required.**

The city clerk shall deposit the record of fingerprints of licensee, together with a license number, with the chief of police; the chief of police shall report to the city clerk any complaints against any licensee and any conviction for violation of this article. The city clerk shall keep a record of all such licenses and of such complaints and violations.

(Code 1962, § 3-212)

- **Sec. 12-262. - Appeals.**

Any person aggrieved by the denial of application for a transient merchant's license, or in connection with the revocation of a license as provided herein, shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city council, within ten (10) days after notice of the decision by the city manager has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The city council shall set the time and place for a hearing on such appeal and notice thereof shall be given in the same manner as provided in [section 2-260](#) hereof, and the order of the city council on such appeal shall be final.

(Code 1962, § 3-214)

- **Secs. 12-263—12-289. - Reserved.**

- **Harrison**

(989) 539-7145

Link: <http://www.cityofharrisonmi.org/>

Auction: Auctioneer:

- **20.450 - PEDDLERS CITY OF HARRISON, MICHIGAN Title 7, Chap. 43 adopted June 21, 1971**
- **20.451 - Hawkers, peddlers, solicitors, itinerant vendors; license required; exceptions.**

Sec. 7.56. It is unlawful for any person to travel from place to place for the purpose of exposing for sale any goods, wares or merchandise or to take orders for goods, wares or merchandise by sample lists without first having obtained a license as provided herein; provided, however, that nothing contained herein shall prevent any manufacturer, farmer, mechanic or nurseryman from selling his work or produce by sample, nor shall any wholesale merchant be prohibited by anything contained herein from selling to dealers by samples without a license, nor shall any person be prevented from selling or delivering newspapers without a license.

(Title 7, Chap. 43 adopted June 21, 1971)

- **20.452 - Application for license; contents.**

Sec. 7.56. Applicants for a license under this chapter shall file with the City Clerk a sworn application containing the following information:

- (a)

The name or names of the person or persons having the management or supervision of business during the time it is proposed to be carried on in the City; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which they will act; the name and address of the person for whose account the business will be carried on, if any; and if a corporation, the laws of the State in which the same is incorporated.
- (b)

The fingerprints of the person having the management or supervision of applicant's business.
- (c)

The place or places in the City wherein it is proposed to carry on the business; the length of time during which it will be conducted; the place or places, other than the permanent place of business of the applicant, where the applicant within six months next preceding the date of this application has conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which the business was conducted.
- (d)

A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale; the invoice value of the goods, wares and merchandise; whether the same are to be sold from stock in possession, by sample, at **auction**, by direct sale or by taking orders for future delivery; where the goods or products proposed to be sold are manufactured or produced and where such goods or products are located at the time the application is filed.

- (e) A brief statement as to the nature and character of the advertising done or proposal to be done in order to attract customers.
- (f) Credentials from the person, firm or corporation for which the applicant proposes to do business.
- (g) Such other reasonable information as to the identity or character of the person having the management or supervision of the business or the method or plan of doing the business, as the City Clerk may deem proper for the protection of the public good.

(Title 7, Chap. 43 adopted June 21, 1971)

- **20.453 - Bond required; approval, City Attorney.**

Sec. 7.58. Before any license is issued the applicant shall file with the City Clerk, a bond running to the City in the sum of \$1,000.00 executed by the applicant's principal and two sureties upon which service of process may be made in the State of Michigan. The bond is to be conditioned upon the applicant's full compliance with all the provisions of the ordinances of the City and the laws of the State of Michigan, regulating and concerning the sale of goods, wares and merchandise and further that the applicant will pay all judgements rendered against him for any violation of the said ordinances or statutes or any of them together with all judgements and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting business with the applicant, whether the misrepresentation or deception was made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale, through any advertisement of any character whatsoever. Action on the bond may be brought in the name of the City for the use of the aggrieved person. The bond shall be approved by the City attorney both as to form and as to the responsibility of the sureties thereon.

(Title 7, Chap. 43 adopted June 21, 1971)

- **20.454 - Service of process; designation of Clerk required.**

Sec. 7.59. Before any license is issued the applicant shall file with the City Clerk an instrument nominating and appointing the Clerk his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of business transacted under the license.

(Title 7, Chap. 43 adopted June 21, 1971)

- **20.455 - Exhibition of license.**

Sec. 7.60. The license issued under this article shall be carried on the person of the licensee and shall be displayed upon request of any person.

(Title 7, Chap. 43 adopted June 21, 1971)

- **20.456 - License fees; exemptions.**

Sec. 7.61. Every applicant, before being granted a license, shall pay the following fees; \$5.00 per day for each day or fraction thereof for any number of days not exceeding ten and for any number of days exceeding ten and not exceeding one year, \$50.00. No license fee is required to be paid by any person who is exempt from the payment of such fee by any provision of State or Federal law, religious organizations, fraternal organizations, girl scouts, boy scouts, service organizations, and other nonprofit organizations.

(Title 7, Chap. 43 adopted June 21, 1971)

- **20.457 - Violation.**

Sec. 7.62. Any person or persons violating these ordinances is punishable by a \$100.00 fine and/or 90 days in jail, or both.

(Title 7, Chap. 43 adopted June 21, 1971)

- **Harrison Charter Township**

586-466-1400

586-466-1445

Link: <http://www.harrison-township.org/>

Auction: Auctioneer: No information given

- **Hastings**

PH: 269.945.2468

FX: 269.948.9544

Link: <http://hastingsmi.org/>

Auction: Auctioneer: No information given

Signs:

Temporary off-premises directional signs advertising "Estate Sales" and "Real and Personal Estate Auctions" are permitted in all zoning districts. Such signs shall not exceed four square feet in area, three feet in height, four in number, and shall be placed behind all lot lines so as not to create a vision obstruction causing a safety hazard. Temporary off-premises directional signs may be displayed on the day of the sale or auction only and shall not be placed on private property without written consent of the owner. A permit shall not be required for this type of sign.

- **Hazel Park**

Ph: (248) 546-4064

FX: (248) 414-5945

Link: <http://www.hazelpark.org/>

Auction: Auctioneer:

- **5.57.055 - Noise regulated.**

A.

A licensee, employee and/or agent may use bells to advertise his or her presence while in the business of peddling and/or soliciting goods, wares or other items for sale within the city; provided, that the use of such bells shall not emit a shrill or penetrating sound of high pitch.

B.

A licensee, employee and/or agent is prohibited from using any mechanical and/or electronic amplification device or apparatus in the business of hawking, peddling, and/or soliciting for the sale of goods, wares, services or other items within the city.

(Ord. 771 § 1, 1989)

- **5.57.060 - Hours of business.**

No licensee shall engage in retail street vending or in the sale of merchandise from a street vehicle or any other mechanical contrivance which traverses the municipality's thoroughfares, sidewalks or streets between the hours of eight p.m. and eight a.m. of any day, said activities being prohibited during such times.

(Ord. 314 § 28(f), 1962)

- **5.57.070 - Location restrictions—Limited duration permit.**

No peddler, vendor, hawker, solicitor or salesperson shall be permitted to conduct business from a stationary location in the public right-of-way, or from any other location unless permitted by the zoning regulations of the city, provided however, that any educational, religious, civic or charitable organization based within the city may apply to

the city council for a permit to operate an outdoor enterprise for a limited duration and under conditions specified by the city council.

- **Highland Charter Township**

PH: 248-887-3791

Link: <http://www.highlandtwp.com/>

Auction: Auctioneer:

Transient merchant, itinerant merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the township or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the township, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or other place within the township, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person who while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Ord. No. 53, § 2, 2-2-1972; Ord. No. 361, 8-25-1993)

- It shall be unlawful for a peddler, transient merchant, itinerant merchant, itinerant vendor, solicitor or canvasser to engage in such business within the limits of the township without first obtaining a license therefor in compliance with the provisions of this chapter.

(Ord. No. 53, § 1, 2-2-1972; Ord. No. 361, 8-25-1993)

- **Sec. 17-27. - Application.**

(a)

Applicants for licenses under this chapter must file with the township clerk a sworn application in duplicate, on forms furnished by the township clerk, signed by the applicant if an individual, by all partners if a partnership, or by the president if a corporation, giving the following information:

(1)

The name and description of the applicant;

(2)

The permanent home address and full local address of the applicant;

(3)

A brief description of the nature of the business and where such goods or products to be sold are located at the time the application is filed;

(4)

The length of time for which the right to do business is desired and for which a license is sought;

(5)

The vehicle to be used, with a description of same, and, if a motor vehicle, the license number of same;

(6)

A photograph of the individual applicant or, if a copartnership or corporation, a photograph of the individual who will have local supervision or management. This photograph must be taken not more than sixty (60) days prior to the date of filing the application, and shall be two (2) inches by two (2) inches, showing head and shoulders only of the applicant in a clear and distinguishable manner;

(7)

A statement as to whether or not the applicant has been convicted of any felony, misdemeanor or violation of any local ordinance, the nature of the offense and punishment or penalty assessed therefor;

(8)

The place in the township where it is proposed to carry on applicant's business, taking into account that no vehicle can obstruct traffic, and attaching a letter of permission from the business owner;

(9)

The place, other than the permanent place of business of the applicant, where applicant, within the six (6) months next preceding the date of the application, conducted business as a **transient** merchant, itinerant vendor, peddler, solicitor or canvasser;

(10)

Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative; and

(11)

Such other reasonable information as to the identity of character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the township clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

(b)

A separate application shall be required for each individual intended to be licensed as a **transient** merchant, itinerant merchant, itinerant vendor, peddler, solicitor or canvasser.

(Ord. No. 53, § 3, 2-2-1972; Ord. No. 361, 8-25-1993)

• **Sec. 17-28. - Investigation; issuance of license.**

(a)

Upon receipt of such application, the original shall be referred to the township supervisor, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b)

If, as a result of such investigation, the applicant's character and business responsibility is found to be unsatisfactory, the township supervisor shall endorse on such application his disapproval and his reasons for

same, and return the application to the township clerk, who shall notify the applicant that his application has been disapproved and that no license will be issued.

(c)

If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the township supervisor shall endorse on the application his approval, and return the application to the township clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit, and issue a license. Such license shall contain the signature and seal of the issuing officer, and shall show the name, address of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee to be paid, the date of issuance, and the length of time the same shall be operative, as well as the business to be transacted. The township clerk shall keep a permanent record of all licenses issued.

(Ord. No. 53, § 4, 2-2-1972; Ord. No. 361, 8-25-1993)

• **Sec. 17-29. - Fees.**

(a)

No fee shall be required for selling products of the farm or orchard actually produced by the seller.

(b)

No fee shall be required of a nonprofit organization.

(c)

The license fee which shall be charged by the township clerk for a license for soliciting and canvassing shall be as prescribed by resolution of the township board from time to time.

(d)

For each license issued [to] a **transient** merchant, an itinerant merchant or an itinerant vendor, the applicant shall pay to the township clerk the fee prescribed by resolution of the township board from time to time and this license shall not be transferred by any licensed **transient** merchant, itinerant merchant or itinerant vendor without the written consent of the township supervisor.

(e)

All licenses issued pursuant to this chapter shall have a term of ninety (90) days.

(f)

No fee for a license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the township supervisor for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within ninety (90) days after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business and such other information as the township supervisor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The township supervisor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed for the license is unfair, unreasonable, or discriminatory as to the applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable, and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. The fee may be fixed upon a percentage of gross sales or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount

assessed does not exceed the fee as prescribed herein. Should the township supervisor determine the gross sales measure of the fee to be the fair basis, the township supervisor may require the applicant to submit, either at the time of termination of the applicant's business in the township or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed herein.

(Ord. No. 53, § 5, 2-2-1972; Ord. No. 361, 8-25-1993)

- **Sec. 17-30. - Fixed standing prohibited.**

No person shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer. Any person using a vehicle, when stopped, shall place his vehicle parallel to and within twelve (12) inches of the curb, and shall depart from such place as soon as he has completed sales with customers actually present.

(Ord. No. 361, 8-25-1993)

- **Sec. 17-31. - Prohibited areas.**

In connection with the sale of goods, wares and merchandise, no person shall obstruct any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale, nor remain, barter, sell, offer or expose for sale any goods, wares or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property. No person shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the township because of congested or dangerous traffic conditions. No person shall engage in business on any state trunk line or highway or county road within the township. No person shall engage in business in a commercially zoned district outside of any building.

(Ord. No. 361, 8-25-1993)

- **Sec. 17-32. - Practices prohibited.**

No person shall shout or cry out his goods or merchandise, nor blow any horns, ring any bell, flash any light, or use any other similar device to attract the attention of the public. The practice of going in and upon private residences in the township by a person who has not been requested or invited to do so by the owner or owners, occupant or occupants of such private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and punishable as a misdemeanor.

(Ord. No. 361, 8-25-1993)

- **Sec. 17-33. - Curb service prohibited.**

No person shall operate or maintain any stand, vehicle, store, or place of business on or near to any highway in such a manner that the customers or traders with such person occupy or congregate within the limits of any street,

lane, highway, or public place within the township. No person shall be permitted to use the streets, alleys, lanes, or public places of the township for the service of customers or for the transaction of business, or to locate any stand, store, or other place of business in any manner that requires the customer, when transacting such business, to stand within the limits of the streets, highways, alleys, or public places of the township.

(Ord. No. 361, 8-25-1993)

- **Sec. 17-34. - Hours of operation.**

(a)

It is hereby declared to be the public policy of the township that any license granted herein shall conform to the following hours of effectiveness and no person granted a license hereunder shall transact business at any times other than from 8:00 a.m. to 9:00 p.m.

(b)

To violate the time period established by this paragraph will be to commit a public nuisance within the township and render the violator thereof liable to penalties.

(Ord. No. 53, § 6, 2-2-1972; Ord. No. 361, 8-25-1993)

- **Sec. 17-35. - Revocation.**

All licenses and permits issued hereunder may be revoked by the township supervisor, after notice and hearing, for any of the following causes:

(1)

Any fraud, misrepresentation or false statement contained in the application for license;

(2)

Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise, or false statement made in the carrying on of the business for which the license was issued;

(3)

Any violation of this chapter;

(4)

Conviction of the licensee of any felony or misdemeanor involving moral turpitude;

(5)

Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety or general welfare to the public. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address at least five (5) days prior to the date set for the hearing. Hearings shall follow the procedure established by [section 17-37](#)

(Ord. No. 53, § 8, 2-2-1972; Ord. No. 361, 8-25-1993)

- **Sec. 17-36. - Emergency revocation.**

If the township supervisor deems it to be in the best interests of the health, safety and general welfare of the people of the township, he may, forthwith, revoke any license granted hereunder by serving or causing to have served upon the licensee notice of revocation and notice to immediately cease and desist with further conduct of business under the license and issued, together with a notice of hearing.

(Ord. No. 53, § 9, 2-2-1972; Ord. No. 361, 8-25-1993)

- **Sec. 17-37. - Appeal.**

Any person feeling himself aggrieved by revocation under the terms of [section 17-35](#), or by the action of the township supervisor in an emergency revocation of the license as provided for in [section 17-36](#), shall have the right of appeal to the township board. Such appeal shall be filed in writing with the township board within fourteen (14) days after notice of the action complained of, and shall contain a written statement setting forth fully the grounds for the appeal. The township board shall set a time and place for hearing on such appeal and give notice of such hearing to the appellant in a reasonable manner so as to provide him ample opportunity to be present at the hearing. If the revocation or denial come about through action of the township supervisor, he shall disqualify himself as a voting member of the township board during any hearing under this chapter. The decision of the township board on such appeal shall be final and conclusive.

(Ord. No. 53, § 10, 2-2-1972; Ord. No. 361, 8-25-1993)

- **Sec. 17-38. - Exempt persons.**

Farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them on the same parcel of land, the sale of which is not otherwise prohibited or regulated, shall be exempt from the licensing requirements of this chapter, but shall be subject to the other provisions hereof.

(Ord. No. 361, 8-25-1993)

- **Highland Park**

(313) 252-0050, extension 222

Link: <http://www.highlandparkcity.us/>

Auction: Auctioneer: no information given

- **Hillsdale**

PH: 517-437-6441

Fx 517-437-6448

Link: <http://www.ci.hillsdale.mi.us/>

- **Transient** merchant means any person, firm, association, or corporation engaging or intending to engage in a retail sale of goods, wares or merchandise in any place in the city and who, for the purpose of conducting such business, occupies any lot, building, room or structure of any kind for a period of less than six consecutive months.

(Code 1979, § 5.48.010)

- **Sec. 8-412. - Registration required.**

It is unlawful for any person, either as principal or agent, to engage in business as a **transient** merchant, as defined in this article, without having first registered in the manner provided in this article.

(Code 1979, § 5.48.020)

- **Sec. 8-413. - Registration procedure.**

Any person desiring to engage in such business shall first file with the city clerk a written registration stating the registrant's name, date of birth, residence address, business address, mailing address, the location where he intends to do business in the city, a brief description of the type or kind of business to be conducted and the duration thereof.

(Code 1979, § 5.48.030)

Auction: Auctioneer:

- **Holland Charter Township, (Ottawa Co.)**

PH: (616) 396-2345

FX: (616) 396-2537

Link: <http://www.hct.holland.mi.us/>

Auction: Auctioneer: No information available

- **Holly Township, (Oakland Co.)**

Phone: 248-634-9331

Fax: 248-634-5482

Link: <http://www.hollytownship.org/>

Auction: auctioneer: No information given

- **Homer**

517-568-4321

Link: <http://homermichigan.org/>

Auction / Auctioneer

TITLE XI: BUSINESS REGULATIONS

CHAPTER 110: LICENSING

CHAPTER 110: LICENSING

Section

110.01 Definitions

110.02 Purpose

110.03 License

110.04 Display of license

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110.06 Issuance of license

110.07 Term of license

110.08 License fees

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110.11 Confiscation

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MECHANICAL AMUSEMENT DEVICE. Any machine which, upon the insertion of a coin, slug, or piece of metal, operates or may be operated for use as a game, contest, or amusement of any description, or which may be used for any such game, contest, or amusement and which contains no automatic paying device for the return of slugs, money, coins, tokens, or merchandise.

MECHANICAL MUSICAL DEVICE. Any machine or mechanism from and by which recorded or transcribed music is played after the insertion of a coin, slug, or piece of metal.

PAWNBROKER. Any person who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

SECONDHAND DEALER. Any person whose principal business is that of purchasing, storing, selling, exchanging, or receiving secondhand personal property of any kind or description.

TRANSIENT MERCHANT. Any person intending to remain in business in the village for less than one year who:

- (1) Offers for sale tangible personal property or personal services; or
- (2) Takes or attempts to take orders for the sale of tangible personal property or services, including advertising or subscriptions to be furnished or performed in the future.

(Prior Code, § 420.01)

§ 110.02 PURPOSE.

The purpose of this chapter shall be to regulate certain merchants and devices in the village in order to protect the health, safety, and welfare of the citizens of the village; to maintain a record of those merchants and devices in order to protect the citizens of the village from fraudulent business practices; and to prevent persons convicted of fraudulent or dishonest business practices from doing business within the village.

(Prior Code, § 420.02)

§ 110.03 LICENSE.

(A) It shall be unlawful for any person to operate a mechanical amusement device, mechanical musical device, pool table, billiard table, card table, or any table of any kind for playing games as part of a business in the village without first obtaining a license as herein provided.

(B) It shall be unlawful for any person to engage in the business of a pawnbroker, secondhand dealer, or transient merchant in the village without first obtaining a license as herein provided. However, no license shall be required for transient merchants who go in or upon private residences at the request of the owner or owners, occupant or occupants, of the residences for the purpose of soliciting orders for the sale of merchandise and/or delivering merchandise ordered.

(Prior Code, § 420.03) Penalty, see § 10.99

§ 110.04 DISPLAY OF LICENSE.

(A) Licenses required for mechanical amusement devices or mechanical musical devices shall be affixed to the devices; provided, however, that the licenses may be transferred from one machine to another if the original machine is replaced during the year.

(B) Each transient merchant shall, at all times while doing business in this village, keep in his or her possession the license required by this chapter and shall, upon request, display the license as evidence of compliance with the requirements of this chapter.

(C) Every other person required to obtain a license shall post that license in some conspicuous spot at the place of business as evidence of compliance with the requirements of this chapter.

(Prior Code, § 420.04) Penalty, see § 10.99

§ 110.05 APPLICATION FOR LICENSE.

An application for a license shall give the following information:

(A) The name of the applicant;

(B) The name or names of the person or persons having the management or supervision of the applicant's business;

(C) In the case of a transient merchant, the name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed it will be carried on in the village, and the local address or addresses of the person;

(D) The permanent address or addresses of the applicant; whether the applicant will act as proprietor, agent, consignee, or employee, and the credentials establishing the relationship; the name and address of the person for whose account the business will be carried on, if any; and if a corporation, the state under which it is incorporated;

(E) The place or places in the village where it is proposed that the applicant will conduct business, and if applicable, the length of time during which it is proposed that the business will be conducted;

(F) The place or places where the applicant, during the three immediately preceding years, conducted the business, and stating the nature of the business;

(G) If applicable, a statement of the nature and character of any tangible personal property or service to be sold or offered for sale by the applicant in the village; whether the property is new, damaged, or rejected; whether the property is proposed to be sold from stock in possession or by sample, at auction, by direct sales or by taking orders for future delivery; where the property proposed to be sold is manufactured or produced; and where the property is located at the time this application is filed;

(H) A current state sales tax license number and a copy of the license;

(I) A statement acknowledging that the applicant understands that a criminal records check on the applicant and all employees of the applicant who will carry out the business of the applicant in the village will be conducted by the village;

(J) In the case of mechanical amusement devices, mechanical musical devices, pool tables, billiard tables, card tables, or tables of any kind for playing games, the number and kind of devices/tables proposed to be operated.

(Prior Code, § 420.05)

§ 110.06 ISSUANCE OF LICENSE.

If the application contains a complete statement of the information required, and if all material required to be submitted therewith has been received, the village shall, within 21 days, determine whether or not to issue a license. If the decision of the village is to issue the license, the license shall be issued by the Village Clerk within three days after the decision and upon payment of the fee. The license issued pursuant to this chapter shall not be transferable, except as provided in §110.04(A). There shall be no refund of the license fee. If the decision of the village is to not issue the license, the applicant shall be advised, in writing, mailed to the applicant's last known address, of the reasons for the disapproval.

(Prior Code, § 420.06)

§ 110.07 TERM OF LICENSE.

(A) The term of a license for a transient merchant shall be for the length of time set forth in the application.

(B) The term of all other licenses shall be for one year. If a license is applied for after January 31, the fee shall be pro rated from that time to the last day of December in that year. In determining the pro ration, no fractions of months shall be considered. However, in the case of secondhand dealers, the license shall be for the period of one year from the date of issuance.

(Prior Code, § 420.07)

§ 110.08 LICENSE FEES.

Before a license shall be issued, the applicant shall pay a license fee according to a schedule of fees which shall be adopted by the Council from time to time by resolution.

(Prior Code, § 420.08)

§ 110.09 EXEMPTIONS FROM LICENSING.

Persons engaged in the following described activities are exempt from the duty of applying for a license pursuant to this chapter:

- (A) Persons selling at wholesale to merchants for the purpose of resale;
- (B) Persons selling or distributing newspapers;
- (C) Persons selling tangible personal property or services to business enterprises;
- (D) Persons who sell, at their residences, works of art or crafts made or created by the person or a member of that person's immediate family;
- (E) Persons selling tangible personal property at a garage, basement, or yard sale held at one of the person's premises, if permitted by the zoning code;
- (F) Persons conducting and selling admissions to or for theatrical shows, rides, sports and games, concerts, circuses, or any other public amusement where no sales of other products are involved, and where the sales of the admissions are made on the premises where the event is to be conducted;

(G) Charitable, religious, patriotic, social service, civic, or political nonprofit organizations where authorized representatives volunteer to undertake activities of a transient merchant without remuneration and where the entire proceeds of the activities will go to the organization and not for private profit; and

(H) Schools where students undertake activities of a transient merchant without remuneration and where the entire proceeds of the activities will go to the school and not for private profit.

(Prior Code, § 420.09)

§ 110.10 DENIAL OR REVOCATION OF LICENSE.

(A) The village shall deny a license to an applicant only if any of the following apply:

(1) The applicant has failed to complete the application;

(2) The applicant or his or her officers, agents, employees, or employer have, within two years of the date of application under consideration:

(a) Held a license under this chapter that was revoked under division (B) below;

(b) Been denied a similar license in another jurisdiction, or had such a license revoked; or

(c) Been convicted of a crime involving fraud, deceit, misrepresentation, moral turpitude, or injury to a person.

(3) The applicant does not have a current state sales tax license.

(B) The village may revoke a license issued under this chapter by sending a notice of revocation by certified mail to the license holder at the holder's last known address, or personal service on the holder or his or her agents or officers. A license shall be revoked only if any of the following apply:

(1) If the license holder made false or misleading statements on the application; or

(2) Upon the conviction of the license holder or his or her officers, agents, employees, or employer for:

(a) Violations of the provisions of this chapter;

(b) Violations of any ordinance or statute regulating the sales activities of the license holder; or

(c) A crime involving fraud, deceit, misrepresentation, moral turpitude, or injury to a person.

(Prior Code, § 420.10)

§ 110.11 CONFISCATION.

Any mechanical amusement device, pool table, billiard table, card table, or table of any kind for playing games being operated in violation of this chapter may be seized and destroyed in accordance with state law.

(Prior Code, § 420.11)

Disclaimer:

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- **Hudson**

Phone: 517.448.8983

Fax: 517.448.7339

Link: <http://ci.hudson.mi.us/>

Auction: Auctioneer:

- **DIVISION 1. - GENERALLY**

- **Sec. 10-96. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auction sale shall mean the offering for sale or selling of personal property at a high price and then offering such personal property at successive lower prices until a buyer is secured, or offering such property for sale to the highest bidder.

New merchandise shall mean all merchandise not previously sold at retail.

(Code 1976, § 7.46)

Cross reference— Definitions and rules of construction generally, § 1-2.

- **Sec. 10-97. - Post-sale inventory.**

Within ten days after the last day of an **auction**, the applicant shall file in duplicate with the city clerk a listing of all merchandise sold at such **auction** and the prices received therefor, together with a detailed inventory of all merchandise unsold at the close of such **auction** sale. The city clerk shall, immediately after receiving such listing of sales, forward a copy thereof to the department of revenue.

(Code 1976, § 7.45)

- **Sec. 10-98. - False bidding.**

At any sale by **auction**, no person shall act as "bidder" or what is commonly known as a "capper," "booster" or "shill," or offer or make any false bid, or offer any false bid or pretend to buy any article sold or offered for sale at any sale by **auction**.

(Code 1976, § 7.47)

- **Sec. 10-99. - Exempt sales.**

The provisions of this article shall not extend to the sale at public **auction** of livestock, used farm machinery or farm produce, used homestead goods or other items commonly sold at farm or homestead sales; to **auction** sales by individuals of new merchandise, which was assessed personal property tax in the city or is replacement stock of merchandise inventory which was assessed as personal property in the city; and to **auction** sales under a mortgage foreclosure or under the direction of a court or court officers of such sales, as may be required by law. The owner of the personal property specified in this section may furnish the person conducting the public **auction** with a statement that the property set forth in the statement has been assessed as personal property in the city or that it has been purchased as replacement for property that has been assessed, and the possession of such a statement shall absolve the person to whom it is given from all liability under the provisions of this article.

(Code 1976, § 7.48)

- **Secs. 10-100—10-110. - Reserved.**

- **DIVISION 2. - LICENSES**

- **Sec. 10-111. - Required.**

It shall be unlawful for any person to sell, dispose of or offer for sale at public **auction**, any new merchandise, unless such person and owners of such merchandise, if it is not owned by the vendors, shall have complied with the requirements of this article.

(Code 1976, § 7.41)

• **Sec. 10-112. - Application.**

Any person desiring such **auction** license shall, at least ten days prior to such proposed **auction** sale, file with the city clerk, an application in writing duly verified which application shall state the following facts:

- (1)
The name, residence and post office address of the person making the application, and if a firm or corporation, the name and address of the members of the firm or officers of the corporation, as the case may be.
- (2)
The name, residence and post office address of the **auctioneer** who will conduct such **auction** sale.
- (3)
A detailed inventory and description of all such new merchandise to be offered for sale at such **auction** and a valuation thereof.
- (4)
A statement as to whether or not the sale at public **auction** shall be with or without reservation.

(Code 1976, § 7.42)

• **Sec. 10-113. - Bond; service of process.**

- (a)
At the time of filing the application for an **auction** license under this division, and as a part thereof, the applicant shall file and deposit with the city clerk, a bond, in the penal sum of two times the value of the merchandise proposed to be offered for sale at such **auction**, as shown by the inventory filed, running to the state and for the use and benefit of any purchaser of any merchandise at such **auction** who might have a cause of action of any nature arising from or out of such **auction** sale on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state, county or the city; the payment of any fines that may be assessed by any court against the applicant or **auctioneer** for violation of the provisions of this article; and the satisfaction of all causes of action commenced within one year from date of such **auction** sale and arising therefrom; provided, however, that the aggregate liability of the surety for all such taxes, fines and causes of action shall in no event exceed the sum of such bond.
- (b)
In such bond the applicant and the surety shall appoint the city clerk the agent of the applicant and the surety for the service of process. In event of such service, the agent on whom such service is made shall, within five days after the service, mail by ordinary mail a true copy of the process served upon him to each party for whom he is served, addressed to the last known address of such party. Failure to so mail such copy shall not, however, affect the court's jurisdiction.

(c)

Such bond shall contain the consent of the applicant and surety that the circuit court of the county of the district court of the city wherein the application and bond is filed shall have jurisdiction of the respective courts against the applicant or surety, or both, arising out of such sale.

(d)

The city, or any person having a cause of action against the applicant arising out of the sale of such new merchandise, may join the applicant and the surety on such bond in the same action, or may in such action sue either such applicant or the surety alone.

(Code 1976, § 7.43)

- **Sec. 10-114. - License fees.**

At the time of filing the application for an **auction** license under this division and bond, the applicant shall pay to the city clerk a license fee, in the sum prescribed in section 10-73, for each day it is supposed to hold such **auction** as shown by the application for such license.

(Code 1976, § 7.44)

- **Hudsonville**

Tel (616) 669-0200

Fax (616) 669-2330

Link: <http://www.hudsonville.org/>

Auction: Auctioneer: No information given

- **Huntington Woods**

248-541-4300

Link: <http://www.hwmi.org/>

Auction: Auctioneer:

- **ARTICLE IV. - AUCTIONEERS**

FOOTNOTE(S):

--- (1) ---

State Law reference— UCC sales at public **auction**, MCL 440.2328; duties upon sales at **auctions**, MCL 446.26 et seq.; sales at public **auction**, new merchandise, MCL 446.51.

- **Sec. 8-89. - License.**

No person shall engage in the trade or business of **auctioneer** without first obtaining a license therefor. No such license shall be granted except upon certification of the director of public safety.

(Code 1988, § 7.51)

- **Sec. 8-90. - Bond.**

Before any such license is issued, the applicant shall furnish a corporate surety bond in the penal sum of such amount as may be prescribed by the city commission by resolution, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all provisions of this article. Any person aggrieved by the action of any such license shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of 90 days after the expiration or conclusion of any action on said bond commenced while it was in force.

(Code 1988, § 7.52; Ord. No. 338, § 1, 7-25-1989)

- **Sec. 8-91. - Prohibited activity.**

No **auctioneer** shall knowingly misrepresent the quality of any goods sold by the **auctioneer**. No **auctioneer** shall accept any goods from any minor for sale at **auction**.

(Code 1988, § 7.53)

- **Sec. 8-92. - **Auction** accounts.**

Every **auctioneer** shall keep a full and accurate account of all goods sold by the **auctioneer**, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open for inspection by any public safety officer at any reasonable time. No **auctioneer** shall fail to make such account accessible to any public safety officer upon demand.

(Code 1988, § 7.54)

- **Secs. 8-93—8-112. - Reserved.**

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- **Independence Charter Township, (Oakland Co.)**

General information: (248) 625-5111

Fax: (248) 625-2585

Link: <http://twp.independence.mi.us/>

Auction: Auctioneer: No information given

- **Iona**

Ph: 616-527-4170

Fx: 616-527-0810

Link <http://www.ci.ionia.mi.us/>

Auction Auctioneer

Signs:

Ionia, MI Code of Ordinances

TITLE FOUR - Subdivision Regulations

CHAPTER 1234 Signs

CHAPTER 1234

Signs

1234.01 Applicability.

1234.02 Purpose.

1234.03 Definitions.

1234.04 Prohibited signs.

1234.05 Signs not subject to chapter.

1234.06 Signs not needing a permit.

1234.07 General standards for permitted signs.

1234.08 Sign regulations applicable to all districts.

1234.09 Measurement of signs.

1234.10 Nonconforming signs.

1234.11 Portable signs.

1234.12 Signs in Residential Districts.

1234.13 Signs in the B-2, Community Business District.

1234.14 Signs for certain streets in the B-1, B-2, B-3 and Office Districts.

1234.15 Signs in the B-1, B-3 and Office Districts.

1234.15A Signs in the F-Fairgrounds District.

1234.16 Signs in the L-1, Light Industrial District.

1234.17 Signs in the East Main Preservation District.

1234.18 Administration.

1234.99 Penalty.

CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. § 125.581

Regulation of buildings; authority to zone - see M.C.L.A. § 125.582

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. § 125.583a

Zoning and planning in home rule cities - see M.C.L.A. § 117.4i

General exceptions - see P. & Z. 1286.08

Sign permit fees - see ADM. 214.07(a)(8)

Signs in mobile home parks - see P. & Z. 1268.06(k)

1234.01 APPLICABILITY.

This chapter applies to all persons, firms, partnerships, associations, and corporations owning, occupying, or having control or management of any premises located within the City.

(Ord. 464. Passed 2-3-09.)

1234.02 PURPOSE.

This chapter is intended to regulate the size, number, location and manner of display of signs in the City in a manner consistent with the following purposes.

- (a) To protect and further the health, safety and welfare of City of Ionia residents, property owners and visitors.
- (b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- (c) To conserve and enhance community character.
- (d) To promote uniformity in the size, number or placement of signs within districts.
- (e) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- (f) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communicate.
- (g) It is further recognized that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- (h) The purpose of this chapter does not include the regulation of the content or any information included on the sign.
- (i) The regulations and standards of this chapter are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values.

(Ord. 464. Passed 2-3-09.)

1234.03 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Abandoned sign." A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity.
- (b) "Awning." A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.
- (c) "Awning sign." Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning or canopy.

- (d) **“Balloon Sign.”** See **“inflatable sign.”**
- (e) **“Banner Sign.”** A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.
- (f) **“Billboard.”** A sign which advertises an establishment, product, service or activity at a location other than the premises on which the sign is located. A **“billboard”** is also called an **“off premise sign.”**
- (g) **“Commercial establishment.”** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.
- (h) **“Community service group sign.”** A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee’s, Lion’s Club or Ambuc’s.
- (i) **“Community special event sign.”** A portable sign which is erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and/or whose purpose is charitable, philanthropic, religious or benevolence.
- (j) **“Construction sign.”** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction as well as directional, warning or safety signs which are necessitated by construction activities.
- (k) **“Directional sign.”** A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.
- (l) **“Exempt sign.”** A sign for which a sign permit is not required.
- (m) **“Festoons.”** A string of ribbons, tinsel, flags, pennants or pinwheels.
- (n) **“Flag sign.”** A flag which contains the name, logo or other symbol of a business, company, corporation or agency of a commercial nature.
- (o) **“Flashing sign.”** A sign which contains a rapidly intermittent or changing light source.
- (p) **“Freestanding sign.”** A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- (q) **“Government sign.”** A sign erected or required to be erected by the City of Ionia, Ionia County, or the state or federal government.

- (r) **“Ground sign.”** A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.
- (s) **“Illegal sign.”** A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.
- (t) **“Incidental sign.”** A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. a credit card sign or restroom sign or sign indicating hours of business, or signs on gas pumps.
- (u) **“Inflatable sign.”** (“Balloon sign”). Any three dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product or product trademark, whether or not such object contains a message or lettering.
- (v) **“Mansard.”** A sloped roof or roof-like façade architecturally comparable to a building wall.
- (w) **“Mansard sign.”** A sign that is mounted, painted on, or attached to a mansard.
- (x) **“Memorial sign.”** A sign, tablet, or plaque memorializing a person, event, structure or site.
- (y) **“Marquee.”** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- (z) **“Marquee sign.”** A sign affixed to the surface of a marquee.
- (aa) **“Nameplate.”** A non-illuminated, on-premise sign giving only the name, address and/or occupation of an occupant or group of occupants.
- (bb) **“Non-commercial sign.”** A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein. For example, a sign identifying or promoting a candidate for public office.
- (cc) **“Non-conforming sign.”** A sign which was erected prior to this chapter but which does not conform to this chapter.
- (dd) **“Painted wall sign.”** A sign which is applied with paint or similar substance on the face of a wall or the roof of a building.
- (ee) **“Placard.”** A sign not exceeding two square feet which provides notices of a public nature, such as “No Trespassing,” “No Hunting” signs or “Gas Main” signs.
- (ff) **“Pole sign.”** A free standing sign which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.
- (gg) **“Portable sign.”** A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another.

(hh) **“Projecting sign.”** A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 48 inches from the face of the building or wall.

(ii) **“Reader board sign.”** One of the following:

(1) **“Manual.”** A sign on which the letters or pictorials are changed manually or;

(2) **“Electronic reader board.”** A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means excluding video signs and flashing signs.

(3) **“Multi-vision sign.”** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.

(jj) **“Real estate sign.”** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

(kk) **“Residential subdivision sign.”** A sign identifying or recognizing a platted subdivision, site condominium, multi-family or other residential development.

(ll) **“Roof line.”** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

(mm) **“Roof sign.”** A sign which is attached to or is placed on the roof of a building.

(nn) **“Rotating sign.”** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

(oo) **“Sidewalk sign.”** An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises. Also called a “sandwich board sign.”

(pp) **“Sign.”** A device, structure, fixture, figure or placard which may or may not use graphics, symbols, emblems, numbers, lights and/or written copy designed specifically for the purpose of advertising, identifying, or directing attention to an establishment, product, service, person, place, organization, institution or activity.

(qq) **“Snipe sign.”** A sign that is attached to a utility pole, tree, fence, or to any object located or situated on public or private property.

(rr) **“Subdivision identification sign.”** A sign identifying or recognizing a platted subdivision, condominium development, commercial industrial or residential development.

(ss) **“Under canopy sign.”** A sign suspended beneath a canopy, ceiling, roof, or marquee.

(tt) **“Wall sign.”** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

(uu) **“Window sign.”** A sign installed inside a window and intended to be viewed from the outside.

(vv) **“Vehicle sign.”**A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, trailers, semi-trailers or airplanes.

(ww) **“Video sign.”** A sign which displays moving images as on a television.

(Ord. 464. Passed 2-3-09; Ord. 490. Passed 6-7-11.)

1234.04 PROHIBITED SIGNS.

A sign not expressly permitted by this chapter is prohibited. The following types of signs are expressly prohibited except that the Sign Board of Appeals may permit these signs if it is demonstrated that such sign by virtue of its size, shape, location, movement, materials, creativity in design, temporary nature or other factors relating to its composition will not be a visual nuisance, obstruct vision, compromise public safety, distract drivers or detract from the character of the area where it is proposed to be located. If such signs are permitted they shall comply with the applicable regulations of this section.

(a) Inflatable signs which have rapidly moving, waving or flapping parts.

(b) Flashing signs.

(c) Abandoned signs.

(d) Rotating signs.

(e) Signs imitating or resembling official traffic or government signs or signals.

(f) Vehicle signs not used during the normal course of business which are conspicuously parked or located so as to advertise, identify, or bring attention to an establishment, product, person, service or activity.

(g) Sexually graphic signs.

(h) Snipe signs.

(i) Strobe lights, and lights of a similar nature.

(j) Video signs except for portable video signs.

(k) Signs with fluorescent or neon colored letters such as “hot pink,” “lime green,” “day glow” and “bright orange” or similar colors when placed on a contrasting background.

(l) Off premise signs including billboards.

(Ord. 464. Passed 2-3-09; Ord. 490. Passed 6-7-11.)

1234.05 SIGNS NOT SUBJECT TO CHAPTER.

The following signs shall be exempted from the provisions of this chapter.

- (a) Government signs five square feet or less.
- (b) Memorial signs.
- (c) Signs for essential services which are two square feet or less.
- (d) Placards.
- (e) Community service group or agency signs two square feet or less.
- (f) Nameplates two square feet or less.
- (g) Newspaper box signs
- (h) Incidental signs two square feet or less.
- (i) Flags or insignia of any nation, state, city, township, government, government authorized agency, community organization, educational institution or flags of a non-commercial nature. Such flags shall only be displayed on a flag pole.
- (j) Signs atop gasoline service station pumps announcing contents, on-premise sales, provided that such signs do not exceed two square feet in area.
- (k) Signs on gas station pump islands or their structural supports identifying “self-serve” and “full-serve” operation, provided that there is no business identification or advertising copy on such signs, that there are no more than two such signs per pump island and that such signs do not exceed four square feet in area.
- (l) Inflatable signs (balloons) which are 12 inches or less in diameter.

(Ord. 464. Passed 2-3-09.)

1234.06 SIGNS NOT NEEDING A PERMIT.

The following signs shall not require a permit but shall be subject to all other applicable regulations of this chapter.

- (a) Government signs.
- (b) Non-commercial signs.
- (c) Window signs.

- (d) On-site directional signs.
- (e) Construction signs.
- (f) Signs for residential yard, garage, and estate sales and auctions .
- (g) Real estate signs advertising the premises (on which the sign is located) for sale, rent or lease.
- (h) Help wanted signs of a temporary nature not to exceed four square feet.
- (i) Sidewalk signs.
- (j) Ordinary maintenance of signs such as painting and cleaning.
- (k) Changing of sign message.

(Ord. 464. Passed 2-3-09.)

1234.07 GENERAL STANDARDS FOR PERMITTED SIGNS.

- (a) Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code and International Property Maintenance Code and maintained in good and safe structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.
- (b) Signs shall be constructed to withstand all wind and vibration forces which normally can be expected to occur in the vicinity.
- (c) Signs may be internally or externally illuminated. For externally lit signs, the lighting fixture shall be mounted on the top only and the light fixture shielded so that light is directed downward so that no direct rays interfere with the vision of persons on adjacent streets or properties.
- (d) Underground wiring shall be required for all illuminated signs not attached to a building.
- (e) A sign shall not contain moving, flashing, blinking or animated parts except for reader board signs or barber pole signs.
- (f) Signs shall not be placed in, upon or over any public right-of-way, private road easement, alley, or other place, except as may be otherwise permitted by the City of Ionia or Michigan Department of Transportation.
- (g) A light pole or other similar supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
- (h) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.

(i) A wall sign shall not extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the lowest point of the roof of a building.

(j) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located except that in the B-2 Zone projecting signs may project over the public sidewalk.

(Ord. 464. Passed 2-3-09; Ord. 490. Passed 6-7-11.)

1234.08 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS.

The following sign regulations are applicable to all zoning districts.

(a) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises except for non-commercial signs, community special event signs and garage, yard, estate and auction sale signs as permitted herein.

(b) Reader Boards. All wall and freestanding signs may include reader boards subject to the following regulations:

(1) For signs which are 50 square feet or less in area the reader board shall not consist of more than 75% of the allowable sign area.

(2) For signs which are 50 square feet in area the reader board shall not consist of more than 50% of the allowable sign area.

(3) An electronic reader board shall not have any animated or flashing text.

(4) The copy on an electronic reader board shall not change faster than every four seconds.

(5) An electronic reader board may serve as a window sign subject to the size limitations for window signs contained herein and the requirements of Section 1234.08(b)(3) and (4) above.

(c) Any pole sign, awning signs, wall sign and projecting sign, shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.

(d) Vehicles which bear signs may be parked on site provided they are located in such a manner that they do not function as signs as prohibited by Section 1234.04(f) herein.

(e) Real estate signs are permitted in any Zoning District but shall be removed within 30 days after completion of the sale or lease of the property. Such signs shall not be more than six square feet in area for residential property or 32 square feet in area for non-residential property and shall not exceed six feet in height.

(f) Construction signs are permitted within any District, subject to the following restrictions:

(1) Construction signs shall be no larger than 32 square feet and not exceed eight feet in height.

(2) construction signs shall not be erected until a building permit has been issued for the project that is the subject of proposed sign and construction activity has begun.

(3) Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure, which is the subject of the construction sign.

(g) Community special event signs, including banner signs, are permitted in any Zoning District, subject to the following restrictions:

(1) Such signs may be located either on or off the lot on which the special event is held.

(2) The display of such signs shall be limited to the 14 days immediately preceding the special event that is being advertised.

(3) Such signs shall have a maximum size of 32 square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of 15 feet. The front setback shall be as required for signs in the District in which the sign is to be located.

(4) Such signs shall be removed within 72 hours of the conclusion of the special event that is being advertised.

(h) Directional signs are permitted in any district subject to the following restrictions:

(1) A directional sign may contain a logo and name of an on-premise commercial establishment.

(2) Such sign shall not exceed four square feet in area or three feet in height, and shall be set back at least five feet from any lot line.

(3) Directional signs shall be limited to traffic control functions only.

(i) Garage, yard, estate sales, and auctions, signs are permitted in any district subject to the following restrictions:

(1) One sign per premise is permitted, located on the premises on which such sale is being conducted.

(2) Such sign shall not exceed six square feet in area and three feet in height.

(3) Such sign shall be erected no more than three days prior to the day(s) of the sale and shall be removed within one day after the completion of the sale.

(4) In addition to the on premise sign permitted above, off premise signs are also permitted for garage, yard, estate sales, and auctions subject to the following restrictions:

A. No more than two off premise signs are allowed for each such sale;

B. Each sign shall be no larger than four square feet and three feet in height;

C. Such signs shall only be placed in the street right-of-way but shall not block the vision of or create a hazard for drivers or those individuals on foot or bicycle;

D. Each off premise sign shall contain the date and address of the sale;

E. Each sign may be placed no sooner than two hours prior to the opening of the first day of the sale and must be removed within two hours after close of the last day of the sale.

F. Such sign shall not be attached to light poles, utility poles, trees or other similar structures located in the street right-of-way.

(j) Non-commercial signs are permitted in all zoning districts subject to the following restrictions:

(1) Such signs shall be subject to the regulations of the zoning district in which the sign is located.

(2) Non-commercial signs may remain until such signs are in disrepair and are deemed not to comply with Section 1234.07 of this chapter.

(k) Abandoned Signs. Any sign which the Community Development Director or designee determines to be abandoned shall be removed by the property owner according to the following regulations:

(1) If the sign is a non-conforming sign as defined herein the sign and any supporting structures shall be removed within 30 days of notification by the Community Development Director

(2) If the sign is conforming the sign but not the supporting structures shall be removed within 90 days of such notification by the Community Development Director. If the abandoned sign is a wall sign the facade to which the sign was attached shall be restored upon removal of the sign to match the existing wall so there is no remaining evidence of the removed sign.

If the owner does not remove the sign, or if no owner can be found, the City may remove the sign. If the sign is removed by the City and the owner is known, the City shall have the right to recover from the owner of the sign the full costs of removing and disposal of the sign.

(l) Removal of Signs; Notice. Except as required by the above sections, any sign and appurtenant structure shall be removed by the owner within 72 hours of receipt of notice from the Community Development Director or designee stating that the sign is unsafe, not properly maintained, or otherwise does not comply with the requirements of this chapter. Such notice shall also state that the sign will be removed unless the unsafe or improper condition is corrected by the owner.

Upon failure to remove or correct the unsafe or improper condition within 72 hours of receipt of notice, the Community Development Director or designee may take whatever action is necessary to have the sign and appurtenant structure removed or to otherwise abate the unsafe or improper condition. In addition, the Community Development Director or designee shall take whatever action is necessary to recover from the owner of the sign the full costs of removing and disposing of the sign or abating the unsafe or improper condition.

(m) Roof Signs. Roof signs are permitted in any zoning district subject to the following restrictions:

(1) Such sign shall only be displayed on buildings containing non-residential uses and on multi-family buildings.

(2) A roof sign shall not project above the roof line.

(3) Only one roof sign shall be permitted per building.

(4) The size of a roof sign shall not exceed ten percent of the area of that portion of the roof to which it is attached, as measured from eave to roof peak.

(5) Lighting for roof signs shall comply with Section 1234.07(c).

(Ord. 464. Passed 2-3-09; Ord. 480. Passed 11-2-10; Ord. 490. Passed 6-7-11.)

1234.09 MEASUREMENT OF SIGNS.

(a) Unless otherwise specified within this chapter for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

(b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

(d) See Appendix II at the end of this chapter for illustrations of sign measurement.

(Ord. 464. Passed 2-3-09.)

1234.10 NONCONFORMING SIGNS.

(a) Every permanent sign which does not conform to the height, size, area or location requirements of this chapter as of the date of the adoption of this chapter, is hereby deemed to be nonconforming.

(b) Nonconforming signs shall not be replaced, moved, altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign per Section 1234.10(e)(3) below.

(c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.

(d) A sign accessory to a nonconforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.

(e) Non-conforming signs shall not:

(1) Be replaced or changed to another non-conforming sign;

(2) Be repaired, (restored to a sound or good condition after damage or decay) except if such repair brings the sign into conformance with this chapter; or

(3) Be repaired if such repair involves any of the following:

A. Necessitates the replacement of both the sign frame and sign panels;

B. Replacement of the signs primary support pole(s) or other support structure;

(4) Continue to be used after the activity, business, or use to which it related has been discontinued for 90 consecutive days or longer;

(5) Be permitted to continue if there is a change of use on the premises; or

(6) Be enhanced with any new feature including the addition of illumination.

(f) The City of Ionia may acquire by purchase, condemnation, or by other means any non-conforming sign which it deems necessary to preserve the health, safety, and welfare of the City's residents.

(Ord. 464. Passed 2-3-09.)

1234.11 PORTABLE SIGNS.

Portable signs are allowed in all zoning districts subject to the following regulations.

(a) One portable sign shall be permitted on a lot for up to 30 days per quarter in a calendar year provided however that a portable sign shall not be displayed for 30 consecutive days per quarter.

(b) Except for inflatable signs as defined herein a portable sign shall not exceed 32 square feet in area and shall be back lit only and not have any flashing, colored or glaring lights.

(c) Inflatable signs shall have no rapidly moving, waving or flapping parts.

(d) Portable signs, including signs held by a person, shall be located outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site.

(e) Inflatable signs shall only be permitted in the B1 and B3 Districts. The anchoring system shall be subject to review and approval of the Community Development Director prior to installation or display. Inflatable signs are permitted to be placed on the roof of a building but only on buildings with a flat roof.

(f) A sign permit must be obtained before placing a portable sign on any parcel for any length of time.

(g) Pennants and streamers are allowed in the RM, RM-1, B-1, B-2, B-3, O, and L-I Districts provided they are properly maintained but shall be removed if they become torn, faded, unreadable, or otherwise unsightly. These may be displayed in conjunction with other portable signs. A permit shall be required for the display of these items and they shall be subject to the provisions contained in Section 1234.11(a) above.

(Ord. 464. Passed 2-3-09.)

1234.12 SIGNS IN RESIDENTIAL DISTRICTS.

The following signs are permitted in the R-1 to RM-1 and the MHP Zoning Districts.

(a) Signs as permitted and regulated by Sections 1234.07 to 1234.11.

(b) Wall Signs. For non-residential uses only:

(1) No more than two signs per street frontage to be placed on that wall of the building which directly faces the street.

(2) The size of a single wall sign or the cumulative total of all wall signs attached to a wall shall not exceed 10 percent of the area of the wall to which it is attached.

(c) Ground Signs. For residential subdivisions or site condominiums, multiple family developments, elderly housing, mobile home or manufactured home parks, schools, churches or other permitted non-residential uses:

(1) One per parcel not to exceed 32 square feet in area.

(2) The height of a ground sign shall not exceed six feet above grade.

(3) Ground signs shall be set back a minimum of five feet from all lot lines.

(4) For residential subdivisions the following regulations shall apply:

A. A ground sign identifying the development is permitted only if a subdivision or homeowners' association is established and provisions are made for such an association to maintain the sign.

B. Ground signs shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or similar decorative material in order to reflect and enhance the residential character of the area.

(d) **Non-Commercial Signs (Political Signs).** Each sign shall not exceed six square feet in area and six feet in height. Such signs shall not be placed in the right of way.

(Ord. 464. Passed 2-3-09.)

1234.13 SIGNS IN THE B-2, COMMUNITY BUSINESS DISTRICT.

Each commercial establishment in the B-2, Community Business District is permitted to have the following signs as regulated herein.

(a) Wall Signs.

(1) Each commercial establishment may place a sign or signs on each wall of the commercial establishment. The size of a single wall sign or the cumulative total of all wall signs shall not exceed 10 percent of the area of the wall which contains the sign or signs.

(2) The maximum length of a sign shall be six feet less than the width of the store front and the edge of the sign shall be at least three feet from the edge of the store front.

(3) Wall signs shall not project more than 12 inches from the building surface.

(4) Such sign shall not obscure architectural features of the building including, but not limited to windows, arches, sills, moldings, cornices, and transoms.

(5) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(6) A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the second story window of a multi-story building.

(b) Projecting Signs. Projecting signs shall be subject to the following regulations:

(1) In addition to a wall sign or signs allowed by the above section, one projecting sign shall be permitted for each entrance to a separate commercial establishment within a building.

(2) The maximum size of such sign shall not exceed 16 square feet.

(3) The sign shall not project more than four feet from the building and shall be pinned away from the wall by a minimum of six inches.

(4) The sign shall project from the wall at an angle of 90 degrees.

(5) The sign shall not extend vertically beyond the window sill of the second story.

(6) The sign shall maintain a minimum clearance from the ground of eight feet.

(7) The sign shall be mounted to the building by a single mounting bracket (support chains shall be prohibited) and no support material shall project below the sign.

(8) A projecting sign shall be at least five feet from any adjoining building.

(9) Projecting signs shall not be internally lighted. External lighting is permitted but the source of illumination shall not cause a glare.

(c) **Awning and Marquee Signs.** Awning and marquee signs shall be permitted subject to the following regulations:

(1) The size of an awning sign or the cumulative total of all awning signs on an awning shall not exceed 10 percent of the area of the awning.

(2) Such signs shall not project more than six feet into the public right-of-way, nor be closer than three feet to any street curb line.

(3) The awning or marquee to which the sign is attached shall maintain a minimum clearance from the ground of eight feet.

(d) **Sidewalk Signs.**

(1) Signs shall be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. The maximum size shall not be more than eight square feet per side.

(2) One sign is permitted per commercial establishment.

(3) The sign shall be placed in front of the business using the sign.

(4) A minimum of four feet of unobstructed sidewalk must remain between the sign and the building.

(5) The sign shall not be placed in a way which obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles or snow removal operations.

(6) Sidewalk signs shall not be illuminated by any means or have any moving parts.

(7) Such signs shall be properly maintained and not allowed to become unsightly.

(8) Such signs shall only be in place during business hours.

(e) **Window Signs.**

(1) Window signs are permitted but shall cover no more than 25 percent of the total area of the windows on the first floor. Window signs above the first floor are prohibited.

(2) A window sign may consist of illuminated letters including neon lights.

(3) Window signs shall not consist of any flashing, moving, animated, or intermittent letters or lights.

(4) An electronic reader board may serve as a window sign subject to the size limitations for window signs as contained herein and the requirements of Section 1234.08(b)(3) and (4) herein.

(f) Ground Signs. Ground signs are permitted according to the following requirements for all parcels in the B-2 Zone:

(1) One sign per parcel not to exceed 32 square feet in area.

(2) The height of a ground sign shall not exceed six feet above grade.

(3) Ground signs shall be set back a minimum of five feet from all lot lines.

(g) Non-Commercial Signs (Political Signs). Each sign shall not exceed six square feet in area and six feet in height. Such signs shall not be placed in the right of way.

(Ord. 464. Passed 2-3-09.)

1234.14 SIGNS FOR CERTAIN STREETS IN THE B-1, B-2, B-3, AND OFFICE DISTRICT.

(a) Applicability. For parcels which are zoned B-1, B-2, B-3 and Office and which have street frontage on M-66, M-21, Steele Street, and Adams Street the following regulations shall apply.

(b) Wall Signs.

(1) Each commercial establishment may place a sign or signs on each wall of the commercial establishment. The size of a single wall sign or the cumulative total of all wall signs shall not exceed 10 percent of the area of the wall which contains the sign or signs.

(2) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(3) A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the second story window of a multi-story building.

(c) Freestanding Signs. One ground sign or pole sign per lot is permitted subject to the following regulations:

(1) Address Numbers. All freestanding signs are required to post the address number either on the sign or on the pole facing the public right of way.

A. Address numbers must be in a contrasting color to the background.

B. Addresses must be at least two square feet in size.

C. Addresses of three square feet or less will not count against the total allowable signage.

D. In no circumstances may the total address square footage equal more than 50% of the total sign.

(2) Pole Sign. A sign of 48 square feet shall be permitted for each lot and shall also be subject to the following:

A. In addition to the above, for each foot that a sign is set back from the front setback requirement required in Section 1234.14 (c)(2)(iii) below, the size of a sign may be increased by one additional foot. In no case shall a sign exceed 80 square feet.

B. For those lots with more than one commercial establishment, the size of the pole sign may be increased by 50 percent of the size allowed by Section 1234.14(c)(2)(i) above up to a maximum size of 96 square feet.

C. The support structure or poles for a pole sign shall be set back a minimum of 20 feet from the front lot line and 15 feet from the side lot line.

D. Pole signs shall not exceed 25 feet in height and shall have a minimum height between the bottom of the sign and the ground of eight feet. The support structure or structures for a pole sign shall not be more than three feet wide or three feet in diameter per support structure.

E. The design plans for any pole sign which is 20 feet or higher, shall be sealed by a professional engineer or architect to ensure the structural integrity of such signs for the safety of the public.

(3) Ground Signs. One sign not to exceed 50 square feet shall be permitted for each lot and shall also be subject to the following:

A. The height of a ground sign shall not exceed six feet above ground.

B. Ground signs shall be set back a minimum of five feet from the front lot line and 10 feet from the side lot lines.

(d) Sidewalk Signs. As permitted by Section 1234.13(d) herein.

(e) Non-Commercial Signs. Each sign shall not exceed 16 square feet in area and six feet in height. Such signs shall not be placed in the right of way.

(f) Vehicle Service Station Signs. Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump or canopy support structures shall also be permitted as follows:

(1) Signs atop gasoline service station pumps announcing contents, on-premise sales, provided that such signs do not exceed two square feet in area.

(2) Signs on gas station pump islands or their structural supports identifying “self-serve” and “full-serve” operation, provided that there is no business identification or advertising copy on such signs, that

there are no more than two such signs per pump island and that such signs do not exceed four square feet in area.

(3) Signs may be displayed on the face of the canopy but such signs shall not exceed 10 percent of the face of the canopy to which the sign is attached.

(g) Flag Signs. One per lot not to exceed 24 square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States flag, the flag sign shall be the smaller of these two flags and shall be placed below the United States flag.

(Ord. 464. Passed 2-3-09.)

1234.15 SIGNS IN THE B-1, B-3, AND OFFICE DISTRICT.

For all parcels in the B-1, B-3 and Office Zoning Districts which are not located on M-66, M-21, Steele Street, and Adams Street all requirements of Section 1234.14 herein shall apply except that freestanding pole signs are prohibited.

(Ord. 464. Passed 2-3-09.)

1234.15A SIGNS IN THE F-FAIRGROUNDS DISTRICT.

(a) Applicability. Any existing signs located on property zoned F-Fairgrounds District as of the date of this amendment are hereby determined to be conforming. Any signs erected after the effective date of this amendment shall conform to the standards contained in this section.

(b) Exemption. The installation of signs in the F-Fairgrounds District during the period of the traditional, annual fair sponsored by the Ionia Free Fair Association, and during the period 14 days prior to the start of the fair, shall be exempt from the requirements of this chapter. All signs installed during this period shall be removed within a reasonable period of time after the conclusion of the fair.

(c) The following signs are permitted in the F-Fairgrounds District as regulated herein.

(1) Signs as permitted and regulated by Sections 1234.07 to 1234.10.

(2) Walls signs.

A. A wall sign or signs may be placed on the wall of each building located on property zoned F. The size of a single wall sign or the cumulative total of all wall signs shall not exceed 50 percent of the area of the wall which contains the sign or signs.

B. Wall signs shall not project more than 12 inches from the building surface.

C. Wall signs shall be permitted on the exterior of the wall that surrounds the race track subject to the standards identified in A. and B. above.

D. Wall signs placed on the interior of the wall that surrounds the race track shall be exempt from Chapter 1234.

(3) Freestanding signs. One ground sign and one pole sign are permitted along the M-66 frontage of the property utilized for the fairgrounds and zoned F subject to the following regulations:

A. Pole sign. A sign of up to 48 square feet shall be permitted and shall be subject to the following:

1. In addition to the above, for each foot that a sign is set back from the front setback requirement contained in paragraph (c)(3)A.2. below, the size of a sign may be increased by one additional foot. In no case shall a sign exceed 80 square feet.

2. The support structure or poles for a pole sign shall be set back a minimum of 20 feet from the front line and 15 feet from the side lot line.

3. Pole signs shall not exceed 25 feet in height and shall have a minimum height between the bottom of the sign and the ground of eight feet. The support structure or structures for a pole sign shall not be more than three feet wide or three feet in diameter per support structure.

4. The design plans for any pole sign which is 20 feet or higher shall be sealed by a professional engineer or architect to ensure the structural integrity of such signs for the safety of the public.

B. Ground sign. A sign of up to 50 square feet shall be permitted and shall be subject to the following:

1. The height of the ground sign shall not exceed six feet above ground.

2. Ground signs shall be set back a minimum of five feet from the front lot line and ten feet from the side lot lines.

(4) Sidewalk signs. As permitted by Section 1234.13(d) herein.

(5) Portable signs. Portable signs are permitted in the F-Fairgrounds District subject to the following regulations:

A. One portable sign shall be permitted for up to 30 consecutive days per quarter in a calendar year, provided however that a portable sign shall not be displayed for 30 consecutive days per quarter.

B. Except for inflatable signs as defined herein, a portable sign shall not exceed 32 square feet in area, shall be back lit only and shall not have any flashing, colored or glaring lights.

C. Portable signs, including signs held by a person, shall be located outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site. Inflatable signs are permitted to be placed on the roof of a building so long as it can be properly secured.

D. A sign permit must be obtained before placing a portable sign on any parcel for any length of time.

E. Pennants and streamers are permitted provided they are properly maintained but shall be removed if they become torn, faded, unreadable, or otherwise unsightly. These may be displayed in conjunction with other portable signs. A permit shall be required for the display of these items and they shall be subject to the provisions contained in paragraph (c)(5)A. above.

(6) Non-commercial signs. Each sign shall not exceed 16 square feet in area and six feet in height. Such signs shall not be placed in the right-of-way.

(7) Flag signs. A maximum of twenty may be flown at any single time with each flag not exceeding 24 square feet in size.

(Ord. 473. Passed 5-4-10.)

1234.16 SIGNS IN THE L-I LIGHT INDUSTRIAL DISTRICT

(a) Wall Signs.

(1) Each commercial establishment may place a sign or signs on each wall of the commercial establishment. The size of a single wall sign or the cumulative total of all wall signs shall not exceed 10 percent of the area of the wall which contains the sign or signs.

(2) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(3) A wall sign shall not be placed above nor shall any part of the sign extend above the bottom of the second story window of a multi-story building.

(b) Ground Signs. One sign not to exceed 50 square feet shall be permitted for each lot and shall also be subject to the following:

(1) The height of a ground sign shall not exceed six feet above ground.

(2) Ground signs shall be set back a minimum of five feet from the front lot line and 10 feet from the side lot lines.

(3) Address Numbers.

A. All ground signs are required to post the address number either on the sign or on the pole facing the public right of way.

B. Address numbers must be in a contrasting color to the background.

C. Addresses must be at least two square feet in size.

D. Addresses of three square feet or less will not count against the total allowable signage.

E. In no circumstances may the total address square footage equal more than 50% of the total sign.

(c) **Industrial Park Identification Signs.** One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone, wrought iron, glazed tile or other similar decorative material and shall be appropriately landscaped with low level lighting.

(d) **Non-Commercial Signs.** Each sign shall not exceed 16 square feet in area and six feet in height. Such signs shall not be placed in the right of way.

(e) **Flag Signs.** One per lot not to exceed 24 square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States flag, the flag sign shall be the smaller of these two flags and shall be placed below the United States flag.

(Ord. 464. Passed 2-3-09.)

1234.17 SIGNS IN THE EAST MAIN PRESERVATION DISTRICT.

(a) A non-residential use shall be permitted one sign which shall not exceed 16 square feet in size or four feet in height if placed on the ground or ten feet above the ground if attached to the wall. Signs shall be setback a minimum of five feet from all lot lines or attached to the street side of the building.

(b) A sign may be illuminated only by means of external, shielded light fixtures or the sign may be internally illuminated. Blinking lights on signs are prohibited. A light fixture for a sign shall be placed so as to avoid any glare when viewed from off the site. The source of the light shall not exceed a total of 150 watts and any such light source shall be enclosed and directed so as to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby property.

(Ord. 464. Passed 2-3-09.)

1234.18 ADMINISTRATION.

(a) **Sign Chapter Administration.** This chapter shall be administered by the Community Development Director of the City or his or her agent.

(b) **Sign Permits.**

(1) **Permit Required.** Except as provided in Section 1234.06 of this chapter, no person shall erect, structurally alter or maintain, or relocate any sign without first obtaining a permit as prescribed herein.

(2) **Application.** An application for a sign permit shall be made to the Community Development Director or agent along with any applicable fee as may be set by resolution of the City Council from time to time. The application, at a minimum, shall include the following:

A. Name, address, telephone number, and signature of the applicant and the person, firm or corporation erecting the sign and the owner of the property.

B. Address or permanent parcel number of the property where the sign will be located.

C. A site plan drawn to scale showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.

D. Plans and specifications of the proposed sign including the method of construction and attachment to structures or ground and if deemed necessary by the Community Development Director or agent, calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area.

E. Any required electrical permit shall be attached to the application.

F. The zoning district in which the sign is to be located.

G. In the discretion of the Community Development Director or agent and when in the interest of the safety of the public, the drawings, plans, and specifications required with the application shall bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.

(c) Sign Board of Appeals. The Zoning Board of Appeals of the City shall serve as the Sign Board of Appeals.

(1) General Procedures. The Sign Board of Appeals shall adopt such rules and regulations to govern its procedures as it may deem necessary. Meetings of the Board shall be held at the call of the chair, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The presence of a majority of the members shall constitute a quorum.

(2) Duties and Powers of Board. The Sign Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Community Development Director. The Sign Board of Appeals shall have the power to authorize a variance from the terms of this chapter where such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulty. A variance may be authorized for height, area, number, and size of structure, sign setback or other dimensional limitation.

(3) Variances. The Sign Board of Appeals shall only grant a variance from the provisions of this chapter when it finds based on the evidence presented to it that all of the following standards have been met.

A. There are practical difficulties or unnecessary hardships that will exist if the variance is not granted. The appellant must demonstrate that the alleged practical difficulty or hardship, or both, are exceptional and peculiar to the appellant's situation and result from conditions which do not generally exist throughout the City.

B. The fact that other larger signs constructed under prior sign chapters exist in the area shall not be sufficient reason to declare practical difficulty or unnecessary hardship.

C. The practical difficulty or hardship is not self-created.

D. The terms "practical difficulties" and "hardships" shall relate to the use of a particular parcel of land. "Practical difficulty" or "hardship" shall not be deemed solely economic, such as the cost of the sign,

the size of the sign, or the fact that the sign has already been constructed. The fact that the sign is only available in a standardized size and/or material (example: franchised business signs) shall not constitute a “practical difficulty” or “hardship.”

E. The practical difficulty or hardship which is alleged to result from a failure to grant the variance must include substantially more than mere inconvenience or the mere inability to attain a higher financial return.

F. It must be demonstrated by the appellant that granting the variance will result in substantial justice being done, while consideration is given to the impacts on the public health, safety and welfare.

G. The granting of the variance shall not impose a negative impact on the rights of others.

(4) Conditions of Approval. In authorizing a variance the Board may attach conditions reasonably necessary to the furtherance of the intent and spirit of this chapter and the protection of the public interest.

(5) Time Limitations on Variances. Any variance granted by the Board shall automatically terminate after a period of 12 months from the date granted unless the owner or their agent shall have taken substantial steps, as determined by the Board, in implementing the variances granted by the Board. The sign owner or land owner, upon application filed prior to the expiration of the variance, may request an extension of the variance for an additional period of 12 months upon a showing of good cause why the variance was not implemented.

(6) Variance Review Procedure.

A. An appeal or application for a variance or from any ruling of the officer administering this chapter shall be made to the Community Development Director or agent. The appellant shall furnish a site drawing, photograph, and any other means of proof, to the Sign Board of Appeals to demonstrate that a hardship or practical difficulty exists. The Community Development Director or agent shall transmit the application and all other pertinent information to the Sign Board of Appeals.

B. Notice of Public Hearing. The Sign Board of Appeals shall fix a reasonable time and place for the hearing of the appeal. The Community Development Director or agent shall provide notice of the hearing no less than 15 days before the hearing to all persons owning real property within 300 feet of the premises in question. Said notice may be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The notice shall also be published in a newspaper of general circulation at least 15 days before the date of the hearing.

C. Public Hearing. The Sign Board of Appeals shall conduct a public hearing on such appeal at which hearing any party may appear in person, or by agent or attorney, and all of said parties so affected shall be given an opportunity to beheard. The applicant or his or her representative shall appear at this hearing to present or answer questions regarding the appeal.

(7) Decisions of the Board.

A. The Sign Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decisions or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

B. A majority of the members of the Sign Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Community Development Director or their agent or to decide in favor of the application any matter upon which they are required to pass under this chapter. A copy of the Board's decision shall be furnished to the applicant and the Community Development Director or agent.

(8) An appeal stays all proceedings in furtherance of the action appealed from, unless the Community Development Director or agent from whom the appeal is taken certifies to the Sign Board of Appeals after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by the circuit court on application, on notice to the Community Development Director or agent from whom the appeal is taken and on due cause shown.

(Ord. 464. Passed 2-3-09.)

1234.19 PENALTY.

(a) Any act or failure to act done in violation of the provisions of this chapter is hereby declared to be a nuisance per se.

(b) A violation of this chapter is a municipal civil infraction and shall be subject to the provisions of Section 202.99(b) of the Municipal Code of the City of Ionia.

(Ord. 464. Passed 2-03-09.)

APPENDIX I

SIGN REGULATIONS TABLE

ZONING DISTRICT	SIGN TYPE	NUMBER PERMITTED	MAX. SIZE	MAX. HEIGHT	LOCATION
GENERAL REQUIREMENTS					
RESIDENTIAL	Wall: for non-residential uses	2	10% of wall	N/A	On the wall or walls facing street
R-1, R-2, R-3, RT, RM zoning districts	Ground: residential subdivisions, apartments, churches, schools, MHP 1	32 sq. ft.	6 ft. above grade	Min. 5 ft. from lot lines	Subdivisions signs allowed if maintained by homeowners association; ground signs must be wood, brick, stone, etc.

Non-commercial (political)	No limit	6 sq. ft.	6 ft. above grade	Not in ROW	No permit
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COMMERCIAL	Wall	No limit	10% of wall containing sign	N/A	Signs allowed on all walls
Max. length is 6 ft. less than width of wall, cannot extend above roof or end of wall or above bottom of second story window					

B-2 zone	Projecting	1	16 sq. ft.	Not above windowsill of second story, not more than 4 ft. from building	
		Must project from wall at 90 degrees, min. 8 ft. above grade, no chain supports, external lights only			

Awning and marquee	1	10% of awning area	N/A	May only extend 6 ft. into ROW; 3 ft. from curb max.	
		Min. 8 ft. above grade			

Sidewalk	1	8 sq. ft.	4 ft.	In front of business, cannot obstruct sidewalk; 4 ft. between sign and building	
		No moving parts; no lights; displayed only during business hours, no permit			

Ground	1	32 sq. ft.	6 ft. above grade	Min. 5 ft. from lot lines	
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Window	No limit	Max. 25% of window	N/A	First floor window only	No flashing lights, neon signs permitted, electric reader board permitted per section 8(B)(3) and (4)
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Non-commercial	No limit	6 sq. ft.	6 ft. above grade	Not in ROW	No permit
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B-1, B-2, B-3 and office parcels on M-66, M-21, Steele and Adams Streets	Wall	No limit	10% of wall containing sign	Same as B-2	
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One free-standing ground or pole sign	1	50 sq. ft.	6 ft. above grade	Min. 5 ft. from front lot line, 10 ft. from side Address must be on sign, min. 2 sq. ft.	
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Ground sign

Pole sign	1	48 sq. ft. (size can increase up to 80 sq. ft. for greater setback see Section 14(c)(2)(a))			
		25 ft. above grade	Min. 20 ft. from front, 15 ft. from side	Sign increased by 50% up to 96 sq. ft. if multiple tenants; sign supports max. of 3 ft. wide	

Sidewalk	Same as B-2	No permit
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Non-commercial	No limit	16 sq. ft.	6 ft. above grade	Not in ROW	No permit
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Vehicle service stations	2 per pump/2 pump per island	2 sq. ft. on pump, 4 sq. ft. on pump island
No permit		

Flag signs	1	24 sq. ft.	Must be displayed on a pole
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B-1, B-2, B-3 and office for parcels without frontage on M-66, M-21, Steele and Adams Streets Same as permitted in B-1, B-2, B-3 and office, except pole signs are not allowed

INDUSTRIAL Wall No limit 10% of wall containing sign Same as B-2

Ground	1	50 sq. ft.	6 ft. above grade	Min. 5 ft. from front lot line, 10 ft. from sides
Must show address on sign				

Industrial park identification sign	Same as ground sign	May be a ground or wall sign; wood, brick, stone or other decorative material
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Non-commercial	No limit	16 sq. ft.	6 ft. above grade	Not in ROW	No permit
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Flag sign	1	24 sq. ft.	Must be displayed on a pole
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EAST MAIN PRESERVATION	Non-residential	1 ground or wall sign	16 sq. ft.	4 ft. if ground sign, 10 ft. if wall sign
		5 ft. from all lot lines; wall sign must face street	External lights only	

F	Wall	No limit	50% of wall containing sign	N/A	Sign allowed on all walls	None
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Pole	1	48 sq. ft. (size can be increased up to 80 sq. ft. for greater setback)	See 1234.15A(c)(3)
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25 ft. above grade	Min. 20 ft. from front, 15 ft. from side	None
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Ground	1	50 sq. ft.	6 ft.	Min. 5 ft. from front, 10 ft. from side
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Sidewalk	Same as B-2	No permit
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Non-commercial	No limit	16 sq. ft.	6 ft. above grade	Not in ROW	No permit
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Flag sign	20	24 sq. ft.	Must be on pole
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ALL ZONING DISTRICTS Portable signs 1 32 sq. ft. Permit required, allowed for 30 days per quarter but not for 30 consecutive days, no moving parts, inflatable signs allowed only in B-1, B-2 and F zones

APPENDIX II

MEASUREMENT OF SIGNS

Disclaimer:

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1.800.445.5588.

- **Ira Township, (St. Clair Co.)**

Phone: 586-725-0263

Fax: 586-725-8790

Link: <http://iratownship.org/>

Auction: auctioneer:

- **Iron Mountain**

P: 906-774-8530

F: 906-774-3774

Link: <http://cityofironmountain.com/>

Auction: Auctioneer:

- **ARTICLE IV. - HAWKERS, PEDDLERS, ITINERANT VENDORS, AND AUCTIONS**

- **Sec. 14-81. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hawker and peddler means and includes any person who shall go about from place to place within the city, in any manner whatsoever, or who shall from any cart, stand, vehicle or other device in or upon any street, highway, sidewalk or in or upon any open place sell or offer for sale or solicit orders for any goods, wares, merchandise, refreshments or any kind of property or thing whatsoever to any person.

Itinerant vendor means and includes all persons, both principal and agent, who engage in a temporary or transient business in the city, selling goods, wares and merchandise, and who for the purpose of carrying on such business hires, leases, or occupies any room, building, structure, motor vehicle or railroad car for the exhibition or sale of such goods, wares or merchandise. The person so engaged shall not be relieved from the provisions of this article by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as a part of the business of, or in the name of any local dealer, trader, merchant or auctioneer.

(Code 1982, § 6-302(A), (B))

Cross reference— Definitions generally, § 1-2.

- **Sec. 14-82. - Exceptions to article.**

This article shall not apply to the following:

- (1)
Sales made to dealers by commercial travelers or selling agents in the usual course of business.
- (2)
Local merchants or their employees in taking orders for goods in stock at their places of business or at the houses of their customers.
- (3)
Persons selling goods or other products produced, manufactured or made by himself.
- (4)
Farmers or gardeners selling farm produce.
- (5)
Persons going about from place to place in the city offering goods for sale by sample or otherwise, orders for the goods to be sent to manufacturers outside the state, filled and shipped into the state by such manufacturers, or to persons engaged in interstate commerce.

(Code 1982, § 6-302)

- **Sec. 14-83. - Penalty for violation of article; enforcement.**

Every person who shall in any manner, in doing or transacting the business of a hawker or peddler, itinerant vendor, any person conducting an **auction** sale, or **auctioneer** in selling goods, wares, or merchandise without first having procured and paid for a license as required by this article, or who shall continue such business after the term of the license, shall be liable, upon conviction, to be punished according to the provisions of section 1-15.

(Code 1982, § 6-308)

- **Sec. 14-84. - License—Required.**

No hawker or peddler shall sell, offer for sale or solicit orders for, by sample or otherwise, any goods, wares, merchandise, refreshments or any kind of property or thing whatsoever, nor shall any **auctioneer** ply his trade, or itinerant vendor do business within the city without first having paid for and obtained from the city clerk a license to do so.

(Code 1982, § 6-301)

- **Sec. 14-85. - Same—Scope.**

The chief of police of the city shall designate the location where the licensee shall be permitted to sell or offer for sale his goods, wares or merchandise having regard to the traffic and the safety of the life or limb of the people of the city and not in conflict with any of the provisions of this article.

(Code 1982, § 6-303)

- **Sec. 14-86. - Auctions.**

(a)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Down-hill selling means the first offering of any article at a high price and then offering the article at successive lower prices until a buyer is secured.

Selling at auction means the offering for sale or selling of personal property to the highest bidder excepting sales authorized by law; or offering for sale or selling of such property by the method known as down-hill selling.

(b)

Prohibited acts. No personal property shall be sold at auction, or exposed for sale, by any auctioneer on any street, avenue, alley or in any public place in the city. No bellman or crier, nor any drum or fife, or other instrument of music, nor any show signal, or means of attracting the attention of the public, other than a sign or flag shall be employed, or suffered or permitted to be used in connection with any auction sale, at or near any place of such sale, or at or near any auction room.

(Code 1982, § 6-304)

- **Sec. 14-87. - Express auction violations.**

(a)

It shall be deemed a violation of this article for any person operating a public auction by virtue of a license issued as provided in this article, to permit or allow any person to remain in or upon the premises wherein the public auction is being conducted to engage in the practice of boosting or capping or assist or take part in the practice of any fraud of any kind, nature or description, or to misrepresent the quality or description of any article or thing offered to be sold.

(b)

It shall be deemed a violation of this article for any auctioneer or person being present when any personal property is offered for sale to knowingly, or with intent to induce any person to purchase the same, or any part thereof, make any false representations or statement as to the ownership of or the character or quality of the property offered for sale or as to the poverty or circumstances of the owner or pretended owner of such property. If such false representation is made by such auctioneer, or by any other person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

(c)

It shall be deemed a violation of this article for any person who sells or attempts to sell by auction, or whoever advertises for sale any goods, wares or merchandise to falsely represent or pretend that such goods, wares or merchandise are, in whole or in part, a bankrupt or insolvent stock, damaged goods, or goods saved from fire, or makes any false statement as to the previous history or character of such goods, wares or merchandise. If such false representation is made by such auctioneer or by any person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

(Code 1982, § 6-305)

- **Sec. 14-88. - Licensed auction days and hours.**

No person shall operate a public **auction** room or sell goods at a public **auction**, within the meaning of this article, except on weekdays between the hours of 8:00 a.m. and 6:00 p.m.

(Code 1982, § 6-306)

- **Sec. 14-89. - License fees; term; licensing procedures.**

(a)

Hawkers and peddlers. Every person who shall take out a license as a hawker or peddler under this article shall pay the sum of \$10.00 per day for each day or fractional part thereof, for any number of days not exceeding ten days, and any number of days exceeding ten, and not exceeding one year, shall pay the sum of \$200.00.

(b)

Auctions. No person shall hold any **auction** sale at any place in the city without first obtaining a license from the city clerk therefor, and the fee for such license shall be \$15.00 for each day the sale is to be held. It shall also be necessary for the person acting as **auctioneer** to secure a license from the city clerk and shall pay a fee of \$5.00 per day for such license.

(c)

Itinerant vendors. No person shall engage in the business of an itinerant vendor without first obtaining a license from the city clerk therefor, and the fee for such license shall be \$15.00 for each day or fractional part thereof that he shall conduct the business of an itinerant vendor.

(d)

Expiration; scope of authority; transferral; revocation. All such licenses shall, at the latest, expire on the first Monday in June following their issue, and a license shall not give authority to more than one person to engage in the business of a hawker or peddler, or to conduct a public **auction**, or to engage in the business of an itinerant vendor, and each license shall state that it is not assignable nor transferable, and that it may be revoked by the common council or mayor at any time upon return to the licensee of the unearned license fee.

(Code 1982, § 6-307)

- **Secs. 14-90—14-105. - Reserved.**

- **Ironwood**

(906) 932-5050

Link: <http://www.cityofironwood.org/>

Auction: Auctioneer: No information given.

- **Jackson**

Ph: 517-788-4028

Link: <http://www.cityofjackson.org/>

Auction: Auctioneer:

- **ARTICLE III. - AUCTIONS AND AUCTIONEERS**

FOOTNOTE(S):

--- (4) ---

Editor's note— Ord. No. 2013-18, § 2, adopted August 13, 2013, effective Sept. 12, 2013, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 16-71—16-81, pertained to similar subject matter, and derived from Code 1977, §§ 7.51—7.61.

- **Sec. 16-71. - License required.**

No person shall sell or cry off at **auction** any real or personal property within the city without having first secured a license to do so from the city clerk and filed an inventory as required by [section 16-77](#).

(Ord. No. 2013-18, § 2, 8-13-13, eff. 9-12-13)

- **Sec. 16-72. - License application.**

Any person desiring to be licensed as an **auctioneer** within the city shall file with the city clerk an application therefor on such forms as the city clerk may require. Before issuing such license, the city clerk may require additional information the clerk deems necessary in order to pass upon the application.

(Ord. No. 2013-18, § 2, 8-13-13, eff. 9-12-13)

- **Sec. 16-73. - Fees and bond.**

(1)

After the application for a license under this article shall have been passed upon by the city clerk, and as a prerequisite to the issuance of a license thereunder, the applicant shall pay to the clerk a license fee in accordance with article II of this chapter; and shall execute a bond in the penal sum of five thousand dollars (\$5,000.00) with a surety company authorized to do business in the state which bond shall be approved by the city attorney.

(2)

In addition, prior to any sale hereunder, a licensed **auctioneer** shall pay the clerk the required inventory fee in accordance with article II of this chapter.

• **Sec. 16-74. - License issuance.**

Upon compliance with the provisions of this chapter, the city clerk shall issue to the applicant an annual license to conduct **auctions** within the city.

(Ord. No. 2013-18, § 2, 8-13-13, eff. 9-12-13)

• **Sec. 16-75. - Prohibited practices.**

The following acts, omissions and practices in connection with any **auction** are hereby prohibited and, if found to have occurred shall constitute a basis for revocation of a license issued under this article.

- (1)
The use of deceit, fraud or misrepresentation in the sale or offering for sale of any real or personal property.
- (2)
The use of false bidders, cappers or puffers.
- (3)
The use of any false or misleading advertising, whether relating to the kind or quality of the property or its past history, present status or otherwise.
- (4)
The use of an unlicensed person to conduct an **auction** sale; provided, however, that an unlicensed person may conduct an **auction** sale under the direct supervision of an **auctioneer** licensed under this article.
- (5)
The failure to exhibit, upon demand by a police officer, a currently valid city **auctioneer**'s license or city clerk's license card.
- (6)
The knowing receipt for sale by **auction**, or the knowing sale by **auction**, of any property which is stolen.
- (7)
The conduct of any **auction** of personal property in any street, avenue, or alley in the city.
- (8)
The sale of property not listed on the inventory required by [section 16-77](#); provided, however, that property may be sold when its presence in a consignment is discovered after the required inventory has been filed. In all such cases, the **auctioneer** shall file a revised inventory list as soon as is practical after the sale.

(Ord. No. 2013-18, § 2, 8-13-13, eff. 9-12-13)

• **Sec. 16-76. - **Auction** accounts.**

Every **auctioneer** licensed under this article shall keep a sales book with an accurate account of the persons to whom property is sold and of the persons from whom property was received; which records shall be open to inspection by city officials or their representatives at all reasonable times.

• **Sec. 16-77. - Inventory list.**

(1)

Every **auctioneer** licensed under this article shall, at least twenty-four (24) hours prior to the commencement of any sale at **auction** of any real or personal property, file with the city clerk a statement which shall contain:

(a)

The address where the **auction** is to be held.

(b)

An itemized inventory of the real or personal property to be sold.

(c)

A good faith estimate of the retail value of the property to be sold.

(d)

A recitation that all taxes which have become a lien upon the property have been paid.

(2)

It shall be unlawful for an **auctioneer** to conduct an **auction** at any place other than that designated upon the inventory list filed hereunder.

• **Sec. 16-78. - Reconditioned personal property.**

Reconditioned and rebuilt personal property shall be clearly labeled as such and the buying public in attendance at any **auction** licensed under this article shall be so informed by the **auctioneer** of such fact at the time such property is offered for sale.

• **Sec. 16-79. - Official sales exempt.**

The provisions of this article shall not apply to any person acting under the official license, direction or authority of any court or government.

• **Sec. 16-80. - Refunds.**

(1)

The purchaser of any property at any **auction** held under the provisions of this article may return the same for refund in accordance with the following:

(a)

New property found not to be of the quality represented may be returned within three (3) business days from the time of the sale.

(b)

Used property found not to be of the quality represented may be returned within one (1) business day from the time of sale.

(2)

The **auctioneer** who sold the property shall then return to the purchaser the price of the property returned and, in case of refusal, shall be liable upon his bond.

(Ord. No. 2013-18, § 2, 8-13-13, eff. 9-12-13)

- **Sec. 16-81. - Penalties.**

Any person violating any of the provisions of this article shall be punishable as provided by [section 1-18](#) of this Code.

(Ord. No. 2013-18, § 2, 8-13-13, eff. 9-12-13)

- **Secs. 16-82—16-100. - Reserved.**

- **Jonesville**

PH: (517) 849-2104

FX: (517) 849-9037

Link: <http://www.jonesville.org/>

Auction: Auctioneer: No Information Given

K

- **Kalamazoo Charter Township, (Kalamazoo Co.)**

PH: 269-381-8080

Link: <http://www.kalamazootownship.org/>

Auction: Auctioneer: No information given

- **Kentwood**

616-698-9610

Link: <http://www.ci.kentwood.mi.us/>

Auction: Auctioneer: No information given

- **Kingsford**

906-774-3526

Link: <http://www.cityofkingsford.com/>

Auction: Auctioneer: No information not given

L

- **Laingsburg**

517-651-5374

Link: <http://www.laingsburg.us/>

Auction: Auctioneer: No information given

- **Lake Odessa**

(616) 374-7110

Link: <http://www.lakeodessa.org/>

Auction: Auctioneer: No information given

- **Laketown Township, (Allegan Co.)**

Phone: (616) 335-3050

Fax: (616) 335-5459

Link: <https://www.municode.com/library/>

Auction: Auctioneer: No information given

- **Lansing**

PH: 517.483.4000

Link: <http://www.lansingmi.gov/>

Auction: Auctioneer:

- **CHAPTER 805. - AUCTIONS**

FOOTNOTE(S):

--- (3) ---

Cross reference— Sales of personal property by City - see CHTR. Sec. 8-402; Sales of secondhand motor vehicles - see TRAF. 5.92; Posting and removal of signs for sales - see GEN. OFF. 606.03; Sales of alcoholic beverages - see GEN. OFF. 608.02 et seq.; B.R. & T.830.04; Sales in streets - see GEN. OFF. 654.07(c); Licensing in general - see B.R. & T. Ch. 802; Peddlers, solicitors and transient merchants - see B.R. & T. Ch. 844; Secondhand dealers - see B.R. & T. Ch. 856.

- **805.01. - Scope and purpose of chapter.**

This chapter is in the interest of public morals and welfare and the prevention of deceit, misrepresentation, and fraud in the selling of goods, wares, merchandise and personal property at public **auction**.

This chapter is not intended to, nor does it, relieve or dispense with the necessity of each and every **auctioneer** conducting an **auction** to comply with the ordinances of the City and the laws of the State relating to **auctioneer**'s licenses.

(1958 Code, § 7-1; Ord. No. 1170, § 1, 7-25-11)

- **805.02. - Auctioneer's license required; fee and bond for auctioneer's license; exceptions.**

No person shall sell, offer for sale, or cause or permit to be sold or disposed of, in the City at public **auction**, any goods, wares, merchandise or personal property without first obtaining from the City Clerk an **auctioneer**'s license. The City Clerk is hereby authorized to issue an annual **auctioneer**'s license to any proper person upon such person's paying a fee set by resolution of Council and upon the filing of a bond in the penal sum of \$2500.00. This chapter shall not apply to the selling of property under legal process or under mortgage or order of any court, nor shall it apply to any person acting as an **auctioneer** for a charitable corporation, organization or association, provided that no part of the proceeds of such sale accrues to the private benefit of such **auctioneer** or to any officer, director, agent or employee of such charitable corporation, organization or association.

(Ord. No. 832, 4-1-91; Ord. No. 1170, § 1, 7-25-11)

Editor's note—

Ord. No. 1170, § 1, adopted July 25, 2011, amended [§ 805.02](#) title to read as herein set out. Former [§ 805.02](#) title pertained to license to conduct sale required; **auctioneer**'s license required; fee and bond for **auctioneer**'s license; exceptions.

- **805.03. - License application.**

Any person applying for an **auctioneer**'s license shall furnish to the City Clerk a written application for such license, signed by the applicant. The applicant shall provide the address of the **auctioneer** and any proposed usual **auction** sale locations. Applicants shall certify on the application that they have fully satisfied all City income tax and personal property tax obligations.

(Ord. No. 547, 12-10-79; Ord. No. 1170, § 1, 7-25-11)

Editor's note—

Ord. No. 1170, § 1, adopted July 25, 2011, amended [§ 805.03](#) title to read as herein set out. Former [§ 805.03](#) title pertained to application for license to conduct sale; restriction on items sold; inventory.

- **805.04. - Issuance of license.**

Upon the filing of an **auctioneer**'s license application, the City Clerk shall forward the application to any department deemed necessary to review the application. If in all respects the foregoing provisions of this chapter have been complied with by the applicant for such a license, the City Clerk shall issue such license.

(Ord. No. 832, 4-1-91; Ord. No. 1170, § 1, 7-25-11)

Editor's note—

Ord. No. 1170, § 1, adopted July 25, 2011, amended [§ 805.04](#) title to read as herein set out. Former [§ 805.04](#) title pertained to fee for license to conduct sale; issuance of license; term; hours when sale permitted.

- **805.05. - Licensing of minors prohibited.**

No license under this chapter shall be granted to any person under the age of 18 years.

(Ord. No. 288, 1-3-72)

- **805.06. - Application blanks and license certificates.**

The City Clerk shall, at the expense of the City, provide, for the use of the public, application blanks and forms of license certificates meeting the requirements of this chapter.

(1958 Code, § 7.6)

- **805.07. - Transferability of licenses.**

Licenses granted under this chapter shall not be transferable.

(1958 Code, § 7-6.1; Ord. No. 1170, § 1, 7-25-11)

Editor's note—

Ord. No. 1170, § 1, adopted July 25, 2011, amended [§ 805.07](#) title to read as herein set out. Former [§ 805.07](#) title pertained to transferability of licenses; suspension and revocation.

• **805.08. - Auction inventories; notification of Police Chief; appointment of inspectors; duties of inspectors.**

(a)

At least ten days prior to conducting an **auction**, the person holding the **auction** shall file with the City Clerk an itemized inventory of the items to be sold at the **auction** and the dates, times, and location of the **auction**.

(b)

The City Clerk shall notify the Chief of Police of a public **auction** sale under this chapter and the Chief of Police may select and furnish for each such public **auction** sale an inspector who shall attend such sale during all of the time it is conducted, to which inspector the City Clerk shall furnish one copy of the inventory filed with the City Clerk. Such inspector shall, as such **auction** sale progresses, check such inventory and prepare a list of each article offered for sale and sold at such sale. No goods, wares, merchandise or personal property shall be offered for sale or sold at such a sale if the same does not appear in the inventory filed with the City Clerk.

(Ord. No. 94, 11-2-64; Ord. No. 1170, § 1, 7-25-11)

Editor's note—

Ord. No. 1170, § 1, adopted July 25, 2011, amended [§ 805.08](#) title to read as herein set out. Former [§ 805.08](#) title pertained to notification of police chief; appointment of inspectors; duties of inspectors; fees.

• **805.09. - Sale of uninventoried goods.**

Inspectors appointed under [Section 805.08](#) shall report daily to the City Clerk any goods, wares, merchandise and personal property which was offered for sale or sold at the **auction** sale and which was not contained in the inventory filed with the City Clerk.

(1958 Code, § 7-8; Ord. No. 1170, § 1, 7-25-11)

• **805.10. - Other unlawful acts, omissions and practices.**

The following acts, omissions and practices in connection with public **auction** sales conducted under this chapter are hereby prohibited:

(a)

The use of deceit, fraud, or misrepresentation in the sale of, or in offering for sale, any goods, wares, merchandise or personal property;

(b)

The use of false bidders, or what are commonly known as "cappers," "boosters," "shillers," and "puffers;" or any scheme to offer or make any false bid, or offer any false bid or pretend to buy any article sold or offered for sale at any sale by **auction**;

- (c) The use of bells, buzzers or any other kind of mechanical instrument that attracts attention to an **auction**;
- (d) The use of any false or misleading advertising matter relating to the kind or quality of any goods, wares, merchandise or personal property to be sold;
- (e) The substitution of an unlicensed **auctioneer** in place of a licensed **auctioneer**;
- (f) The failure of an **auctioneer** to exhibit an **auctioneer**'s license to any police officer or City official, upon demand, at the place where an **auction** is conducted;
- (g) The sale at **auction** of any items not listed on an inventory filed pursuant to subsection [805.08\(a\)](#) or the sale of any items that were not located on the premises where the **auction** is held at the time of filing the inventory;
- (h) The holding of an **auction** for more than ten consecutive days; and
- (i) The holding of an outdoor **auction** after 9:00 p.m. or the holding of an **auction** confined within a closed structure after 11:00 p.m.

(1958 Code, § 7-9; Ord. No. 1170, § 1, 7-25-11)

• **805.11. - Revocation of licenses.**

- (a) A license issued pursuant to this chapter may be revoked after an administrative hearing at which the Chief of Police, the City Attorney, and the City Clerk determine that any grounds for revocation under subsection (b) exist. Notice of the time and place of the hearing and the grounds for revocation must be given to the licensee at least five days prior to the date of the hearing, by first class mail to the address given on the license application.
- (b) Licenses may be denied or revoked on any of the following bases:
 - (1) The applicant or licensee commits a violation of this chapter;
 - (2) The applicant commits fraud or misrepresentation or makes a false statement during the application process or on any inventory required to be filed pursuant to subsection [805.08\(a\)](#);
 - (3) The applicant or any person with an ownership interest in the applicant is in default to the City;

(4)

The licensee commits fraud, misrepresentation, or makes a false statement while conducting an auction.

(Ord. No. 1170, § 1, 7-25-11)

- **805.99. - Penalty.**

Editor's note—

See [Section 202.99](#) for general Code penalty if no specific penalty is provided.

- **Lansing Charter Township, (Ingham Co.)**

PH: 517-485-4063

FX: 517-485-3276

Link: <http://www.lansingtownship.org/>

Auction: Auctioneer: No information given

- **Lathrup Village**

Ph: (248) 557-2600

Link: <http://www.lathrupvillage.org/>

Auction: Auctioneer:

- **Sec. 18-26. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City services means police, fire, sewage disposal, rubbish collection and disposal, water, streets, ordinance enforcement, traffic control, recreation, and all other services provided for persons who occupy real property in the city under the jurisdiction or authority of the various city departments or city officials or its boards and commissions or the city council.

Conducting business means that a person is:

(1)

Pursuing a business, which is any form of activity that has for its end the production or supplying of commodities. The term "manufacturing business" means any form of process of making, working, fabricating or producing wares.

(2)

Acting as a merchant, which means any person who engages in or conducts a business selling goods, wares and merchandise and who, for the purpose of carrying on such business, uses, lists or occupies, either in whole or in part, a room, building, structure or vacant property for the exhibition of such wares and merchandise.

(3)

Performing a trade, which means all other kinds of vocations, occupations, enterprises, establishments and kinds of activity not included in the definition of the term "merchant" or "business."

(4)

Is a transient merchant, which means any person who engages in or conducts a business buying or selling goods, wares and merchandise and does not have a mercantile establishment in the city. Auctioneers shall not be deemed to be transient merchants. The term "transient merchant" is synonymous with the term "peddler."

(5)

A person is also conducting business when engaged in commercial business activities which are regulated under the handbill regulations of article II of chapter 6.

License means a general business license as provided for in this article, and a licensee is the holder of a license.

Ordinary care means that degree of care that a reasonably careful person would use under the same or similar circumstances. The failure to do something that a reasonably careful person would do or the doing of something that a reasonably careful person would not do under the circumstances constitutes a failure to use ordinary care. Failure to exercise ordinary care shall be governed by the factors and considerations applied to negligent acts and omissions under the common law of this state.

Unreasonable demands means, in relation to city services, that a person engaged in business calls upon city to provide services to or for the benefit of the business activity and its invitees on a regular basis with a frequency or to a degree that is so clearly in excess of that provided other similar business establishments within the city as to lead a reasonable, prudent, fair-minded person to the conclusion that the level of service is unreasonably disproportionate or is unfair to the other recipients of city services.

(Code 1991, art. IV, ch. 1, §§ 203—207; Ord. No. 97-319, pt. I (203), 3-17-1997)

Cross reference— Definitions generally, § 1-2.

- **Sec. 18-27. - Purpose.**

The purposes of this article are to:

(1)

Enable the city to render service more efficiently and effectively to the business sector of the community;

(2)

Regulate trades, occupations, and amusements within the city and, where lawful and appropriate, prohibit such trades, occupations, and amusements as are seriously detrimental to the health, safety, morals, or welfare of the city's inhabitants and the general public sojourning within the city;

(3)

Conserve city funds by regulating the users of city services who create excessive demands for services by failing to exercise due care in the conduct and management of their businesses; and

(4)

Effectuate such purposes through the exercise of the police powers granted by state law and by the Charter.

(Code 1991, art. IV, ch. 1, § 101)

- **Sec. 18-28. - Reservation of city's rights.**

The city expressly reserves the right to modify the fees provided in this article and to otherwise amend this article as the public interest may require, subject however to the limitations and the restrictions imposed by law.

(Code 1991, art. IV, ch. 1, § 607)

- **Sec. 18-29. - Unlicensed business.**

No person required to obtain and maintain a license under [section 18-30](#) shall conduct business in this city unless the person is licensed, and no natural person or individual shall, by actions taken within this city, aid or abet another in the conduct of such unlicensed business.

(Code 1991, art. IV, ch. 1, § 704)

- **Sec. 18-30. - General business license required; application; procedures.**

(a)

Required. Every person conducting business of a type capable of being lawfully regulated by a city licensing ordinance shall apply for and obtain and thereafter maintain in full force and effect a general business license as provided for by this article, in addition to complying with all other license, permit and certificate requirements imposed by other city ordinances and all federal and state laws. All such persons shall apply for a license forthwith if they are already conducting business within this city and do not hold a license, all licensees shall apply for a license on or before its expiration date, and all others shall apply for a license at or before the time when they first take possession of real estate and commence to conduct business within this city.

(b)

Application. An application for a general business license shall be filed with the administrator, on forms promulgated and furnished by the administrator, supplying the following information with reference to the applicant and certified as being correct to the best of the information, knowledge and belief of the applicant and, if applicable, the agent making the application:

(1)

The true name of the person and any assumed or trade name by which such business is known or to be known.

(2)

The address of the business premises.

(3)

A description of the business to be conducted, specifying the character of the goods and services to be purchased, sold, and offered for sale; the numbers of persons employed or otherwise engaged in the business on the premises; the hours during each day of the week the business will open for business with the public; and the numbers of parking spaces which will be utilized by employees and customers at peak times.

(4)

The full names, business addresses, business phone numbers, and residence addresses and phone numbers of the owners, proprietors, officers, and managers of the applicant's business; the name and address of each officer if the applicant is a corporation; and the names and addresses of all partners if a partnership.

(5)

A statement as to whether or not the business is one that may be conducted at that location in conformity with city ordinances, including this article, any applicable zoning ordinances, and any of the other city ordinances regulating specific trades, industries, and occupations.

(6)

A statement that the applicant requests an annual inspection of the business premises by the city to determine compliance with this article.

(c)

Review of application. The administrator shall review such application and obtain from the applicant, in writing, such supplemental details concerning the applicant, the subject business, or its impact upon city services as may be necessary and appropriate to enable him to determine whether the licensee will be conducting business in conformity with applicable state and federal laws and with this article and all other ordinances of this city, and whether the city should consider modifying the manner of providing city services to the premises.

(d)

Criteria for issuance; authority given licensee; term. The administrator shall issue a general business license to an applicant when the administrator determines that such person's business, as and where conducted or proposed to be conducted, will not be in violation of federal laws, state laws, or city ordinances and when the license fee prescribed in this article has been paid. Such license shall authorize the licensee to conduct business in this city in conformity with this article, as amended from time to time, and as described in the application, and not otherwise, for the balance of the license year ending on March 31 at 12:00 midnight after the date the license is issued, unless sooner suspended or revoked. The license year shall begin on April 1 of each year.

(e)

Certificate. The administrator shall issue to each licensee a suitable certificate of licensing showing its expiration date. Each licensee shall cause the certificate to be posted and maintained in a conspicuous portion of the premises which is open to visitors and city officials. The person in charge of a licensed premises shall display such certificate to all city officials upon request.

(f)

Renewal. A licensee desiring to continue to conduct business in conformity with his most recent application may renew his license for an additional one-year period by paying the renewal fee prescribed in this article. Tender of such fee shall be deemed a certification that the facts stated in the most recent application have not materially or substantially changed. If the facts stated in the most recent application on file with the

administrator have materially and substantially changed, a new application shall be filed and processed as provided in this section.

(g)

Transfer. A licensee desiring to transfer his license to a new location or to materially or substantially change the nature and scope of the business shall file a new application and obtain a new license in conformity with this article.

(h)

Duty to exercise ordinary care. It shall be the duty of each person required to obtain and maintain a license under this article to exercise ordinary care to:

(1)

Comply with the requirements of this article and all other city ordinances and all federal and state laws;

(2)

So manage and conduct his business as to avoid creating unreasonable demands for city services; and

(3)

So manage and conduct the licensed business as to avoid violating the state consumer protection laws to an extraordinary degree.

(i)

Compliance by person acquiring existing business. A license is not assignable, and a person who acquires an existing licensed business establishment must also comply with this article.

(Code 1991, art. IV, ch. 1, §§ 301—307, 309, 310; Ord. No. 97-319, pt. I (302), (304), (306), 3-17-1997)

- **Sec. 18-31. - False statements.**

No person, either on his own behalf or as agent for another, shall execute and cause or permit to be filed with any city official any document filed pursuant to this article containing in bold print over his signature a certification reading "I certify under the penalties of law that I have read the foregoing document and that the facts stated therein are true to the best of my information, knowledge, and belief" knowing such certification statement to be false or without using ordinary care to determine their truth of the facts stated in the document prior to executing it.

(Code 1991, art. IV, ch. 1, § 701)

- **Sec. 18-32. - Resisting, obstructing or opposing administrator.**

No person, either on his own behalf or on behalf of another, shall knowingly and willfully resist, obstruct or oppose the administrator in the lawful performance of his duties under this article by actions taken within the city, nor shall any person knowingly and willfully aid, abet, or encourage another to do so while in this city.

(Code 1991, art. IV, ch. 1, § 702)

- **Sec. 18-33. - Leased business premises.**

(a)

It shall be the responsibility of the owner of any building within the City of Lathrup Village from which space is leased for nonresidential use, and the responsibility of any agent utilized by such an owner for such leasing activities, to file on an annual basis with the city clerk, on a form prescribed by the clerk, a list of all tenants in such building and the principal business of each tenant. Forms shall be available at the office of the city clerk by December 1 of each year, and shall be completed and returned no later than December 31.

(b)

Any such owner or agent who shall fail to file the appropriate documents as required in subsection (1) shall be determined to have committed a civil infraction and be subject to a fine of \$25.00 for each violation.

(Ord. No. 99-345, pt. I, 12-20-99)

- **Secs. 18-34—18-60. - Reserved.**

- **Lawrence**

(269) 674-8161

Link: www.lawrencemi.org

Auction: Auctioneer: No information given

- **Leoni Township, (Jackson Co.)**

517-764-4694

Link: <http://www.leonitownship.com/>

Auction: Auctioneer:

Circuses, carnivals or other **transient** enterprises may be permitted in any district upon issuance of a permit by the township board. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions. Such permit shall be valid for a period of not more than three days. The permit may be renewed at the zoning inspector's option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. The minimum distance from any operation relevant to the conditional use (other than parking) to any residence shall be 100 feet.

- **Leslie**

PH: 517-589-8236

• **ARTICLE II. - RESIDENTIAL PREMISES**

• **Sec. 62-32. - Definitions.**

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Article means any product, item or service having commercial value.

Person means any individual, partnership or corporation who owns residentially zoned property in the city or who has temporary or permanent control over the use to be made of the property.

Residential premises sale means the sale on residentially zoned property, whether in an open and unenclosed area or a covered or enclosed area, of any articles, which sale is to take place at a defined time or over a defined period of time and which is open to the public or any substantial portion of the public. The term "residential premises sale" shall include, but not be limited to, **auction** sales and sales commonly referred to as "garage sales," "yard sales," "porch sales," "rummage sales" and the like.

Residentially zoned property means all property within the city having any of the following zoning classifications: one-family low density residential (R-1A); medium density residential (R-1B); multiple-family residential (R-M1); and agricultural (A-1). Nothing in this article shall be construed so as to prohibit any uses permitted by right in such districts or so as to preclude the owners or occupants of such properties from applying for a special use permit for those uses permitted by special use permit in such districts.

(Code 1973, § 8-128)

Cross reference— Definitions generally, § 1-2.

• **Sec. 62-33. - License required.**

No person shall conduct a residential premises sale without first having obtained a license therefor as provided in this article. No more than two residential premises sales shall be permitted to be held on the same property in any calendar year. A license procured under the provisions of this article shall be prominently displayed at the site of the sale.

(Code 1973, § 8-129; Ord. No. 157, § 1, 9-2-1997)

Cross reference— Licensing generally, § 18-31 et seq.

- **Sec. 62-34. - Applications for license.**

(a)

Applications for a license to conduct a residential premises sale shall be prepared on a form to be provided by the city clerk and shall state thereon:

(1)

The location of the sale, and the specific area within which the sale is to be conducted (i.e. front yard, porch, garage, etc.);

(2)

The nature of the articles proposed to be sold;

(3)

The name or names of all persons who will be in charge of the sale;

(4)

The period of time over which the sale will be conducted;

(5)

The extent to which the sale will be advertised or publicized;

(6)

The facilities available for parking of motor vehicles.

(b)

The application shall be presented to the city clerk, who shall issue the license upon payment of the fee herein required. No license shall be issued hereunder authorizing the conduct of an **auction** sale on Sunday.

(Code 1973, § 8-130)

- **Sec. 62-35. - Fee; waiver.**

(a)

The application shall be accompanied by the following fee:

(1)

A fee as set by resolution of the city council for **auction** sales.

(2)

A fee as set by resolution of the city council for residential premises sales other than **auction** sales.

(3)

A fee as set by resolution of the city council for each day in excess of three days over which a residential premises sale is to be held.

(b)

The payment of such fees may be waived by the city council if the proceeds of such sales are to be used for religious, charitable or public purposes.

(Code 1973, § 8-131)

- **Sec. 62-36. - Unlawful acts, omissions and practices.**

The following acts, omissions and practices in connection with residential premises sales conducted under this article, in addition to others herein enumerated, are hereby prohibited, and the commission of any of such acts shall be deemed a violation of this article:

- (1)
The conducting of any such sale in a different location, during different times, or in any other materially different manner than is represented in the application;
- (2)
The conducting of any such sale for a period longer than four days, provided that if inclement weather precludes the conduct of such sale, the city may in its discretion extend the duration of the sale for an additional day;
- (3)
The placing of advertisements or notices concerning any such sale upon public property or within the right-of-way of a public street;
- (4)
The erection of signs or placements of advertising material concerning any such sale more than one day prior to the time such sale is scheduled;
- (5)
The failure to remove all signs or advertising material concerning any such sale within 12 hours following the conclusion of such sale;
- (6)
The use, in connection with any such sale, of any electrically or mechanically operated signs, buzzers, bells or loudspeakers which may disturb persons of normal sensibilities;
- (7)
The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article;
- (8)
The conduct of any such sale in a manner inimical to the health, safety or welfare of the inhabitants of the city.

(Code 1973, § 8-132; Ord. No. 157, § 1, 9-2-1997)

- **Lincoln Chrtr Township, (Berrien Co.)**

(269) 429-1589

Link: <http://www.lctberrien.org/>

Auction: Auctioneer: No information given

Lincoln Park:

(313) 386-1800

Link: <http://www.lincolnpark.govoffice.com/>

Auction / Auctioneer

Lincoln Park Code of Ordinances

TITLE TWO - Business Regulation

CHAPTER 804 Auctions and Auctioneers

CHAPTER 804

Auctions and Auctioneers

804.01 Definitions.

804.02 License required.

804.03 License application; bond; issuance.

804.04 License expiration; fees.

804.05 Auctions on public property.

804.06 Exceptions to chapter.

804.07 Return of defective merchandise; posting of notices.

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804.09 Substitution of items.

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804.11 Noise.

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CROSS REFERENCES

Auctions and auctioneers - see M.C.L.A. Secs. 446.26 et seq.

Licensing generally - see B.R. & T. Ch. 802

Auction of pawned property - see B.R. & T. 862.10

Precious metal and gem dealers - see B.R. & T. Ch. 864

Registration of businesses, trades and industries - see B.R. & T. Ch. 866

Secondhand dealers - see B.R. & T. Ch. 870

804.01 DEFINITIONS.

As used in this chapter:

(a) "Selling at auction" means the offering for sale or selling of personal property to the highest bidder, or the offering for sale or selling of such property by the method known as downhill selling.

(b) "Downhill selling" means the first offering of any article at a high price and then offering the same at successively lower prices until a buyer is secured.

(1979 Code Sec. 5.64.010)

804.02 LICENSE REQUIRED.

No person shall sell or attempt to sell at public auction in the City any watch, clock, jewelry, silver, silver-plated ware or optical goods, except under and by virtue of legal process or under any proceedings by virtue of a mortgage, without first obtaining a license therefor.

(1979 Code Sec. 5.64.120)

804.03 LICENSE APPLICATION; BOND; ISSUANCE.

(a) Any person of good character may become an auctioneer and be licensed to sell personal property at public auction, at a place to be named in his or her license, upon making application in writing to the Mayor and Council for a license and upon paying to the City Treasurer the sum of one hundred dollars (\$100.00) and upon executing a bond to the City with two sureties, who shall be freeholders, or a surety company bond in the sum of one thousand dollars (\$1,000), which bond shall be conditioned on the faithful observance of the ordinances of the City.

(b) Any person desiring to obtain a license as an auctioneer shall make application, in writing, to the City Clerk, setting forth in such application his or her name, place of residence, place of business and the names of his or her sureties. Thereupon, the City Clerk may issue or cause to be issued a license to such applicant authorizing such applicant to act as an auctioneer in accordance with this chapter for and during the period of such license.

(1979 Code Sec. 5.64.020)

804.04 LICENSE EXPIRATION; FEES.

Every license granted pursuant to this chapter shall expire on April 30 following the date of issue. In no case shall a license be issued for a fee of less than one hundred dollars (\$100.00), even though it is wanted for less than one year. However, a license may be issued for one day only for a fee of twenty-five dollars (\$25.00).

(1979 Code Sec. 5.64.030)

804.05 AUCTIONS ON PUBLIC PROPERTY.

No personal property shall be sold at auction or exposed for sale by any auctioneer in any street, avenue, alley or public place in the City. However, this section shall not apply to auctions conducted by the City or any officer under legal process.

(1979 Code Sec. 5.64.040)

804.06 EXCEPTIONS TO CHAPTER.

This chapter shall not apply to the sale of goods, wares and merchandise under any legal process.

(1979 Code Sec. 5.64.050)

804.07 RETURN OF DEFECTIVE MERCHANDISE; POSTING OF NOTICES.

(a) The purchaser at any auction sale of any watch, clock, jewelry, silver or silver-plated ware or optical goods may return it to the auctioneer at any time within five days from the day of the sale if the watch, clock, jewelry, silver or silver-plated ware or optical goods are not of the quality represented to him or her. The auctioneer shall return to the purchaser the price of the article, and the bondsmen of such auctioneer shall be liable for the return to the purchaser of the purchase price. If he or she refuses to do so, he or she shall forfeit his or her license and be liable to a fine. If it is made to appear, to the satisfaction of the City Clerk, that the place of sale or the place of business of any such auctioneer has been closed at any time during the five days for the purpose of avoiding an offer to return any such article so sold, the City Clerk shall revoke the license of the auctioneer.

(b) Every person licensed under this chapter shall post in a conspicuous place, so that it can be readily seen, a sign or placard containing the provisions of subsection (a) hereof. Such sign shall be printed in fourteen point Linwood type and prepared and furnished by the City Clerk free of cost. The place of posting of such sign shall be designated by a member of the Police Department. Every such auctioneer, and his or her agents and employees, shall maintain the placard or sign as provided in this section in the place designated.

(1979 Code Sec. 5.64.060)

804.08 MISREPRESENTATION OF ITEMS.

(a) No auctioneer or person being present when any personal property is offered for sale shall knowingly, with the intent to induce any person to purchase the same or any part thereof, make any false representation or statement as to the ownership, character or quality of the property offered for sale, or as to the poverty or

circumstances of the owner or pretended owner of such property. If such false representation is made by such auctioneer or by any other person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

(b) No person shall sell or attempt to sell by auction , or advertise for sale, any goods, wares or merchandise falsely representing or pretending that such goods, wares or merchandise are in whole or in part a bankrupt or insolvent stock, damaged goods or goods saved from fire, or make any false statement as to the previous history or character of such goods, wares or merchandise. Any person who commits any such violation, in addition to the penalty provided in Section 202.99, shall be further liable in an action of contract to any person purchasing any such goods, wares or merchandise because of such representation or statement in an amount equal to three times the amount paid therefor. If such false representation is made by such auctioneer or by any person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be revoked.

(1979 Code Sec. 5.64.070)

804.09 SUBSTITUTION OF ITEMS.

Any auctioneer who offers for sale at auction any article, and induces its purchase by any bidder, and who afterward substitutes any article in lieu of that offered to and purchased by the bidder, shall forfeit his or her license and be fined as provided in Section 202.99.

(1979 Code Sec. 5.64.080)

804.10 BOOSTERS PROHIBITED.

No person operating a public auction by virtue of a license issued under this chapter shall permit or allow any person to remain in or upon the premises wherein the public auction is being conducted to engage in the practice of boosting or capping; or assist or take part in the practice of fraud of any kind, nature or description; or misrepresent the quality or description of any article or thing offered to be sold.

(1979 Code Sec. 5.64.090)

804.11 NOISE.

No bellman, crier, instrument, music or means of attracting the attention of the public, other than a sign or flag, shall be employed, or suffered or permitted to be used, in connection with any auction sale at or near any place of such sale or at or near any auction room.

(1979 Code Sec. 5.64.100)

804.12 HOURS OF OPERATION.

No person doing business as a duly licensed auctioneer shall operate a public auction room or sell goods at publicauction except between the hours of 8:00 a.m. and 6:00 p.m.

(Res. 97-71. Passed 2-3-97.)

804.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Disclaimer:

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- **Livonia**

(734) 466-2200

Link: <http://www.ci.livonia.mi.us/>

Auction: Auctioneer: No information given

- **Lowell**

Phone: 616.897.8457

Fax: 616.897.4085

Link: <http://www.ci.lowell.mi.us/>

Auction: Auctioneer:

- **ARTICLE II. - LICENSES**

- **Sec. 6-21. - Required.**

No person shall conduct the business of **auctioneer**, or sell or offer to sell at **auction** any real estate, goods or merchandise of any description until he procures a license.

(Code 1971, § 6-1)

- **Sec. 6-22. - Application; bond.**

Any person desiring to engage in the business of **auctioneering** shall make application to the city in writing, specifying the length of time he wishes to engage in such business and shall specify particularly the kind or kinds of property he desires to sell, and shall pay to the clerk such sum, for one (1) year, as may be established from time to time by resolution of the council.

(Code 1971, § 6-2)

- **Sec. 6-23. - Revocation; violations.**

Whenever any person shall violate any of the foregoing provisions relative to **auctioneers** and be convicted thereof, he shall be subject to punishment as provided in [section 1-13](#). In addition to the foregoing penalty, such license may be revoked by the city manager.

- **Ludington**

231.845.6237

Link: <http://ludington.mi.us/>

Auction: Auctioneer:

- *Transient merchant* means any person who engages in the temporary business of selling and delivering goods, products, wares, merchandise, farm products or personal property of any nature whatsoever within the city, and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop or any street, alley or other place within the city for the exhibition and sale of such, either privately or at public **auction**. The term "transient merchant" does not include any person who participates in less than three garage or yard sales per calendar year.

Cross reference— Definitions generally, § 1-2.

(Code 1984, § 7.1; Ord. No. 189-09, § 1, 9-22-2008)

- **Sec. 10-2. - Other licenses or permits required.**

Registration or licensing under this chapter shall not relieve the registrant/licensee from the necessity of securing such other licenses or permits as may be required by other laws.

(Code 1984, § 7.9)

- **Sec. 10-3. - General standards of conduct.**

Every person who is required to be registered or licensed by this chapter shall:

- (1) Permit all reasonable inspections required by this chapter or by any other law;
- (2) Ascertain and at all times comply with all laws applicable to the registered or licensed activity;
- (3) Avoid all unlawful or improper practices or conditions which do or may affect the public health, safety or welfare; and
- (4) Refrain from conduct which is fraudulent or deceptive in nature.

- **Lyon Charter Township, (Oakland Co.)**

Phone: 248-437-2240

Fax: 248-437-2336

Link: <http://www.lyontwp.org/>

Auction: Auctioneer: No information given

M

- Mackinac Island

(906) 847-3702

Link: <http://www.cityofmi.org/>

Auction: Auctioneer:

Auctions.

Tenth, to license **auctioneers**, **auctions** and sales at **auction**; to regulate or prohibit the sale of live or domestic animals at **auction** in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at **auction**, or by any manner of public biddings or offers by the buyers or sellers after the manner of **auction** sales, and to license the same, and to regulate the fees to be paid by and to **auctioneers**; but no license shall be required in case of sales required by law to be made at **auction** or public vendue;

- **Mackinaw City**

Phone: 231-436-5351

Fax: 231-436-4166

Link: <http://www.mackinawcity.org/>

Auction: Auctioneer:

- **20.550 - AUCTIONEERS AND PUBLIC CRIERS Ord. No. 10 Effective: June 24, 1901**

Relative to Auctioneers and Public Criers.

THE VILLAGE OF MACKINAW CITY ORDAINS:

- **20.551 - License required.**

Sec. 1. That no person or persons shall exercise the business or trade of an auctioneer, or sell any article or property of any kind by public auction or outcry within the Village of Mackinaw City without first having obtained a license from the President therefor. This section shall not apply to any person selling property by virtue of a legal process or under a mortgage.

(ord. no. 10 eff. June 24, 1901)

- **20.552 - Granting of license; fee.**

Sec. 2. The President and in his absence the President pro-tem, is hereby authorized to grant a license to any person applying therefor upon payment into the Village Treasury such sum as the President and the Committee on Licenses shall designate.

(ord. no. 10 eff. June 24, 1901)

- **20.553 - Penalty.**

Sec. 3. Any violations of the provisions of this Ordinance shall be punished by a fine not exceeding twenty-five dollars and cost of prosecution, or by imprisonment not exceeding thirty days, or both such fine and imprisonment in the discretion of the Court.

(ord. no. 10 eff. June 24, 1901)

- **20.554 - Effective date.**

Sec. 4. This Ordinance shall take effect on and after June 24th, 1901.

- **Macomb Township, (Macomb Co.)**

PH: 586-922-0710

Link: <http://www.macomb-mi.gov/>

Auction: Auctioneer:

Sec. 10.1602. - Uses permitted.

No structure, or part thereof, shall be erected, altered or used, and no land shall be used except for one (1) or more of the following purposes:

A.

Any use as a matter of right in the C-1 District and as indicated in [Section 10.1502](#)

B.

Business and commercial activities, conducted within an enclosed building only, of a general character of large service activity and normally depending for support on more than a small neighborhood area including the following:

1.

Art, antique, book, curio, gift or novelty shop.

2.

Auction or secondhand store.

- **Madison Heights**

(248) 583-0826.

Link: <http://www.madison-heights.org/>

Auction: Auctioneer:

- **ARTICLE III. - **AUCTIONEERS** AND **AUCTION** SALES**

- **Sec. 7-46. - License and permit requirements.**

(a)

Any person of good character may become an **auctioneer** and may be licensed to sell personal property at public **auction** at a place to be named in his license upon making application in writing to the city clerk for a license to be approved by the council and upon depositing with the city clerk the license fee prescribed by resolution of city council.

(b)

An **auctioneer** licensed by the city council under the provision must apply for a permit if an **auction** is to be conducted at a place other than that named in his license. An **auctioneer** who is not licensed by the city must apply for a permit. An applicant for a permit who is not licensed by the city shall present evidence to the city clerk that he has a bond approved by the county treasurer. A permit fee prescribed by resolution of city council must be paid prior to the issuance of the permit. A separate permit is required for each place that an **auction** sale is to be conducted.

(c)

A duplicate copy of said permit will be issued by the city clerk. That duplicate copy shall be posted in a place conspicuous to the public where the goods are to be **auctioned**. The **auction** shall be held in a place that is in compliance with the building codes of the city and for which a certificate of occupancy has been issued.

(d)

The permit will indicate on its face the date or dates that the **auction** is to take place. The **auction** may be conducted only on the dates set forth in the permit. A permit shall be issued for **auction** sales of 30 consecutive days or less. Any **auctioneer** that intends to conduct an **auction** sale for a period of over 30 consecutive days must apply for an **auctioneer** license and post a surety bond as set out in this section.

(Code 1958, § 3-151(1); Ord. No. 85, § 1, 2-5-88; Ord. No. 816, § 1, 1-11-88)

- **Sec. 7-47. - Bond required.**

Each licensee under this article shall execute a surety bond approved in form by the city clerk and written by a surety company authorized to transact business in the State of Michigan, in the penal sum of \$1,000.00, which bond shall run to the city and be conditioned for the faithful observance of this article and any other ordinance of the city.

(Code 1958, § 3-151(1); Ord. No. 85, § 1, 2-5-58; Ord. No. 804, § 1, 5-26-87)

- **Sec. 7-48. - Misrepresentation of merchandise origin or character prohibited.**

Any person who sells or attempts to sell by **auction**, or who advertises for sale any goods, wares or merchandise falsely representing or pretending that such goods, wares or merchandise are in whole or in part a bankrupt or insolvent stock or damaged goods or goods saved from fire or makes any false statements as to the previous history or character of such goods, wares or merchandise shall be deemed guilty of violating this article.

(Code 1958, § 3-151(6); Ord. No. 85, § 6, 2-5-58)

- **Sec. 7-49. - Auctions in public places prohibited.**

No personal property shall be sold at auction or exposed for sale by an auctioneer in any street, alley, avenue or public place in the city.

(Code 1958, § 3-151(7); Ord. No. 85, § 7, 2-5-58)

- **Sec. 7-50. - Boosting, capping, fraud, etc., prohibited.**

It shall be deemed a violation of this article for any person operating a public auction by virtue of a license issued under this article to permit or allow any person or persons to remain in or upon the premises wherein such public auction is being conducted to engage in the practice of boosting or capping or to assist or take part in the practice of any fraud of any kind, nature or description or to misrepresent the quality or description of any article or thing to be sold.

(Code 1958, § 3-151(5); Ord. No. 85, § 5, 2-5-58)

- **Sec. 7-51. - Substitution of merchandise prohibited.**

Any auctioneer who shall offer for sale at auction any article and induce its purchaser to bid and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder shall be guilty of violating this article.

(Code 1958, § 3-151(4); Ord. No. 85, § 4, 2-5-58)

- **Sec. 7-52. - Right of purchaser to return merchandise.**

The purchaser at any auction sale of any merchandise shall have the right to return it to the auctioneer at any time within five days from the date of sale if such merchandise be not of the quality represented to him and the auctioneer shall return to the purchaser the purchase price of the article and the bondsman of such auctioneer shall be liable for the return to the purchaser of said purchase price. Failure to return the purchase price because of misrepresentation shall be deemed a violation of this article.

(Code 1958, § 3-151(3); Ord. No. 85, § 3, 2-5-58)

- **Secs. 7-53—7-63. - Reserved.**

- **Manton**

phone: (231) 824-4158

fax: (231) 824-3664

Link: <http://www.mantonmichigan.org/index.html>

Auction: Auctioneer:

Sec. 10-31. - License required; fees.

No person, company, or corporation shall engage in carrying on or conducting any of the following trades, occupations or business within the city limits without first obtaining a license therefore from the mayor or city clerk, who are hereby authorized to issue the license for which license there shall be paid by the person or party to whom such license is issued the amount as adopted by resolution of the city commission from time to time:

(1)

For the business or occupation of hawking, selling, or peddling goods, wares or merchandise or refreshments on the streets or from house to house.

(2)

For the business or occupation of hawking, selling or canvassing for any goods, wares, books, magazines, or other property by copy, prospects or sample.

(3)

For the business of selling goods, wares, merchandise, or other chattels upon the streets, public places or in any building or upon any premises within the city by itinerant or transient traders or dealers (which shall be held to include all persons or parties who engage in the business of selling goods, wares, merchandise, horses or other chattels in the city and shall also include all persons, firms or corporations who shall bring into the city any goods, wares, merchandise, horses or other chattels for the purpose of carrying on a temporary business and who offer the goods, wares, merchandise, horses or other chattels for sale at retail a "Bankrupt Stock," "Bankrupt Sale," "Sale of Damaged Goods," "Closing Out Sale", "Receivers Sale," "Fire Sale," "Horse Sale," "Auction Sale of Horses" or any other similar device or manner of offering the same to the public).

- **Marshall**

Ph 269.781.5183

Fx: 269.781.3835

Link: <http://www.cityofmarshall.com/>

Auction / Auctioneer

Marshall, MI Code of Ordinances

TITLE XV: LAND USAGE

CHAPTER 152: SIGN REGULATIONS

CHAPTER 152: SIGN REGULATIONS

Section

General Provisions

- 152.01 Intent
- 152.02 Definitions and regulations
- 152.03 Type and location of signs; prohibited signs
- 152.04 General sign provisions
- 152.05 Non-conforming signs
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Appendix A: Type and Location of Signs; Prohibited Signs

GENERAL PROVISIONS

§ 152.01 INTENT.

The intent of regulating signs is to establish standards for the location, size, construction, repair and maintenance of signs and outdoor advertising to prevent traffic hazards and enhance community character, while still permitting a business or other organization to clearly identify itself, its products and services consistent with good public health, safety and welfare principles.

(Ord. 02-08, passed 11-12-2002)

§ 152.02 DEFINITIONS AND REGULATIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A permanent sign which was erected on a property in conjunction with a particular use which has been discontinued for a period of 180 days or longer or a sign the content of which pertains to a time, event or purpose which no longer applies.

ANIMATED SIGN. A sign, other than a changeable copy sign, whereby the sign itself or the information conveyed incorporates or involves action, motion, or the appearance of action or motion, such as flashing lights, color changes, moving parts, reflective materials, and overall has video-like features. **ANIMATED SIGNS** must meet all industry standards for brightness and illumination. The illumination average shall be limited to 2,000 nits during daylight hours, and shall be reduced to 250 nits from a half hour before sunset to a half hour after sunrise. **ANIMATED SIGNS** are permitted to change copy at not less than the following intervals:

Speed Limit	Rate of Display Change
-------------	------------------------

Less than 45 mph	12 seconds
------------------	------------

45 mph or greater	10 seconds
-------------------	------------

(1) The animated area of a sign shall not exceed 25% of the maximum sign area permitted.

(2) The animated area of a sign shall be counted as part of the total sign area allowed.

(3) **ANIMATED SIGNS** shall be turned off from midnight to 5:00 a.m.; excluding businesses open during this time period.

(4) No **ANIMATED SIGN** will be allowed in the same yard that directly abuts or is across the street from a residential property.

AUCTION SALE SIGN. A temporary sign advertising a public sale of goods and/or property. An **AUCTION SALE SIGN** is subject to the following regulations:

(1) Sign area of 32 square feet or less for a single or double faced sign;

(2) Maximum sign height of eight feet; and

(3) The sign shall be allowed for not more than 42 days prior to the event nor two days after the event.

AWNING. A roof like cover, typically constructed of canvas, vinyl or similar fabric stretched over a framework, that projects from the wall of the building for the purpose of shielding a doorway, a window, or pedestrians from the elements.

AWNING SIGN.

(1) A permanent sign painted on, printed on, or attached flat against the surface of an awning.

(2) An AWNING SIGN is subject to the following regulations:

(a) One sign per awning;

(b) Sign area of 12 square feet or less.

BALLOON SIGN. A type of portable sign filled with hot air or gas. A BALLOON SIGN is subject to the regulations of a PORTABLE SIGN.

BANNER SIGN.

(1) A temporary sign constructed of cloth, fabric or other similar material with or without a structural frame. A national flag of the United State of America, the State of Michigan flag, the City of Marshall municipal flag, the official flag of any religious, institutional or business establishment, or displays for holidays or public events shall not be considered BANNER SIGNS.

(2) A BANNER SIGN is subject to the following regulations:

(a) Displayed for a limited period of time not to exceed 42 days;

(b) No more than five such signs shall be displayed for each event;

(c) No more than two such signs shall be displayed on any property or parcel;

(d) Sign area of 32 square feet or less per side for a single or double faced sign;

(e) Maximum sign height of eight feet if not attached to a building;

(f) Shall be removed within two days of the conclusion of the event which is being advertised;

(g) In no event shall a banner sign remain posted for more than 42 days;

(h) Shall not be included in the computation of maximum sign area.

BARBER POLE SIGN.

- (1) A permanent sign attached to the building in a vertical cylinder shape with moving and/or alternating colors.
- (2) A barber pole sign is subject to the following regulations: maximum 42 inches in length.

BILLBOARD SIGN. A permanent sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located. A BILLBOARD SIGN is subject to the following regulations:

- (1) Sign area of 200 square feet or less per side for a single or double faced sign;
- (2) Maximum sign height of 20 feet; and
- (3) Shall not be located closer than 1,000 feet to another billboard sign on the same side of the street.

BUSINESS CENTER. A group of five or more stores, offices, research facilities or manufacturing facilities on a site or adjacent sites of two or more acres, which collectively have a name different than the name of any of the individual establishments and which may have common private parking and entrance facilities.

BUSINESS CENTER SIGN. A permanent sign that identifies a business center and the businesses establishments within that business center. A BUSINESS CENTER SIGN is subject to the following regulations:

- (1) Maximum sign height of 30 feet; and
- (2) Sign area of 200 square feet or less per side for a single or double faced sign.

CHANGEABLE COPY SIGN. A temporary sign or permanent sign, electrical or non-electrical, on which the copy changes automatically or is designed to allow the copy to be changed manually while the surface of the sign remains unchanged, such as electronic time and temperature units or reader boards with changeable letters. A sign on which the copy changes more than four times an hour shall be considered an animated sign. Time and temperature displays and fuel price displays shall be considered CHANGEABLE COPY SIGNS rather than animated signs regardless of the number of changes per day. A CHANGEABLE COPY SIGN is subject to the following regulations:

- (1) The changeable copy sign area of a sign shall not exceed 25% of the maximum sign area permitted; and
- (2) The changeable copy sign area shall be counted as part of the total sign area allowed.

CONSTRUCTION SIGN. A temporary sign that identifies the owner, developer, financier, contractor, subcontractor, architect, engineer and/or material supplier participating in construction on the property on which the sign is located. A CONSTRUCTION SIGN is subject to the following regulations:

- (1) One construction sign per construction site; and
- (2) Maximum sign height of eight feet.

DIRECTIONAL SIGN. A temporary sign or permanent sign which assists people in determining or confirming a correct route or locating an entrance, exit, or parking area. DIRECTIONAL SIGNS painted on the surface of a

parking lot or driveway shall be exempt from the provisions of this chapter. A DIRECTIONAL SIGN is subject to the following regulations:

(1) On-premises directional sign:

(a) Maximum sign height of six feet;

(b) Sign area of four square feet or less per side for a single or double faced sign. In nonresidential districts, one of the allowed signs may have a sign area greater than four square feet but less than six square feet per side for a single or double face sign;

(c) Not have more than five signs on any parcel.

(2) Off-premises permanent directional sign:

(a) Maximum sign height of six feet;

(b) Sign area of six square feet or less per side for a single or double faced sign;

(c) Not be located closer than 500 feet to another such sign.

(3) Off-premises temporary directional sign, including but not limited to directional signs for a real estate open house, garage/yard sale, or auction sale:

(a) Maximum sign height of six feet;

(b) Sign area of four square feet or less per side for a single or double faced sign;

(c) Permitted for six days on private property including the public street right-of-way, unless the adjacent property owner objects to the placement;

(d) Shall be at least five feet from the back of the curb or pavement where there is no curb.

DOUBLE FACED SIGN. Signs with two parallel or non-parallel sign surfaces not more than 24 inches apart at any point on the opposite face.

ESTATE SALE SIGN. A temporary sign advertising the sale of the estate upon which the sign is located. An ESTATE SALE SIGN is subject to the following regulations:

(1) Sign area of 12 square feet or less per side for a single or double faced sign;

(2) Maximum sign height of eight feet;

(3) Allowed for not more than ten days prior to the event; and

(4) Removed within two days after the event.

FLAG SIGN. A temporary sign or permanent sign made of a rectangular piece of fabric of distinctive design used as a symbol or signaling device. The national flag of the United State of America, the State of Michigan flag and the City of Marshall municipal flag are exempt from the provisions of this chapter. The official flag of any religious, institutional or business establishment is considered a sign. A FLAG SIGN is subject to the following regulations:

- (1) May not be larger than 8 feet x 10 feet; and
- (2) Calculated as part of the total signage allowed.

FREESTANDING SIGN. A permanent sign attached to or supported by a fixed post(s), pole(s) or the like, and not attached to a building. A FREESTANDING SIGN is subject to the following regulations:

- (1) Maximum sign height of 30 feet;
- (2) Sign area of 100 square feet or less per side for a single or double faced sign;
- (3) No portion of the sign itself shall be within nine feet of the ground;
- (4) No portion of the ground support shall exceed a combined width of 36 inches; and
- (5) Not permitted if there is a ground sign(s) on the premises.

FUEL PRICE SIGN. A permanent changeable copy sign attached to fuel pumps indicating the price per unit of fuel or other information related to fuel pumps. A FUEL PRICE SIGN is subject to the following regulations:

- (1) Sign area of six square feet or less;
- (2) Does not count as part of the maximum sign area allowed.

GARAGE/YARD SALE SIGN. A temporary sign or poster used for the primary purpose of directing attention to an individual or group sale of used goods and products at a building or property for a limited period of time. A GARAGE/YARD SALE SIGN is subject to the following regulations:

- (1) The site from which the sale is conducted may have one such sign located on the lot or parcel on which such sale is being conducted;
- (2) Sign area of six square feet or less per side for a single or double faced sign;
- (3) Maximum sign height of six feet;
- (4) No such sign shall be allowed for more than six days in any 90-day period.

GROUND SIGN. A permanent sign supported by one or more pole(s), post(s), brace(s) or a solid base, not attached to a wall or building. A GROUND SIGN is subject to the following regulations:

- (1) Maximum sign height of nine feet;

- (2) Sign area of 48 square feet or less per side for a single or double faced sign;
- (3) A property may have a maximum of two ground signs if they are located at least 30 feet apart;
- (4) Not permitted if there is a freestanding sign on the premises.

HISTORICAL MARKER. A sign, monument, or marker designating a location or structure of historical significance, on a site approved by the city, state, or federal government is exempt from regulation by this chapter.

ILLUMINATED SIGN. An illuminated sign is subject to the following regulations: if externally illuminated, the light source shall be enclosed and directed to prevent the light source from shining directly onto traffic or any residential district or property.

INCIDENTAL SIGN. A temporary sign, emblem or decal informing the public of goods, facilities, services or employment opportunities available on the premises. An INCIDENTAL SIGN is subject to the following regulations:

- (1) One incidental sign per property;
- (2) Not permitted if there is an animated sign on the property;
- (3) Maximum sign height of six feet; and
- (4) Sign area of six square feet or less per side for a single or double faced sign.

INSTITUTIONAL SIGN. A permanent sign identifying an allowed non-residential use in a residentially zoned district which displays the name, services or activities of a government facility, religious institution, school, library, museum, community center, hospital, nursing home, day care center or similar facilities. An INSTITUTIONAL SIGN is subject to the following regulations:

- (1) One institutional sign per parcel;
- (2) Sign area of 32 square feet or less per side for a single or double faced sign; and
- (3) Maximum sign height of eight feet.

MAINTENANCE. The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

MARQUEE. Any permanent roof like structure projecting from a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from weather.

MARQUEE SIGN. A permanent sign attached to any part of a marquee other than the roof. A MARQUEE SIGN is subject to the regulations of a WALL SIGN.

MURAL. A permanent design or representation painted or drawn on a wall that does not advertise a business, product, service, or activity.

NAMEPLATE SIGN. A permanent sign affixed to a building whose copy is limited to the name and/or address of that building, institution, or person. A NAMEPLATE SIGN is subject to the following regulations: sign area of two square feet or less.

NONCONFORMING SIGN. A temporary sign or permanent sign which lawfully existed at the effective date of this chapter, or any amendment thereto, that does not conform to all of the current requirements of this chapter.

OFF-PREMISES SIGN. A temporary sign or permanent sign advertising any establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

ON-PREMISES SIGN. A temporary sign or permanent sign which pertains to the use of the premises on which it is located.

PENNANT SIGN. Subject to the following regulations: allowed for up to 120 days in any one calendar year.

PERMANENT SIGN. Any sign of durable material permanently anchored or secured to a building, accessory structure or the ground. The signs are subject to the regulation of this chapter.

PERPENDICULAR SIGN. A permanent sign attached to a building which extends from the building toward the street. A PERPENDICULAR SIGN is subject to the following regulations:

(1) Sign area of 12 square feet or less for a single or double faced sign extends not more than five feet from the building no closer than 12 feet to the ground; and

(2) Prohibited on interstate business loops.

POLITICAL SIGN. A temporary sign which supports or opposes a political candidate, a political party or issues related to local, state or national elections or referendums. A POLITICAL SIGN is subject to the following regulations:

(1) Sign area of six square feet or less per side for a single or double faced sign;

(2) Maximum sign height of six feet;

(3) Shall not be posted for more than 90 days prior to the official election or referendum to which the sign pertains; and

(4) Shall be removed within ten days after the election.

PORTABLE SIGN. A temporary sign designed to be moved from place to place, whether or not it is attached to the ground or a structure. Auction sale signs, banner signs, changeable copy signs, construction signs, incidental signs, political signs and real estate signs otherwise regulated by this chapter are excluded from this definition.

PROJECTING ARCHITECTURAL FEATURE. Elements such as cornices, eaves and overhangs, canopies, porches, bay windows, and chimneys that are attached to or project out from the main building walls below the roof.

PROJECTING BUSINESS SIGNS. A permanent sign projecting into a street right-of-way and subject to the following:

(1) Number allowed:

(a) One sign per building.

(b) A building having multiple commercial tenants is permitted more than one projecting sign on street frontage, provided the number of projecting signs does not exceed one for each eight feet of building frontage.

(2) Locations, size, lighting, and height restrictions:

(a) Signs shall not project more than 36 inches from the face of the building or wall, nor extend beyond the roof or eave line for a one story buildings.

(b) Signs shall maintain a minimum clearance of eight feet from the sidewalk to the bottom of the sign.

(c) These signs shall be set four feet from each building edge or lot line as defined by a common wall between the businesses.

(d) Signs shall be located below the first floor cornice or window sill of the second floor window if no cornice is present.

(e) Each sign shall not exceed three square feet in area per sign face.

(f) Signs shall not be free swinging, so as to pose a danger to the public during high winds.

(g) Lighting of a projecting business sign shall be prohibited, both internally and externally.

(h) For a building with business fronting on two or more streets, a projecting business sign shall only be allowed on the street side where the main entryway of the business is located.

REAL ESTATE SIGN. A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease. A REAL ESTATE SIGN is subject to the following regulations:

(1) Two real estate signs per parcel or one real estate sign per street frontage, whichever number is greater;

(2) Sign area of six square feet or less per side for a single or double faced sign excluding attachments such as, but not limited to, sold, reduced, pending, warranty, rider, and agent's name;

(3) Sign area of 32 square feet or less per side for a single or double faced sign located on a parcel of two acres or more that is zoned I-1 or I-2;

(4) Maximum sign height of six feet including any attachments;

(5) One temporary real estate "open house" sign may be located on the premises being sold. Temporary real estate open house signs shall be erected no more than ten days prior to the day(s) of the open house and shall be removed within one day after the open house.

ROOF SIGN. A temporary sign or permanent sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, or signs where any portion of the sign extends above the roof of the building where the sign is located. PROJECTING ARCHITECTURAL FEATURES, as defined in this chapter, shall not be considered part of the roof.

SANDWICH BOARD SIGN. A temporary sign containing two separate faces which are attached to one another at the top by one or more hinges or fasteners and which when placed upon the ground will stand upright without any additional support. A SANDWICH BOARD SIGN is subject to the following regulations:

- (1) Sign area of 12 square feet or less per side for a single or double faced sign;
- (2) Maximum sign height of four feet;
- (3) Shall not be greater than three feet wide;
- (4) No more than one sandwich board sign for each building front no matter how many separate stores or businesses are contained therein;
- (5) Shall not be an illuminated sign;
- (6) Shall not be moored or anchored to any object but shall be designed in such a fashion or weighted to prevent instability or movement by wind or other natural forces;
- (7) Shall only be placed directly in front of the facade of the building front of the establishment whose information the sandwich board sign seeks to announce;
- (8) Shall only be permitted during the hours in which said establishment is open to patrons.
- (9) Shall be placed within the width of the facade of the building front in the area permitted by §90.16(B).

SIGN. Any surface, device, letter, word, model, balloon, pennant, insignia, emblem, logo, icon, painting, placard, poster, flag or representation, illuminated or non illuminated, which is visible from a public place, including, but not limited to highways, streets, alleys or publicly-owned property, or is located on private property and exposed to the public, which directs attention to a product, service, place, activity, person, institution, business or constitutes a solicitation.

SIGN AREA.

- (1) The surface area which encloses the extreme limits of writing, representation, emblem, logo or any other figure or character, together with the frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

(2) A double faced sign, as defined in this chapter, shall be considered as having one face and the area of all sign faces shall be included in computing the SIGN AREA.

SIGN HEIGHT. The vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments. Where the ground elevation beneath a sign varies, the average grade of the ground within a five-foot radius of the sign structure shall be used.

SPECIAL EVENT SIGN. A temporary sign containing public messages concerning a special event sponsored by governmental agencies or non-profit organizations intended for a limited period of display. A SPECIAL EVENT SIGN is subject to the following regulations:

- (1) No more than five such signs shall be displayed for each special event;
- (2) No more than two such signs shall be displayed on any property or parcel;
- (3) Sign area of 32 square feet or less per side for a single or double faced sign;
- (4) Maximum sign height of eight feet if not attached to a building;
- (5) Shall be removed within two days of the conclusion of the event being advertised; and
- (6) Shall not remain posted for more than 42 days.

SPECIAL LAND USE SIGN. A permanent sign identifying an approved non-residential special land use in a residential zoning district. These special land uses might include schools, churches, child care centers, golf courses, nursing homes or other permitted uses. A SPECIAL LAND USE SIGN is subject to the following regulations:

- (1) One special land use sign per parcel;
- (2) Sign area of 32 square feet or less per side for a single or double faced sign;
- (3) Maximum sign height of eight feet.

SUBSTANTIALLY ALTERED. A change, other than maintenance or repair, in a sign or sign structure, including a change in sign height, location, sign area, sign shape, sign face or material, except that which occurs as part of manual or automatic changeable copy signs, including the wording, styles or size of the lettering.

TEMPORARY SIGN. Any sign erected for a specific purpose or event and which is not intended to be permanent. Such signs may include auction sale signs, banner signs, construction signs, estate sale signs, garage sale/yard sale signs, incidental signs, political signs, portable signs, real estate signs, sandwich board signs, special event signs, vehicle signs, and window signs.

VEHICLE SIGN. A temporary sign or permanent sign which is mounted or painted on a vehicle which is displayed in public view under such circumstances as to indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business or the owner thereof in the manner which is customary for said vehicle.

VENDING SIGN. A temporary sign or permanent sign attached to vending machines or ice containers indicating the price per unit or other information related to vending machines or ice containers. A VENDING SIGN is subject to the following regulations: sign area of six square feet or less.

WALL SIGN. A permanent sign painted on, incorporated in, or attached directly to a building wall, window, or projecting architectural feature with the exposed face of the sign in a plane parallel to the building wall, window, or projecting architectural feature. A mural shall not be considered a WALL SIGN. A WALL SIGN is subject to the following regulations:

- (1) Shall not project outward more than 12 inches;
- (2) Shall not extend above the top of the building's wall or beyond the edge of the building;
- (3) Each property is permitted one or more wall signs and/or marquee signs with the total sign area of:

- (a) Not greater than the maximum sign area permitted for the property;

- (b) Not more than 5% of the first floor wall area of the wall to which it is attached to for buildings in the MFRD, MHPD, and POSD districts.

- (c) Not more than 25% of the first floor wall areas of the wall to which it is attached to for buildings in the B-1, B-2, B-3, B-4, I-1, I-2 and FS districts. (The total sign area of all wall signs and/or marquee signs in a business center may exceed the maximum sign area permitted for a single property, but is governed by the percentage limits above and the maximum sign area permitted applied to each establishment's building frontage.)

WARNING SIGN. A temporary sign or permanent sign that only gives a warning such as no trespassing, no hunting, danger, beware of dog and private parking. A WARNING SIGN is subject to the following regulations:

- (1) Sign area of six square feet or less; and
- (2) No more than two signs per property or one per street frontage whichever number is greater.

WATER TOWER SIGN. A permanent sign attached to a water tower containing the name of the municipal or private corporation who owns the water tower and the land upon which the water tower is located.

WINDOW SIGN. A temporary sign or permanent sign; picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. A WINDOW SIGN is subject to the following regulations:

- (1) Signs that exceed 25% of the display window will be calculated as part of the maximum sign area allowed on the property; and

- (2) No window sign shall exceed the maximum sign area square footage requirements for the property.

(Ord. 02-08, passed 11-12-2002; Am. Ord. 06-02, passed 2-6-2006; Am. Ord. 2011-07, passed 3-21-2011)

§ 152.03 TYPE AND LOCATION OF SIGNS; PROHIBITED SIGNS.

See Appendix A to this chapter.

(Ord. 02-08, passed 11-12-2002)

§ 152.04 GENERAL SIGN PROVISIONS.

The following regulations shall apply, unless otherwise specifically stated in this chapter, to all signs erected or located in any zoning district within the city.

- (A) All signs shall conform to all applicable codes and ordinances of the city and, where required, shall be approved by the Building Inspector and have a license and permit issued.
- (B) Signs not visible from any street, alley or publicly-owned property are exempt from the provisions of this chapter and do not require a sign permit.
- (C) Any sign which is erected without the required license and/or building permit is prohibited.
- (D) A sign shall not be placed in, upon or over any public street, public right-of-way, alley or other publicly-owned land, except as otherwise expressly permitted by this chapter.
- (E) Only signs established and maintained by the city, county, state or federal governments or expressly permitted by this chapter shall be permitted in a public street right-of-way, dedicated public easement or upon publicly-owned land.
- (F) No public or commercial pole, utility pole or other supporting member located in a public right-of-way shall be used for the placement of any sign unless specifically designed and approved for the use.
- (G) No sign shall be located on or attached to any tree or other natural feature.
- (H) A sign shall not be erected in any place where it may, by reason of its position, shape, color or other characteristic, interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, obstruct the view of any intersection or entrance to any public street or alley, or constitute a public nuisance.
- (I) No sign shall employ animated or moving parts, except for animated signs, banner signs, barber pole signs, changeable copy signs, flag signs and pennant signs.
- (J) No sign shall employ any flashing, moving, oscillating, blinking or variable intensity light; except as otherwise provided for in this chapter.
- (K) No sign shall exhibit statements, words or pictures of an obscene or pornographic nature.
- (L) No sign shall emit a sound, odor or visible matter such as smoke or vapor.
- (M) No sign attached to the wall of a building shall be erected so as to extend above the top of the wall of the building to which it is attached.

(N) All temporary signs or permanent signs with a sign height of greater than two feet shall be set back the lesser of three feet from a street right-of-way line or 15 feet from any front, side or rear property line unless attached to a building or permitted within the public street right-of-way.

(O) Signs affixed to the ground shall not obstruct vision above a height of two feet from the established street grades within the triangular area formed by the intersection of any street right-of-way lines and a point along each right-of-way line 25 feet from the point of the intersection.

(P) All signs, except directional signs, awning signs, wall signs and window signs must be set back 15 feet from the intersection of the edge of an access drive and a street right-of-way line.

(Q) Signs required by any federal, state or municipal statute or ordinance shall be exempt from the provisions of this chapter and shall not be included when calculating sign area.

(R) (1) The maximum sign area permitted on premises, not including permitted ground signs, temporary signs, freestanding signs, business center signs and off-premise signs, barber pole signs, pennant signs and window signs of less than 25% of the window area as shown in the chart below.

(2) In the B-3 zoning district, a public side entrance(s) shall be entitled to an additional 50% of sign area on that side of the building.

(3) A public rear entrance(s) in the B-3 zoning district shall be entitled to an additional 100% of sign area on the rear of the building unless the premises also has a public side entrance(s) in which event the rear shall be limited to an additional 75% of sign area.

	R1, R2, RT	MFRD, MHPD	POSD	B-3	B-2, B-4, FS	I-1, I-2	HCHSD
Maximum sign area	NA	100 sq. ft.	100 sq. ft.	100 sq. ft.	200 sq. ft.	200 sq. ft.	100 sq. ft.

(Ord. 02-08, passed 11-12-2002; Am. Ord. 2011-07, passed 3-21-2011)

§ 152.05 NON-CONFORMING SIGNS.

(A) A sign lawfully erected prior to the adoption of this chapter or any applicable amendment thereto which does not meet the standards of this chapter may be continued as a legal non-conforming sign, except as hereinafter provided. A legal non-conforming sign shall not:

(1) Be substantially altered in content unless the use to which it applies remains the same after the change in the words or symbols;

(2) Be substantially altered in structure so as to change the shape, size, location, type or design of the sign; or

(3) Be reestablished or continued after the activity, business or use to which it applied has been discontinued for 180 days or longer.

(B) If the owner of the premises on which a sign is located changes the use of the premises, or changes the location of a property line or sign so that a sign is rendered non-conforming, the sign must be removed or made to conform to the provisions of this chapter.

(Ord. 02-08, passed 11-12-2002)

§ 152.06 SIGNS PERMITTED SUBJECT TO SPECIAL CONDITIONS.

(A) (1) The Planning Commission may, through granting a special use sign permit, approve signs that exceed the number, sign area or height permitted by the other provisions of this chapter for sites that exceed two acres in area and have more than 200 feet of public street frontage, provided the applicant furnishes the surveys, site plans and other information as may be reasonably required by the Commission for the proper consideration of the matter.

(2) The Commission shall investigate the circumstances of each case and shall notify the parties, who may, in its opinion, be affected thereby of the time and place of any hearing or meeting which may be held relative to the application.

(3) The Commission may impose such conditions or limitations granting approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this chapter.

(B) In reviewing the applications, the Commission shall consider the following standards as a basis for establishing size, setback and placement of signs:

(1) Visibility of vehicular and pedestrian traffic off-site and at the site, visibility and legibility of signs for drivers and/or pedestrians and the impact upon the visibility of traffic signals or regulatory devices in the public street right-of-way.

(2) Negative impact of proposed signs upon adjacent properties and their signage and the impact of lighting and appearance of signs upon nearby residential zoned property.

(3) Particular site characteristics such as yard areas, landscaping, topography, location of buildings, site use and number of street front

(Ord. 02-08, passed 11-12-2002)

§ 152.07 SIGNS PROHIBITED.

The following signs are prohibited:

(A) Any sign which emits a sound, odor or visible matter such as smoke or vapor;

(B) Any sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign;

(C) Any sign located on or attached to a utility pole, tree or other natural feature, except signs of any political subdivision of the state;

(D) Dilapidated signs or signs in an unsafe condition;

(E) Any sign structure or frame no longer containing a sign;

(F) Any sign which is structurally or electrically unsafe;

(G) Any sign which exhibits statements, words or pictures of an obscene or pornographic nature;

(H) Any sign which requires a permit and is erected without a permit;

(I) Signs which simulate or imitate in size, color, lettering or design, any traffic sign or signal or any sign which by design or location may in any manner interfere with, mislead or confuse the public with respect thereto or obstruct the public view thereof; and (Signs including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this chapter.)

(J) Temporary signage is prohibited on any parcel where a permit for an animated sign has been issued and the animated sign has been constructed.

(K) Any signs not permitted under this chapter.

(Ord. 02-08, passed 11-12-2002; Am. Ord. 2011-07, passed 3-21-2011)

ADMINISTRATION AND ENFORCEMENT; APPEALS

§ 152.20 ENFORCEMENT.

The provisions of this chapter shall be administered and enforced by the Building Inspector(s) or their designee.

(Ord. 02-08, passed 11-12-2002)

§ 152.21 PERMITS.

No person shall erect, place, relocate, alter or add to any sign for which a permit is required without obtaining a permit.

(Ord. 02-08, passed 11-12-2002)

§ 152.22 PLANS AND SPECIFICATIONS.

No person shall erect or alter any sign, except in accordance with the plans and specifications approved by the Building Inspector.

(Ord. 02-08, passed 11-12-2002)

§ 152.23 APPLICATION AND PERMIT FEE.

Application for sign permits shall show the name and address of the owner of the sign and the person responsible therefore and the location, type, sign height and sign area of the sign and shall contain a drawing or other rendering of the proposed sign. The application and permit fee shall be filed in the Clerk-Treasurer's office and referred to the Inspector for investigation. If the Inspector finds that the sign conforms to all provisions of this chapter a permit shall be issued. The Inspector shall make a finding within ten business days of filing the application or within 30 calendar days of the filing of the application if the code official requires an interpretation or the application shall be deemed approved as submitted.

(Ord. 02-08, passed 11-12-2002)

§ 152.24 FEES.

The fee for sign permits shall be as adopted from time to time by resolution of the City Council.

(Ord. 02-08, passed 11-12-2002)

§ 152.25 INSPECTION.

(A) After being erected, each sign for which a permit is required, shall be approved and inspected by the Zoning Administrator for zoning compliance.

(B) If, upon any inspection by the Building Inspector, a sign is found to be unsafe or in a condition that does not comply with the provisions of this chapter, the Building Inspector shall give notice of the condition to the owner or the person responsible. Within 30 days thereafter, the necessary repairs shall be made in order to bring the sign into compliance with this chapter.

(C) If the Inspector finds a sign to be in such an unsafe condition that immediate repairs or the removal thereof are required, the Building Inspector shall take such precautions as may be necessary to protect the safety of the public in the use of the streets the cost of which shall be the responsibility of the owner.

(Ord. 02-08, passed 11-12-2002; Am. Ord. 07-01, passed 2-2-2007)

§ 152.26 MAINTENANCE.

Signs including the face, framing and all supports thereof, shall be kept and maintained in a safe condition, shall be adequately protected against corrosion and shall conform to all the provisions of this chapter.

(Ord. 02-08, passed 11-12-2002)

§ 152.27 NUISANCE.

Any sign erected or displayed without a permit or any sign which does not comply with the provisions of this chapter shall be deemed a hazard to the safety of the public and is declared to be a public nuisance and may be abated by removal without notice.

(Ord. 02-08, passed 11-12-2002)

§ 152.28 SIGNS WITHIN FIRE LIMITS.

No person shall erect a lighted or mechanical sign within the fire limits of the city unless the sign and supports therefore be entirely constructed of fire-resistant materials and complies with the provisions of the city's Fire Code.

(Ord. 02-08, passed 11-12-2002)

§ 152.29 OBSTRUCTION HAZARD.

No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance or public passage, or at a horizontal distance of less than ten feet from any fire hydrant or traffic light.

(Ord. 02-08, passed 11-12-2002)

§ 152.30 APPEALS.

The Zoning Board of Appeals is authorized to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by the Inspector in connection with the enforcement of this chapter. The Zoning Board of Appeals shall also have the power to authorize a variance from the strict application of this chapter where the strict application would result in peculiar or exceptional practical difficulties to the person owing or having the beneficial use of the property. The relief may be granted provided it is without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In considering applications, the Board shall follow the procedures contained in Chapter 156 hereof.

(Ord. 02-08, passed 11-12-2002)

APPENDIX A: TYPE AND LOCATION OF SIGNS; PROHIBITED SIGNS

Permitted according to district. The following types of signs shall be permitted in the following districts and in limited number, as defined and in accordance with all sign regulations as stated in Chapter 152. If a particular sign is not named as permitted (with or without a permit) in a district, it shall not be allowed in that district.

(A) Signs permitted in all districts.

(1) No permit required.

(a) Auction sale.

(b) Banner.

(c) Construction. Less than six square feet in area and less than six feet in height.

(d) Directional.

1. On premises, up to four square feet in area.

2. Off premises, temporary signs.

(e) Estate sale.

(f) Flag.

(g) Garage/yard sale.

(h) Nameplate.

(i) Political.

(j) Real estate.

(k) Special event.

(l) Warning.

(2) Permit required.

(a) Construction. More than six square feet in area or more than six feet in height.

(b) Externally illuminated.

(B) Signs prohibited in all districts.

(1) Abandoned.

(2) Balloon.

(3) Portable.

(4) Roof.

(5) Vehicle.

(C) One and two-family residential districts (R-1, R-2, R-3).

(1) Permit required.

(a) Institutional.

(b) Special land use.

(D) Multiple family and manufactured housing park districts (MFRD and MHPD).

(1) Permit required.

- (a) Ground.
 - (b) Institutional.
 - (c) Marquee.
 - (d) Special land use.
 - (e) Wall.
- (E) Professional office service district (POSD).

(1) Permit required.

- (a) Animated.
- (b) Awning.
- (c) Barber pole.
- (d) Changeable copy.
- (e) Directional.

1. On premises, larger than four square feet in area.

2. Off premises, permanent.

- (f) Ground.
- (g) Illuminated internally.
- (h) Marquee.
- (i) Wall.

(2) No permit required.

- (a) Incidental.
- (b) Mural.
- (c) Water tower.
- (d) Window.

(F) Central business district (B-3).

(1) Permit required.

- (a) Awning.
- (b) Barber pole.
- (c) Changeable copy.
- (d) Directional.

- 1. On premises, larger than four square feet in area.
- 2. Off premises, permanent.

- (e) Illuminated internally.
- (f) Marquee.
- (g) Perpendicular.
- (h) Projecting business signs.
- (i) Wall.

(2) No permit required.

- (a) Fuel price.
- (b) Incidental.
- (c) Mural.
- (d) Vending.
- (e) Water tower.
- (f) Window.

(G) Business districts (B-2, B-4, and FS).

(1) Permit required.

- (a) Animated.
- (b) Awning.
- (c) Barber pole.

(d) Business center.

(e) Changeable copy.

(f) Directional.

1. On premises, larger than four square feet in area.

2. Off premises, permanent.

(g) Ground.

(h) Illuminated internally.

(i) Marquee.

(j) Pennant.

(k) Wall.

(2) No permit required.

(a) Fuel price.

(b) Incidental.

(c) Mural.

(d) Vending.

(e) Water tower.

(f) Window.

(H) Industrial (1-1 and I-2).

(1) Permit required.

(a) Animated.

(b) Awning.

(c) Barber pole.

(d) Billboard.

(e) Business center.

- (f) Changeable copy.
- (g) Directional.
 - 1. On premises, larger than four square feet in area.
 - 2. Off premises, permanent.
- (h) Ground.
- (i) Illuminated internally.
- (j) Marquee.
- (k) Wall.
- (2) No permit required.
 - (a) Fuel price.
 - (b) Incidental.
 - (c) Mural.
 - (d) Vending.
 - (e) Water tower.
 - (f) Window.

(Ord. 2011-07, passed 3-21-2011)

Disclaimer:

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- **Marquette**

Ph. 906-228-0430

- **ARTICLE III. - AUCTIONEERS**

FOOTNOTE(S):

--- (1) ---

State Law reference— Sales at public auction, new merchandise, MCL 446.51; UCC sales at public auction, MCL 440.2328; duties upon sales at auctions, MCL 446.26 et seq.

- **Sec. 12-75. - License required.**

No person shall engage in the trade or business of auctioneer without first obtaining a license therefor.

(Code 1999, § 6.7.01)

- **Sec. 12-76. - Prohibited activity.**

(a)

No auctioneer shall knowingly misrepresent the quality of any goods sold by him. No auctioneer shall accept any goods from any minor for sale at auction.

(b)

No auctioneer shall conduct the auction at any other place other than that stated in the application for license as herein provided, and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in such application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this Code.

(c)

No bell, musical instrument, buzzer, ballyhoo, or other mechanical or excessive vocal sound shall be used in any street, public place, or doorway to attract attention to sell at auction.

(d)

No new goods, wares, merchandise, or personal property shall be offered for sale at public auction when and where secondhand goods, wares, merchandise, or personal property are being sold at public auction.

(Code 1999, § 6.7.03)

- **Sec. 12-77. - Auction accounts.**

Every **auctioneer** shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open for inspection by any city police officer at any reasonable time. No **auctioneer** shall fail to make such account accessible to any police officer upon demand.

(Code 1999, § 6.7.04)

• **Sec. 12-78. - Sale restrictions.**

No person shall sell, dispose of, advertise for sale, or offer for sale at public **auction** in the city any property of any kind except under the following conditions:

- (1)
That such sale shall be conducted by an **auctioneer** duly licensed as herein provided.
- (2)
That all taxes, plus penalties, which have become a lien under any law or ordinance, whether or not such taxes have been actually assessed, shall have first been paid.
- (3)
That no property of any kind will be added to the stock sought to be sold after the inventory is filed, nor shall any property have been added within 60 days prior to the commencement of such sale in anticipation thereof.
- (4)
That no property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during such **auction**.
- (5)
That no **auction** sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches, or other jewelry shall be permitted, unless it is a closing-out **auction** and application therefor has been on file with the city clerk for a period of 60 days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which the article is made or with which it is plated, and the true names, weight, quality, and color of any precious or semiprecious stone or stones, together with the names of the manufacturer of such articles.
- (6)
That a sales book shall be kept, showing every sale and each sale shall be signed by the purchaser of such article at the time of the purchase, opposite a description of the article, and, if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his highest bid.

(Code 1999, § 6.7.05)

• **Sec. 12-79. - Statement of sale.**

At least five full days before commencing any sale by **auction**, except as noted in [section 12-78\(5\)](#), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

- (1)

Whether or not the **auction** sought to be conducted is a closing-out **auction**;

- (2) If it is a closing-out **auction**, that the application is made in good faith for the purpose of retiring from business and that all statutes governing closing-out sales have been complied with;
- (3) That the stock of goods, or other property sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year;
- (4) A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article;
- (5) The place where the **auction** is to be conducted;
- (6) The name of the **auctioneer** who is to conduct the sale;
- (7) The name of the owner of the property for the preceding year;
- (8) The length of time the applicant has been in business in the city and the location of such business;
- (9) That all taxes on such property have been paid;
- (10) That no property other than that listed shall be sold or offered for sale on the premises where the **auction** is being conducted during the course of such **auction** sale;
- (11) That all of the property listed is actually on the premises where the **auction** is to be conducted.

(Code 1999, § 6.7.06)

- **Sec. 12-80. - Household goods.**

Sections [12-78](#) and [12-79](#) shall not apply to the selling by **auction** of secondhand household goods. The term "secondhand household goods," as used in this section, shall mean household furniture and household goods actually used by the owner in keeping house.

(Code 1999, § 6.7.08)

- **Sec. 12-81. - Excepted sales.**

The provisions of this article shall not apply to sheriffs, constables, or other public or court officers or to any person acting under the license, direction or authority of any state or federal court, selling goods, wares or merchandise in the course of their official duties, or to any person selling goods under and by virtue of any state or federal statutes.

- **Secs. 12-82—12-107. - Reserved.**

- **Marysville**

Phone:(810) 364-6613

Fax: (810) 364-3940

Link: <http://www.cityofmarysvillemi.com/>

Auction: Auctioneer:

- **Sec. 7.61. - License required.**

No person shall engage in a temporary business of selling goods, wares or merchandise at retail within the city from any lot, premises, building, room or structure, including railroad cars, without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police and city treasurer.

- **Match-e-be-nash-she-wish Band of Pottawatomi Indians**

(616) 681-9510

Link: <http://www.mbpj.org/>

Auction: Auctioneer: No information given

- **Mayville**

PH: 989.843.6423

FX: 989.843.0123

Link: <http://www.villageofmayville.net/>

Auction: Auctioneer: No information given

- **McBain**

231-839-2000

Link: http://www.missaukee.org/local_government/city_of_mcbain/index.html

Auction: Auctioneer: No information given

- **Melvindale**

P: 313.429.1040

F: 313.383.399

Link: <http://www.melvindale.org/>

Auction: Auctioneer:

- **DIVISION 2. - AUCTIONS**

- **Sec. 6-431. - License required.**

It shall be unlawful for any person to engage in the business of operating an auction house for the sale of used automobiles, trucks and trailers in the city without first having obtained a license so to do.

(Ord. No. 202, § 1, 6-24-53)

- **Sec. 6-432. - Application for license.**

Any person desiring to engage in the business of operating an auction house for the sale of used automobiles, trucks and trailers shall make application for a license therefor which application shall be made in writing and shall set forth the name, place of residence, place of business (plot plan of premises to be used for the business, including off-street parking lots), and the applicant's ability to carry on a properly operated auction, such application to be filed with the city clerk.

(Ord. No. 202, § 2, 6-24-53)

- **Sec. 6-433. - Adequate space needed.**

Before any application for an automobile auction license shall be approved by the council, the licensee shall submit evidence of ownership or control of sufficient property and building structures wherein and whereupon such business is to be conducted so as to provide for adequate parking and storage of vehicles of patrons and those which are to be offered for sale.

(Ord. No. 202, § 14, 6-24-53)

- **Sec. 6-434. - Council may issue license.**

The city clerk shall refer such application to the council for its action and the council may authorize issuance of any such license upon such terms and conditions as the council shall deem advisable and subject to the provisions of this article.

(Ord. No. 202, § 3, 6-24-53)

• **Sec. 6-435. - License restrictions.**

(a)

No license shall be granted to operate such business within a radius of 1,000 feet from any established **auction** house.

(b)

The premises licensed for an **auction** house shall be used for such purposes and no other purpose except the license for the sale of used cars may be authorized.

(c)

No license shall be issued to conduct **auctions** on more than two days per week and then only on Tuesday through Friday of each week except that no **auctions** shall be conducted on legal holidays.

(d)

The hours of **auction** shall be limited to 12:00 noon and 6:00 p.m., prevailing time.

(e)

The license issued shall accurately describe the premises licensed.

(f)

The **auction** shall be operated only on the premises licensed hereunder.

(g)

The issuance of a license hereunder shall be authority for the licensee to operate such **auction** house in the place designated in such license and no other place.

(h)

Before any license shall be issued hereunder, the licensee shall file with the city clerk a surety bond in the sum of \$1,000.00 in favor of the city conditioned upon the faithful observance of this article and all ordinances of the city.

(i)

The number of vehicles which may be stored or parked upon any licensed **auction** site shall be limited so that at least 144 square feet of area shall be provided for each vehicle so stored or parked. The capacity of any licensed premises shall be stated in the license issued.

(Ord. No. 202, §§ 4—10, 12, 13, 6-24-53; Ord. No. 246, 12-19-56)

• **Sec. 6-436. - License fees.**

The license fee shall be based upon the capacity of the premises licensed and shall be as follows:

Up to 25 vehicles	\$100.00
-------------------------	----------

26 to 50 vehicles	200.00
51 to 75 vehicles	300.00
76 to 100 vehicles	400.00
101 to 500 vehicles	500.00

All licenses issued hereunder shall expire on December 31 next succeeding their issuance.

(Ord. No. 202, § 11, 6-24-53)

• **Sec. 6-437. - Responsibilities of licensee.**

(a)

The licensee hereunder shall be authorized to engage competent **auctioneers** or criers to conduct the sales at such **auctions**.

(b)

It shall be unlawful to substitute any vehicle in lieu of that offered to and purchased by the bidder.

(c)

The **auction** shall be conducted in such a manner so that any vehicle offered for sale to the bidder shall be sold at a price therefor acceptable to the seller, and selling by means of "down hill selling" shall be permitted. The words down hill selling shall be interpreted to mean the first offering of any vehicle at a high price and then offering the same at successively lower prices until a buyer is secured, acceptable to the seller.

(d)

The licensee shall be required to provide one or more custodians to properly safeguard the public and to direct traffic and parking upon the premises of the licensee.

(e)

Any premises used for an **auction** house under the provisions of this article shall provide adequate sanitary facilities, proper means of ingress and egress to the premises for parking of vehicles and/or **auctioning** of the same and shall comply with all reasonable rules of the police department in connection with the handling of traffic at or near the location of such **auction** house.

(f)

The police department of the city shall have ready access to the premises of any **auction** house which is licensed hereunder at any and all reasonable times.

(g)

The licensee hereunder shall be held responsible for the proper conduct of the business licensed hereunder and for compliance with all ordinances of the city.

(h)

The license issued under the provisions of this article shall limit the sale at public **auction** to used automobiles, trucks and trailers.

(Ord. No. 202, §§ 15—22, 6-24-53)

- **Sec. 6-438. - Revocation; suspension.**

Any license issued hereunder may be suspended or revoked by the council of the city upon charges filed and upon hearing given to the licensee affected.

(Ord. No. 202, § 23, 6-24-53)

- **Sec. 6-439. - Penalty.**

Any person and his agents and employees who shall violate the provisions of this article or assist in the violation hereof shall be punished as prescribed in [section 1-13](#) of this Code.

(Ord. No. 202, § 24, 6-24-53)

- **Secs. 6-440—6-455. - Reserved.**

- **Menominee**

906-863-2656.

Link: <http://www.cityofmenominee.org/>

Auction: Auctioneer: No information given

- **Middleville**

Telephone: 269-795-3385

Fax: 269-795-8889

Link: <http://villageofmiddleville.org/>

Auction: Auctioneer:

- **ARTICLE II. - GARAGE AND YARD SALES**

- **Sec. 50-31. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Yard or garage sale means a retail sale, not lasting longer than three days, of household goods. Such sale shall include an **auction**, as well as ordinary retail transactions. Yard or garage sales, as defined in this section, are permitted in residential zones as permitted nonconforming residential uses, but only as provided in this article.

- **Milan**

734.439.1501

Link: <http://www.ci.milan.mi.us/>

Auction: Auctioneer:

- **Sec. 12-2. - Auctioneers; selling property at public auction or outcry; permits.**

Every person who shall exercise the business or trade of any **auctioneer** or sell property at public **auction** or outcry within the city shall, before doing so, obtain an annual permit therefor and shall pay the sum specified for such permit in the official fee schedule adopted by resolution of the Milan City Council. Upon written request by the organization in question, the city council may approve the issuance of a daily **auction** permit to a qualified nonprofit or charitable organization upon payment of the fee specified for such a daily permit in the official fee schedule adopted by resolution of the Milan City Council.

(Ord. of 4-21-1899, § 3; Ord. No. C.O. 94-5, § 20, 5-9-94)

- **Milford**

248-684-1515

Link: <http://www.villageofmilford.org/>

Auction: Auctioneer: No information given

- **Milford Charter Township**

Phone: 248 685-8731

Fax: 248 685-9236

Link: <http://www.milfordtownship.com/>

Auction: Auctioneer:

- **Sec. 22-19. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garage sale, lawn sale, attic sale, **auCTION** sales, rummage sale, barn sale, or flea market sale or other similarly termed sale* means any sale of tangible personal property not otherwise regulated in this Code or township ordinances.

Person means and include all individuals, families living within the same household, firms, corporations or organizations.

(Code 1992, § 14-26; Ord. No. 137, § 1, 4-15-1981)

- **Sec. 22-20. - Penalty.**

Any person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as specified in [section 1-17](#) of this Code, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by [section 1-17](#).

(Code 1992, § 14-27; Ord. No. 137, § 8, 4-15-1981; Ord. No. 137A, § 1, 4-8-1998)

- **Sec. 22-21. - Permit required.**

(a)

No person shall conduct what is known as a garage sale or rummage sale within the township limits without having first procured from the township clerk, a permit therefor, for which no fee shall be charged.

(b)

Any person who shall conduct a garage sale or rummage sale without having procured a permit from the township clerk shall be considered guilty of violating this article.

(Code 1992, § 14-28; Ord. No. 137, §§ 2, 5, 4-15-1981)

- **Sec. 22-22. - Maximum duration.**

Any person conducting a sale under this article may not conduct such sale for a period of more than three consecutive days.

(Code 1992, § 14-29; Ord. No. 137, § 3, 4-15-1981)

- **Sec. 22-23. - Frequency allowed.**

No person shall be allowed more than two permits under this article within any 12-month period, except that this section shall not apply to duly constituted nonprofit or religious organizations which shall have registered as such with the county clerk; in such event, the permit required by this article shall be issued to such nonprofit or religious organizations for a one-year period. In no instance, with the exception of qualified nonprofit or religious organizations, shall more than two garage sales be held at any one location within any 12-month period.

(Code 1992, § 14-30; Ord. No. 137, § 4, 4-15-1981)

- **Sec. 22-24. - Location restricted; display of permit.**

All garage or rummage sales shall be held no closer than 25 feet from the front lot line of the premises covered in the permit. Such permit shall be posted at the location of sale so as to be visible to the public. There shall be no overnight outside storage of the goods or merchandise held for purchase in such garage sale.

(Code 1992, § 14-31; Ord. No. 137, § 6, 4-15-1981)

- **Sec. 22-25. - Signs.**

No signs advertising a garage sale shall be placed upon any public property. Two signs advertising a garage sale are permitted to be placed upon private property with the consent of the owner of such property. Within 24 hours of the conclusion of a garage sale, all such advertising signs shall be removed.

(Code 1992, § 14-32; Ord. No. 137, § 7, 4-15-1981)

- **Monroe Charter Township, (Monroe Co.)**

(734) 241-5501

Link: <http://monroechartertownship.org/>

Auction: Auctioneer: no information given

- **Montrose**

Phone 810-639-6168

Fax 810-639-6125

Link: <http://www.cityofmontrose.us/>

Auction: Auctioneer: no information given

- **Moorland Township, (Muskegon Co.)**

Phone (231) 853-2015

Fax (231) 853-5013

Link: <http://www.infomi.com/township/moorland/>

Auction: Auctioneer: No information given

- **Morenci**

PH: 517-458-6828

FX: 517-458-2390

Link: <http://www.infomi.com/city/morenci/>

Auction: Auctioneer:

- **ARTICLE II. - AUCTIONEERS**

FOOTNOTE(S):

--- (2) ---

State Law reference— Auctioneers and duties upon sale at auctions, MCL 446.26 et seq., MSA 19.551 et seq.; sales at public auctions, MCL 446.51 et seq., MSA 19.565(1) et seq.; UCC rules on sale by auction, MCL 440.2328, MSA 19.2328.

- **Sec. 12-71. - Definition.**

The word "auctioneer" as used in this article shall mean any person who offers merchandise or property of any kind at public venue, excepting an officer selling under legal process, a fiduciary selling property of his ward, decedent, or beneficiary without employing anyone to cry the sale, and a person selling at mortgage sale.

(Code 1963, § 7.51)

- **Sec. 12-72. - License required.**

No person shall engage in the business of auctioneer or sell or cry off at auction any real estate, goods, wares or merchandise of any description, within the city, without first securing a license therefor.

(Code 1963, § 7.52)

- **Sec. 12-73. - License application.**

Any person desiring to obtain a license as an auctioneer in the city shall first make and file with the city clerk an application in writing which shall contain all information required by this chapter, and in addition thereto the following information:

(1)

The name of the applicant, his residence, post office address and business place, if any.

(2)

The place where he intends to conduct such sales if on a continual basis.

(3)

Whether or not he is to be self-employed for the purpose of selling his own property.

(4)

If he is to be employed by others on a continual basis, the name and address of his general employer.

(5)

Evidence of his reputation as to honesty, fair dealing and good moral character.

(6)

Whether or not he has a county license.

(Code 1963, § 7.53)

- **Sec. 12-74. - Fraudulent practices.**

At any sale by **auction**, no person shall act as a "bidder" commonly known as a "capper," "booster" or "shill" or offer or make any false bid, or offer or pretend to buy any article sold or offered for sale by **auction**.

(Code 1963, § 7.54)

- **Sec. 12-75. - False representations.**

It shall be unlawful for any person to sell or attempt to sell by **auction**, or to advertise for sale any personal property by falsely representing the whole or a part thereof to be bankrupt or insolvent stock, damaged goods, or goods saved from fire or to make any false statements as to the previous history or character of such property.

(Code 1963, § 7.55)

- **Secs. 12-76—12-95. - Reserved.**

- **Mount Clemens**

PH: 586-469-6818 ext. 3

Fax: 586-469-7603

Link: <http://www.cityofmountclemens.com/>

- **20.400 - **AUCTIONS** AND **AUCTIONEERS** CITY OF MOUNT CLEMENS, MICHIGAN code eff. Oct., 1958; amend. Jan., 1978**

FOOTNOTE(S):

--- (1) ---

State Law reference— For State law relative to **auctions** and **auctioneers** generally, see C.L., 1948, sec. 440.21; Mich. Stat. Anno., sec. 19.261; see also C.L., 1948, sec. 446.35 et seq.; Mich. Stat. Anno., sec. 19.560 et seq.

- **20.401 - Sec. 1.**

AUCTIONEERS; LICENSE REQUIRED.

No person shall engage in the business of **auctioneer** or sell or cry off at **auction** any real estate, goods, wares or merchandise of any description within the City until he shall first procure a license so to do from the City Clerk.

(code eff. Oct., 1958; amend. Jan., 1978)

Cross reference— For general licensing provisions, see 20.201, sec. 1 et seq.; these provisions are supplemental and complementary to the provisions of this Ordinance, see 20.282, sec. 32.

- **20.402 - Sec. 2.**

APPLICATION FOR LICENSE.

No license shall be granted to any person under eighteen years of age or to any person not of good reputation and moral character. Each applicant shall file with the City Clerk his application therefor, and to such application three residents of the City shall certify to the good reputation and moral character of the applicant. Before issuing a license the Clerk may require such further information as he deems necessary to determine the reputation and character of the applicant.

(code eff. Oct., 1958; amend. Jan., 1978)

- **20.403 - Sec. 3.**

LICENSE FEE.

Before any license is issued, the applicant shall pay to the City Treasurer a license fee in the sum as specified in [Section 20.283](#)(3) and shall execute a bond in the penal sum of \$2,000.00 with two or more sufficient sureties to be approved by the Clerk, conditioned upon the faithful compliance by the applicant with the provisions of the Charter and this Code and the payment of all penalties which may be recovered against him for the violation thereof and upon the faithful accounting to the consignor or owner of the goods entrusted to and moneys received by him and for the protection of any person purchasing goods who shall sustain any damaged by unlawful or fraudulent sale of said **auctioneer**.

(code eff. Oct., 1958; amend. Jan., 1978; further amend. eff. Aug. 27, 1987)

- **20.404 - Sec. 4.**

SALE RESTRICTIONS.

It shall be unlawful for any person to sell, dispose of, advertise for sale, or offer for sale at public **auction** any property of any kind unless he complies with the following conditions:

A.

Such sale shall be conducted by an **auctioneer**, duly licensed as herein provided.

B.

Such property shall have been on the tax rolls of the City for a period of one year prior to such sale, or comprise the stock of goods of a merchant who has regularly done business in the City for one year continuously prior to such sale.

C.

All taxes, plus penalties, which have become a lien under any law or provision of this Code, shall have first been paid.

D.

In the event such sale is a closing-out sale, the statutes and provisions of this Code regulating such sales shall be complied with.

E.

No property of any kind shall be added to the goods, wares or stock at any closing-out sale after the inventory is filed, nor shall any property be added within 60 days prior to the commencement of such sale in anticipation thereof.

F.

No property which has been struck off to the highest bidder during the course of such sale shall again be offered for sale during such **auction**.

G.

No sale of platinum, gold, silver, plated ware, precious or semi-precious stones, watches or other jewelry shall be permitted unless it is a closing-out **auction** and application therefor has been on file with the City Clerk for a period of 60 days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and the true name or names, weight, quality and color of any precious or semiprecious stone or stones, together with the name of the manufacturer of such article.

H.

A sales book shall be kept, signed by the purchaser, showing each sale of any article at the time of purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his last highest bid.

I.

No **auction** shall be conducted or continued in the City after 6:00 p.m. of any day.

(code eff. Oct., 1958; amend. Jan., 1978)

• 20.405 - Sec. 5.

PROHIBITED PRACTICES.

The following acts, omissions and practices are prohibited:

- A.
The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article.
- B.
The substitution of any article in place of an article bid upon at **auction**.
- C.
The use of false bidders, cappers or puffers.
- D.
The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at **auction**.
- E.
The use of any false or misleading advertising matter, relative to the kind or quality of the goods or to the past history or present status thereof.
- F.
The substitution of an unlicensed person in place of a licensed **auctioneer**.
- G.
The failure to exhibit an **auctioneers** license to any police officer upon demand at the place where an **auction** is conducted.
- H.
The receipt for sale by **auction** or the sale by **auction** of any licensed **auctioneer** of any goods, wares or merchandise from any minor, knowing him to be such.

(code eff. Oct., 1958; amend. Jan., 1978)

• 20.406 - Sec. 6.

ACCOUNTS REQUIRED.

Each **auctioneer** shall keep an accurate record of all goods and chattels sold by him, together with the name and address of the person from whom such goods and chattels were received, which record shall be open to inspection by any police officer or the City Clerk at all reasonable times.

(code eff. Oct., 1958; amend. Jan., 1978)

• 20.407 - Sec. 7.

SWORN STATEMENT REQUIRED, CONTENTS.

At least five full days before commencing any sale by **auction**, except as specified in Section 10, the owner of the property sought to be sold shall file a sworn application with the City Clerk which shall state the following:

- A.
Whether the **auction** sought to be conducted is a closing-out **auction**.

B.

If it is a closing-out **auction**, that the application is made in good faith for the purpose of retiring from business and that all statutes and the provisions of this Code governing closing-out sales have been complied with.

C.

That the stock of goods, or other property, sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the City for one year.

D.

A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article.

E.

The place where the **auction** is to be conducted.

F.

The name of the **auctioneer** who is to conduct the sale.

G.

The name of the owner of the property for the preceding year.

H.

The length of time the applicant has been in business in the City and the address of such business.

I.

That all taxes on such property have been paid.

J.

That no property other than that listed shall be sold or offered for sale on the premises where the **auction** is being conducted during such **auction** sale.

K.

That all of the property listed is actually on the premises where the **auction** is to be conducted.

It shall be unlawful for the **auctioneer** to conduct the **auction** at any place other than that stated in the application, and it shall be unlawful for either the **auctioneer** or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this Ordinance.

(code eff. Oct., 1958; amend. Jan., 1978)

• 20.408 - Sec. 8.

SALE INSPECTION.

The City Clerk shall appoint an inspector for every **auction** sale conducted in this City, except such as are exempt by the provisions of this Ordinance, who shall be at all times on the premises while such sale is in progress. He shall be given a copy of the inventory by the City Clerk and shall, as each article is sold, check such item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of such article, and if the **auctioneer** refuses to comply with such request the inspector may forthwith stop the sale until the **auctioneer** furnishes satisfactory proof that such article was included in the inventory. The

owner or **auctioneer** shall pay or cause to be paid to the City Treasurer the sum of \$10.00, in advance, for each day such **auction** is to continue, for the services of said inspector, but such payment may be made on the day of the sale prior to the commencement of the sale.

(code eff. Oct., 1958; amend. Jan., 1978)

- **20.409 - Sec. 9.**

NEW GOODS.

Whenever any **auction** sale is one of used or secondhand goods, no new goods, wares, merchandise or personal property shall be offered or included at such sale.

(code eff. Oct., 1958; amend. Jan., 1978)

- **20.410 - Sec. 10.**

HOUSEHOLD GOODS.

The provisions of subsections B, C, D, E, F, and G of Sec. 4. and Sec. 7. shall not apply to **auction** sales of secondhand household furniture and household goods. The words "**secondhand household furniture and household goods**", in this Ordinance, means household furniture and household goods which have actually been used for housekeeping purposes.

(code eff. Oct., 1958; amend. Jan., 1978)

- **20.411 - Sec. 11.**

SALES AUTHORIZED BY COURT.

The provisions of this Ordinance shall not apply to any sale conducted by any sheriff, constable or other public or court officer, or any person acting under the license, direction or authority of any court.

(code eff. Oct., 1958; amend. Jan., 1978)

- **20.412 - Sec. 12.**

SALES IN THE REGULAR COURSE OF BUSINESS.

The provisions of subsections B, D, E, and I of Section 4, Sections 7, 8 and Section 9 shall not apply to **auction** sales which are conducted on a regular basis at a single location in the regular course of a business.

Auction: Auctioneer:

- **Mt. Morris**

(810) 686-2160

Link: <http://www.cityofmtmorris.org/>

Auction: Auctioneer: No information given

- **Mundy Charter Township, (Genesee Co.)**

810.655.4631

Link: <http://www.mundytwp-mi.gov/>

Auction: Auctioneer: No information given

- **Muskegon**

Phone Number: (231) 724-6705

Fax Number: (231) 724-4178

Link: <http://www.shorelinecity.com/>

Auction: Auctioneer: No information given

- **Muskegon Heights**

Telephone: (231) 733-8820

Fax: (231) 733-5229

Link: <http://www.cityofmuskegonheights.org/home>

Auction: Auctioneer: No information given.

N

- **New Baltimore**

(586) 725-2151

Fax (586)725-6927

Link: <http://www.cityofnewbaltimore.com/>

Auction: Auctioneer: no information given

- **Newaygo**

231-652-1657

Link: <http://www.newaygocity.org/>

Auction: Auctioneer: No information given

- **Niles**

269-683-4700 ext 3011

Link: <http://www.ci.niles.mi.us/>

Auction: Auctioneer: No information given

- **Niles Charter Township, (Berrien Co.)**

269-684-0870

Link: <http://www.nilestwpmi.gov/>

Auction: Auctioneer: No information given.

- **North Muskegon**

Office: (231) 744-1621

Fax: (231) 744-0367

Link: <http://www.cityofnorthmuskegon.com/>

Auction: Auctioneer: No information given

- **Northfield Township, (Washtenaw Co.)**

734-449-2880

Link: <http://twp-northfield.org/>

Auction: Auctioneer: No information given

- **Northville**

(248) 349-1300

Link: <http://www.ci.northville.mi.us/>

Auction: Auctioneer: No information given

- **Norton Shores**

798-4391231

Link: <http://www.nortonshores.org/>

Auction: Auctioneer: No information given

- **Norway**

Phone: 906-563-9961

Fax: 906-563-7502

Link: <http://www.norwaymi.gov/>

Auction: Auctioneer: No information given

- **Nottawa Township, (St. Joseph Co.)**

Phone: (269) 467-7835

Fax: (269) 467-8845

Link: <http://www.stjosephcountymi.org/>

Auction: Auctioneer: No information given

- **Novi**

PH: 248-347-0460

Link: <http://www.cityofnovi.org/>

Auction: Auctioneer:

- **ARTICLE II. - LICENSE**

FOOTNOTE(S):

--- (2) ---

Cross reference— Business registration, Ch. 8.

- **Sec. 6-16. - Required.**

(a)

No person shall directly or indirectly, operate, conduct or engage in the business of **auctioneering** without first procuring a license in the manner provided in this article.

(b)

The fact that a license or permit has been granted to any person by the state or county to engage in the operation, conduct, maintenance or management of any business, trade, occupation or premises shall not exempt such person from the necessity of procuring a license from the city, as required by this section or any other ordinance of the city.

(Ord. No. 82-40.01, §§ 2, 4, 12-6-82)

- **Sec. 6-17. - Application.**

Each person required by this article to procure a license from the city shall make application for such license from the city clerk in the form and manner prescribed by him and shall state, under oath, such facts as may be required for or applicable to the granting of such license including the following:

(1)

The full names, business addresses and residence addresses of the owners, proprietors, officers, managers and local addresses of all owners, proprietors, officers, and managers of the applicant's business; the names and addresses of each officer if the applicant is a corporation; the names and addresses of all partners if a partnership;

(2)

The place in the city where the applicant proposes to maintain its business, and the length of time during which it is proposed that such business be conducted if temporary in nature;

(3)

The nature, kind and character of the goods, wares, merchandise or services to be rendered or offered for sale by the applicant, and manner of operation;

(4)

A list of all assumed, trade or firm names under which the applicant intends to do business;

(5)

Whether or not the applicant or person conducting or managing the applicant's business has been convicted of a crime, misdemeanor or the violation of any municipal ordinance, and, if so, full particulars in connection therewith;

(6)

If a business or operation thereof or use of business facilities requires state or county license, proof that such license has been obtained and the expiration date.

(Ord. No. 82-40.01, § 6, 12-6-82)

- **Sec. 6-18. - Inspection of premises.**

Upon making an application for license, each person required to be licensed under the provisions of this article, shall pay to the city clerk an inspection fee in an amount as set by resolution of the council. Thereafter, the place the applicant will conduct business shall be inspected by the department of building and safety. Such premises must comply with all laws, codes and ordinances. Police department, fire department and traffic engineer approval must also be noted on the application before a license shall be issued. Such departments shall determine whether the applicant is providing sufficient off-street parking, traffic aids and regulations, whereby the vehicular traffic will not create a nuisance or danger to the public. As a standard for such determination, the minimum off-street parking facilities shall be as required by Appendix A; "Zoning Ordinance," with sufficient additional facilities for general peak load parking requirements of the business being operated. All parking and other use of the streets, highways and alleys, by motor vehicles, shall conform to the provisions of the state motor vehicle code (MCL 257.1 et seq., MSA 9.1801 et seq.) and [Chapter 33](#), "Traffic and Motor Vehicles." Approval of the departments must be in writing and attached to the application for the license.

(Ord. No. 82-40.01, § 10(b), 12-6-82)

- **Sec. 6-19. - Required state and county licenses prerequisite to issuance.**

No license required by this article shall be issued to any person who is required to procure a license from the state or county until such person shall submit evidence that the required state or county license has been issued and that all fees appertaining thereto have been paid.

(Ord. No. 82-40.01, § 8, 12-6-82)

- **Sec. 6-20. - Certificate of occupancy, compliance with city ordinances prerequisite to issuance.**

If the applicant for a license required by this article has a business establishment in the city, no license shall be granted to any applicant until such applicant has obtained a certificate of occupancy for such premises and has complied with all of the provisions of this article and every other ordinance of the city pertaining to the business for which application for license is made and the place the applicant will conduct business shall be inspected as provided in [section 6-18](#). No license shall be granted, if the approval of any officer of the city is required, until such approval is made. "Approval," in each instance, shall mean written approval by the designated officer upon the face of the application for a license, subscribed by such officer, with the date of approval.

(Ord. No. 82-40.01, § 9, 12-6-82)

- **Sec. 6-21. - Fee.**

Upon approval of a license required by this article or renewal thereof, a license fee shall be paid in an amount to be set by resolution of the council. No license fee shall be required from any person exempt from payment of the fee by state, county or federal law.

(Ord. No. 82-40.01, §§ 4, 17, 12-6-82)

- **Sec. 6-22. - Expiration date.**

The term of a license required by this article shall terminate on the thirty-first day of December at 12:00 midnight, next after the issuance of the license. The expiration date of each license shall be indicated on the face thereof.

(Ord. No. 82-40.01, § 7, 12-6-82)

- **Sec. 6-23. - Renewal.**

The renewal of a license required by this article can be obtained by filing application therefor, with information supplied as in the original application, and by payment of the prerequisite license fee, provided inspection of the involved premises has been made, if required.

(Ord. No. 82-40.01, § 14, 12-6-82)

- **Sec. 6-24. - Grounds for denial, suspension, revocation.**

The issuance of licenses applied for pursuant to this article may be denied by the city clerk and licenses issued may be revoked or suspended by the city clerk at any time, for any of the following causes:

- (1)
Fraud, misrepresentation or any false statement made in the application for license;
- (2)
Any violation of this article;
- (3)
Conducting a business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety or welfare of the public;
- (4)
Failure or inability of an applicant to meet and satisfy the requirements and provisions of this article and every other ordinance of the city.

(Ord. No. 82-40.01, § 11, 12-6-82)

- **Sec. 6-25. - Written notice of suspension, revocation.**

Written notice of suspension or revocation of a license issued pursuant to this article, stating the cause therefor, shall be delivered to the licensee personally or by certified or registered mail return receipt requested to the address as shown on the application for license.

(Ord. No. 82-40.01, § 12, 12-6-82)

- **Sec. 6-26. - Right to hearing following denial, suspension, revocation.**

Any person whose license issued pursuant to this article is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the council, provided a written request therefor is filed with the city clerk within ten (10) days following the personal delivery or the date of mailing of the notice of revocation or suspension or within ten (10) days following the denial of the application for a license.

(Ord. No. 82-40.01, § 13, 12-6-82)

O

- **Oak Park**

248-691-7400

Link <http://www.oakpark-mi.com/>

Auction: Auctioneer:

ARTICLE IV. – AUCTIONS

Sec. 22-101. - Certification.

No license for an auction or auctioneer shall be granted under the provisions of this article except upon certification of the director of public safety.

(Code 1973, § 7-16)

Sec. 22-102. - Misrepresentation.

No auctioneer shall knowingly misrepresent the quality of any goods sold by him.

(Code 1973, § 7-1)

Sec. 22-103. - Accepting goods from minors.

No auctioneer shall accept any goods from any minor for sale at auction unless such minor shall present to such auctioneer written approval of such goods for sale by the parent or legal guardian of such minor.

(Code 1973, § 7-2)

Sec. 22-104. - Auction accounts.

Every auctioneer shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open to inspection by any police officer of the city at any reasonable time. No auctioneer shall fail to make such account accessible to any police officer upon demand.

(Code 1973, § 7-3)

Secs. 22-105—22-125. - Reserved.

- **Orchard Lake Village**

Phone: 248-682-2400

Fax: 248-682-1308

Link <http://www.cityoforchardlake.com/>

Auction: Auctioneer: No information given

- **Oshtemo Charter Township, (Kalamazoo Co.)**

PH: 269-375-4260

Link <http://www.oshtemo.org/>

Auction: Auctioneer: No information given

- **Otsego**

Phone: 269.692.3391

Link <http://www.ci.otsego.mi.us/>

Auction: Auctioneer: No information given

- **Ovid**

Phone: 989-834-5550

Fax: 989-834-5254

Link <http://www.ovidmich.com/>

Auction: Auctioneer:

- *Transient merchant, itinerant merchant or itinerant vendor* means any person, whether as owner, agent, consignee or employee, whether a resident of the village or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the village and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, boat, public room in hotels, lodging houses, apartments, shops or other place within the village for the exhibition and sale of such goods, wares and merchandise, either privately or at public **auction**; provided, that such definition shall not be construed to include any person who while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or **auctioneer**, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or **auctioneer**.

Cross reference— Definitions and rules of construction generally, § 1-2.

- **Secs. 12-2—12-25. - Reserved.**

- **Owosso**

(989) 725-0599

Link <http://ci.owosso.mi.us/>

Auction: Auctioneer:

Chapter 6 - AUCTIONS (Reserved)

FOOTNOTE(S):

--- (1) ---

Editor's note— Ord. No. 559, § 1, adopted September 16, 1996, repealed Chapter 6, §§ 6-1—6-23, in its entirety. Former Ch. 6 derived from the Code of 1977, §§ 7.51—7.56.

State Law reference— Auctioneers and duties upon sales at auctions, MCL 446.26 et seq.; sales at public auctions, MCL 446.51 et seq., MSA 19.565(1) et seq.; UCC rules on sale by auction, MCL 440.2328, MSA 19.2328. ([Back](#))

- **Chapter 16 - LICENSING**

FOOTNOTE(S):

--- (1) ---

Cross reference— License for mechanical and electronical amusement devices, § 4-171 et seq.; license for adult entertainment enterprises and establishments, § 4-206 et seq.; license for **auctions**, § 6-21 et seq.; license for bed and breakfast operations, § 7-31 et seq.; licensing of electricians, § 8-86 et seq.; license for outdoor assemblies, § 20-21 et seq.; license for peddlers and solicitors, § 22-36 et seq.; taxation, Ch. 32.

- **Oxford**

PH: (248) 628-2543

FX: (248) 628-9760

Link <http://www.villageofoxford.org/>

Auction: Auctioneer:

- DIVISION 1. - GENERALLY

- Sec. 30-341. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Activity and event mean any outdoor gathering (outside of a permanent structure), including but not limited to auctions, theatrical exhibitions, public shows, entertainment, musical festivals, rock festivals, peace festivals, motion picture theaters and/or drive-in theaters, etc., to which the public is invited where admission is charged to participate in the outdoor gathering and/or where the public is charged for goods or services available for purchase at the outdoor gathering, not including residential garage sales.

(Ord. No. 99, § 1, 7-22-1998; Ord. No. 99.003, art. 1, 7-11-2001)

Cross reference— Definitions generally, § 1-2.

- Sec. 30-343. - Compliance with law and ordinances.

A licensee under this article shall at all times during the term of the license comply with all applicable township ordinances and state and federal law.

(Ord. No. 99, § 16, 7-22-1998)

- Sec. 30-342. - Exemptions.

All persons possessing a valid license for the sale of alcoholic beverages for consumption on the premises shall be exempt from the provisions of this article for that portion of the premises that is so licensed by the state liquor control commission.

(Ord. No. 99, § 15, 7-22-1998)

- Secs. 30-344—30-360. - Reserved.

- DIVISION 2. - LICENSE

- Sec. 30-361. - Required.

No person shall set up, promote, publish, advertise, or otherwise aid and/or assist in the operation, promotion, holding, setting up of or participating in any outdoor gathering (outside of a permanent structure), including but not limited to auctions, theatrical exhibitions, public shows, entertainment, musical festivals, rock festivals, peace festivals, motion picture theaters and/or drive-in theaters, etc., to which the public is invited where admission is charged to participate in the outdoor gathering and/or where the public is charged for goods or services available

for purchase at the outdoor gathering (not including residential garage sales) within the limits of the township without having obtained a license from the township board authorizing such outdoor gathering.

(Ord. No. 99, § 1, 7-22-1998; Ord. No. 99.003, art. 1, 7-11-2001)

- Sec. 30-362. - Application.

Before any license, as required by this division, is granted, an application shall be made to the township clerk, at least 90 days prior to the scheduled event, upon forms to be provided by the clerk. The applicant shall provide three copies of the application and any supporting documents to the clerk. The application shall be in writing and under oath which shall include among other things, the following information:

(1)

A drawing, diagram, blueprint and/or sketch of the premises involved, all buildings on the premises, all proposed buildings on the premises and all adjacent structures and roadways within 500 feet of the premises. Such drawing, sketch, diagram and/or blueprint shall be drawn to a scale of one inch equals 300 feet. If the operation to be conducted is to be held under cover of a temporary covering, such as a tent, a diagram of such temporary covering shall be included therewith.

(2)

The seating arrangement, if any, for spectators, including engineering and building plans therefor.

(3)

The means of ingress and egress for such spectators which shall consist of at least two aisles not less than six feet in width, and it shall provide one such aisle for each 1,000 seats provided for spectators.

(4)

The location and construction of all off-street and on-site parking facilities.

(5)

The location and type of fencing, if any, to be used on the property.

(6)

The location and type of sanitary facilities available.

(7)

The zoning designation of the premises.

(8)

The name and address of each owner and party in interest of the premises for which a license is being applied for.

(9)

The exact legal description of the premises for which the license is being applied for.

(10)

The dates and times of all performances which the licensee will sell admissions to spectators.

(11)

Whether alcohol will be served at the event. If alcohol is to be served, a demonstration of how minors will be prevented from obtaining such alcohol and the hours it will be served.

(12)

Measures taken to control the affect of sound, dust and vibration from neighboring residential areas.

(13)

A single portable sign may be utilized to announce the event. The location and type of sign to be placed on the premises shall be identified. The sign shall not be greater than four feet in width and eight feet in height and shall not contain any flashing lights. The sign may be posted no more than 30 days prior to the event and must be removed within 48 hours after the conclusion of the event.

(Ord. No. 99, § 2, 7-22-1998; Ord. No. 99.001, 9-13-2000)

- Sec. 30-363. - Parking facilities.

No license shall be granted under this division unless the licensee provides a minimum of one automobile parking space for every four admission tickets available to be sold for each performance.

(Ord. No. 99, § 3, 7-22-1998)

- Sec. 30-364. - Traffic impact.

No license shall be granted under this division unless the licensee demonstrates that there will be no significant adverse traffic impact caused by the activity on adjacent property and uses.

(Ord. No. 99, § 4, 7-22-1998)

- Sec. 30-365. - Fencing.

If any performance or event is to be held out-of-doors, no license shall be granted unless the licensee constructs a fence of sturdy construction, and kept in good repair, clean and painted, at a minimum height of six feet, around

the entire premises, including parking facilities, for which the license application is sought, unless the township board determines that a fence is not required in order to protect adjacent property from significant adverse impacts caused by the event.

(Ord. No. 99, § 5, 7-22-1998)

- Sec. 30-366. - Sanitary and first aid facilities.

(a)

No license shall be granted under this division unless the licensee constructs and provides adequate sanitary facilities for all spectators, employees, servants and agents.

(b)

No license shall be granted unless the licensee provides suitable and adequate facilities for the rendering of first aid to spectators, agents, servants, employees and participants.

(Ord. No. 99, § 6, 7-22-1998)

- Sec. 30-367. - Public liability insurance.

(a)

No license shall be granted unless the licensee shows evidence of having obtained and continued in full force and effect public liability insurance in the amount of not less than \$1,000,000.00 for property damage, \$1,000,000.00 for injury to one person and not less than \$2,000,000.00 for injury arising out of one occurrence. On all policies, the Township, the Oxford Public, Fire and EMS Commission ("OPFEC"), the county's elected and appointed officials, the county sheriff, and the county sheriff's department, shall be included as additional insureds.

(b)

If alcohol is to be served, no license shall be granted, unless the licensee shows evidence of having obtained and continued in full force and effect a special events liquor policy in the amount of \$1,000,000.00. On all policies the township; the Oxford Public, Fire and EMS Commission; the county and its elected and appointed officials; the county sheriff; and the county sheriff's department shall be included as additional insureds.

(c)

All insurance policies shall be reviewed and approved by the township attorney prior to a license being issued.

(Ord. No. 99, § 7, 7-22-1998; Ord. No. 99.001, 9-13-2000)

- Sec. 30-368. - Construction permits.

No license shall be granted under this division until the township building inspector has approved the construction plans and issued a building permit for the construction of any and all structures to be located upon the premises. If no structure or building is to be located upon the premises, then the license shall not be granted until the building inspector has approved the construction plans and issued a building permit for construction and a final inspection certificate for any temporary seats to be used for spectators. The building inspector shall not issue a building permit or final inspection certificate until it reasonably appears that the structural strength of any temporary seats shall be adequate to sustain the weight necessary for the seats to bear and to permit the spectators to enter upon, leave and view the exhibition, race or amusement in safety.

(Ord. No. 99, § 8, 7-22-1998)

- Sec. 30-369. - Compliance with applicable ordinances and state and federal law.

No license shall be granted to a licensee under this division until the licensee has fully complied with all applicable township ordinances and state and federal law.

(Ord. No. 99, § 9, 7-22-1998)

- Sec. 30-370. - Security personnel.

(a)

No license shall be granted under this division unless the licensee demonstrates adequate security and supervision plans for the control of and production for the event.

(b)

The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants and spectators at the licensed event and for the preservation of order and protection of property in and around the site of such event, and no license shall be issued unless the chief law enforcement officers for all cognizant police departments and law enforcement agencies are satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the licensed event.

(c)

If, in the determination of the applicable law enforcement agency, insufficient security personnel will be provided by the licensee, the law enforcement agency shall have the option and authority to designate police officers to act as additional security personnel at the event. The applicant shall be responsible for the expense of any police officers serving as security personnel and shall deposit the reasonable cost of providing such officers with the police department in advance of the event.

(Ord. No. 99, § 19, 7-22-1998)

- Sec. 30-371. - Inspections; approval by fire and sheriff's departments.

(a)

It shall be a condition of all licenses issued under this division that the operation and facilities be at all times subject to the inspection of all duly authorized officials of the township.

(b)

The application shall be submitted to the county sheriff's department and Oxford Fire Department for their review. No license shall be issued to any applicant until both the county sheriff's department and the Oxford Fire Department have provided written approval of the application.

(Ord. No. 99, § 10, 7-22-1998; Ord. No. 99.001, 9-13-2000)

- Sec. 30-372. - Setbacks; protection of pedestrian traffic.

(a)

No license shall be granted for any activity authorized under this article unless the activity is set back a minimum of 500 feet from any residential use, unless this requirement is waived by the township board based upon a showing that the nature of the proposed activity will not have a significant adverse impact on adjoining property and uses.

(b)

No license shall be granted for any activity authorized under this article unless the pedestrian traffic associated with the activity is separated from vehicular traffic by a fence or other protective barrier and the pedestrian traffic is set back a minimum of 150 feet from any public roadway, unless a written opinion from the law enforcement agency of the township advises that a variance is acceptable.

(Ord. No. 99, § 11, 7-22-1998; Ord. No. 99.001, 9-13-2000)

- Sec. 30-373. - Term.

All licenses issued under this division shall automatically expire at midnight on November 19 following the date of issuance thereof, if an expiration date has not been set by the township board.

(Ord. No. 99, § 12, 7-22-1998)

- Sec. 30-374. - Fee; escrow deposit.

Each applicant for a license under this division shall submit with an application a standard application fee of \$100.00, which is nonrefundable. Each applicant shall also submit an escrow fee, in an amount to be determined by resolution, that is sufficient to cover the township's costs associated with review of the application, including costs of township professionals and consultants. If the initial escrow fee is exhausted, the applicant shall submit additional escrow fee(s), of an equal amount as the initial escrow fee, to cover any additional township costs as necessary. At the time the application for a license is granted or denied, the applicant shall be refunded any unused amount of the escrow fee. The standard application fee shall be waived for license applications for an event that is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or an event which is conducted or sponsored by any applicant qualifying for tax exempt status under Section 501(c)(3)

of the Internal Revenue Code of 1954, being 26 USC 501(c)(3) as incorporated by reference in section 1 of Public Act No. 281 of 1967 (MCL 206.201).

(Ord. No. 99, § 13, 7-22-1998; Ord. No. 99.001, 9-13-2000; Ord. No. 99.003, art. 2, 7-11-2001)

- Sec. 30-375. - Revocation.

Any licensee under this division may have his license revoked for failure to comply with any of the requirements as established under this article or for failure to comply with any reasonable safety requirements of fire marshals and/or building inspectors.

(Ord. No. 99, § 14, 7-22-1998)

- **Oxford Charter Township, (Oakland Co.)**

Phone: (248)628-9787

Fax: (248)628-8139

Link <http://www.oxfordtownship.org/>

Auction: Auctioneer:

DIVISION 2. - LICENSE

Sec. 30-361. - Required.

No person shall set up, promote, publish, advertise, or otherwise aid and/or assist in the operation, promotion, holding, setting up of or participating in any outdoor gathering (outside of a permanent structure), including but not limited to auctions, theatrical exhibitions, public shows, entertainment, musical festivals, rock festivals, peace festivals, motion picture theaters and/or drive-in theaters, etc., to which the public is invited where admission is charged to participate in the outdoor gathering and/or where the public is charged for goods or services available for purchase at the outdoor gathering (not including residential garage sales) within the limits of the township without having obtained a license from the township board authorizing such outdoor gathering.

(Ord. No. 99, § 1, 7-22-1998; Ord. No. 99.003, art. 1, 7-11-2001)

Sec. 30-362. - Application.

Before any license, as required by this division, is granted, an application shall be made to the township clerk, at least 90 days prior to the scheduled event, upon forms to be provided by the clerk. The applicant shall provide

three copies of the application and any supporting documents to the clerk. The application shall be in writing and under oath which shall include among other things, the following information:

P

- **Parchment**

269-349-3785

Link <http://www.parchment.org/>

Auction: Auctioneer: No information given

- **Park Township, (Ottawa Co.)**

PH: (616) 399-4520

Fax: (616) 399-8540

Link <http://www.parktownship.org/>

Auction: Auctioneer: Park Township, Ottawa Co

- **ARTICLE I. - IN GENERAL**

- **Sec. 24-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser or solicitor means and includes any person whether a resident of the township, or not, traveling either by foot, wagon, automotive vehicle, or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature, whatsoever for future delivery, or for services to be furnished or performed, in the future, whether or not this person has, carries or exposes for sale a sample of the subject of such sale or not, provided that such definition shall include any person who, for himself or for any other person, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodginghouse, apartment, shop, or any other place within the township for the sole purpose of exhibiting samples and taking orders for future delivery.

Peddler means and includes any person, whether a resident of the township or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon,

automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The term "peddler" includes the words "hawker" and "hucksters."

Transient merchant, itinerant merchant, or itinerant vendor means and includes any person, whether as owner, agent, consignee or employee, whether a resident of the township or not, who engaged in a temporary business of selling and delivering goods, wares and merchandise within said township, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodginghouses, apartments, shops, or any street, alley, or other place within the township, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(Ord. No. PO, § 2, 3-1-1961)

- Sec. 24-2. - Municipal civil infractions.

Any person who shall violate a provision of this chapter or shall fail to comply with any of the requirements thereof, shall be responsible for a municipal civil infraction.

(Ord. No. PO, § 10, 3-1-1961; Ord. No. 95-10, § 1, 1-12-1995)

- Secs. 24-3—24-22. - Reserved.
- ARTICLE VI. - SIGNS

FOOTNOTE(S):

(36) State Law reference— Highway advertising act, MCL 252.301 et seq.

- Sec. 38-563. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banner means a fabric or plastic sign hung on a wall or from poles, on which lettered, figured, promotional phrases, or pictorial matter is displayed for advertising a business, service, or entertainment.

Billboard means any structure, including the wall of any building, on which lettered, figured, promotional phrases, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

Business sign means any structure, including the wall of any building, on which lettered, figured, promotional phrases, or pictorial matter is displayed for advertising or identifying a profession, business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

Identifying sign means any structure on the same premises it identifies which serves only to tell the name or use of any public or semipublic building or recreation space, apartment building or apartment complex, subdivision, club, lodge, church, or institution or parking lot.

Political sign means a sign used to advertise a candidate for public office or a position on an issue to be voted on at a general or special election.

Portable sign means a temporary sign which is not permanently affixed to the ground, a building or structure, including, without limiting the generality of the foregoing, all banners, pennants, balloons, "A" frame signs, light chains, and signs on wheels or portable stands, but excluding real estate signs and political signs.

Real estate sign means a sign used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.

(Ord. No. Z, § 4.16.02, eff. 2-7-1974; Ord. No. Z-14, § 4.16.02, eff. 4-19-1982; Ord. No. Z-20, § 4.16.02, eff. 8-7-1988; Ord. No. Z-22, § 4.16.02, eff. 2-20-1989; Ord. No. Z-39, § 4.16.02, eff. 1-1-1999)

- Sec. 38-564. - Purpose and scope.

(a)

This section is intended to protect and further the health, safety and welfare of the people of the township by regulating the construction, erection, reconstruction, alteration, repair, maintenance, size, location and number of all signs, to ensure that such signs do not create a hazard to the public, to ensure that they do not interfere with the safe and efficient movement of pedestrians or traffic within the township and to ensure that their size, location and number compliment harmoniously the nature of development within the various zoning districts of the township.

(b)

When more restrictive with respect to location, use, size, height or other requirements relating to structural safety, the provisions of the state construction code and/or any other applicable state construction code shall take precedence over this section.

(Ord. No. Z, § 4.16.01, eff. 2-7-1974; Ord. No. Z-14, § 4.16.01, eff. 4-19-1982; Ord. No. Z-20, § 4.16.01, eff. 8-7-1988; Ord. No. Z-22, § 4.16.01, eff. 2-20-1989; Ord. No. Z-39, § 4.16.01, eff. 1-1-1999)

- Sec. 38-565. - General conditions.

(a)

No sign shall be erected, constructed or reconstructed in any location where it may interfere with, or obscure the view of, or be confused with, an authorized traffic sign.

(b)

No sign shall have any visible moving components, or a moving or changing message, either constantly or at intervals, regardless of whether the motion or change is caused by artificial or physical means, except as permitted by section 38-569 and section 38-575(g)(4).

(c)

A sign which is an integral part of a building may not extend higher than the sidewall of the building on which it is mounted.

(d)

No freestanding sign shall exceed eight feet in height. The zoning administrator may authorize freestanding signs of a greater height. The zoning administrator may, in his discretion, decline to decide such matter and refer decision thereon to the zoning board of appeals as a matter for zoning board of appeals decision pursuant to section 603 of the zoning act (MCL 125.3603). In granting such authorization, either by the zoning administrator, or the zoning board of appeals as a matter for zoning board of appeals decision pursuant to section 603 of the zoning act (MCL 125.3603), the following standards shall be considered:

(1)

The number of businesses using the building and/or sign;

(2)

The sign height related to the height of the principal buildings on the lot and neighboring lots;

(3)

The effect of the sign on the surrounding neighborhood; and

(4)

How the sign affects light, visibility and the circulation of air.

(e)

No sign, temporary or permanent, shall be erected, constructed, installed or located on private property without the written consent of the owner of such property; provided, however, the requirement that the consent be written shall not apply to political and real estate signs. Real estate signs may only be placed on the property that is for sale, rental or lease.

(f)

No sign, including, without limitation, political signs, shall be located in the public right-of way or attached to any tree, utility pole, street sign, traffic control device or other similar object or installed, attached or affixed to any public building or structure.

(g)

No sign, or any part thereof, attached to a wall shall extend more than 12 inches therefrom.

(h)

No item or article of tangible personal property, including, but without limitation, a vehicle, trailer, snowmobile, or watercraft, including personal watercraft, shall be used as a sign by displaying or placing thereon or attaching thereto letters or words, figures, or pictures or any type or kind of promotional material which provides information about or advertises a business, service, entertainment or any other activity or enterprise and locating or parking this item or article of tangible personal property at a location or place where such item or article of tangible personal property can be viewed by members of the general public. As examples of the application of this subsection, but without limitation, the following described circumstances constitute violations of this subsection:

(1)

Watercraft with temporary vinyl lettering used as signs and parked in a commercial lot.

(2)

Vehicles with temporary vinyl lettering used as signs and parked in a commercial lot.

(3)

Signs mounted on trailers.

(4)

Banners hung on watercraft.

(5)

A personal watercraft with a vinyl or fabric "For Rent" sign on it.

(Ord. No. Z, § 4.16.03, eff. 2-7-1974; Ord. No. Z-14, § 4.16.03, eff. 4-19-1982; Ord. No. Z-20, § 4.16.03, eff. 8-7-1988; Ord. No. Z-22, § 4.16.03, eff. 2-20-1989; Ord. No. Z-39, § 4.16.03, eff. 1-1-1999; Ord. No. Z-56, § 4.16.03, eff. 8-22-2006)

- Sec. 38-566. - Maintenance.

All signs shall be maintained in good condition and repair, including, without limiting the foregoing, maintenance of supports and fastenings to prevent the sign from falling.

(Ord. No. Z, § 4.16.04, eff. 2-7-1974; Ord. No. Z-14, § 4.16.04, eff. 4-19-1982; Ord. No. Z-20, § 4.16.04, eff. 8-7-1988; Ord. No. Z-22, § 4.16.04, eff. 2-20-1989; Ord. No. Z-39, § 4.16.04, eff. 1-1-1999)

- Sec. 38-567. - Traffic hazard.

No sign shall be constructed, erected, reconstructed or located in such a manner as to cause a hazard to vehicle or pedestrian traffic, including, without limiting the foregoing, a visual hazard caused by flashing lights or glare where the visual hazard impairs vision or is unreasonably distracting.

(Ord. No. Z, § 4.16.05, eff. 2-7-1974; Ord. No. Z-14, § 4.16.05, eff. 4-19-1982; Ord. No. Z-20, § 4.16.05, eff. 8-7-1988; Ord. No. Z-22, § 4.16.05, eff. 2-20-1989; Ord. No. Z-39, § 4.16.05, eff. 1-1-1999)

- Sec. 38-568. - Right-of-way.

No sign, temporary or permanent, shall be constructed, erected or reconstructed upon or over any sidewalk, street, alley or other public right-of-way.

(Ord. No. Z, § 4.16.06, eff. 2-7-1974; Ord. No. Z-14, § 4.16.06, eff. 4-19-1982; Ord. No. Z-20, § 4.16.06, eff. 8-7-1988; Ord. No. Z-22, § 4.16.06, eff. 2-20-1989; Ord. No. Z-39, § 4.16.06, eff. 1-1-1999)

- Sec. 38-569. - Illumination.

All signs that are to be illuminated shall be illuminated by electrical power. All electrical wiring and electrical installation shall be in conformance with the electrical code currently in force in the township. Time and/or temperature signs and changeable letter signs are only permitted as is provided by section 38-575(g)(4). No other type of sign shall be illuminated with flashing, blinking, intermittent or on and off lighting. Open neon lights are prohibited. All sign illumination shall be employed in such a manner so as to prevent intense or brilliant glares or rays of light from being directed at any street, private road, or at any adjoining property.

(Ord. No. Z, § 4.16.07, eff. 2-7-1974; Ord. No. Z-14, § 4.16.07, eff. 4-19-1982; Ord. No. Z-20, § 4.16.07, eff. 8-7-1988; Ord. No. Z-22, § 4.16.07, eff. 2-20-1989; Ord. No. Z-39, § 4.16.07, eff. 1-1-1999; Ord. No. Z-56, § 4.16.07, eff. 8-22-2006)

- Sec. 38-570. - Measurement of sign area.

The area of a sign includes the entire area within a circle, triangle or multisided figure enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed, but including any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere or other three-dimensional object used as a sign, the total area of the sphere or other three-dimensional object is divided by two for purposes of determining the sign area.

(Ord. No. Z, § 4.16.08, eff. 2-7-1974; Ord. No. Z-14, § 4.16.08, eff. 4-19-1982; Ord. No. Z-20, § 4.16.08, eff. 8-7-1988; Ord. No. Z-22, § 4.16.08, eff. 2-20-1989; Ord. No. Z-39, § 4.16.08, eff. 1-1-1999)

- Sec. 38-571. - Portable signs.

Except for signs, pennants, and banners permitted pursuant to section 38-576(b)(16), portable signs are prohibited in all zoning districts unless located inside the window of a building. Only one portable sign is permitted per window, with the total area of each sign not to exceed 25 percent of the total area of the window in which it is placed.

(Ord. No. Z, § 4.16.09, eff. 2-7-1974; Ord. No. Z-14, § 4.16.09, eff. 4-19-1982; Ord. No. Z-20, § 4.16.09, eff. 8-7-1988; Ord. No. Z-22, § 4.16.09, eff. 2-20-1989; Ord. No. Z-39, § 4.16.09, eff. 1-1-1999)

- Sec. 38-572. - Political signs.

Political signs shall be permitted in all zoning districts provided they are temporary, not illuminated, do not exceed six square feet in area in the AG, R-1, R-2, R-3, R-4, and R-5 zoning districts and do not exceed 32 square feet in the C-1 and C-2 zoning districts. There shall be no more than one political sign per 25 feet of property road frontage or fraction thereof. All political signs shall be removed within ten days after the holding of the election with which the political sign is concerned. All political signs shall comply at all times with the requirements of sections 38-565 through 38-568.

(Ord. No. Z, § 4.16.10, eff. 2-7-1974; Ord. No. Z-14, § 4.16.10, eff. 4-19-1982; Ord. No. Z-20, § 4.16.10, eff. 8-7-1988; Ord. No. Z-22, § 4.16.10, eff. 2-20-1989; Ord. No. Z-39, § 4.16.10, eff. 1-1-1999)

- Sec. 38-573. - Billboards.

Billboards are prohibited in the township.

(Ord. No. Z, § 4.16.11, eff. 2-7-1974; Ord. No. Z-14, § 4.16.11, eff. 4-19-1982; Ord. No. Z-20, § 4.16.11, eff. 8-7-1988; Ord. No. Z-22, § 4.16.11, eff. 2-20-1989; Ord. No. Z-39, § 4.16.11, eff. 1-1-1999)

- Sec. 38-574. - Nonconforming signs.

Subject to the provisions of this section, a sign which is existing and lawful on the effective date of the ordinance from which this chapter is derived, or in the case of an amendment to this article, then on the effective date of such amendment, may be maintained and continued although such sign does not conform with the provisions of this article or any amendment thereto, as the case may be.

(1)

No nonconforming sign:

a.

Shall be changed to another nonconforming sign;

b.

Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size or type;

c.

Shall be reestablished or continued after the activity, business, or use to which it was attached has been discontinued for 90 days or longer.

(2)

No owner shall be required to remove a sign that was erected in compliance with this article if such sign becomes nonconforming due to a change in the location of buildings, streets, private roads, or other signs if the change was beyond the control of the owner of the sign and the premises on which it is located.

(3)

If the owner of a sign, or the premises on which a sign is located, changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign shall be removed or made to conform to this chapter.

(Ord. No. Z, § 4.16.12, eff. 2-7-1974; Ord. No. Z-14, § 4.16.12, eff. 4-19-1982; Ord. No. Z-20, § 4.16.12, eff. 8-7-1988; Ord. No. Z-22, § 4.16.12, eff. 2-20-1989; Ord. No. Z-39, § 4.16.12, eff. 1-1-1999; (Ord. No. Z-56, § 4.16.12, eff. 8-22-2006)

- Sec. 38-575. - Permitted signs in each zoning district.

(a)

AG agricultural and permanent open space district. Signs shall be permitted in this zoning district only are as follows:

(1)

One real estate sign for each 450 feet or fraction thereof of property road frontage, not in excess of six square feet each in area, if the real estate signs are not illuminated and are placed entirely within the boundaries of the parcel of land or lot to which the signs refer.

(2)

One permanent identifying sign, provided such sign shall:

a.

Not exceed an area of 32 square feet;

b.

Not extend more than 12 inches from the surface of the building if mounted on a wall;

c.

Have all lighting shielded from adjoining residences in such a manner that direct light does not leave the property on which the sign is located.

(3)

One construction sign per construction project, denoting architects, engineers, banking institutions, subcontractors, or contractors connected with the work under construction. For one- and two-family dwelling projects, the area shall not exceed 12 square feet. For all other construction projects, the maximum area is 32 square feet. This sign may be displayed only during the time the improvements are under construction.

(4)

One freestanding business sign for each farm or property, not in excess of 32 square feet in area, and located not less than 40 feet from the edge of the street right-of-way or private road easement.

(5)

On farms, signs advertising the sale of agricultural products sold at a roadside stand on the farm where the sign is located. The total square footage of such signs shall not exceed an area of 64 square feet per farm.

(b)

R-1 rural estate residence district. Signs shall be permitted in this zoning district only as follows:

(1)

One real estate sign not in excess of six square feet in area, if the real estate sign is not illuminated and is placed entirely within the boundaries of the parcel of land or lot to which the sign refers.

(2)

One permanent identifying sign, provided such sign shall:

a.

Not exceed an area of 32 square feet;

b.

Not extend more than 12 inches from the surface of the building if mounted on a wall;

c.

Have all lighting shielded from adjoining residences in such a manner that direct light does not leave the property on which the sign is located;

d.

Be placed at least five feet from the edge of the road right-of-way; and

(3)

One and/or two permanent identifying signs at each entrance to a residential development (i.e., subdivision, condominium, or apartment complex), provided that the total square footage of the sign at each entrance does not exceed an area of 32 square feet, and all requirements of subsection (b)(2) of this section are met.

(4)

One construction sign per construction project, denoting architects, engineers, banking institutions, subcontractors, or contractors connected with the work under construction. For one- and two-family dwelling projects, the area shall not exceed 12 square feet. For all other construction projects, the maximum area is 32 square feet. This sign may be displayed only during the time the improvements are under construction.

(5)

Plat or site condominium advertising signs provided there shall be only one such sign per plat or site condominium, and that no such sign shall exceed 32 square feet in area. Plat or site condominium advertising signs shall be removed when 75 percent of the building sites of the last approved phase have buildings located thereon or are under construction.

(6)

One sign advertising a home occupation, provided such sign shall:

a.

Not exceed an area of 32 square feet;

b.

Be mounted or attached to the surface of the building, but shall not extend more than 12 inches from the surface of the building; and

c.

Have all lighting shielded from adjoining residences in such a manner that direct light does not leave the property on which the sign is located.

(c)

R-2 lakeshore residence district. Permitted signs are the same as the R-1 rural estate residence district.

(d)

R-3 low density single family residence district. Permitted signs are the same as the R-1 rural estate residence district.

(e)

R-4 medium density single- and two-family residence district. Permitted signs are the same as the R-1 rural estate residence district.

(f)

R-5 low density multifamily residence district. Permitted signs are the same as the R-1 rural estate residence district.

(g)

C-1 neighborhood business district. Signs shall be permitted in this zoning district only are as follows:

(1)

All signs permitted in the R-1 rural estate residence district, subject to the same conditions, restrictions and requirements as provided in the R-1 rural estate residence district, except that political signs and real estate signs may be larger than permitted in the R-1 rural estate residence district, but shall not be greater than 32 square feet in area, and home occupation signs are prohibited.

(2)

Business signs if the signs:

a.

Are placed flat against the building on which they are located;

b.

Are limited to one sign per tenant space, only on the side of the building which front on the principal streets or private roads providing access to the building;

c.

Are not in excess of ten percent of the wall area of the tenant space to which they are attached, but not to exceed 32 square feet in area in any event;

d.

Have no dimension greater than 30 feet.

(3)

One freestanding business sign if it is located in the front yard and does not exceed 32 square feet in area.

(4)

One changeable letter sign, per building, not to exceed 32 square feet in area, is allowed on the side of a building or on the same support as the freestanding business sign permitted under subsection (g)(3) of this section. The message conveyed by the changeable letters shall not be changed at an interval more frequent than once every five minutes, except that messages changing only between the time and the temperature may be changed at a more frequent interval. Message changes may be accomplished through either electronic and/or mechanical means, or through the use of illumination.

(5)

Where two or more businesses are located in the same building, the freestanding business signs for each business shall be combined on the same pole. In this instance, the total area of all freestanding business signs mounted on the same pole shall not exceed 64 square feet.

(h)

C-2 resort service district. Permitted signs are the same as C-1 neighborhood business district.

(i)

Planned unit development. Such signs as are approved by the township board in authorizing the planned unit development.

(Ord. No. Z, § 4.16.13, eff. 2-7-1974; Ord. No. Z-14, § 4.16.13, eff. 4-19-1982; Ord. No. Z-20, § 4.16.13, eff. 8-7-1988; Ord. No. Z-22, § 4.16.13, eff. 2-20-1989; Ord. No. Z-39, § 4.16.13, eff. 1-1-1999; Ord. No. Z-56, § 4.16.13, eff. 8-22-2006; Ord. No. Z-58, § 4.16.13, eff. 12-13-2007)

- Sec. 38-576. - Permit required.

(a)

Except as specifically excused in subsection (b) of this section, no sign shall be constructed, erected, located, placed, attached to a building, installed, structurally altered, or relocated prior to the issuance of a permit by the zoning administrator. For all signs, the application for the sign permit shall include the name of the applicant, the size of the sign, plans and specifications for the sign, the proposed location of the sign, the proposed method of construction, erection, structural alteration, or relocation, and a description of the equipment to be used for such work.

(b)

No permit shall be required for any of the following:

(1)

Normal sign maintenance and repair;

(2)

Change of lettering or display panels on a sign;

(3)

Real estate signs (may only be placed on the actual property for sale);

(4)

Highway signs erected by the United States of America, State of Michigan, Counties of Allegan or Ottawa, or the township;

(5)

Governmental use signs erected by governmental agencies to designate hours of activity or conditions for use for parks, parking lots, recreational area, other public areas or for governmental buildings;

(6)

Directional signs erected in conjunction with private, off-street parking areas, provided the sign does not exceed four square feet in area and is limited to traffic control functions only;

(7)

Historic signs designating sites recognized by the state historical commission as centennial farms and historic landmarks;

(8)

Signs posted to control or prohibit hunting within the township;

(9)

Essential public service signs denoting utility lines, railroad lines, hazards and precautions;

(10)

Memorial signs or tablets which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material when located flat on the face of a building;

(11)

One construction sign per construction project, subject to the provisions of section 38-575

(12)

One model home sign per project not exceeding 12 square feet in area to be displayed only during the actual time the home is being used as a model;

(13)

Political signs;

(14)

One sign per street address not exceeding two square feet in area and bearing only property address and/or names of occupants of residential premises. No other words or letters are permitted;

(15)

Flags and insignia of the governments of the United States, the State of Michigan and the township;

(16)

Signs, pennants and banners announcing civic occasions, festivals, celebrations, sports events or arts and humanities events only when for an agency of government or a private nonprofit organization and when authorized in advance in writing by the zoning administrator. The zoning administrator may, at his discretion, decline to decide such matter and refer decision thereon to the zoning board of appeals as a matter for zoning board of appeals decision pursuant to section 603 of the zoning act (MCL 125.3603). Advertising symbols, logos or titles identifying contributors to such event or occasion shall be permitted, provided that such identification shall be limited to 15 percent of the area of the sign, pennant or banner. In considering such authorization, the zoning administrator or zoning board of appeals shall consider the following standards:

a.

The proximity of the sign, pennant or banner to traffic signals and other signs, pennants and banners;

b.

The size of the sign, pennant or banner;

c.

The time period during which the sign, pennant or banner is to be displayed;

d.

The effect of the sign, pennant or banner on traffic safety and the general neighborhood; and

e.

No sign, pennant, or banner permitted under this subsection (16) shall be erected more than 30 days prior to the date on which the civic occasion, festival, celebration, or event announced therein begins. All signs, pennants, and banners shall be removed within ten days after the date on which the civil occasion, festival, celebration, or event announced therein has ended.

(17)

Legal notices;

(18)

Open house signs on the day of the open house only; and

(19)

Auction signs on the day of the auction only.

(Ord. No. Z, § 4.16.14, eff. 2-7-1974; Ord. No. Z-14, § 4.16.14, eff. 4-19-1982; Ord. No. Z-20, § 4.16.14, eff. 8-7-1988; Ord. No. Z-22, § 4.16.14, eff. 2-20-1989; Ord. No. Z-39, § 4.16.14, eff. 1-1-1999)

- Secs. 38-577—38-600. - Reserved.

- **Pavilion Township**

Tel: 269.327.0462

Fax: 269.327.0098

Link <http://www.paviliontownship.com/>

Auction: Auctioneer: No information given

- **Paw Paw**

Phone: (269) 657-3148

Fax: (269) 657-7544

Link <http://www.pawpaw.net/>

Auction: Auctioneer:

- ARTICLE II. - RUMMAGE SALES

- Sec. 26-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Person means individuals, partnerships, limited partnerships, corporations, and voluntary associations except nonprofit organizations duly qualified and existing under the laws of the state and the United States.

Rummage sales means all garage, lawn, porch, attic, yard, barn, auction, flea market or other similar casual sale of tangible personal property by a person which is advertised in any manner to the general public.

(Prior Code, § 62B-1)

Cross reference— Definitions generally, § 1-2.

- Sec. 26-32. - Permit.

(a)

Required. No person shall advertise or conduct a rummage sale in the village without first having obtained a permit from the village clerk.

(b)

Limitation. Two permits may be issued under this section and shall be limited to three consecutive days within a 12-month period to any person at one location.

(c)

Display. A permit issued hereunder shall be prominently displayed at all times on the premises throughout the sale.

(Prior Code, § 62B-2)

- Sec. 26-33. - Signs.

Notwithstanding the provisions of chapter 42, article VI, regarding signs, a sign advertising the sale not larger than three feet square may be placed on the sale premises not less than ten feet from the inside of the sidewalk or property line and shall not be attached to utility poles or village trees. No sign shall be erected or placed on the premises until the date of sale and shall be removed by 6:00 p.m. that day.

(Prior Code, § 62B-3)

- Sec. 26-34. - Exceptions.

Exceptions to this article shall be as follows:

(1)

Persons selling personal property pursuant to an order of a court of competent jurisdiction.

(2)

Persons acting in accordance with their powers and duties as public officials.

(Prior Code, § 62B-4)

- **Paw Paw Township, (Van Buren Co.)**

657-4340 27

Link <http://www.pawpawtownship.org/>

Auction: Auctioneer:

Auction facilities One parking space for each 100 square feet of buildings, pens, and all enclosed areas on the premises of the auction facility.

- **Pennfield Township, (Calhoun Co.)**

269-968-8549

Link <http://www.pennfieldtp.com/>

Aucti Transient merchant, itinerant merchant and itinerant vendor mean a person, whether an owner, agent, consignee or employee, whether a resident of the township or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the township, and who in furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, boat, public room in a hotel, lodginghouse, apartment, shop or any street, alley or other place within the township, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader, merchant or auctioneer.

(Ord. No. 92-10-89, § 1, 10-30-1989)

Cross reference— Definitions generally, § 1-2.on: Auctioneer:

- **Pere Marquette Charter Township, (Mason Co.)**

231-845-1277

Link <http://www.pmtwp.org/>

Auction: Auctioneer: No information given

- **Petoskey**

Link <http://www.petoskey.us/>

Auction: Auctioneer:

- **DIVISION 1. - GENERALLY**

- **Sec. 8-48. - Definitions.**

The terms "sold at **auction**," "sell at **auction**," "sale at **auction**," and "**auction** sale," whenever used in this article shall include any manner of public bidding or offers by the buyers or sellers after the manner of **auction** sales, and putting up property at a suggested price with a request for bids either above or below such price.

(Ord. No. 313, § 1, 11-19-1956)

- **Sec. 8-49. - Compliance with article provisions required.**

(a)

No goods, wares or merchandise shall be sold at **auction** within the corporate limits of the city, except in compliance with the provisions of this article.

(b)

This article shall apply whether the goods, wares or merchandise sold at **auction** are the property of the person selling the same or of another person, and whether the person selling the same at **auction** is self-employed or in the employ of another.

(Ord. No. 313, § 2, 11-19-1956)

- **Sec. 8-50. - Prohibited on public property.**

It shall be unlawful to conduct an **auction** sale of goods, wares, or merchandise on any of the streets, sidewalks, or public property or places of the city.

(Ord. No. 313, § 12, 11-19-1956)

Cross reference— Streets, sidewalks and other public places, ch. 18.

- **Sec. 8-51. - Exemptions for article provisions.**

Nothing in this article shall apply to sales required by law to be made at **auction** or public venue, nor to judicial sales or sales by executors, administrators, trustees or referees in bankruptcy, receivers, or other public officers, nor to sales by licensed pawnbrokers of unredeemed pledges in the manner provided by law.

(Ord. No. 313, § 13, 11-19-1956)

- **Sec. 8-52. - Records and sales slips.**

Every **auctioneer** licensed under this article shall keep an accurate account of the goods, wares or merchandise sold by him at **auction**, which record shall be open to inspection by any police officer or city official at all reasonable times. Sales slips shall be issued for each sale at **auction** stating the sale price and the type and quality of the article sold, and a duplicate sales slip shall be given to each purchaser.

(Ord. No. 313, § 7A, 11-19-1956)

- **Sec. 8-53. - Revocation of permits.**

(a)

The city clerk shall have the power to revoke at any time any permit or special permit granted in accordance with this article whenever any such **auction** sale is being conducted in violation of any of the provisions of this article or any other ordinance of the city or the laws of the state, or in such manner as to deceive or defraud the public, or if the holder of any such permit or special permit:

(1)

Has made any material misstatement in the application for such permit;

(2)

Has failed to include in the inventory submitted with the application the goods, wares, or merchandise required to be contained in such inventory;

(3)

Has, during the **auction** sale, added or caused or permitted to be added to the stock of goods to be sold at **auction**, any goods, wares or merchandise not described in such inventory, or has sold at **auction** any goods, wares, or merchandise not described in such inventory;

(4)

Has, in the case of an **auction** sale regulated by division 3 of this article, within 60 days before the filing of the application ordered any goods, wares, or merchandise for the purpose of selling and disposing of the same at such **auction** sale.

(b)

Upon the revocation of any permit or special permit and the communication of the fact of such revocation to the permit-holder, and pending the decision of an appeal from such revocation by the council in the event that such an appeal is taken, such permit or special permit shall be of no force and effect and it shall be unlawful for any person to conduct any **auction** or make any sale at **auction** in accordance with the terms of such permit or special permit.

(Ord. No. 313, § 11, 11-19-1956)

- **Sec. 8-54. - Appeal of refusal to issue or revocation of permit.**

In case the city clerk shall refuse to issue any permit or special permit under [section 8-65](#) or [section 8-80](#), or shall revoke any permit or special permit under [section 8-53](#), the applicant or permit-holder, as the case may be, shall be entitled to appeal to the council, in the manner and with the effect provided in section 8-98.

(Ord. No. 313, § 11, 11-19-1956)

- **Secs. 8-55—8-60. - Reserved.**

- **Pigeon**

Phone: (989) 453-2733

Fax: (989) 453-3000

Link <http://www.pigeonmichigan.com/>

Auction: Auctioneer:

- **ARTICLE II. - AUCTIONS**

- **Sec. 22-26. - License to conduct.**

Every person holding, conducting or engaging in the sale of any merchandise at **auction**, private or public, in the village and who for the purpose of carrying on such **auction** shall hire, lease or occupy any building, lot, field or space, including rooms in hotels, for the exhibition or sale at **auction** of goods, wares and merchandise shall first obtain a license from the village clerk.

(Comp. Ords. 1983, § 20.681)

State law reference— Authority to grant licenses, MCL 67.2.

- **Sec. 22-27. - License application, fees.**

Any person desiring to conduct a sale by **auction** of merchandise, either public or private, in the village, shall request the issuance of a license for such purpose in writing and file the application with the village clerk. Upon the filing of such written application, the president shall have the power to fix the license fee to be charged for the purpose, which shall not be less than \$5.00 for each day and not more than \$100.00 for each day.

(Comp. Ords. 1983, § 20.682)

- **Secs. 22-28—22-49. - Reserved.**

- **Pittsfield Charter Township**

Ph: 734.822.3101

Link <http://www.pittsfield-mi.gov/>

Auction: Auctioneer:

- **Sec. 24-36. - Sale of pawned property at public **auction**; time, place, notice, affidavit of publication of notice.**

No pawnbroker, secondhand dealer or junk dealer shall sell any pawn or pledge, until it shall have remained six months in his possession; and all such sales shall be at public **auction** to the highest bidder, and not otherwise. Such sale shall be held under the direction and control of the pawnbroker, secondhand dealer or junk dealer and in the dealer's regularly established place of business. Notice of such sale shall be published for at least six days previous to the sale in the Ann Arbor News. Such notice shall specify the time and place at which such sale is to take place and by whom it is to be conducted, and shall contain the same description of the articles or goods to be sold as was given in the memorandum or note delivered to the pawner under [section 24-34](#) and shall give the number of such memorandum or note. An affidavit of the printer of such paper or of his foreman, or his principal clerk, annexed to a printed copy of such notice taken from the paper in which it was published and specifying the times when and papers in which it was published, shall be filed after the last day of such publication and before the day fixed for such sale with the township clerk. Such affidavit shall be kept in the office of the township clerk as a public document, and open to the inspection of any person. A fee of \$0.50 shall be paid by the party filing such affidavit to the township clerk for the filing of the affidavit.

(Ord. No. 182, § 16, eff. 11-8-1990)

- **Plainfield Charter Township (Kent Co.)**

Phone: 616-364-8466

Fax: 616-364-6537

Link <http://www.plainfieldchartertp.org/>

Auction: Auctioneer: no information given

- **Plymouth**

Ph: (734) 453-1234

Fx: (734) 455-1892

Link <http://www.ci.plymouth.mi.us/>

Auction: Auctioneer: No information given

- **Pontiac**

(248) 758-3200

Link <http://www.pontiac.mi.us/>

Auction: Auctioneer:

- **ARTICLE IV. - AUCTIONS AND AUCTIONEERS**

- **DIVISION 1. - GENERALLY**

- **Secs. 26-151—26-175. - Reserved.**

- **DIVISION 2. - AUCTIONS**

-

- **Subdivision I. - In General**

- **Sec. 26-176. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auction sale means the offering for sale or selling of real or personal property to the highest bidder, or offering for sale or selling of real or personal property at a high price and then offering the property at successive lower prices until a buyer is secured.

(Code 1985, § 8-19)

Cross reference— Definitions generally, § 1-2.

- **Sec. 26-177. - Jewelry and specified articles.**

If the auction sale is of platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry, each article sold shall have securely attached to it a tag or label. The tag shall be plainly written or printed in English and contain a true and correct statement of:

(1)

The kind and quality of the metal of which such article is made or with what it is plated;

(2)

The true names, weight, quality and color of any precious or semiprecious stone or stones; and

(3)

If ascertainable, the true name of the manufacturer of the article.

(Code 1985, § 8-23)

- **Sec. 26-178. - Prohibited activities.**

The following acts, omissions and practices in connection with auction sales shall be prohibited:

(1)

The use of deceit, fraud or misrepresentation in the sale or offering for sale of any property;

(2)

The substitution of another article for that bid upon by the prospective purchaser;

(3)

The use of false bidders, cappers, boosters, puffers or shillers;

(4)

The use of bells, buzzers, ballyhoo, loudspeakers or any variety of mechanical or vocal sound directed outside of the sales building;

(5)

The use of any false or misleading advertising matter;

(6)

A sale by a person other than the licensed auctioneer;

(7)

Making any false statement as to the previous history or character of the property being offered for sale; and

(8)

Offering property for sale which has once been struck off to the highest bidder.

(Code 1985, § 8-27)

- **Sec. 26-179. - Use of public places prohibited.**

No auction sale shall be conducted on any street, sidewalk or other public place.

(Code 1985, § 8-28)

- **Sec. 26-180. - Exceptions to division.**

The provisions of this division shall not apply to sheriffs, constables or other public or court officers, or to any person acting under the license, direction or authority of any state or federal court, selling property in the course of their official duties or to any person selling property under and by virtue of any state or federal statute.

(Code 1985, § 8-29)

- **Secs. 26-181—26-210. - Reserved.**

- **Subdivision II. - License**

- **Sec. 26-211. - Required.**

No auction sale of real or personal property shall take place in any building within the corporate limits of the city unless an auction license has been obtained from the city council for each and every building in which an auction is to be held.

(Code 1985, § 8-20)

- **Sec. 26-212. - Application; contents.**

(a)

Any person desiring to sell, dispose of or offer for sale any real or personal property at auction shall, at least 30 days prior to any single proposed auction sale, or at least 30 days prior to the opening and commencement of any auction business on a continuing or any other basis, file with the administrator a duly verified written application.

(b)

The application required by this section shall state the following facts:

(1)

The name, residence and post office address of the applicant, and if a firm or corporation, the name and post office addresses of the members of the firm or officers of the corporation, as the case may be;

(2)

The address at which the auction sale will be conducted;

(3)

The name, residence and post office address of the auctioneer who will conduct such sale;

(4)

If it is proposed to conduct a sale under a single sale auction license of property on hand at the time of application, then the applicant shall submit with his application a detailed inventory of all property to be offered for sale, including an identifying number for each item and an aggregate valuation thereof;

(5)

If it is proposed to conduct an auction sale on any other basis than a single sale of property on hand at the time of application, then the applicant shall submit a statement covering the kind and nature of property to be offered for sale and a fair estimate of the average value of property to remain on hand for sale from day to day;

(6)

Whether the sale will be with or without reserve;

(7)

That all taxes which have become a lien on such property have been paid;

(8)

The number of days the sale is to continue;

(9)

The hours of the sale each day;

(10)

That no property other than that listed will be sold or offered for sale at such auction sale;

(11)

That the applicant expressly agrees that the proper city officials and agents for governmental regulatory agencies may enter upon and inspect any portion of the licensed premises at all times that sales are being conducted and at all other reasonable times to enforce compliance with applicable statutes, ordinances, rules and regulations; and

(12)

That the applicant expressly agrees not to discriminate against any person in the enjoyment of his civil rights because of religion, race, color or national origin.

(Code 1985, § 8-21)

- **Sec. 26-213. - Sale without reserve.**

Where the license applied for is to be issued under [section 26-215](#)(1), the sale shall be conducted without reserve in the manner provided in section 2328 of Act No. 174 of the Public Acts of Michigan of 1962 (MCL 440.1101 et seq.), as amended. In a sale without reserve a minimum bid may be required, and if no bid is received within a reasonable time, the item may be withdrawn from the sale.

(Code 1985, § 8-22)

- **Sec. 26-214. - Auction bond.**

At the time of filing an application for an auction license, the applicant shall execute and file with the administrator a surety bond written by a surety company, licensed to do business in the state, in an amount of not less than the value of the property, in the case of a sale of property on hand at the time of application under a single sale auction license, or the average value of the property to remain on hand for sale from day to day, in the case of sale on any other basis, as shown by the inventory filed, or such value as determined by the city assessor, whichever is the larger. In no case shall the auction bond be less than \$1,000.00 nor more than \$50,000.00. The auction bond shall be made out to the

city for the use and benefit of any purchaser of property at such auction who might have a cause of action of any nature arising from or out of such sale against the auctioneer or applicant, or both. The bond shall be further conditioned on the payment by the applicant:

(1)

Of all taxes that may be payable or due from the applicant to or collectible by the city or that may be due to the state or any department or division thereof;

(2)

Of any fines that may be assessed by any court against the applicant or auctioneer for violations of this article; and

(3)

The satisfaction of all causes of action commenced within one year from the date of any auction sale and arising there from.

The aggregate liability of the surety for all such taxes, fines and causes of action shall, in no event, exceed the sum of the bond. In such bond, the applicant and surety shall appoint the administrator as agent of the applicant and sureties for the service of process. In the event of such service, the agent on whom such service is made shall, within three days after service, mail, by registered mail, a true copy of the process served upon him to each party for whom he is served, addressed to the last known address of such party. Failure to so mail such copy shall not, however, affect the court's jurisdiction. The auction bond shall also contain the consent of the applicant and surety that the circuit court of the county, or District Court No. 50 in the city, shall have jurisdiction of all actions within their respective jurisdictions, against the applicant, surety or both, arising out of any such sale. The city, any affected school district, the state, or any subdivision thereof or any person having a cause of action against the applicant arising out of the auction sale of property may join the applicant and the surety on such bond in the same action, or may in such action sue either such applicant or surety alone.

(Code 1985, § 8-24)

- **Sec. 26-215. - Term of license.**

Auction licenses shall be issued only on the following basis and to cover the following periods:

(1)

Annual auction license. As provided for in [section 26-38](#)

(2)

Single sale auction license. A sale of one or more days to be concluded within ten consecutive days from the first sales day, the first sales day to be commenced within 30 days from the date of approval of the application for license. Not more than one such license shall be issued to the same person within the same calendar year.

(Code 1985, § 8-25)

- **Sec. 26-216. - Revocation or denial, grounds.**

The city council may refuse an application for issuance or renewal of an auction license or may revoke an auction license if it determines that:

(1)

The applicant is a minor.

(2)

The application of the applicant or license holder contains any false, fraudulent or misleading material statement.

(3)

The applicant or license holder has made any false, fraudulent or misleading material statement in the course of conducting an auction sale or in offering property for sale at auction.

(4)

The applicant or license holder has perpetrated a fraud on any person, whether or not such fraud was perpetrated in the conduct of an auction.

(5)

The applicant or license holder has violated any of the statutes of the state relating to auctions or has violated any of the provisions of this article.

(6)

The applicant has been convicted of a crime or misdemeanor involving any form of larceny, embezzlement, deceit, fraud or breach of fiduciary responsibility.

(7)

The applicant or license holder has conducted an auction sale of, or offered for sale at auction, any real or personal property in an unlawful manner or in such a manner as to constitute a breach of the peace or detriment to the health, safety and welfare of the public.

(8)

The applicant or license holder has failed to comply with the applicable provisions of this article.

(Code 1985, § 8-26)

- **DIVISION 3. - AUCTIONEERS**

- **Secs. 26-217—26-250. - Reserved.**

- **Subdivision I. - In General**

- **Sec. 26-251. - Auctioneer defined.**

As used in this article, "auctioneer" means any person who sells goods at an auction.

(Code 1985, § 8-30)

- **Sec. 26-252. - Use of public places prohibited.**

No person or auctioneer shall conduct auction sales on any street, sidewalk or other public place.

(Code 1985, § 8-37)

- **Sec. 26-253. - Exceptions to division.**

The provisions of this division shall not apply to sheriffs, constables or other public or court officers, or to any person acting under the license, direction or authority of any state or federal court, selling property in the course of their official duties, or to any person selling property under and by virtue of any state or federal statute.

(Code 1985, § 8-38)

- **Secs. 26-254—26-280. - Reserved.**

- **Subdivision II. - License**

- **Sec. 26-281. - Required.**

No person shall act as an auctioneer at any auction sale of real or personal property within the corporate limits of the city unless such auctioneer has an auctioneer's license issued in accordance with all the provisions, regulations and requirements set forth in this division.

(Code 1985, § 8-31)

- **Sec. 26-282. - Application; contents.**

Any person desiring to obtain a license as an auctioneer in the city shall first file with the administrator an application in writing. The application shall contain the following information:

(1)

The name of the applicant, his residence, post office address and business place, if any;

(2)

The place or places where he intends to conduct such sales;

(3)

Whether or not he is to be self-employed for the purpose of selling his own property;

(4)

If he is to be employed by others on a continual basis, the name and address of his general employer;

(5)

A statement as to whether or not the applicant holds, or has held, an auctioneer's license from any state, municipality, governing body or licensing authority; a list of such licenses and a statement of the time, place and by whom issued; a statement as to whether a state, municipality, governing body or licensing authority has ever refused to issue or to renew an auctioneer's license to the applicant, together with a full and accurate statement as to the reasons for any such refusal; and a statement as to whether any state, municipality, governing body or licensing authority has ever revoked an auctioneer's license held by the applicant, together with a full and accurate statement as to the reasons for any such revocation;

(6)

A photograph of the applicant taken within 60 days immediately prior to the date of the filing of the application. The picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner; the administrator may waive this requirement with respect to an application for renewal of an auctioneer's license by an individual holding an unexpired auctioneer's license issued under this division who has, in a previous application under this division, complied with this requirement; and

(7)

The fingerprints of the applicant and certifications by three citizens and residents of the city as to the applicant's good moral character and business responsibility, or in lieu of such certifications, any other available evidence as to the good moral character and business responsibility of the applicant as will enable the investigator to properly evaluate such moral character and business responsibility. The administrator may waive this requirement with respect to an application for renewal of an auctioneer's license by any individual holding an unexpired auctioneer's license issued under this division who has, in a previous application under this division, complied with this requirement.

(Code 1985, § 8-32)

- **Sec. 26-283. - Additional information.**

Before granting an auctioneer's license, the city council may require such further information as it may deem necessary in order to pass upon the reputation and character of the applicant.

(Code 1985, § 8-33)

- **Sec. 26-284. - Bond; conditions.**

(a)

At the time of filing an application for an auctioneer's license, the applicant shall file with the administrator a surety bond written by a surety company licensed to do business in the state. The bond shall be made out to the city in the amount of \$2,500.00 and shall be approved by the mayor or the city attorney.

(b)

The bond required for an auctioneer's license shall be conditioned that the applicant, if issued such license, will:

(1)

Comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning auctions and auctioneers.

(2)

Render true and strict accounts of all his sales to any person employing him to make the auction.

(3)

Not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit.

(4)

Pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence, or other wrongful act on the part of the licensee, his agent or employees in the conduct of any auction or in the exercise of the calling of an auction.

(Code 1985, § 8-34)

- **Sec. 26-285. - License term.**

All auctioneer's licenses shall expire December 31 following date of issuance.

(Code 1985, § 8-35)

- **Sec. 26-286. - Revocation or denial, grounds.**

The city council may refuse an application for issuance or renewal of an auctioneer's license or may revoke an auctioneer's license if it determines that:

(1)

The applicant is a minor.

(2)

The application of the applicant or license holder contains any false, fraudulent or misleading material statement.

(3)

The applicant or license holder has made any false, fraudulent or misleading material statement in the course of conducting an auction sale or in offering property for sale at auction.

(4)

The applicant or license holder has perpetrated a fraud on any person, whether or not such fraud was perpetrated in the conduct of an auction.

(5)

The applicant or license holder has violated any of the statutes of the state relating to auctioneers, or has violated any of the provisions of this article.

(6)

The applicant has been convicted of a crime or misdemeanor involving any form of larceny, embezzlement, deceit, fraud or breach of fiduciary responsibility.

(7)

The applicant or license holder has conducted any auction sale of, or offered for sale at auction, any real or personal property in an unlawful manner or in such a manner as to constitute a breach of the peace or detriment to the health, safety or welfare of the public.

(8)

The applicant or license holder has failed to comply with the applicable provisions of this article.

(Code 1985, § 8-36)

- **Secs. 26-287—26-315. - Reserved.**

- **Port Huron**

810-984-9725

Link <http://www.porthuron.org/>

Auction: Auctioneer:

ARTICLE X. - PEDDLERS/SOLICITORS, TRANSIENT MERCHANTS OR VENDORS

FOOTNOTE(S):

--- (5) ---

Editor's note— Ord. No. 1290, adopted April 28, 2008, repealed the former Art. X, §§ 12-381, 12-382, 12-406—12-414, 12-436—12-441, 12-466—12-469, 12-476—12-481, and enacted a new Art. X as set out herein. The former Art. X pertained to peddlers, solicitors, transient merchants and special events vendors and derived from Code 1975, §§ 27-1, 27-13—27-21, 27-29—27-34, 27-43—27-45; Code 1992, §§ 18-206, 18-221—18-229, 18-241—18-246, 18-256—18-258; Ord. No. 1100, adopted June 24, 1996; Ord. No. 1227, adopted May 10, 2004; Ord. No. 1261, adopted March 27, 2006. Ord. No. 1298, adopted Feb. 23, 2009, amended the title of Art. X to read as herein set out. Prior to inclusion of said ordinance, Art. X was entitled, "Peddlers/Solicitors or Transient Merchants."

Cross reference— Streets, sidewalks and other public places, ch. 42. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 12-381. - Purpose.

The purpose of this article is to license and regulate the movement, location, business practices and hours of operation of peddlers/solicitors, transient merchants or vendors in the city; to promote the safe use of the streets, sidewalks and public areas of the city; and to protect the health, safety and welfare of the people of the city.

(Ord. No. 1290, 4-28-2008; Ord. No. 1298, 2-23-2009)

Sec. 12-382. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized officer includes any Port Huron City Police Officer and all City of Port Huron Administrative Officers and their designees.

Established competing business is a business engaged in sales of substantially similar products/services at a permanent location, whether they own or lease the property or otherwise have a written agreement with the city to be in this location.

Exempt organizations shall mean any recognized St. Clair County nonprofit organizations or societies making sales for charitable, educational, religious, fraternal, labor, political groups or for public purpose. If requested, persons or groups in this category shall provide proof of such exemption or status.

Licensee shall mean a person or business authorized under this article to sell in the city as a peddler/solicitor, transient merchant or vendor.

Peddler shall mean any person who travels about by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, selling his/her product/service. The word "peddler" shall include the words "hawker" and "huckster."

Person shall mean any person, firm, association, corporation, limited liability company, partnership, corporation or other business entity, regardless of whether a resident of the city or not.

Product and/or service shall mean goods, wares, merchandise, flowers, food items, meats, fish, vegetables, fruits, garden truck, farm products, etc., or work done for others as an occupation or business.

Removable stand means a non-motorized cart, kiosk, or other unit capable of being pushed by one person, with at least two functional wheels, and must be self-contained and capable of mobility at all times.

Solicitor shall include any person traveling about by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, engaged in the business of taking orders, making

contracts for the purchase of products/services for future delivery or any person who shall employ a representative, agent, or crew to engage in such activity. The word solicitor shall also include the word "canvasser."

Special events committee is a committee of administrative officers or their designees as designated in the Administrative Regulations Manual of the City of Port Huron.

Transient merchant means any person, whether as owner, employee, agent or consignee, who engages in a temporary business from a stationary location on commercially-zoned private property to sell and deliver a product/service, display examples and take orders or make contracts for the purchase of a product/service for future delivery, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public rooms in hotels, motels, lodging houses, apartments, shops, etc., for the exhibition and sale of such product/service, either privately or at public auction. The person so engaged shall not be relieved from complying with the provisions of this section merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Vendor shall mean any person or business licensed as a vendor under this article to sell food, beverages, merchandise or services from a specific location on property owned by the City of Port Huron.

Veteran shall mean any veteran qualifying for a state peddler's license issued by the county clerk pursuant to Public Act No. 359 of 1921 as amended (MCL 35.441 et seq.) who has provided a copy of said state license to the city clerk.

(Ord. No. 1290, 4-28-2008; Ord. No. 1298, 2-23-2009)

Sec. 12-383. - Requirements of all licensees under this article.

- (a) *Applications.* All applicants for a license under this article must file with the city clerk a sworn application, in writing, on a form to be furnished by the city clerk. The application may include, but is not limited to, applicant's name, address, date of birth and contact telephone numbers; felony convictions; brief description of the nature of the business and/or product/service to be sold; a description of any vehicle or removable stand to be used, if applicable; a privacy release authorization and any other information deemed appropriate to ascertain. If an applicant is under 16 years of age, a parent or guardian must also apply as a co-applicant for such license.
- (b) *Investigation of applicant.* Upon receipt of an application, the clerk shall cause an investigation of the applicant's business responsibility and moral character to be made as deemed necessary for the protection of the public good as provided for in this chapter.
- (c) *Approval/denial of application.* If as a result of such investigation the character and business responsibility of the applicant is found to be satisfactory, the clerk shall issue said license upon receipt of full payment of the prescribed license fee. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, pursuant to section 12-46, the clerk shall notify the applicant that the application is disapproved and that no license shall be issued. Applications submitted under this article shall either be approved or denied within seven days from the date the application is submitted.
- (d) *Other license requirements.* A copy of the county health certificate approval must be submitted prior to issuance of a license by the city, if applicable. In addition, it will be the obligation of the licensee to obtain any other required licenses from the county and/or state.
- (e) *Fees.* The processing and licensing fees for each applicant shall be set by resolution of the city council from time to time. Processing fees are nonrefundable.
- (f) *Display of license.* Licensees under this article shall display said license issued by the city clerk's office on his/her person or otherwise be clearly visible by any citizen or authorized officer upon casual inspection during the entire time such business is carried on.
- (g) *License non-transferable.* Licenses issued under this article shall not be transferable, either as to individuals or as to location.
- (h) *Revocation of license.* A license issued under this article may be revoked at any time for failure to comply with city code or conditions set forth in this chapter.
- (i) *Creation of noise, sound and lights to attract attention.* No licensee shall create a nuisance by shouting, crying, blowing a horn, ringing a bell, using any sound device including loud speakers or sound amplifiers, using or employing any flashing lights on any vehicle or any other device upon any private premises, street, alley, park or other public place of the city for the purpose of attracting attention to any product/service which the licensee proposes to sell.

- (j) *Litter and/or trash.* Licensees shall keep the sidewalks, streets and other public and private places adjacent to their locations clean and free from any litter and/or trash generated from the operation of their business.

(Ord. No. 1290, 4-28-2008; Ord. No. 1298, 2-23-2009)

Secs. 12-384—12-390. - Reserved.

DIVISION 2. - PEDDLERS/SOLICITORS

Sec. 12-391. - Conduct of peddlers/solicitors.

- (a) *General.* Peddlers/solicitors are authorized to engage in peddling/soliciting their product/service in the public areas of the city, except where otherwise prohibited, upon receipt of a license. The city manager, or his designee, shall have the right to designate such streets, sidewalks, districts or areas wherein it shall be unlawful for any licensee to conduct or operate his/her business. Such designation can be made for reasons of congested pedestrian/vehicular traffic conditions, the character of the neighborhood or if the conduct of such business constitutes a public nuisance. All traffic and parking regulations must be adhered to.
- (b) *License period.* The period shall be determined by the amount of the license fee paid.
- (c) *Prohibitions.* Peddlers/solicitors are prohibited from the following:
- (1) Obstructing any street, alley, sidewalk or driveway, except as may be necessary and reasonable to consummate a sale or take orders; selling to persons standing in roadways, to vehicles at red lights and to vehicles in moving traffic lanes; engaging in business on any state trunk line highway or county road within the city; engaging in peddling/soliciting after having been requested to desist by any authorized officer because of congested or dangerous traffic conditions.
 - (2) Remaining, bartering, selling, offering or exposing for sale any product/service in front of or at the side of any property against the wish or desire of the property owner/tenant/occupant of such property or within 500 feet of the entrance to any school building while school is in session.
 - (3) Entering a private residence under pretenses other than for peddling/soliciting or remaining in a private residence or on the premises after the owner or occupant has requested any such person to leave; going in a private residence when the owner/occupant has displayed a no peddling/soliciting sign on such premises; peddling/soliciting at a private residence prior to 9:00 a.m. or after 9:00 p.m.
 - (4) Peddling/soliciting on a street or within an area which has been closed by the city for an art fair, street fair or other special event, except with permission from the city or the special event organizer.
 - (5) Placing a vehicle, which is being used to make sales from, more than 12 inches from the curb or not parallel to the curb and not departing from such place as soon as the sale or order has been completed with customers actually present unless they are designated as a removable stand.
 - (6) Peddling/soliciting the sale of food or beverages within a park in which the city has entered into a specific park license agreement to sell food or beverages from a specific fixed location unless peddling/soliciting the sale of a non-competing product and approved by the special events committee.
- (d) *Removable stands.* Licensee may sell products from a removable stand on public property without the necessity of moving from place to place under the following conditions:
- (1) Comply with all prohibitions outlined in section 12-391(c) and sections 42-7 and 42-8 of this Code.
 - (2) The operation of removable stands shall be such as to not unreasonably interfere with the use of the sidewalks, streets or other public areas by the public, congest or impede traffic or endanger persons or property of pedestrians or others using the same. Removable stands must be relocated if an authorized officer requests licensee to move from a location because of physical damage to the property by the peddler's operations, congestion, dangerous traffic conditions or it impedes the ability of city staff to maintain the surrounding public area.
 - (3) Removable stands cannot be placed in the street, occupy a public parking space, be placed in the public area in front of or adjacent to a private residence, nor within 300 feet of an established competing business unless the licensee has within his/her possession written approval from the owner or manager of such established competing business to locate the removable stand within 300 feet of such business.

- (4) Placement of removable stands shall not cause damage to public property and licensee shall be liable if any such damage occurs due to the operation of their business.
- (5) Removable stands must be attended to by licensee at all times.
- (6) No peddler/solicitor will be granted exclusive rights to a specific location under the provisions of this article.
- (e) *Exemptions from fees only.* Any established business which sells a product/service at a permanent location within the city, or is a veteran or exempt organization (as defined in section 12-382) shall be exempt from payment of licensing fees only. All other provisions of this article apply.
- (f) *Other exemptions.* The following shall be exempt from this division in its entirety:
 - (1) Newspaper salespersons or delivery persons.
 - (2) Persons traveling on an established route at the request, expressed or implied, of their customers.
 - (3) Salespersons calling on business establishments.
 - (4) Any persons under 18 years of age when engaged in peddling on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization.

(Ord. No. 1290, 4-28-2008; Ord. No. 1298, 2-23-2009)

Secs. 12-392—12-400 - Reserved.

DIVISION 3. - TRANSIENT MERCHANTS

Sec. 12-401. - Conduct for transient merchant license.

- (a) *General.* Transient merchants are authorized to engage in a temporary business from a stationary location on commercially-zoned private property with written permission of the property owner/occupant, except where otherwise prohibited, upon receipt of a license.
- (b) *License period.* Licenses shall cover up to a 30-consecutive-day sale period; however, no more than four shall be issued per year, per applicant. When the applicant has more than one transient merchant location during the same sale period, there will be a fee assessed per additional location.
- (c) *Exceptions to license period.* Transient merchants selling food items only, which items are prepared and intended for immediate consumption, may be issued a license for up to seven months in a calendar year if the city administration finds in each case that:
 - (1) The business and the proposed location for the licensee to conduct business will not create any threat to the public's health, safety and welfare and will not unduly aggravate any traffic problem in the area.
 - (2) The proposed use will not be injurious to the surrounding neighborhood.
 - (3) The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.
 - (4) The proposed use shall provide sufficient space for the required off street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this chapter for its particular district or use.
- (d) *Exemptions from fees only.* Any established business which sells a product/service at a permanent location within the city, or is a veteran or exempt organization (as defined in section 12-382) shall be exempt from payment of licensing fees only. All other provisions of this article apply.
- (e) *Exemptions.* The following shall be exempt from this division in its entirety:
 - (1) Transactions commonly described as yard, garage, basement, and like sales.
 - (2) Sales made under order of any court.
 - (3) Any person foreclosing any chattel mortgage, when the property is disposed of under the power of sale contained in such instrument and not sold at retail.

(Ord. No. 1290, 4-28-2008; Ord. No. 1298, 2-23-2009)

Secs. 12-402—12-450. - Reserved.

DIVISION 4. - VENDORS

Sec. 12-451. - Conduct for vendor license.

- (a) *General.* A vendor is authorized to sell food, beverages, merchandise or services from a designated location on property owned by the City of Port Huron who holds a vendors license and has a specific park license agreement with the city allowing such vending.
- (b) *License agreements.* License agreements under this division must be approved by the special events committee.
- (c) *Vendor license period.* Vendor licenses shall cover a period of up to one calendar year from January 1 through December 31.
- (d) *Rules and regulations.* The city manager, or his designee(s), shall have the authority to promulgate rules and regulations regarding the operation and implementation of this division.

(Ord. No. 1298, 2-23-2009)

Secs. 12-452—12-500. - Reserved.

- **Portage**

(269) 329-4511

Link <http://www.portagemi.gov/>

Auction: Auctioneer: no information given

- **Porter Township, (Van Buren County)**

(269) 624-4022

Link <http://www.vbco.org/porter.asp>

Auction: Auctioneer: No information given

- **Portland**

PH: 517 647-7531

Fax: 517 647-2938

Link <http://www.portland-michigan.org/>

Auction: Auctioneer: yes, need to go to above site and choose Peddler / Transient Merchants

R

- **Reading**

Ph: 517-283-2604

Link <http://www.reading.mi.us/>

Auction / Auctioneer

Reading, MI Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: TRANSIENT MERCHANTS

CHAPTER 112: TRANSIENT MERCHANTS

Section

112.01 License required

112.02 Application for license

112.03 License fee

112.04 Period during which license shall not be issued

112.05 Effective date

§ 112.01 LICENSE REQUIRED.

No person shall engage temporarily in the business of selling or offering for sale at retail, by auction or otherwise, any goods, wares, merchandise, or services without first obtaining a license therefor in the manner provided.

(1990 Code, § 12.001) (Ord. 11, passed 4-2-1973)

§ 112.02 APPLICATION FOR LICENSE.

The application for a license required by this chapter shall contain the following times, and any others that the City Clerk Treasurer may require:

(A) The full name, permanent address, business address, local address, and the age and occupation of the applicant at the time of filing this application;

- (B) The name of the person represented, if any, together with the address of the central or district office;
- (C) The period of time for which the license is requested;
- (D) A list or general description of the article to be sold or offered for sale, and a description of the manner in which the business is to be carried on;
- (E) The value of all equipment, stock, goods, or merchandise which shall be kept on hand for the purpose of conducting the business of said applicant; and
- (F) Proof that a license has been obtained from the County Treasurer in the manner provided by Public Act 51 of 1925, being M.C.L.A. §§ 445.371 through 445.378.

(1990 Code, § 12.002) (Ord. 11, passed 4-2-1973)

§ 112.03 LICENSE FEE.

The fee for a license required by this chapter shall be \$25 per year.

(1990 Code, § 12.003) (Ord. 11, passed 4-2-1973)

§ 112.04 PERIOD DURING WHICH LICENSE SHALL NOT BE ISSUED.

No license shall be issued under this chapter except after a period of seven days from the date of filing the application therefor.

(1990 Code, § 12.004) (Ord. 11, passed 4-2-1973)

§ 112.05 EFFECTIVE DATE.

This chapter is to take effect ten days after adoption by the City Council.

(1990 Code, Part 12) (Ord. 11, passed 4-2-1973)

Disclaimer:

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- **Redford Charter Township, (Wayne Co.)**

PH: (313)387-2700

Link <http://www.redfordtwp.com/>

Auction: Auctioneer:

ARTICLE II. - CASUAL SALES

Sec. 66-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale means lawn sale, attic sale, yard sale, basement sale, rummage sale, flea market sale or any similar terms used to refer to sale of personal effects, whereby the tangible personal property not otherwise regulated by any other ordinance of the township is advertised by any means, where the public at large is or can be aware of such sale.

Goods means any tangible private or personal property, whether it is new, used, secondhand, damaged or discarded merchandise.

(Ord. No. 223, § 2, 12-3-90)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 66-27. - Purpose.

It is the intent of this article to regulate the term and frequency of personal property sales within residential areas so that the residential environment of such areas is not disturbed or disrupted, and prohibit the infringement of any businesses into such established areas. It is not the intent of this article to seek control of sales by individuals selling a few of their household or personal items.

(Ord. No. 223, § 1, 12-3-90)

Sec. 66-28. - Penalty.

Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this article shall be subject to punishment as provided in section 1-11.

(Ord. No. 223, § 7, 12-3-90)

Sec. 66-29. - License—Required.

It is unlawful for any person to conduct, advertise or promote any sales of used, secondhand, damaged or discarded property of whatever description upon any property, public or private, within the township unless properly licensed as provided by this article. Before a license shall be issued under this article, a license application must be completed, the license application must be approved, and the license fee must be paid.

(Ord. No. 223, § 3, 12-3-90)

Sec. 66-30. - Same—Application.

An application for a license for any of the sales regulated under this article shall be made at the office of the township clerk on a form provided at the clerk's office. The application shall contain the following information:

- (1) Name, address and phone number of the person, association, firm, group, corporation, or organization conducting the sale.
- (2) Location at which the sale is to be conducted.
- (3) The dates during which the sale is to be conducted within the time limits hereinafter prescribed.

- (4) The date, nature and location of any past sale conducted by the applicant.
- (5) The relationship or connection that the applicant may have had with any other person, firm, group, organization, association or corporation conducting any past sale, and the date or dates of such past sale.
- (6) A brief description of the items which will be sold and a signed affidavit by the applicant confirming that the items to be sold are the sole property of such applicant.

(Ord. No. 223, § 4, 12-3-90)

Sec. 66-31. - Conditions of licensing.

- (a) A license fee shall be paid to the township at the time an initial application under this article is made. A second license may be granted in a one-year period to the same address, but only if at least three months have elapsed since the last license was issued. At no time shall more than two sales be permitted per year at the same address in a residential district. The license fee shall be set by resolution of the township board from time to time and posted by the township clerk.
- (b) No person shall conduct, advertise or promote any sale regulated by this article without a license issued pursuant to this article.
- (c) No signs advertising a sale regulated by this article shall be placed on public property, utility poles, or on private property without the express consent of the owner. Within 24 hours after the conclusion of a sale, all signs shall be removed.
- (d) No sale shall be conducted for a time period longer than six consecutive days for each license issued, except in extenuating circumstances caused by acts of God such as snow, rain or other natural phenomena. The township clerk will have the discretion to extend the number of days so that actual sale can be conducted for six days.
- (e) The license authorizing a sale shall be displayed in the front window or other prominent place, clearly visible from the street, at each location where the sale is being conducted. There will be a deposit for the license authorizing sign to be displayed; such deposit will be refunded upon the return of the license authorizing sign. The deposit fee shall be determined and posted by the township clerk.
- (f) Any signs or materials used for advertising the sale must be removed within 24 hours after the conclusion of the sale. Failure to remove any advertisement of the event can and will be subject to penalty, as well as forfeiture of future licensing.

(Ord. No. 223, § 5, 12-3-90)

Sec. 66-32. - Exemptions.

The provisions of this article shall not apply to or affect the following:

- (1) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate item did not exceed ten in number.
- (4) Any sale regulated under any other township ordinances.
- (5) Any sale conducted by a merchant or mercantile or other business establishment from or at a place of business where a sale would be permitted by the zoning regulations of the township, or under the protection of a presently nonconforming 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 ordinances of the township.
- (6) Any bona fide charitable, educational, cultural, religious or governmental institution or organization; provided, however, that the burden of establishing such exemption under this subsection shall be on the organization or institution claiming such exemption.

(Ord. No. 223, § 6, 12-3-90)

Sec. 66-33. - Suspension, revocation of license; appeal.

The township clerk may suspend or revoke a licensee's license at any time for any violation of this article. Whenever the township clerk shall disapprove an application or refuse to grant a license applied for, or suspend or revoke a licensee's license for violation of this article, the applicant or licensee may appeal from the decision of the township clerk to the township board within 30 days from the date of the township clerk's decision.

(Ord. No. 223, § 8, 12-3-90)

Secs. 66-34—66-55. - Reserved.

- **Reese**

(989) 868-4503

Fax (989) 868-3609

Link: <http://villageofreese.net/>

Auction: Auctioneer:

(13)

The use of the premises shall be limited to storage only, and shall not be used for any **auction** other than two **auctions** per year held by the owner of the mini-storage facility for the purpose of disposing of material forfeited by clients of that facility. Nor shall it be used for sales or storage and transfer business; for the servicing, repair or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns or similar equipment.

- **Richland Township, (Kalamazoo Co.)**

Phone (269) 629-4921

Fax (269) 629-5993

Link: <http://www.richlandtp.net/>

Auction: Auctioneer: No information given.

- **Richmond**

Ph: 586-727-7571

Link: <http://www.cityofrichmond.net/>

Auction: Auctioneer:

ARTICLE III. - AUCTIONS

DIVISION 1. - GENERALLY

Sec. 22-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auction sale means a sale at which a price is submitted by the auctioneer and a bid requested, either above or below the asking price.

Public auction house means any lot, building, or store where the sole business conducted is that of auctioning articles of merchandise and in a zone permitting such business under the zoning ordinance of the city.

(Ord. No. 44, §§ 1, 2, 12-13-54)

Cross reference— Definitions generally, § 1-2.

Sec. 22-72. - Applicability.

The provisions of this article shall not apply to sheriffs, constables or other public or court officers or to any person acting under the license, direction or authority of any court, state or federal, selling property in the course of their official duties or to any person selling property under and by virtue of any statute, state or federal; or to public auctions of household effects and personal belongings at the residence of the owner or under the direction of an administrator of an estate, provided that an affidavit of such fact shall be filed with the city clerk, showing such to be the case.

(Ord. No. 44, § 12, 12-13-54)

Sec. 22-73. - Penalty for violation of article.

Any auctioneer who shall violate the provisions of this article may have his license and permit revoked, and any owner, auctioneer or other person, who shall violate the provisions of this article, in addition to the revocation of any license or permit, shall be guilty of a misdemeanor.

(Ord. No. 44, § 13, 12-13-54)

Secs. 22-74—22-85. - Reserved.

DIVISION 2. - LICENSE

Sec. 22-86. - Required.

No person shall sell, dispose of, advertise for sale, or offer for sale at public auction in the city any property of any kind without being licensed, or without a permit to conduct such sale.

(Ord. No. 44, § 5, 12-13-54)

Sec. 22-87. - Eligibility.

No auctioneer's license shall be granted to any minor or to any person not of good reputation and moral character. Any person desiring to be licensed as an auctioneer shall file with the city clerk his application therefor, and shall furnish the chief of police with such information as shall be necessary to determine whether the applicant is of good reputation and sound moral character. Before granting any such application of the city council may require such further information as it may deem necessary in order to pass upon the reputation and character of the applicant.

(Ord. No. 44, § 3, 12-13-54)

Sec. 22-88. - Fee.

After such application shall have been filed with the city clerk and before the issuance of such license, the applicant shall pay to the city clerk a license fee of \$5.00 for an auctioneer's license, which shall expire April 30 of each year.

(Ord. No. 44, § 4, 12-13-54)

Sec. 22-89. - Sales conducted by licensed auctioneers; bond requirement.

Auction sales may be conducted in the city by regularly licensed auctioneers, whenever a permit has been issued therefor, and upon filing a bond as provided in this section where merchandise to be auctioned consists of items of jewelry, gold, silver, plated ware, precious or semiprecious stones or watches. No permit shall be issued unless all taxes on the property sought to be sold have been paid, or security satisfactory to the city treasurer given for such payment, and unless the property sought to be sold has been within the city for one year, or is part (or all) of the stock of goods of a merchant who has regularly done business in the city for one year prior to the date of the application, and no stock has been added thereto in anticipation of such sale within 30 days prior to the date of the application; provided, however, that the limitations of this section shall not apply to public auctions of household effects and personal belongings at the residence of the owner or under the direction of an administrator of an estate, and provided an affidavit shall be filed showing such to be the case. No permit shall be issued where merchandise to be auctioned consists of items of jewelry, gold, silver, plated ware, precious or semiprecious stones or watches, unless the owner of such merchandise described in this section shall file with the city clerk a bond in the penal sum of \$2,000.00, running to the people of the state, and conditioned upon the faithful performance by the owner of all of the provisions of this article, and the payment of all judgments recovered against the owner for fraud, misrepresentation or deceit, practiced by the owner's agent or auctioneer in the sale of such merchandise.

(Ord. No. 44, § 6, 12-13-54)

Sec. 22-90. - Contents of application; application fee; inspector's fee.

The application to conduct an auction sale shall be made by the owner of the property to be auctioned on blanks to be furnished by the city clerk. The application shall be sworn to by the owner, or by someone in the owner's behalf, who knows the facts. It shall state the name of the auctioneer who is to conduct the sale; the location of the property; the place where the sale is to be held; that the property has been in the city for a period of one year, or, that it is a part or all of the stock of a merchant who had regularly done business in this city for one year; that all taxes which have become a lien on such property have been paid; that no property other than that listed will be sold, or offered for sale, at such auction sale; the number of days the sale is to continue and the hours of sale each day and a completely itemized statement of the property, in duplicate, including, if it is personal property, the identifying number from each and every article, a brief description of its quality and character, and its cost price to the owner. A permit fee of \$5.00 shall accompany such application. In addition to such permit fee, the auctioneer or owner shall cause to be paid to the city treasurer before a permit shall be issued an inspector's fee of \$10.00 for each calendar day during which an auction sale is to be held for sale of jewelry, watches and similar items, and the permit shall be operative only on the days for which such fee has been paid. New permits, however, may be issued by the clerk from time to time upon the payment of additional inspector's fees.

(Ord. No. 44, § 8, 12-13-54)

Sec. 22-91. - Application; issuance; posting.

The application for an auction sale shall be filed with the city clerk, under oath, where it may be examined by the public at any time before or during the sale. Not less than five full days after a proper application has been filed, the clerk shall issue a permit to the auctioneer named in the application, which shall authorize the auctioneer to conduct an auction sale of the property listed in the application at the place named therein, for the number of days for which an inspector's fee has been paid as provided in section 22-90. Such permit, with the number of days plainly stated on its face, shall be posted by the auctioneer in a conspicuous place on the premises where the auction sale is being conducted and shall remain posted throughout such sale; provided, however, that if the application is for an auction sale where the principal merchandise auctioned is platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry, that all persons interested may examine the same, 30 full days prior to the issuance of a permit. A permit shall not be required for a public auction of household effects and the personal belongings to be auctioned at the bona fide residence of the owner or under the direction of a court administrator, provided the sworn application filed with the city clerk shows such to be the case.

(Ord. No. 44, § 7, 12-13-54)

Secs. 22-92—22-100. - Reserved.

DIVISION 3. - CONDUCT OF SALES

Sec. 22-101. - Appointment of inspector; record of articles.

The chief of police may appoint an inspector, who shall be at all times on the premises where jewelry, watches and similar items are to be auctioned. He shall be given one copy of the inventory by the city clerk upon which he shall keep a record of each article that is offered for sale and whether or not such article is struck off to the highest bidder. If any article is offered for sale by the auctioneer which does not appear on the inspector's inventory, or if an article is offered for sale which had been previously struck off to a bidder at such sale, the inspector may forbid the sale of such article and take such other steps as appear to be necessary to protect the interests of the public.

(Ord. No. 44, § 9, 12-13-54)

Sec. 22-102. - Forbidden acts and practices.

The following acts, omissions, and practices in connection with auction sales are prohibited:

- (1) The use of deceit, fraud or misrepresentation in the sale of any property.
- (2) The substitution of another article for that bid upon by the prospective purchaser.
- (3) The use of false bidders, cappers or puffers.
- (4) The use of bells, buzzers, ballyhoo, loudspeakers or any variety of mechanical or excessive vocal sound to attract attention.
- (5) The use of any false or misleading advertising matter.
- (6) A sale by a person other than the licensed auctioneer named in the application.
- (7) Failure to exhibit an auctioneer's license to a police officer on demand at the place where the auction is being conducted.
- (8) Failure to completely post the auction sale permit.
- (9) Sale of property not listed on the inventory filed with the city clerk.
- (10) Adding property to the stock sought to be sold after the inventory is filed or within 30 days prior thereto in anticipation of such sale.
- (11) Offering property for sale which has once been struck off to the highest bidder.
- (12) The carrying on of so-called auction sales without obtaining a license as provided in this article.

(Ord. No. 44, § 10, 12-13-54)

Sec. 22-103. - Tagging or labeling of articles; hours and duration of sale.

If the auction sale is of platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry, each article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English, a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and or the true name or names, weight, quality and color of any precious or semiprecious stones, together with the name of the manufacturers of such article. No such auction sale shall be conducted between the hours of 6:00 p.m. and 8:00 a.m. nor shall any such sale continue longer than 30 days.

(Ord. No. 44, § 11, 12-13-54)

• **Riverview**

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ARTICLE XI. - TRANSIENT MERCHANTS

FOOTNOTE(S):

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Cross reference— Streets, sidewalks and other public places, ch. 54. (Back)

State Law reference— Licensing and regulation of transient merchants, MCL 445.371 et seq. (Back)

DIVISION 1. - GENERALLY

Sec. 14-551. - Definition; exception.

(a) In this article, the term "transient merchant" means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodginghouses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, excluding any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The term "transient merchant," as used in this article, includes itinerant merchants and itinerant vendors.

(b) The provisions of this article shall not apply to any person selling goods, wares or merchandise of any description raised, produced or manufactured by the individual offering such goods, wares or merchandise for sale, nor to any person handling vegetables, fruits or perishable farm products at any established city market, or parties operating stores or refreshment stands at resorts or having booths on or adjacent to the property owned or occupied by them, nor to any stands on any fairgrounds.

(Code 1978, § 7-54)

Cross reference— Definitions generally, § 1-2.

State law reference— Similar provisions, MCL 445.371.

Sec. 14-552. - Violations and penalty.

Except as stated otherwise in this article, violations of this article are a municipal civil infraction for which a person is responsible for a civil fine of \$500.00 for a first offense and \$1,000.00 for any subsequent offense.

(Code 1978, § 2-711(a)(16); Ord. No. 586, art. I, 4-18-2005)

State law reference— Authority to make violation municipal civil infraction, MCL 117.4I.

Sec. 14-553. - Enforcement of article.

(a) The chief of police and any other officer designated by him may enter any licensed premises under this article at any time during business hours for the purpose of ascertaining the manner in which such business is conducted and to investigate complaints.

(b) It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with, and to enforce the provisions of this article against any person found to be violating this article.

(Code 1978, § 7-58)

Sec. 14-554. - Records to be kept by city clerk.

(a) The city clerk shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the license is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of such license, the place where such business may be carried on under such license, and the name of the person authorized to conduct such business.

(b) The city clerk shall deposit the record of fingerprints of licensee under this article, together with a license number, with the chief of police; the chief of police shall report to the city clerk any complaints against any licensee and any conviction for violation of this article. The city clerk shall keep a record of all such licenses and of such complaints and violations.

(Code 1978, § 7-57)

Sec. 14-555. - Prima facie evidence of engaging in business.

Transaction of business as defined in section 14-551 by any person for a period of less than six months consecutively shall be prima facie evidence that such person was a transient merchant within the meaning and intent of this article.

(Code 1978, § 7-55)

State law reference— Similar provisions, MCL 445.376.

Sec. 14-556. - Loud noises, speaking devices prohibited.

No licensee under this article, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loud-speaking radio or amplifying system, upon any of the streets,

alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Code 1978, § 7-56)

Sec. 14-557. - Use of public right-of-way prohibited.

No transient merchant shall occupy, possess or use the public right-of-way for any purpose related to the conduct of its business.

(Ord. No. 530, art. I, 6-18-2001)

Secs. 14-558—14-575. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-576. - Required.

It shall be unlawful for any transient merchant to engage in such business without first obtaining a license therefor.

(Code 1978, § 7-66)

State law reference— Similar provisions, MCL 445.372.

Sec. 14-577. - Application; contents.

Applicants for a license under this division shall file a sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the city clerk, stating:

- (1) The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city; the local address of such person while engaged in such business; the permanent address of such person; the capacity in which such person will act, whether as proprietor, agent or otherwise; the name and address of the person for whose account the business will be carried on, if any, and, if a corporation, under the laws of what state the business is incorporated;
- (2) The fingerprints of the person having the management or supervision of applicant's business; or, in lieu thereof, three or more letters of recommendation from real property owners in the city, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the city manager the good character and business responsibility of such person;
- (3) The place in the city where it is proposed to carry on applicant's business, and the length of time during which it is proposed that such business shall be conducted;

- (4) The place, other than the permanent place of business of the applicant, where the applicant within the six months next preceding the date of such application conducted a transient business, stating the nature thereof and giving the postoffice and street address of any building or office in which such business was conducted;
- (5) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant, the invoice value and quality of such goods, wares and merchandise, whether the goods, wares and merchandise are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time such application is filed;
- (6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the city clerk, copies of all such advertising whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to such application as exhibits thereto;
- (7) Whether the person having the management or supervision of the applicant's business has been convicted of a crime, misdemeanor or the violation of any city ordinance, the nature of such offense and the punishment assessed therefor;
- (8) Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative; and
- (9) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the city clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

(Code 1978, § 7-67)

Sec. 14-578. - Investigation; issuance.

Upon receipt of an application for a license under this division, the city clerk shall cause such investigation of such person's business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the city clerk shall so certify in writing, and a license shall be issued by the city clerk.

(Code 1978, § 7-68)

Sec. 14-579. - Bond prerequisite to issuance.

Before any license, as provided by this division, shall be issued for engaging in a transient business, the applicant shall file with the city clerk a surety company bond, issued by a company licensed to do business in this state, in favor of the city in the sum of \$500.00; such bond shall be approved by the city attorney, conditioned that the applicant shall comply fully with all of the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered

against such applicant for any violation of such ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold, or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person.

(Code 1978, § 7-69)

Sec. 14-580. - Fees.

Each applicant for a license under this division shall, at the time of his application, pay to the city treasurer a fee based on the length of time he desires to conduct such business, as specified in section 26-7.

(Code 1978, § 7-70)

Sec. 14-581. - Display.

The license issued under this division shall be posted conspicuously in the licensed premises. In the event that such person applying for such license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business and shall be posted conspicuously in each place of business.

(Code 1978, § 7-71)

Sec. 14-582. - Revocation; notice and hearing.

(a) The licenses issued pursuant to this division may be revoked by the city manager, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
 - (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
 - (3) Any violation of this article;
 - (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
 - (5) Conducting the business license under this division in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least ten days prior to the date set for the hearing.

(Code 1978, § 7-72)

Sec. 14-583. - Appeal procedure.

Any person aggrieved by the denial of application for a license or in connection with the revocation of a license under this division shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city council, within ten days after notice of the decision by the city manager has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The city council shall set the time and place for a hearing on such appeal and notice thereof shall be given in the same manner as provided in section 14-582, and the order of the city council on such appeal shall be final.

(Code 1978, § 7-73)

Secs. 14-584—14-610. - Reserved.

- **Rochester**

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Auction: Auctioneer:

ARTICLE V. - AUCTIONEERS

Sec. 12-181. - License.

No person shall engage in the trade or business of auctioneer without first obtaining a license therefor. No such license shall be granted except upon certification of the chief of police.

(Code 1982, § 7.3-1)

Sec. 12-182. - Bond.

Before any such license is issued, the applicant shall furnish a corporate surety bond in the penal sum of \$500.00, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all provisions of this Code pertaining to such trade or business. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of 90 days after the expiration or cancellation of any such license and until the conclusion of any action on such bond commenced while it was in force.

(Code 1982, § 7.3-2)

Sec. 12-183. - Prohibited activity.

No auctioneer shall knowingly misrepresent the quality of any goods sold by him. No auctioneer shall accept any goods from any minor for sale at auction.

(Code 1982, § 7.3-3)

Sec. 12-184. - Auction accounts.

Every auctioneer shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. No auctioneer shall fail to make such account available to any police officer of the city for inspection upon demand.

(Code 1982, § 7.3-4)

Secs. 12-185—12-220. - Reserved.

- **Rochester Hills**

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Auction: Auctioneer:

ARTICLE I. - IN GENERAL

Sec. 84-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjoining property owner means a person who solely or jointly holds an ownership interest in property adjoining or contiguous to a sidewalk or who is purchasing such property under a land contract. Where applicable, the term "adjoining property owner" shall include homeowners' associations and condominium associations.

Brush means cut or broken branches.

Building materials includes but is not limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, or any other materials used in construction.

Bus means a motor vehicle, other than a trailer, designed to carry more than 15 passengers. The term does not include a school bus or a motor vehicle that is converted, equipped and used for living or camping purposes.

Camper enclosure means a structure or enclosure designed for mounting on a pickup truck or truck chassis in such a manner as to provide temporary living or sleeping quarters, including but not limited to a slide-in camper or truck cap.

Commercial equipment means any machinery, parts, accessories, construction equipment or other equipment used primarily in the course of conducting a trade or business, and roll off dumpsters and portable storage units in residential districts.

Commercial vehicle means any vehicle used to generate income or which has the appearance that it is used for business, due to size, type, signage and/or accessories. A pickup truck, passenger/cargo-style van with seating of up to 15 persons, sports/utility vehicle and passenger car without signage and accessories shall not be considered, for purposes of this chapter, as a commercial vehicle, even though used in business.

Construction equipment means a bulldozer, front-end loader, backhoe, power shovel, cement mixer, trencher, and any other equipment designed or used for construction, including parts and accessories thereto, and trailers designed for the transportation of such equipment.

Exotic invasive plant species means a plant species that is not originally native to the area and has no natural controls and is able to out-compete and gradually displace native plants.

Exterior property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Fence means and includes any wall, barrier, screen or other structure installed for the purpose of separating, screening, obscuring or protecting property.

Garage sale means a sale of used household effects, appliances, clothing, china, glassware and other such items by a person from their residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence. "Garage sale" also means an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single automobile by means of a "For Sale" sign on the vehicle.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Infestation means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Handbill means any printed or written matter, sample, device, circular, leaflet, pamphlet, paper, booklet or other writing intended for distribution, but not including signs or newspapers.

Junk includes parts of machinery or motor vehicles; unused stoves, refrigerators or other appliances stored in the open; remnants of wood; metal; or any other material or castoff material of any kind, whether or not such could be put to any reasonable use at some future time.

Landscaping materials included but is not limited to dirt, sand, stone, rocks, block, timbers, plantings, wood chips/mulch, or any other materials used in landscaping.

Litter means all trash, rubbish, combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Native plant means a plant species that has naturally evolved in the local region over thousands of years under certain soil, hydrologic and other site conditions.

Natural landscaped area means premises that are landscaped so as to exhibit the deliberate and conscious decision to plant, cultivate and maintain those native plant species identified as wildflower, grass, shrub or tree. This landscaping tries to capture the character and spirit of nature in a designed landscape by arranging plants in a community context, similar to their arrangement in nature.

Newspaper shall mean and include any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal law or regulation, and any newspaper filed and recorded with any recording officer, as provided by general law: and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold or distributed to the public.

Noxious weeds includes Canada thistle (circium arvense), dodders (any species of cuscuta), mustards (charlock, black mustard and indian mustard, species of brassica or sinapis), wild carrot (daucus carota), bindweed (convolvulus arvensis), perennial sowthistle (sonchus arvensis), hoary alyssum (berteroa incana), ragweed (ambrosia elatior 1), poison ivy (rhus toxicodendron), poison sumac (toxicodendron vernix), oxeye daisies, goldenrod, all types of exotic invasive plant species, grass or weeds of a height exceeding eight inches, or other plant which is determined by the city to be deleterious to health, safety, or public welfare or a common nuisance.

Occupant means any person living or sleeping in a building, or having possession of a space within a building.

Owner means any person, agent, operator, firm or corporation having a legal or equitable ownership interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Portable storage container means a purpose/built transportable, fully enclosed, box-like container that is designed for temporary storage of materials and/or equipment.

Public place shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

Recreational vehicle means a mobile structure or unit designed or altered to provide temporary living quarters for recreation, camping or travel use, but not for commercial use. It may be self-propelled or designed to be drawn by a motor

vehicle. The term "recreational vehicle" includes but is not limited to a motor home, truck camper, travel trailer, folding camping trailer, or a converted van or bus.

Residential district means any R-1, R 2, R-3, R-4, RCD, RM-1, MH or SP elderly housing zoning district.

Roll-off debris container means an open-top metal box used for the containment of construction or demolition debris, yard waste, or other similar waste and/or debris items. Such containers generally range in size between ten and 40 cubic yards and between three and six feet in height and are commonly transported by flatbed truck.

School bus means a motor vehicle, other than a station wagon, with a manufacturer's rated seating capacity of eight or more children, which is owned by a public, private or governmental agency and which is operated for the transportation of children to or from school. The term also means a motor vehicle, other than a station wagon, that is privately owned and operated for compensation for the transportation of children to or from school.

Public sidewalk means a public pathway constructed of concrete for public use, five feet in width, and located on public streets.

Structure means that which is built or constructed on the ground or a portion thereof.

Swimming pool means any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

Trailer means a vehicle, other than a utility trailer, designed for carrying property and for being drawn by a motor vehicle.

Truck tractor means a truck designed primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle or trailer and of the load so drawn.

Unlicensed/inoperable includes any motor vehicle that is kept, parked or stored, other than in a completely enclosed building, and is not in operating condition, is not properly licensed or is incapable of performing the transportation function for which it was manufactured.

Utility trailer means a vehicle designed to be towed by a motor vehicle in order to carry personal property, including but not limited to firewood, refuse, snowmobiles, boats, motorcycles or recreational equipment, or used solely for noncommercial purposes.

Vehicle means any device in, upon, or by which a person or property may be transported or drawn.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-2. - Purpose.

Blight, potential blight, certain environmental causes of blight, or blighting factors that exist or that may exist shall be prevented, reduced, or eliminated, consistent with the letter and spirit of Public Act No. 344 of 1945 (MCL 125.71 et seq.)

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-3. - Enforcement.

Violations of this chapter shall be a municipal civil infraction and shall be enforced by such person as may be designated by the mayor.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-4. - Blight.

(a) *Causes of blight or blighting factors.* It is determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods:

- (1) *Unlicensed/inoperable.* In any area zoned for residential purposes, the storage upon any property of unlicensed, inoperable or junk automobiles, except in a completely enclosed building.
- (2) *Building materials.* In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the city for construction upon the property and the materials are intended for use in connection with such construction.
- (3) *Junk.* In any area zoned for residential purposes, the storage or accumulation of junk, trash, appliances, rubbish, or refuse of any kind, except for domestic refuse stored in a covered container for a period not to

exceed 30 days; firewood that is neatly stacked so as not to provide harborage for rodents and vermin; and yard waste compost piles that are properly maintained to prevent odor, rodent, vermin or insect nuisances.

(4) *Uninhabitable structures.*

- a. *Due to disaster.* In any area, the existence of any structure or part of a structure which, because of fire, wind, storm, or other disaster, is no longer habitable as a dwelling or is not safe or useful for any other purpose for which it may have been intended and is left in that condition for a period of more than six months.
- b. *Due to physical deterioration.* In any area, the existence of any structure or part of a structure which, because of physical deterioration, is no longer habitable as a dwelling or is not safe or useful for any other purpose for which it may have been intended.

(5) *Partially completed structures.* In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the city and unless such construction is completed within the life of the building permit or a valid extension thereof.

(6) *Public roads and utility rights-of-way.* In any area, allowing any of the causes of blight or blighting factors in subsections (1) through (5), of this section to exist on any public road right-of-way located between private property and an existing or dedicated street, alley, road or highway or upon any public utility easement or right-of-way located adjacent to such property.

(7) *Firewood.* Storage of firewood; removal of cleared brush.

- a. Firewood shall be stacked in a neat, orderly manner, and when outdoors at least six inches from any building or structure. Firewood shall not be stored in the front yard of any parcel occupied for single-family residential use.
- b. Within 15 days of the cutting or clearing of any trees, brush or other vegetation (but not including farm products), wood to be retained as firewood shall be stacked in accordance with subsection a., above, and all other cleared brush and vegetation material shall be removed from the site.
- c. Compliance with subsections a. and b. shall be the responsibility of both the owner and any occupant or other person in possession or control of the premises.

(8) *Compost piles.* Compost piles may include a combination of yard and garden waste (such as weeds, bark, grass clippings, stalks and stems, brush or vines), wood ashes, horse manure, coffee grounds, vegetable scraps, citrus rinds and fruit peelings, egg, peanut and nut shells. Compost piles shall not include meats, dairy products, vegetable oils, cooked foods, or plastics, synthetics or other non-biodegradable materials. Compost piles shall not be located within any drainage easement. Compost piles shall not be located in any side yard or closer than five feet to any property line. Compost piles shall not exceed four feet by eight feet or six feet in diameter and shall not exceed four feet in height. Double compost piles may be utilized, provided the total size does not exceed the above. Compost piles shall be maintained in a manner to prevent the escape of offensive odors to adjacent property.

(9) *Landscaping.* All exterior property areas shall be kept free from vegetation, weeds, bushes and tall grass and trees which present a visual blight upon the area, which may harbor insect or rodent infestations, or result in a condition which may threaten the health and safety or the economic welfare of adjacent property owners or occupants.

(10) *Appliances.* It shall be unlawful for any person to place at the roadside for collection by a solid waste contractor, any ice box, refrigerator, deep freeze or other device with doors within the city unless all doors of the icebox, refrigerator, deep freeze or other device shall have been removed prior to such disposal.

(b) *Responsibilities of property owners, tenants and occupants.*

- (1) *Property owners.* No property owner shall maintain or permit to be maintained any of the causes of blight or blighting factors set forth in chapter 84 or chapter 46 upon any property in the city owned by such person.
- (2) *Occupants.* Any occupant of property in the city shall also be responsible for any of the causes of blight or blighting factors set forth in chapter 46 that he creates or permits on the property leased or occupied by him.

(c) *Applicability to non-residential areas.*

- (1) *Generally.* The causes of blight or blighting factors set forth in chapter 46 as applicable to areas zoned for residential purposes are also determined to be causes of blight or blighting factors and subject to the prohibitions of this chapter if located in areas zoned for non-residential purposes, unless such uses of property

are incidental to and necessary for the carrying out of any business or occupation lawfully being carried on upon the property in question.

- (2) *Considerations.* For purposes of this article, such business or occupation shall be considered lawful only when being carried out in a manner as prescribed by chapter 138 pertaining to zoning and any other applicable provisions, laws, or regulations of the city, county, state or federal governments. The proof that such use is incidental to and necessary for the carrying out of such business shall rest with the owner or user of the property and such use shall not, in any case, constitute a hazard to the health or welfare of the citizens of the city.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-5. - Dogs and animals.

- (a) *Unclean housing.* No person shall cause or allow any stable or place where any dog or other animal is or may be kept to become unclean or unwholesome to an extent that it becomes a health problem or nuisance to abutting residences.
- (b) *Sanitary disposal of feces.* It shall be unlawful for any person in control of a dog or other animal traveling upon a public right-of-way to fail to pick up and remove such animal's feces, manure or solid waste.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-6. - Fences.

- (a) *Nonconforming fences.* It shall be unlawful for any person to keep or maintain any fence to which this article applies that does not conform to the standards for fences set forth herein unless a variance is obtained.
- (b) *Applicability.*
- (1) *Generally.* The standards for fences contained in subsection (c), below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection (2), of this section.
- (2) *Exceptions.* This article shall not apply to the following fences installed or replaced:
- a. In accordance with a site plan approved under chapter 138 pertaining to zoning; or
- b. Swimming pool enclosures as specified in the state construction code.
- (c) *Standards.* Only those fences that meet all of the following standards shall be allowed:
- (1) *Location.* Fences shall be located entirely on the owner's property, except that fences owned in common by adjoining property owners may be located on the common property line.
- (2) *Height.* Fences shall not exceed eight feet in height measured from the ground surface.
- (3) *Materials.* Materials used shall be wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type materials are not permitted.
- (4) *Barbed wire.* Barbed wire may not be installed on fences, except that barbed wire may be installed above the top line of a six-foot fence located in a nonresidential zoning district and enclosing a storage area. Barbs on a chainlink fence are not allowed on any exposed portion of the fence below six feet.
- (5) *Proper installation and maintenance.* Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair. No signs, words, letters, images or illustrations, except for those signs required in subsection (6), of this subsection, may be painted or otherwise affixed to fences.
- (6) *Electrification.* Electrically charged fences are prohibited, except that the building department may approve electric fences for the purpose of retaining animals under the following circumstances:
- a. *Nonhazardous.* Sufficient proof has been presented that the fence will not be hazardous to persons or animals;
- b. *Power source.* The power source shall be obtained from a listed electric fence controller; and
- c. *Signs.* Signs shall be conspicuously located on the fence warning that the fence is electrified.
- (7) *Corner clearance.* The corner clearance requirements of chapter 138 shall be observed.

(Ord. No. 521, § 1, 11-14-2007; Ord. No. 551, § 2, 5-3-2010)

Sec. 84-7. - Garage sales.

- (a) *Frequency.* No person shall have more than four garage sales at any residence during a consecutive 12-month period.
- (b) *Duration.* No garage sale may last more than 72 hours.
- (c) *Allowable sale items.* Garage sales shall be limited to sales of items which had actually been used in the normal course of residential living in the home at which the sale is to occur and shall not be transported to such home for purposes of the sale. This does not prohibit minor joint garage sale activities among family or nearby neighbors.
- (d) *Hours.* No garage sale shall continue later than one-half hour after sunset nor begin prior to 9:00 a.m.
- (e) *Traffic obstruction.* No garage sale shall be situated so as to obstruct traffic, nor shall any garage sale patrons park their vehicle so as to obstruct traffic.
- (f) *Noise.* Excessive noise emanation from the area of any garage sale is prohibited.
- (g) *Sign placement.* The placing of signage shall be in compliance with chapter sections 134-7(5) and 134-109(b). All signs must be removed at the end the sale.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-8. - Graffiti.

- (a) *Purpose and intent.* It is the purpose and intent of this section to provide a procedure for the prevention, prohibition and removal of graffiti from walls, structures or surfaces on public and private property in order to reduce blight and deterioration within the city and to protect the public health and safety.
- (b) *Defacement of property.* No person shall purposely damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner or occupant to restore said surface to an approved state of maintenance and repair.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-9. - Handbills.

- (a) *Throwing or scattering in public places prohibited.* It shall be unlawful for any person to throw, scatter or cast any handbill in or upon any public place within this city. It shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any handbill in any public place to any person willing to accept such handbill.
- (b) *Placing in vehicles.* It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.
- (c) *Distribution on uninhabited or vacant private premises.* It shall be unlawful for any person to knowingly distribute, deposit, place, throw, scatter or cast any handbill in or upon any private premises which are uninhabited or vacant.
- (d) *Distribution on inhabited private premises.* No person shall distribute, deposit, place, throw, scatter or cast any handbill in or upon any private premises which are inhabited, and posted prohibiting such distributions, or when requested by the owner not to do so. If the property is not posted then the handbill must be so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere.
- (e) *Exemptions.* The provisions of this section shall not be deemed to apply to the distributions of mail by the United States, nor to newspapers, nor to political candidates or issues or religious organizations.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-10. - Private sidewalks.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas on private property shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-11. - Public sidewalks.

- (a) *Maintenance by property owner.* The adjoining property owner or occupant of the lot or premises shall maintain the sidewalk adjoining such property. Such sidewalk shall be kept as follows:
- (1) Free from defects of every kind and nature and maintained in a condition of good repair.
 - (2) Free from any deposits of debris, rubbish, or other objects that might or could be hazardous to persons using the sidewalk.
 - (3) Free and clear from accumulations of snow, sleet, ice, and water as follows:
 - a. When any snow or ice shall cease to fall or form during the daylight hours, such snow or ice shall be cleared from the sidewalk within 48 hours after such cessation.
 - b. When any snow or ice shall cease to fall or form during the nighttime, such snow or ice shall be cleared from the sidewalk within 48 hours after sunrise.
 - (4) Free from obstructions encroaching from adjoining or adjacent property, including but not limited to overhanging tree limbs, bushes and the like. The minimum clearances that shall be maintained free from such obstructions shall be eight feet vertical and one foot horizontal.
 - (5) Free from obstructions from adjoining or adjacent property interfering with site distance lines, at driveways and other sidewalks intersecting the sidewalk. A clear and unobstructed site triangle must be created using a base leg of 15 feet from the site obstruction to any sidewalk or driveways or sidewalks intersecting such sidewalk.
- (b) *Repair of damage by developer.* Sidewalks provided by a developer that are damaged prior to occupancy shall be repaired by the developer prior to the date of final occupancy, or if repairs cannot be made, a cash escrow in an amount equal to 150 percent of the projected cost for such repairs shall be posted with the city.
- (c) *Repair or reconstruction by property owner.*
- (1) *Written notice.* Upon determination by the department of public service that any sidewalk or portion thereof is in need of repair or elimination from encroachment, the department shall serve a written notice upon the adjoining property owner to the portion of such sidewalk requiring repair or elimination of encroachment by first class mail to the owner in accordance with the following:
 - a. Determination of property owners. Adjoining property owners shall be determined from the current city tax roll.
 - b. Proration of cost among adjoining owners. When a sidewalk requiring repair or reconstruction is contiguous to more than one lot or parcel, costs of such repair or reconstruction shall be prorated between adjoining property owners on the basis of front footage repaired.
 - i. The failure of one adjoining property owner to undertake such repair where such sidewalk abuts more than a single parcel shall not excuse the remaining adjoining property owner from the duties established in this section.
 - ii. Such notice shall require that the adjoining property owner shall perform such repairs within 45 days of the date of such notice; or the elimination of the encroachment within 14 days of the date of such notice.
 - (2) *Failure to comply.* Failure to comply shall subject the owner to the following:
 - a. Correction by city; owner billed cost. If the adjoining property owner fails to repair the sidewalk within 45 days of such notice, or remove the encroachment within 14 days of such notice, the city may perform the repair or remove the encroachment and bill such adjoining property owner the total cost thereof, together with an additional fee of 30 percent for engineering supervision and general administration expense.
 - b. Lien against property. If payment is not received by the city within 60 days after such billing, such amount shall become a lien on the property and shall be assessed and collected in the same manner as other taxes and assessments under the Michigan General Property Tax Act, Public Act No. 206 of 1893 (MCL 211.1 et seq.), as amended.

(Ord. No. 521, § 1, 11-14-2007; Ord. No. 566, § 1, 4-2-2012)

Sec. 84-12. - Rodents.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that are not to be injurious to human health. After

extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. The owner or occupant of the property shall be responsible for compliance to this section.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-13. - Solid waste.

- (a) *Storage of refuse.* For the purpose of this section, garbage and rubbish shall be stored as follows:
- (1) *Accumulation.* Except as otherwise provided, no person shall permit garbage and/or rubbish to accumulate upon his premises, except in plastic bags, disposable cartons, or in strong metal or plastic containers.
 - (2) *Containers.* If containers are used, they shall:
 - a. Be rodent proof and watertight.
 - b. Have a capacity of not more than 50 pounds by weight, unless they are on wheels and compatible with equipment of the licensed waste hauler servicing the property.
 - c. Have tight covers, which shall be in place whenever such containers are placed for collection or located out-of-doors, except when garbage is being deposited or removed.
 - d. Be kept in a clean and sanitary condition at all times, and stored when not in use in the side or rear yard.
- (b) *Containers standing for collection.*
- (1) Under this section, refuse, including garbage, may be deposited at the place for collection in plastic bags, disposable cartons, or metal or plastic containers, but shall not be left standing in the location for more than 24 hours. If after 72 hours the refuse is not removed, the city shall place a 24-hour notice on the premises advising of the violation. If after the issuance of the 24-hour notice, the refuse standing at the roadside has not been removed the city may cause the refuse to be removed at the owners expense.
 - (2) Recycling containers and yard clippings shall be placed on collection day at the street or authorized location, but shall not be left in the location for more than 24 hours.
- (c) *Covers.*
- (1) *Securing.* When plastic containers are used for mixed solid waste pursuant to this section, tops shall be secured to prevent paper or debris from spilling or otherwise escaping from the containers. Paper bags shall not be permitted, except to hold newspapers.
 - (2) *Exclusions for building or demolition sites.* No covers shall be required on containers used for refuse, except garbage, on a site for which a building or demolition permit has been issued and is outstanding.
- (d) *Newspapers.* Stacks of newspapers may be placed at the street in a container or paper bag, or bundled with string.
- (e) *Yard clippings.*
- (1) Except as provided in this section, yard clippings shall be placed in specially designated bags or containers.
 - (2) If placed in disposable bags or containers, such bags or containers shall be biodegradable bags or containers.
 - (3) If permitted by the waste hauler, small tree limbs, two inches or less in diameter, may be collected only if cut into lengths not to exceed three feet and tied securely into bundles not to exceed three feet in girth.
- (f) *Ashes.* Containers for ashes shall be of sturdy construction, made of metal, and shall have adequate handles to prevent spillage.
- (g) *Recyclable materials.*
- (1) *Separation.* Separation of recyclable materials shall be in accordance with the following:
 - a. *Generally.* The occupant of any single-family residence in the city shall separate recyclable materials and place them in properly marked containers at the street on normal refuse pickup days as established by contract with a licensed waste hauler.
 - b. *Yard clippings.* The occupants of any single-family residence who dispose of yard waste shall separate yard clippings from solid waste and prepare them for pickup as established by contract with a licensed waste hauler.
 - (2) *Ownership.* At the time any recyclable material is placed at curbside or another predetermined collection point, it shall become the joint property of the waste hauler and the generator of such recyclable material. It shall be a

violation of this article for any person not authorized by the waste hauler or the generator of the recyclable material to collect or pick up or to cause to be collected or picked up any such recyclable materials.

- (3) *Other disposal.* Notwithstanding the requirements of this section, any person who is a generator of recyclable materials may donate or sell recyclable materials to any recycling program lawfully operated for profit, nonprofit, or charitable purposes. The buyer or receiver of such recyclable materials, however, if not a licensed waste hauling unit, shall not pick up recyclable materials from the street or any other collection point in the city.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-14. - Swimming pools.

- (a) *Maintenance of swimming and architectural pools.* All swimming and architectural pools and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create a visible deteriorated or blighted appearance. Water shall not be allowed to stagnate, or to become stale or foul through lack of circulation. The bottom and sides of the pool or spa shall be maintained reasonably free of sediment, dirt, slime and algae. The water shall be sufficiently clear so that the bottom of the pool in the deepest part is clearly visible to an adult standing on the pool deck.
- (b) *Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-15. - Vacant buildings.

- (a) A structure shall be considered blight if:
- (1) That dwelling is vacant, dilapidated and open at the door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers; or
 - (2) Has remained vacant and boarded up for more than 180 days.
- (b) Within 180 days building that are boarded up must have windows that are properly glazed and operational. All exterior doors, door assemblies and door hardware must function properly and tightly secure the doors.
- (c) Buildings that have remained vacant and boarded for more than 180 days will be considered as blight and the building department may seek an order to demolish the building.

(Ord. No. 521, § 1, 11-14-2007)

Sec. 84-16. - Vehicles.

- (a) *Commercial vehicles and equipment.*
- (1) *Public property.* No person shall park or store any commercial vehicle identified in subsection (2)(a), of this section or commercial equipment on public property located in any zoning district, including but not limited to public streets, stub streets, rights-of-way, bike paths, greenbelts, and planting areas between bike paths and streets, except as allowed in subsection (4), of this section.
 - (2) *Residential districts.*
 - a. No person shall park or store any step vans, cube vans, buses, dump trucks, stake trucks, flatbed trucks, wreckers, semi trucks and trailers, tank trucks, commercial and construction equipment and trailers and any similar trucks and equipment in a residential district, except as allowed in subsection (4), of this subsection.
 - b. Commercial vehicles other than as specified in subsection (2)(a), of this section, such as pickup trucks, passenger/cargo-style vans with seating of up to 15 persons, sport utility vehicles, passenger cars, and similar type vehicles, with no more than allowed accessories as provided in subsection (2)(d), of this subsection may be parked or stored in a residential district.

- c. No more than one commercial vehicle of the type described in subsection (2)(b), of this subsection which is used for transportation by occupants of the home on the property shall be stored or parked outside of an enclosed building.
 - d. Allowed accessories shall mean equipment attached to vehicles which does not extend a vehicle to more than nine feet in height or wider or longer than the manufacturer's specification for the vehicle without the equipment. Roof accessory racks, but not side racks, shall be allowed. A plow on the front and a spreader on the rear of a vehicle may be attached even if the length of the vehicle is extended beyond the manufacturer's specification.
 - e. No person shall park or store a vehicle outside of an enclosed building in a residential district if there is a sign on it not directly related to the vehicle's use.
- (3) *Nonresidential districts.* No person shall park or store any commercial vehicle identified in subsection (2)(a), of this subsection or commercial equipment on private property in any nonresidential district except as is allowed in subsection (4), of this subsection or unless such vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In such event, parking or storage must comply with all other city codes and ordinances.
 - (4) *Exception.* The parking or storage of commercial vehicles identified in subsection (2)(a), of this subsection or commercial equipment shall be allowed in any zoning district, where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.
- (b) *Vehicle for sale.*
 - (1) No person shall park any motor vehicle on any private property in the city without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.
 - (2) No person shall park any motor vehicle on any private property, with or without consent of the owner, within 100 feet of a street right-of-way with a speed limit greater than 25 MPH for the principal purpose of displaying the vehicle for sale, displaying, advertising, or selling merchandise from such vehicle, except within the defined limits of a duly established new or used automobile dealership or sales lot, which shall not include bike paths adjacent to any automobile dealership or sales lot, or when so authorized or licensed under the ordinance code provisions of the city.
- (c) *Inoperable/unlicensed vehicles.*
 - (1) No person shall keep, park, or store a vehicle in any residential district, other than in a completely enclosed building, unless the vehicle is in operating condition, properly licensed, and capable of performing the transportation function for which it was manufactured. The purpose of this section is to prevent the accumulation of junk motor vehicles, and, therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition.
 - (2) Likewise, no person shall keep or store any junk, including but not limited to old, rusty, wrecked, damaged, deteriorated or discarded machinery, appliances, scrap metals, materials or parts not suited for use upon the premises or quantities of old and used building materials outside of a completely enclosed building; provided, however, that building materials fit to be used to improve the premises may be kept if piled off the ground so as not to become a potential rat and rodent harborage.
 - (3) A motor vehicle which does not otherwise comply with the requirements of this section is to be stored outdoors for a long period because a family member is in the military service or some other similar reason and the vehicle is determined by the building department to be not detrimental to the area, the building department may grant the right to store the vehicle for such period under the best conditions available, which conditions shall be stated in writing. No vehicle shall be stored unused in the front yard for more than 90 days. After 90 days, the vehicle must be stored in a side or rear yard. Unused vehicles stored under a tarp must be stored in a side or a rear yard.
 - (d) *Recreational vehicles.*
 - (1) No person shall park and/or store a recreational vehicle, snowmobile, camper enclosure, utility trailer, boat or similar vehicle or equipment not owned by the occupant or owner of the premises for a period exceeding 72 hours on lands not approved for such parking or storage, except that the building department may grant a temporary permit allowing the parking of a recreational vehicle on private property not to exceed a period of two weeks. All recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats, and similar vehicles or equipment owned by city residents stored in residential districts on their individual lots or premises shall not be

stored within any front yard or any required side yard and shall further conform to the requirements of the zoning ordinance applicable to accessory buildings, insofar as distances from main buildings, lot lines, and rights-of-way are concerned.

- (2) In addition, the parking and storage of recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats and similar vehicles or equipment in residential districts shall be subject to the following restrictions:
 - a. All such units parked or stored outside of a completely enclosed building shall be kept in a state of proper repair and secured to prevent unauthorized entry.
 - b. The parking and storage of such units shall be limited to a lot or parcel upon which an occupied dwelling is located.
 - c. No such unit shall be connected to electricity, gas, water or sanitary sewer facilities, except that a temporary electrical connection may be made for the purpose of recharging batteries.
 - d. No such unit shall at any time be used for living or housekeeping purposes while on the premises.
 - e. No person shall park or store any such unit upon any public property, including public streets, stub streets, rights-of-way, bike paths and planting areas between pathways and streets, except as allowed in subsection (2)(f), of this section.
 - f. Notwithstanding any provisions to the contrary, such a unit may be temporarily parked or stored within any front yard or on a public street for a period not to exceed 72 hours for the purpose of loading, unloading, trip preparation or minor, routine maintenance and repair, although at no time shall any unmounted camper enclosure or any snowmobile or boat not mounted on a utility trailer be parked or stored within any front yard, required side yard or public street.
- (e) *Responsibility for compliance.* The owner of the vehicle, equipment or other unit and the owner or occupant of private property upon which the vehicle, equipment or other unit is parked or stored shall each be responsible for compliance with the terms of this section. In any proceeding for the violation of any section of this section, the person to whom the vehicle, equipment or unit is registered, as determined from the registration plate displayed on the vehicle, equipment or unit, shall be presumed in evidence to be the owner. If no registration plate exists, the owner shall be presumed in evidence to be the titleholder, lessee or other person with an immediate right of possession. For purposes of determining the ownership of real property, it shall be presumed in evidence that the person to whom the property is assessed on the city's most recent tax assessment roll is the owner of the property.
- (f) *Violations.*
 - (1) *Notice.* A written notice of violation of this division shall be served on the person in violation directing the discontinuance and abatement of the illegal action or condition within 24 hours. For purposes of serving this notice on a commercial or recreational vehicle owner, it shall be sufficient to affix the notice in a conspicuous place on the vehicle.
 - (2) *Failure to comply.* Failure to comply with the notice of violation shall constitute a violation of this section.
 - (3) *Subsequent violations.* For subsequent or repeat violations by the same person, a written notice of violation shall not be required.

(Ord. No. 521, § 1, 11-14-2007; Ord. No. 559, § 1, 7-26-2010)

Sec. 84-17. - Weed control.

- (a) *Purpose.* Noxious weeds found growing in the city shall be controlled and eradicated as provided in this article.
- (b) *Growth of weeds prohibited.*
 - (1) *Subdivisions.* The owner or occupant of any lot in any subdivision in the city in which buildings have been erected on 60 percent of the lots in that subdivision shall cut or destroy all noxious weeds growing on the lot and in the adjacent right-of-way between the lot and the street.
 - (2) *Along improved streets.* The owner or occupant of any land in the city which abuts an improved street in common usage shall cut or destroy all noxious weeds growing on the land for a depth of 100 feet from street edge.
 - (3) *Abutting property of subdivision, school, park or occupied residential.* The owner or occupant of any land, platted or unplatted, in the city which abuts a subdivision or condominium in which buildings have been erected

on 60 percent of the lots in that subdivision or condominium or which abuts any school, park, playground or occupied residential property shall cut or destroy all noxious weeds growing on the land for a depth of 100 feet.

- (4) *Failure to cut and destroy.* Any owner or occupant of land in the city who fails to comply with subsections (1) through (3), of this subsection will be responsible for a municipal civil infraction.

(c) *Cutting and destruction by city.*

- (1) *Action authorized.* If the following notice or a substantially similar notice is published in the month of March of any year in a newspaper regularly distributed in the city and the owner or occupant of any land to which this article applies shall fail or refuse to comply with this section after due notice, any officer, inspector or other agent authorized by the mayor may enter upon such land after May 1 of that year and as many times thereafter as is necessary to cut or destroy any and all noxious weeds located thereon.
- (2) *Published notice.* The notice as provided in subsection (1) of this section shall be substantially in the following form:

"TO ALL OWNERS OR OCCUPANTS OF LAND IN THE CITY OF ROCHESTER HILLS:

Notice is hereby given that after May 1 of this year the provisions of section 84-17, Weed Control, of the Code of Ordinances of the City of Rochester Hills will be enforced. This article requires the owner or occupant of:

- (1) Any lot in any subdivision in the city in which buildings have been erected on 60 percent of the lots in that subdivision to cut or destroy all noxious weeds growing on the lot;
- (2) Any land in the city which abuts an improved street in common usage to cut or destroy all noxious weeds growing on the land for a depth of 100 feet; and
- (3) Any land, platted or unplatted, in the city which abuts a subdivision in which buildings have been erected on 60 percent of the lots in that subdivision, or which abuts any school, park, playground or occupied residential property to cut or destroy all noxious weeds growing on the land for a depth of 100 feet.

If, after May 1 of this year, the owner or occupant of any land to which this section applies shall fail or refuse to comply with the provisions of this section, then any officer, inspector or other agent authorized by the City of Rochester Hills may enter upon the land as many times as is necessary, to cut or destroy all noxious weeds growing thereon. The owner or occupant of the land shall be responsible for all costs incurred by the city in connection with such cutting or destruction plus an administration and enforcement fee equal to 1.6 times the amount paid by the city to its weed cutting contractor.

If the charges are not paid within 30 days after billing, payment shall be deemed delinquent and shall be enforceable as a tax lien against the land.

Any person who violates any of the provisions of section 84-17, Weed Control, of the Code of Ordinances of the City of Rochester Hills, shall, in addition to the other obligations imposed thereby or by other applicable law, be responsible for a municipal civil infraction and subject to a civil fine.

A copy of section 84-17 and additional information may be obtained from the Rochester Hills Clerk's Offices."

- (3) *Means to be utilized.* In the discretion of the officer, inspector, or other agent authorized by the city, manual and/or mechanical means may be used, and all due care shall be taken to avoid unnecessary damage to any land.
- (4) *Responsibility for cost.* Responsibility for cost of weed cutting pursuant to this section shall be in accordance with the following:
- a. *Costs.* The owner or occupant of land shall be responsible for all costs incurred by the city in connection with weed cutting or destruction, plus an administration and enforcement fee equal to 1.6 times the amount paid by the city to its weed cutting contractor.
 - b. *Lien.* From the time of the commencement of the cutting and destruction of such noxious weeds, the city shall have a lien upon the land for the amount arising under subsection (4)(a) of this subsection.
- (5) *Collection of costs.* The city shall charge and collect all costs arising under subsection (4) of this subsection in accordance with section 90-30 of this Code.

- a. *Billing and delinquent charges.* If the charges arising under subsection (4) of this section are not paid by the owner or occupant of the land within 30 days after the date of billing the owner or occupant by regular mail, payment shall be deemed delinquent.
 - b. *Enforcement of lien.* A lien created pursuant to this article shall be enforceable in the manner prescribed by the City Charter and state law for the enforcement of a tax lien against the land.
- (d) *Allocation of fines.* Fines, when collected pursuant to this section, shall become a part of the city's noxious weed control fund.

(Ord. No. 521, § 1, 11-14-2007; Ord. No. 539, § 1, 9-28-2009; Ord. No. 544, § 1, 12-14-2009)

Secs. 84-18, 84-19. - Reserved.

- **Rockwood City**

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GENERAL REFERENCES

Licenses — See Ch. A275.

Zoning — See Ch. 270.

Article I. General Regulations

[Adopted as Ch. 802 of the 1989 Codified Ordinances]

§ 126-1. Application of chapter.

[Amended 8-19-1998 by Ord. No. 365]

A.

The purpose of this article is to protect the health, safety and welfare of the citizens of the City of Rockwood by making sure that any and all businesses situated in the City are properly licensed, certified and/or operated in the safe, workmanlike, professional or certified manner as advertised and expected by the community or similar businesses throughout the State of Michigan.

B.

The provisions of this article shall apply to the licensing of all trades, professions, businesses or privileges regulated by the Code of the City of Rockwood unless provision is otherwise expressly made for licensing and/or the incidents thereof in the chapter wherein the trade, profession, business or privilege is regulated and said provision specifically prohibits local governments from requiring proof of licensing or certification. In the event of

conflict between any of the provisions of this article and any of the provisions of any other chapter of the Code of the City of Rockwood, wherein a trade, profession, business or privilege is regulated, the provision of the other chapter shall prevail.

C.

The following businesses in the city, in addition to any other specified in this article or any other ordinances of the city, which open for business after the effective date of this article shall obtain licenses therefor and pay the hereinafter prescribed fee:[1] auctioneer, antique shop, autowash, advertising, ambulance service, auto parts, auto repair, barbershop, bicycle sales and repair, bakery, bookstore, bowling alley, boxing and wrestling exhibits, building demolitions, builder/contractor, brake repair, bank, butcher shop, carpet, clock repair, cement block sales and distribution, ceramic, clothing store, Christmas tree and wreath sales, circus or carnival, coffee shop, confectionery establishment, convalescent home, chauffeur/limousine service, computer sales, dance school, day care, delivery service, dry-cleaning or dying establishment, dog groomer, donut shop, drugstore, fuel and dealer, funeral home, fumigator, flower store, furniture store, fruit market, floor covering, garage builders, gas station, grocery, garden shops, garbage collection, hotel, hospital, house mover, house raiser, hair salon, hardware, health club, insurance, ice cream parlor, jeweler, jitney, kitchen and bath remodeling, landscaping, lawn care, locksmith, laundromat, luggage store, maternity, motel, mobile home park, movie rental, medical clinic, motorcycle dealer/repair, moving company, revise store, movie theater, muffler shop, distributor of milk or mechanical amusement devices, outdoor theater, outdoor storage, oil company, parking lot, paving company, paint store, party store, pet shop, pharmacy, public carrier, poultry products, photography studio, plumbing services, public swimming pool, processor or manufacturer of food parts, rental agency, real estate office, retail store, refrigerator repair, roller rink, restaurant, sidewalk builder, sign maker/erector, soda fountain, secondhand dealer, shoe store, skating rink, sauna, snow removal, specialty store, sports store, stamp/coin shop, tax return preparer, taxicab, tent dealer, theater, tourist home, transient merchant, tanning salon, trailer rental, travel agent, transmission shop, television sales and repair, taxidermy, used car, uniform shop, video store, wallpaper, window treatment, window repair, Xerox copying, x-ray lab, yard sales, yogurt shop and all other office, commercial and retail uses not mentioned herein.

[1]:

Editor's Note: See Ch. A275, Licenses.

§ 126-2. Licenses required.

No person shall engage or be engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which any license is required by this article and any other chapter of the Code of the City of Rockwood without first obtaining a license therefor from the City in the manner provided for in this article. Any person duly licensed on the effective date of the Code of the City of Rockwood shall be deemed licensed hereunder for the balance of the current license year.

§ 126-3. Multiple businesses.

The granting of a license or permit to any person operating, conducting or carrying on any trade, profession, business or privilege which contains within itself, or which is composed of, trades, professions, businesses or privileges which are required by this article and any other chapter of the Code to be licensed, shall not relieve the

person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business or privilege, except as specifically provided elsewhere in this article and the Code of the City of Rockwood.

§ 126-4. State licensed businesses.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the City if such license or permit is required by this article and any other chapter of the Code of the City of Rockwood.

§ 126-5. License applications.

Unless otherwise provided in this article and any other chapter of the Code of the City of Rockwood, every person required to obtain a license from the City to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall make application for such a license to the City Clerk upon forms provided by the City Clerk, and shall state, under oath or affirmation, such facts as may be required for or applicable to the granting of such license. No person shall make any false statement or representation in connection with any application for a license under this article and any other chapter of the Code of the City of Rockwood.

§ 126-6. License year; applications for renewals.

[Amended 5-1-2002 by Ord. No. 407]

Except as otherwise provided as to certain licenses, the license year shall begin January 1 of each year and shall terminate at 12:00 midnight on December 31 of the third year from the date of issuance. Original licenses shall be issued for the balance of the license year at the full license fee, except that after July 1, the fee for any license shall be 1/2 the full amount, if the full fee is \$10 or more. License applications for license renewals shall be accepted and licenses shall be issued for a period of 15 days prior to the annual expiration date. In all cases where this article and any other chapter of the Code of the City of Rockwood permits the issuance of licenses for periods of less than one year, the effective date of such licenses shall commence with the date of issuance thereof.

§ 126-7. Conditions for issuance of licenses.

No license or permit required by this article and any other chapter of the Code of the City of Rockwood shall be issued to any person who is required to have a license or permit from the state until such person submits evidence of such state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this article and any other chapter of the Code of the City of Rockwood applicable to the trade, profession, business or privilege for which application for a license is made, nor unless the applicant agrees, in writing, to permit inspection of the licensed premises at reasonable hours by authorized officers of the city.

§ 126-8. Certifications.

A.

Generally. No license shall be granted where the certification of any officer of the City is required prior to the issuance thereof until such certification is made.

B.

Health Officer. In all cases where the certification of the Health Officer is required prior to the issuance of any license by the City Clerk, such certification shall be based upon an actual inspection and a finding that the person making the application and the premises in which he or she proposes to conduct or is conducting the trade, profession, business or privilege comply with all sanitary requirements of the state and the city.

C.

Fire Chief. In all cases where the certification of the Fire Chief is required prior to the issuance of any license by the City Clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making the application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all fire regulations of the state and the city.

D.

Police Chief. In all cases where the certification of the Chief of Police is required prior to the issuance of any license by the City Clerk, such certification shall be based upon a finding that the person making the application for such license is of good moral character.

E.

Building Official. In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the Building Official certifies that the proposed use is not prohibited by the Zoning Code or other zoning regulations of the city.[1]

[1]:

Editor's Note: The Zoning Code is on file in the office of the City Clerk.

§ 126-9. Bonds; insurance.

Where the provisions of this article and any other chapter of the Code of the City of Rockwood require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper City officer, or, where the amount thereof is specified in this article and any other chapter of the Code of the City of Rockwood, in the amount so required. The form of such bond shall be acceptable to the City Attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in any such bond. Such policies of insurance shall be approved as to substance by the City official issuing the license or permit and as to form by the City Attorney.

§ 126-10. Late renewals.

All fees for the renewal of any license, which fees are not paid at the time they are due, shall be paid as late fees with an additional 25% of the license fee for the first 15 days that such license fee remains unpaid. Thereafter, the license fee shall be that stipulated for such license plus 50% of such fee.

§ 126-11. Granting of licenses.

If the application for any license is approved by the proper officers of the city, as provided in this article and any other chapter of the Code of the City of Rockwood, such license shall be granted and shall serve as a receipt for payment of the fee prescribed for such license.

§ 126-12. Payment of fees.

[Amended 8-19-1998 by Ord. No. 365]

The fee required by this article and any other chapter of the Code of the City of Rockwood for any license or permit shall be established from time to time by resolution of City Council.[1]Such fee shall be in addition to any other fees required by other ordinances in the City Code such as the Building Code or Fire Code.[2]

[1]:

Editor's Note: See Ch. A275, Licenses.

[2]:

Editor's Note: See Ch. 45, Building Construction, and Ch. 84, Fire Prevention.

§ 126-13. Exemptions.

No license fee shall be required from any person exempt from such fee by state or federal law. However, such persons shall comply with all other provisions of this article. The City Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to such exemption and the reason therefor.

§ 126-14. Suspension or revocation of licenses and permits.

A.

Any license issued by the City may be suspended by the Mayor for cause, and any permit issued by the City may be suspended or revoked by the issuing authority for cause. The licensee shall have the right to a hearing before Council on any such action of the Mayor, provided that a written request therefor is filed with the City Clerk within five days after receipt of the notice of such suspension. Council may confirm such suspension or revoke or reinstate such license. The action taken by Council shall be final. Upon suspension or revocation of any license or permit, the fee therefor shall not be refunded.

B.

"Cause," as used in this article, includes the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license or permit is granted under the

provisions of this article and any other chapter of the Code of the City of Rockwood, or upon premises or facilities used in connection therewith, which act, omission or condition is:

(1)

Contrary to the health, morals, safety or welfare of the public;

(2)

Unlawful, irregular or fraudulent in nature;

(3)

Unauthorized or beyond the scope of the license or permit granted; or

(4)

Prohibited by this article and any other chapter of the Code of the City of Rockwood or any duly established rule or regulation of the City applicable to the trade, profession, business or privilege for which the license or permit has been granted.

§ 126-15. Consideration of renewal applications.

Unless otherwise provided in this article and any other chapter of the Code of the City of Rockwood, an application for renewal of a license shall be considered in the same manner as an original application.

§ 126-16. Exhibition of licenses.

A.

Generally. No licensee shall fail to carry any license issued in accordance with this article upon his or her person at all times when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted. However, where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, such license shall be exhibited at all times in some conspicuous place in his or her place of business. Every licensee shall produce his or her license for examination when applying for a renewal thereof or when requested to do so by any City police officer or by any person representing the issuing authority.

B.

Vehicles and machines. No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this article and any other chapter of the Code of the City of Rockwood such tags or stickers as are furnished by the City Clerk.

C.

Invalid licenses. No person shall display any expired license or any license for which a duplicate has been issued.

§ 126-17. Transferability of licenses.

A.

Prohibited. No licensee or permittee under this article and any other chapter of the Code of the City of Rockwood shall, unless specifically authorized by this article and any other chapter of the Code of the City of Rockwood, transfer or attempt to transfer his or her license or permit to another or make any improper use of the same.

B.

Automatic revocation. In addition to the penalty provided in § 126-18 for violations of Subsection A hereof, any attempt by a licensee or permittee to transfer his or her license or permit to another, unless specifically authorized by this article and any other chapter of the Code of the City of Rockwood, or to use the same improperly, shall result in the automatic revocation of such license or permit.

§ 126-18. Penalty.

A violation of any provision of this article shall be a municipal civil infraction, punishable as provided in Chapter 1, General Provisions, Article II.

Article II. Professional and Certified Businesses

[Adopted 8-19-1998 by Ord. No. 365]

§ 126-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PROFESSIONAL LICENSED OR OTHERWISE CERTIFIED BUSINESSES

If not already covered by § 126-1, as used in this article shall mean any profession licensed by the State of Michigan, Wayne County or certified by a national or state organization which is required by the state, county or national organization for the practice of the profession or operation of business, for example: doctors, lawyers, engineers, pharmacists, real estate brokers, insurance sales, etc.

§ 126-20. License required; application; fee.

A.

No person shall operate a profession or other business requiring a license from the state, Wayne County or professional organization or association as a prerequisite to such operations after the effective date of this article without first obtaining a license from the city.

B.

An application for said license shall be made and filed with the City Clerk. Such application shall be issued upon showing the City Clerk a copy of the license or certificate to practice said professions in the State of Michigan or Wayne County.

C.

The fee for such license shall be set from time to time by resolution of City Council.[1]

[1]:

Editor's Note: See Ch. A276, Fees and/or Permits.

§ 126-21. Penalty.

A violation of any provision of this article shall be a municipal civil infraction, punishable as provided in Chapter 1, General Provisions, Article II.

Article III. Adult Uses

[Adopted 8-6-2008 by Ord. No. 443[1]]

[1]:

Editor's Note: This ordinance also repealed former Art. III, Adult Uses.

§ 126-22. Purpose.

Based on review of studies, reports and court decisions more particularly described in the footnote below,[1] the City Council finds that sexually oriented businesses featuring full or partial nudity and/or sexual activities produce negative secondary effects of increased crime rate, declining or depressed property values, and a diminished sense of safety and security in members of the general public. The purpose of this article provision is to define and regulate sexually oriented businesses, and to prohibit public nudity in order to minimize or eradicate the negative secondary effects of sexually oriented businesses and public nudity.

[1]:

Editor's Note: Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *Thomas v. Chicago Park District* 122 S. Ct. 775 (2002), *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *East Brooks Books, Inc. v. City of Memphis*, 48 F.3d 220 (6th Cir. 1995); *Broadway Books v. Roberts*, 642 F.Supp. 486 (E.D. Term. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F.Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Del vu v. Metro Government*, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); *Bamon Corp. v. City of Dayton*, 7923 F.2d 470 (6th Cir. 1991); *Threesome Entertainment v. Strittmather*, 4 F.Supp.2d 710 (N.D. Ohio 1998); *J.L. Spoons, Inc. v. City of Brunswick*, 49 F.Supp.2d 1032 (N.D. Ohio 1999); *Triplett Grille, Inc. v. City of Akron*, 40 F.3d 129 (6th Cir. 1994); *Nightclubs*,

Inc. v. City of Paducah, 202 F.3d 884 (6th Cir. 2000); O'Connor v. City and County of Denver, 894 F.2d 1210 (10th Cir. 1990); Deja vu of Nashville, Inc. et al. v Metropolitan Government of Nashville and Davidson County, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); Connection Distrib. Co. v. Reno, 154 F.3d 281 (6th Cir. 1998); Sundance Assocs. v. Reno, 139 F.3d 804 (10th Cir. 1998); American Library Association v. Reno, 33 F.3d 78 (D.C. Cir. 1994); American Target Advertising, Inc. v Giani, 199 F.3d 1241 (10th Cir. 2000); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); Currence v. Cincinnati, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota - 1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Rockwood is seeking to abate and prevent in the future.

§ 126-23. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE

A commercial establishment having as a significant or substantial portion of its inventory or stock in trade, deriving a significant or substantial portion of its revenues from, or maintaining a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one or more of the following:

A.

Books, magazines, periodicals and other printed and/or electronic or digital matter, or photographs, posters, films, motion pictures, videotapes, tape, compact discs, slides, pictures, cassettes, or any other printed, electronic or recorded visual material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to specified sexual activities or specified anatomical areas.

B.

Instruments, devices, or paraphernalia which are designed for use or market primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

C.

"Significant or substantial portion" means 30% or more of the term modified by such phrase.

D.

"Specified sexual activities are defined herein as follows:

(1)

Human genitals in a simulated or actual state of sexual stimulation or arousal;

(2)

Acts of human masturbation, sexual intercourse or sodomy;

(3)

Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

E.

"Specified anatomical areas" are defined as less than completely and opaquely covered human genitals, pubic region; buttock; the nipple and/or areola of the female breast; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

F.

"Regular feature or regular basis" is a consistent or substantial course of conduct such that films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as part of the ongoing business on the premises.

ADULT CABARET

A nightclub, theater, bar, juice bar, restaurant, bottle club, coffee house or any other building, structure, premises or other establishment, whether or not alcoholic beverages are served, which features:

A.

Persons who appear nude or seminude.

B.

Live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, male or female strippers, male or female impersonators or similar entertainers, where a significant portion of such performances show, depict or describe specified sexual activities or specified anatomical areas.

C.

Films, motion pictures, video cassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT

Any use of land, whether vacant or combined with structures or vehicles thereon, by which such property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting specified sexual activities or specified anatomical areas.

ADULT DANCER OR ENTERTAINER

A person or individual who provides entertainment which may include dancing emphasizing specific sexual activities, displaying full or partial nudity or showing specific anatomical areas during a show, exhibition or work at an adult entertainment business or any other commercial establishment, except theatrical or movie performances when such displays of full or partial nudity are not the intended attraction or occur on a regular basis, "regular basis" being defined as more than four times per year.

ADULT MINI MOTION-PICTURE THEATER

An enclosed building with a capacity for less than 50 persons used for presenting to others motion-picture films, video cassettes, compact discs, cable television or other visual material which has a significant portion of any motion picture or other display depicting or relating to specified sexual activities or specified anatomic areas for observation by patrons therein.

ADULT MODEL STUDIO

Any place where, for any form of consideration or gratuity, nude or seminude figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.

ADULT MOTEL

A motel wherein matter, actions, or other displays are presented for the entertainment of its patrons which contain a significant portion depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT MOTION-PICTURE ARCADE

Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically or mechanically controlled still or motion-picture machines, projectors, video machines or other image-producing devices are maintained to show images to five or fewer persons per machine at any time, and where a significant portion of images so displayed depict, describe, or relate to specified sexual activities or specified anatomical areas.

ADULT MOTION-PICTURE THEATER

An enclosed building with a capacity of 50 or more persons used for presenting to others motion-picture films, video cassettes, compact discs, cable television or other visual material which has a significant portion of any motion picture or other display depicting or relating to specified sexual activities or specified anatomical area for observation by patrons therein.

ADULT PERSONAL SERVICE ESTABLISHMENT

Any business, agency, or service which arranges, solicits, or provides for the benefit of its customers or clients escorts, dates, models, unlicensed therapists, companions, or entertainers, either on or off the premises, for the purpose of engaging in specified sexual activities or specified acts of violence, or displaying specified anatomical areas as defined herein. These establishments include, but are not limited to, escort services, exotic rubs, modeling studios, body painting studios, wrestling studios, baths, theatrical performances, and photographic studios.

ADULT PHYSICAL CULTURE ESTABLISHMENT

Any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massage, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment: establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional; electrolysis treatment by a licensed operator of electrolysis equipment; continuing instruction in martial or performing arts or in organized athletic activities; hospitals, nursing homes, medical clinics or medical offices; and barber shops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, feet, neck or shoulders only.

ADULT SEXUAL ENCOUNTER CENTER

Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

SEXUALLY ORIENTED BUSINESS or ADULT ORIENTED COMMERCIAL USE

One or a combination of more than one of the following types of businesses: adult bookstore, video store or novelty store, adult cabaret, adult entertainment, adult mini motion-picture theater, adult model studio, adult motel, adult motion-picture arcade, adult motion-picture theater, adult personal service establishment, adult physical culture establishment, adult sexual encounter center, or any commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specific anatomical areas or specific sexual activities.

§ 126-24. License requirement.

It shall be unlawful for any owner, tenant, person, licensee, agent or employee of any establishment, theater, bar, tavern, club, business or any other building or place of business in the City of Rockwood to operate an adult use or sexually oriented business without first applying for and securing zoning approval of the location of such adult use and a license for such use from the City Clerk.

§ 126-25. Application; fee.

A.

At the time the application is filed, a nonrefundable application fee in the amount set from time to time by Council resolution shall be remitted to the City Clerk, and shall be in addition to any other fee requested by this article.

B.

An application for a license must be made on a form provided by the City Clerk. The application must be accompanied by a survey, sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

C.

Only a person who is an officer of or who has an ownership interest in a sexually oriented business may apply for a license for the business. Each applicant must be qualified according to the provisions of this article.

D.

If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who is an officer of the business or who has a twenty-percent or greater ownership interest in the business must sign the application for a license as applicant. Each applicant must be qualified under this article, and each applicant shall be considered a licensee if a license is granted.

E.

In addition to identifying those persons required to sign an application under Subsection C or D, the application must identify all parent and related corporations or entities of any person or entity who will own or operate the sexually oriented business and include the names of the officers of each parent or related corporation or entity.

§ 126-26. Issuance of license.

The City Clerk shall approve the issuance of a license to an applicant within 30 days after receipt of an application if zoning approval is not required or within 30 days of the issuance of zoning approval unless the City Clerk finds one or more of the following to be true:

A.

An applicant is under 18 years of age.

B.

An applicant or an applicant's spouse is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business.

C.

An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

D.

An applicant or an applicant's spouse has been convicted of a violation of a provision of this article within two years immediately preceding the application.

E.

Any fee required by this article has not been paid.

F.

An applicant or the proposed establishment is in violation of or is not in compliance with any other provision of the City Code.

G.

An applicant or an applicant's spouse has been convicted of a crime involving: prostitution; criminal sexual conduct; pandering; indecent exposure; obscenity; sale, distribution, or display of harmful material to a minor; possession of child pornography; for which:

(1)

Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(2)

Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(3)

Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

H.

An applicant has been operating the proposed business as a sexually oriented business without a valid license issued under this article.

I.

Operation of the proposed sexually oriented business would violate the City's zoning ordinances.

(1)

The fact that a conviction is being appealed has no effect on the disqualification of the applicant or applicant's spouse under Subsection I.

(2)

Except as otherwise provided in this subsection, when the City Clerk denies issuance or renewal of a license, the applicant may not apply for or be issued a sexually oriented business license for one year after the date the denial became final. If, subsequent to the denial, the City Clerk finds that the basis for the denial has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the denial became final.

(3)

The City Clerk, upon approving issuance of a sexually oriented business license, shall send to the applicant, by certified mail, return receipt requested, written notice of that action and state where the applicant must pay the license fee and obtain the license. The Chief of Police's approval of the issuance of a license does not authorize the applicant to operate a sexually oriented business until the applicant has paid all fees required by this article and obtained possession of the license.

(4)

The license, if granted, must state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license must be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

§ 126-27. Review of application; inspection of premises.

A.

An application will be reviewed by the Police Department, the Fire Department, the Building Department and/or Building Official to determine if the qualifications set forth in § 126-26 have been met.

B.

An applicant or licensee shall permit representatives of the Police Department, the Department of Environmental and Health Services, the Fire Department, the Building Department and/or the Building Official to inspect the premises of a sexually oriented business, for the purpose of ensuring compliance with the law, at the time of the application or any time it is occupied or open for business and at other reasonable times upon request.

C.

A person who operates a sexually oriented business or the person's agent or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by a representative of the Police Department, the Department of Environmental and Health Services, the Fire Department, the Building Department and/or the Building Official at any time the sexually oriented business is occupied or open for business and at other reasonable times upon request.

§ 126-28. Expiration of license.

Each license expires one year from the date of issuance, except that a license issued pursuant to a locational restriction expires on the date the exemption expires. A license may be renewed only by making application as provided in § 126-26. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected by the pendency of the application.

§ 126-29. Suspension.

The City Clerk, upon recommendation of the Police Chief, the Fire Chief, or the Building Official, may suspend a license for a period not to exceed 30 days if he or she determines that a licensee or an employee of a licensee has:

A.

Violated or is not in compliance with any provision of this article;

B.

Refused to allow an inspection of the sexually oriented business premises as authorized by this article; or

C.

Knowingly permitted gambling by any person on the sexually oriented business premises.

§ 126-30. Revocation.

A.

The City Clerk may revoke a license if a cause of suspension in § 126-30B occurs and the license has been previously suspended within the preceding 12 months.

B.

The City Clerk may revoke a license if the Chief of Police, the Fire Chief or Building Official represents to him or her that one or more of the following is true:

(1)

A licensee gave false or misleading information in the material submitted to the Chief of Police during the application process.

(2)

A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.

(3)

A licensee or an employee has knowingly allowed prostitution on the premises.

(4)

A licensee or an employee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.

(5)

A licensee has been convicted of an offense listed in § 126-26 for which the time period required in § 126-26 has not elapsed.

(6)

On two or more occasions within a twelve-month period, a person or persons committed an offense occurring in or on the sexually oriented business premises of a crime listed in § 126-26 for which a conviction has been obtained, and the person or persons were employees of the licensee or the sexually oriented business at the time the offenses were committed.

(7)

A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the sexually oriented business premises.

(8)

A licensee is delinquent in payment to the City for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.

(9)

A licensee or an employee has violated § 126-26 of this article.

C.

The fact that a conviction is being appealed has no effect on the revocation of the license.

D.

When the City Clerk revokes a license, the revocation will continue for one year, and the licensee shall not apply for or be issued a sexually oriented business license for one year after the date revocation became effective. If, subsequent to revocation, the City Clerk finds that the basis for the revocation has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Subsection B(5), an applicant may not apply for or be granted another license until the appropriate number of years required under § 126-26 has elapsed.

E.

In determining whether a sexually oriented business license should be denied, suspended, revoked, or denied for renewal based on criminal convictions of an applicant or licensee of a sexually oriented business, or on convictions of an employee of the applicant, the licensee, or the sexually oriented business, all convictions for offenses occurring within a designated time period will be counted, regardless of whether the offenses occurred during the current license period, a prior license period, or an unlicensed period.

F.

Notwithstanding Subsection E, a conviction for an offense committed during a prior license period or an unlicensed period will not be counted against a current applicant or licensee of a sexually oriented business if no person who is deemed a current applicant or licensee was an applicant, licensee, owner, or operator of the sexually oriented business during the prior license period or unlicensed period in which the offense was committed.

§ 126-31. Surrender of license after suspension, revocation, or denial of renewal.

After receipt of notice of suspension, revocation, or denial of renewal of a sexually oriented business license, the licensee shall, on or before the date specified in the notice, discontinue operating the sexually oriented business and surrender the license to the City Clerk.

§ 126-32. Appeal.

A.

If the City Clerk denies the issuance or renewal of a license, or suspends or revokes a license, the City Clerk shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action and the right to an appeal.

B.

Upon receipt of written notice of the denial, suspension, or revocation, the applicant or licensee whose application for a license or license renewal has been denied or whose license has been suspended or revoked has the right to appeal to the City Council under § 126-14 of the City Code.

C.

The filing of an appeal under this subsection stays the action of the City Clerk in suspending or revoking a license until a final decision is made by the City Council. A suspension or revocation upheld by the City Council takes effect on the first midnight that is at least 24 hours after the Board issues its decision.

D.

An appeal to the State Circuit Court must be filed within 30 days after the receipt of notice of the decision of the City Council.

§ 126-33. Transfer of license.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

§ 126-34. Adult dancer and/or adult entertainer license.

A.

Any person desiring employment as a dancer or entertainer in a sexually oriented business shall first make application to the City Clerk for a license as required in this section. At the time the application is filed, a nonrefundable application fee in the amount set from time to time by City Council resolution shall be remitted to the City Clerk, and shall be in addition to any other fee required by this article. Any applicant for a license pursuant to this section shall submit the following information and submittals to the City Clerk:

(1)

The full correct name, social security number and present address of the applicant.

(2)

The two previous addresses immediately prior to the present address of the applicant and the dates of residence.

(3)

A complete description in writing of the services to be performed.

(4)

The location, name, and mailing address of all prospective employers.

(5)

Written proof (by birth certificate or sworn affidavits) that the applicant is at least 18 years of age.

(6)

The individual applicant's height, weight, color of eyes and hair, sex.

(7)

One recent portrait photograph depicting a reasonable likeness of the applicant that is at least two inches by two inches and a complete set of the applicant's fingerprints, which shall be taken by the Police Chief or his designee.

(8)

All criminal convictions other than traffic violations and the specifics thereof.

(9)

The application shall be signed and its truthfulness sworn to by the applicant.

(10)

A complete list of all stage names, pseudonyms, aliases or nicknames under which the applicant has or will appear and documentation of any legal name changes by any court of record within the last seven years, or name changes resulting from marriage or divorce.

(11)

Such other identification and information necessary to discover the truth of the matters specified in this section, as required by the City Clerk and/or the Police Chief or his designee.

B.

Renewal. The City Clerk shall issue or renew an entertainer's license after the Police Chief has completed a criminal record check of local and state police records. A record of conviction for an offense involving gambling, narcotics, prostitution, pandering, pornography, or any crime involving moral turpitude, or a violation of any provision of this section within the preceding two years shall be grounds for refusal to issue or renew an entertainer's license.

C.

Renewal; fee. An adult dancer or entertainer must file an application for renewal with the City Clerk's office on or before the first Monday in June of each year along with a nonrefundable renewal fee set from time to time by Council resolution.

D.

Revocation. A license issued pursuant to this section shall remain the property of the City and shall be revoked and surrendered upon demand when proof is submitted to the City Clerk or the Police Chief of any violation of the conditions of its issuance.

§ 126-35. Penalty.

A violation of any provision of this article shall be a misdemeanor, punishable as provided in Chapter 1, General Provisions, Article I.

- **Rogers City**

(989) 734-2191

fax 989-734-4833

Link: <http://www.rogerscity.com/>

Auction: Auctioneer:

- Chapter 6 - AUCTIONS
 - **ARTICLE I. - IN GENERAL**
 - **Sec. 6-1. - Exempt sales.**

The provisions of this chapter shall not apply to sheriffs or other public or court officers or to any person acting under the license, direction or authority of any court, state or federal, selling property in the course of their official duties or to any person selling property under and by virtue of any statute, state or federal.

(Code 1968, § 7.86)

- **Sec. 6-2. - Accounts.**

Every auctioneer shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open for inspection by any police officer of the city at any reasonable time. No auctioneer shall fail to make such account accessible to any police officer upon demand.

(Code 1968, § 7.84)

- **Sec. 6-3. - Conduct of sale.**

(a)

In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.

(b)

A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(c)

Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(d)

If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

State law reference— Similar provisions, MCL 440.2328, MSA 19.2328.

- **Sec. 6-4. - Prohibited activities.**

The following acts, omissions, and practices in connection with auction sales are prohibited:

(1)

The use of deceit, fraud or misrepresentation in the sale of any property;

(2)

The substitution of another article for that bid upon by the prospective purchaser;

(3)

The use of false bidders, cappers or puffers;

(4)

The use of bells, buzzers, ballyhoo, loudspeakers or any variety of mechanical or excessive vocal sound to attract attention;

(5)

The use of any false or misleading advertising matter;

(6)

A sale by a person other than the licensed auctioneer named in the application;

(7)

Failure to exhibit an auctioneer's license to a police officer on demand at the place where the auction is being conducted;

(8)

The sale of any goods offered by a minor.

(Code 1968, §§ 7.83, 7.85)

- **Secs. 6-5—6-25. - Reserved.**

- **ARTICLE II. - LICENSE**

FOOTNOTE(S):

⁽²³⁾ **Cross reference—** Business licensing generally, Ch. 8.

- **Sec. 6-26. - Required.**

No person shall engage in the trade or business of auctioneer without first obtaining a license therefor.

(Code 1968, § 7.81)

- **Sec. 6-27. - Prerequisite to issuance.**

No auctioneer's license shall be granted except upon certification of the chief of police.

(Code 1968, § 7.81)

- **Sec. 6-28. - Bond.**

Before any auctioneer's license is issued, the applicant shall furnish a corporate surety bond in the penal sum as prescribed by resolution of the council, which bond shall be conditioned for the due observance during the term of the license of all laws of the state and all provisions of this Code. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license and until the conclusion of any action on the bond commenced while it was in force.

(Code 1968, § 7.82)

- **Romeo**

PH: 586-752-3565

FX: 586-752-5205

Link: <http://www.villageofromeo.org/>

Auction: Auctioneer: No information given.

- **Romulus**

734-942-7540

Link: <http://www.romulusgov.com/>

Auction: ARTICLE I. - IN GENERAL

Sec. 46-1. - Going out of business sales.

(a) In this section the term "going out of business sale" means any sale, whether described by such name or by any other name such as, but not limited to closing out sale, liquidation sale, etc., held in such a manner as to indicate a belief that upon disposal of the stock of goods on hand, the business will cease and discontinue at the premises where the sale is conducted.

(b) No person shall advertise, represent or hold out or otherwise conduct any sale of goods as a going out of business or sale unless he first obtains a license to conduct from the city clerk, including payment of the non-refundable fee for the same in an amount set by resolution of the city council from time to time, but not less than \$50.00.

(c) This section shall not apply to any sales by a person regularly engaged in insurance or salvage sale of goods, or the sale of goods which have been damaged by fire, smoke, water or otherwise, who acquired the goods for the account of others as a result of fire or other casualty.

State law reference— Similar provisions, MCL 442.212.

Secs. 46-2—46-20. - Reserved.

ARTICLE II. - FLEA MARKETS

DIVISION 1. - GENERALLY

Sec. 46-21. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Flea market means a market for which antiques or secondhand articles and/or new merchandise are sold from stands, counters, pavilions, tents or buildings.

Goods means any goods, warehouse merchandise or their property capable of being the object of a sale regulated under this article.

(Code 1999, § 27-16; Ord. of 1-27-1981, § 517.101; Ord. of 7-29-1986, § 2)

Sec. 46-22. - Exceptions; exemptions.

Exceptions and exemptions to regulations in this article are provided as follows:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
- (2) Persons acting in accordance with their powers and duties as public officials;
- (3) Any sale regulated under any other provisions of ordinances of the city;
- (4) Any sale conducted by any merchant or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city or under the protection of the presently nonconforming 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 by the ordinances of the city;
- (5) Any bona fide charitable, eleemosynary, religious, educational, cultural or governmental institution or organization; provided that the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption;
- (6) Auction conducted by a lawfully qualified auctioneer.

(Code 1999, § 27-17; Ord. of 1-27-1981, § 517.300; Ord. of 7-29-1986, § 3)

Secs. 46-23—46-47. - Reserved.

DIVISION 2. - LICENSE

Sec. 46-48. - Required.

A license issued by the city clerk shall be obtained by any person before selling or offering to sell any goods at a sale advertised or conducted so as to come within the prescription of the definition of "goods" in section 46-21.

(Code 1999, § 27-31; Ord. of 1-27-1981, § 517.200)

Sec. 46-49. - Application.

An application for a license for any of the sales regulated under this article shall be made at the office of the city clerk on a form prepared by the city clerk to be provided therefor, which application shall contain the following information:

- (1) Name of the person, firm, group, corporation, association or organization conducting the sale;
- (2) Location where the sale is to be conducted and the date and nature of any prior sales conducted at the same location;
- (3) The dates when the sale or business is to be conducted within the time limits prescribed in this division;
- (4) Date, nature and location of any past sale or business conducted by the applicant.

(Code 1999, § 27-32; Ord. of 1-27-1981, § 517.201)

Sec. 46-50. - Fees.

A license fee as established by resolution of council shall be paid to the city at the time of submittal of the application for a flea market license.

(Code 1999, § 27-33; Ord. of 1-27-1981, § 517.202)

Sec. 46-51. - Term.

A flea market license shall continue in effect from the date of issuance until December 31 of the same year.

(Code 1999, § 27-34; Ord. of 1-27-1981, § 517.202)

Sec. 46-52. - Conditions.

The license described in this division shall be subject to the following conditions:

- (1) No person shall conduct, advertise, or promote a flea market or any sale regulated by this article without a license issued as prescribed in this article.
- (2) No signs advertising a sale regulated by this article shall be placed on public property, within the public right-of-way, on any utility pole or on any private property, except that one sign advertising the sale may be placed on the property of the owner.
- (3) No sale shall be conducted for a period longer than five consecutive days.
- (4) 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 conducted.

- (5) No sales regulated by this article shall be conducted in public parks.
- (6) Flea market licenses shall be subject to the following specified conditions:
 - a. The minimum area of the site shall be 25,000 square feet with a minimum street frontage of 100 feet;
 - b. A five-foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping paper and other debris from blowing off the premises;
 - c. A flea market shall provide suitable health, sanitary and toilet facilities;
 - d. Lighting shall be installed in a manner that will not create a traffic hazard on abutting streets or a glare or direct illumination onto adjacent properties;
 - e. Off-street parking areas shall be paved or hard-surfaced with a substitute acceptable to the zoning board of appeals. Relief from the hard-surfacing requirements may be provided by the zoning board of appeals upon a showing of practical difficulties, or unnecessary hardship.

(Code 1999, § 27-35; Ord. of 1-27-1981, § 517.203)

Sec. 46-53. - Revocation.

The city council may suspend or revoke any license granted under this division and order the place of business of the licensee to be closed for any violation of this article or any other ordinance subject to the provisions of section 46-54. All licenses granted under this division are issued and accepted with the understanding that they are subject to suspension or revocation at the will of the city council.

(Code 1999, § 27-36; Ord. of 1-27-1981, § 517.400; Ord. of 6-14-1983)

Sec. 46-54. - Procedure for enforcing revocation or suspension.

In case of such suspension or revocation, the police chief or director of the ordinance department shall cause to be served upon the holder of the license so suspended or revoked, or the person in charge of the business, notice in writing of such action by the city council. No person shall continue to operate such business after the service upon him of such notice of suspension or revocation; provided that, before any license granted under the provision of this article is suspended or revoked, charges in writing shall be preferred against the licensee whose license is subject to suspension or revocation. The charges shall be served upon the licensee and the licensee shall be given a hearing at the next city council meeting not less than ten days following notice of such charges in writing, and at such hearing the licensee shall have an opportunity to present written and oral evidence in his defense.

(Code 1999, § 27-37; Ord. of 1-27-1981, § 517.401)

Secs. 46-55—46-81. - Reserved.

ARTICLE III. - GARAGE SALES

DIVISION 1. - GENERALLY

Sec. 46-82. - Purpose.

The city council finds and declares that:

- (1) The intrusion of nonregulated garage sales is causing annoyance to citizens in residential areas in the city and congestion of the streets in residential areas in the city.
- (2) The provisions contained in this article are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.
- (3) The provisions of this article do not seek control of sales by individuals selling a few household or personal items.
- (4) The provisions and prohibitions contained in this article are enacted not to prevent but to regulate garage sales for the safety and welfare of the city's citizens.

(Ord. of 9-8-1986, § 2; Code 1999, § 27-51)

Sec. 46-83. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale means and includes all general sales, open to the public, conducted from or on a residential premise in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "flea market," "patio," or "rummage" sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

Personal property means property that is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment.

(Code 1999, § 27-52; Ord. of 9-8-1986, § 3)

Sec. 46-84. - Property permitted to be sold.

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this article, any property other than personal property.

(Code 1999, § 27-53; Ord. of 9-8-1986, § 4)

Sec. 46-85. - Hours and days of operation.

Garage sales shall be limited in time to no more than the daylight hours of three consecutive days.

(Code 1999, § 27-54; Ord. of 9-8-1986, § 9)

Sec. 46-86. - Display of sale property.

Personal property offered for sale may be displayed within the residence or on the premises. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way.

(Code 1999, § 27-55; Ord. of 9-8-1986, § 12)

Sec. 46-87. - Advertising; signs.

(a) Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:

(1) Restrictions. No signs advertising a sale regulated by this article shall be placed on public property, within the public right-of-way or on any utility pole.

(2) Two signs permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(3) Directional signs. Two signs of not more than two square feet each are permitted, provided that the premises upon which the garage sale is conducted is not on a major thoroughfare and that written permission to erect the signs is received from the property owners upon whose property such signs are to be placed.

(b) Time limitations. No sign or other form of advertisement shall be exhibited for more than two days prior to when the sale is to commence.

(c) Removal of signs. Signs must be removed at the close of the garage sale activities or by the end of daylight, whichever occurs first.

(Code 1999, § 27-56; Ord. of 9-8-1986, § 14)

Sec. 46-88. - Permittee and owner to be held responsible.

The individual to whom a permit is issued under this article and the owner or tenant of the premises where the sale or activity is to be conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of the sale or activity. No individual shall permit any loud or boisterous conduct on the premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of the premises. All individuals shall obey the reasonable orders of any member of the police or fire departments in order to maintain the public health, safety and welfare.

(Code 1999, § 27-57; Ord. of 9-8-1986, § 15)

Sec. 46-89. - Inspection and arrest authority of inspector.

A police officer or any other official designated by any city ordinance to make inspections under licensing or regulating ordinances or to enforce the same, shall, with probable cause or where the premises shows evidence of a garage sale, have the right of entry to any premises for the purpose of enforcement or inspection and may close the premises from a sale or arrest any individual who violates the provisions of this article.

(Code 1999, § 27-58; Ord. of 9-8-1986, § 16)

Sec. 46-90. - Parking.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the police department may enforce temporary controls to alleviate any special hazards or congestion created by any garage sale.

(Code 1999, § 27-59; Ord. of 9-8-1986, § 17)

Sec. 46-91. - Persons exempted from this article.

The provisions of this article shall not apply to or affect the following:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction;
- (2) Persons acting in accordance with their powers and duties as public officials;
- (3) Any sale conducted by any merchant or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the city, or under the protection of the nonconforming use 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 other ordinances;
- (4) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

(Code 1999, § 27-60; Ord. of 9-8-1986, § 19)

Sec. 46-92. - Separate violations.

Every article sold and every day a sale is conducted in violation of this article shall constitute a separate offense.

(Code 1999, § 27-61; Ord. of 9-8-1986, § 20)

Secs. 46-93—46-112. - Reserved.

DIVISION 2. - PERMIT

Sec. 46-113. - Required.

No garage sale shall be conducted unless and until the individuals desiring to conduct the sale shall obtain a permit therefor from the city clerk. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

(Code 1999, § 27-76; Ord. of 9-8-1986, § 5)

Sec. 46-114. - Written statement required.

Prior to issuance of any garage sale permit, the individuals conducting the sale shall file a written statement with the city clerk at least five days in advance of the proposed sale. Mailed applications must be postmarked at least seven days in advance of the sale. These written statements shall set forth the following information:

- (1) Full name and address of applicant;
- (2) The location where the proposed garage sale is to be held;
- (3) The date, or dates when the sale shall be held;
- (4) The date of any other garage sales within the current calendar year;
- (5) An affirmative statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired or consigned for the purpose of resale.

(Code 1999, § 27-77; Ord. of 9-8-1986, § 6)

Sec. 46-115. - Pre-permit investigation.

Before issuing a garage sale permit, the city may conduct an investigation as may reasonably be necessary to determine if there is compliance with this article.

(Code 1999, § 27-78; Ord. of 9-8-1986, § 11)

Sec. 46-116. - Fee.

There shall be an administrative processing fee as established by resolution of council for the issuance of a garage sale permit.

(Code 1999, § 27-79; Ord. of 9-8-1986, § 7)

Sec. 46-117. - Conditions.

The garage sale permit shall set forth and restrict the time and location of a garage sale. No more than three such permits may be issued to one residence or family household during any calendar year. If members of more than one residence join in requesting a permit then that permit shall be considered as having been issued for each of the residences.

(Code 1999, § 27-80; Ord. of 9-8-1986, § 8)

Sec. 46-118. - Exceptions.

(a) If the sale is not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the city clerk may issue another permit to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee is required.

(b) Fourth sale permitted. A fourth garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the city clerk.

(Code 1999, § 27-81; Ord. of 9-8-1986, § 10)

Sec. 46-119. - Display.

Any permit in possession of the holder of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and city officials.

(Code 1999, § 27-82; Ord. of 9-8-1986, § 13)

Sec. 46-120. - Revocation and refusal.

(a) False information. Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the city clerk if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

(b) Conviction of violation. If any individual is convicted of an offense under this article, the city clerk is instructed to cancel any existing garage sale permit held by the individual convicted and not to issue such individual another garage sale permit for a period of two years from the time of conviction.

(Code 1999, § 27-83; Ord. of 9-8-1986, § 18)

Secs. 46-121—46-138. - Reserved.

ARTICLE IV. - PEDDLERS AND SOLICITORS

DIVISION 1. - GENERALLY

Sec. 46-139. - Definition.

Whenever the expression "peddler" is used in this article, it shall be deemed to and shall mean any person, whether principal or agent, who shall go in and upon the public streets, alleys, ways, parks and places of the city, traveling from place-to-place or from door-to-door of homes, offices, stores, hotels, restaurants or other places of business, engaged in selling at retail, or offering or taking orders to sell, barter, canvass or peddle to members of the public or to regular customers any article of goods, wares or merchandise, or other products not produced,

manufactured or made by such person; provided that merchants having established places of business with a stock of goods, engaged in making deliveries only thereof, shall not be deemed to come within the scope of this article. Any person who, in the operation and conduct of his business, shall manufacture, produce or distribute any products, goods, wares or merchandise and shall as an established course of business employ agents who shall go in and about the streets of the city displaying and offering such goods, wares or merchandise for sale, or who shall take orders for sale or who shall sell at retail to the public or to established customers, shall each be deemed to be peddlers and subject to all the terms and conditions of this article. The term "peddler" shall also include "hucksters," "solicitors," and "street vendors," as such words are commonly used.

(1971 Comp., Ch. VII, Art. 1, § 44, Art. 2, § 4.01; Code 1999, § 23-16)

Sec. 46-140. - Exemptions.

(a) This article shall not in any way affect or regulate trucks or motor vehicles operated within the city for the following purposes:

- (1) For the wholesale distribution and delivery of goods, wares and merchandise;
- (2) For the delivery to residences of milk, cream, dairy products and baked goods.

(b) This article shall not affect or regulate the sale or distribution of newspapers.

(1971 Comp., Ch. VII, Art. 1, § 52; Code 1999, § 23-17)

Sec. 46-141. - Restricted near recreation facilities.

It shall be unlawful for a licensee operating as a peddler under this article to go in and upon the public parks, playgrounds and swimming pools of the city or upon the grounds of any school or within a distance of 300 feet from the entrances and exits of any of the aforesaid places.

(1971 Comp., Ch. VII, Art. 2, § 4.06; Code 1999, § 23-18)

Sec. 46-142. - Helpers.

No peddler shall be entitled to more than one helper on foot for each vehicle used in the peddler's business.

(1971 Comp., Ch. VII, Art. 1, § 49(c); Code 1999, § 23-19)

Sec. 46-143. - Fresh meat.

No person shall sell or peddle fresh meat upon any street, alley or public place.

(1971 Comp., Ch. VII, Art. 1, § 49(d); Code 1999, § 23-20)

Sec. 46-144. - No stopping in one place.

No peddler shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale for a customer wishing to buy.

(1971 Comp., Ch. VII, Art. 1, § 49(e); Code 1999, § 23-21)

Sec. 46-145. - Signs required.

All persons having a license issued under the provisions of this chapter, who are engaged in the selling of vegetables, fruits, produce, eggs, farm products and all kinds of manufactured articles, shall post on the premises where the merchandise is being sold, and in a conspicuous place, a legible sign in such form as may be approved by the police chief, clearly stating whether or not the merchandise so offered for sale was actually grown, produced or manufactured by the licensee.

(1971 Comp., Ch. VII, Art. 1, § 53; Code 1999, § 23-22)

Secs. 46-146—46-173. - Reserved.

DIVISION 2. - LICENSE

Sec. 46-174. - Required.

It shall be unlawful for any person to use the public streets or places for the purpose of engaging in the occupation or business of peddler in the city without first having obtained a license to do so as provided in this division. It shall be unlawful for any person to operate as a peddler in the city without first having obtained a license for each piece of vehicular equipment or container used in connection therewith. A person who is a peddler and does not use a vehicle or container in connection therewith, but who carries the merchandise being sold in his hands or pockets shall be required to obtain a license as though he sold from a vehicle or used a container.

(1971 Comp., Ch. VII, Art. 1, § 48, Art. 2, § 4.00; Code 1999, § 23-41)

Sec. 46-175. - Application.

Every person who desires to operate as a peddler shall file an application in writing with the city clerk, which application shall set forth the name, residence address and age of the applicant; the name and address of the principal or owner of the business if the applicant is acting as an agent; the kind and description of the articles to be sold or offered for sale; the type of vehicular equipment to be used; the number of vehicles to be licensed and whether the applicant has ever been convicted of violating the law of any state or the United States, or of any ordinance of this city or any other city in the country and, if such is a fact, shall give the details pertaining to such violation.

(1971 Comp., Ch. VII, Art. 2, § 4.02; Code 1999, § 23-42)

Sec. 46-176. - Conditions for issuance.

(a) Each applicant for a peddler's license shall, as a condition precedent to the issuing of the license, submit the applicant's fingerprints to and file them in the noncriminal file of the police department.

(b) Before the license is issued, information shall be furnished by the applicant to the police department as to the kind, condition, ownership and place of storage and the vehicles he will use in carrying on the business of peddler; the nature and scope of his business; the routes which he follows; and such other similar information as may be deemed necessary to protect the general welfare of the public.

(c) The application shall be referred to the police department or ordinance department for investigation and report as to whether the applicant complies with the laws and ordinances of the city. If, after the investigation, the department determines that the applicant has complied with the requirements of law and the ordinances of this city, a report in writing to that effect shall be submitted to the city clerk, who shall thereupon issue the license. If the department determines that the applicant has not qualified for a license as specified in this division, the application shall not be approved and, in connection with the denial, the reasons therefor shall be submitted.

(d) No license shall be issued under this division until the applicant shall have complied with all ordinances, rules and regulations of the city, the fire department, the police department and the county department of health pertaining to the business or property of the applicant, and passed or adopted for the protection of the public health, safety, morals, peace and general welfare.

(e) Every licensee shall comply with all of the ordinances, rules and regulations prior to issuance of his license and while such license is in effect.

(1971 Comp., Ch. VII, Art. 1, §§ 48, 49(b), 54, Art. 2, §§ 4.02, 4.03; Code 1999, § 23-43)

Sec. 46-177. - Fees.

(a) Every applicant under this division shall, at the time of making the application, pay the prescribed license fee as hereinafter set forth with the understanding that if the license application is denied, the fee shall be refunded to the applicant.

(b) The fee to be paid to the city for a peddler's license shall be as established by resolution.

(c) Each peddler licensed under this division shall be entitled to not more than one helper or assistant per vehicle who shall pay a license fee equal to one-half of the fee paid by the peddler.

(1971 Comp., Ch. VII, Art. 1, § 51, Art. 2, §§ 4.02, 4.04; Code 1999, § 23-44)

Sec. 46-178. - Bond; agent for service of process.

(a) Before any license shall be issued for engaging in the business of peddler, the applicant shall file with the city clerk the following instruments:

(1) A cash or surety company bond running to the city in the sum of \$1,000.00, conditioned on full compliance by the applicant with all the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and further conditioned on prompt payment by the applicant of all judgments and costs that may be recovered against such applicant by any person for damage

growing out of any misrepresentations of the applicant or of the applicant's agents or servants, either at the time of sale or through any advertisement of any character whatsoever.

(2) An instrument appointing the city clerk as the true and lawful agent of the applicant with full power and authority to accept service of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license and the bond required by this section, or for the performance or breach of any of the provisions thereof, with the result that service on the agent shall be as valid as if personally served on the applicant.

(b) These instruments shall be in such form as may be approved by the corporation counsel. Action on the bond may be brought in the name of the city for the use of the aggrieved persons. On receipt of any process, the city clerk shall promptly send a copy to the applicant, by registered mail, directed to the address stated in the application for the license.

(1971 Comp., Ch. VII, Art. 1, § 49; Code 1999, § 23-45)

Sec. 46-179. - Content and form of license.

The license for a peddler shall be in such form as to contain a true photograph of the licensee, his name, address, physical description, fingerprints, and the class of license as designated in this division. The license shall be delivered to the licensee when he takes out his license, but additional copies of the license to replace ones lost, spoiled or destroyed shall be charged for at the rate of \$0.50 for each license lost, spoiled or destroyed. Every licensee shall carry with him at all times while operating as a peddler the license above described. It shall be unlawful for any licensee to change, remove or obliterate any entry made on the license.

(1971 Comp., Ch. VII, Art. 2, § 4.03; Code 1999, § 23-46)

Sec. 46-180. - Tags and badges.

If a license is issued under this division, there shall be delivered to each licensee with a handcart, small wagon, bicycle, motorcycle, or other similar small conveyance, a license tag that shall be suitably inscribed indicating the type and class of license and the date of expiration thereof, which inscription shall be in easily legible words and figures. The color of the tag shall be changed each year. The licensee shall attach the license tag in a conspicuous place on the outside of the vehicle so licensed and shall not use any vehicle as a peddler on which the license tag is not conspicuously displayed. Every class I vendor, whether using a vehicle or not, shall be given a metal badge bearing the same data as is required by this division on the license plates, with the license number in easily readable figures. The badge shall be worn constantly by the licensee in a conspicuous place on the front of his coat or hat during the time he operates as a peddler.

(1971 Comp., Ch. VII, Art. 2, § 4.03; Code 1999, § 23-47)

Sec. 46-181. - Transfer.

A licensee under this division shall not transfer his license, badge or plates to another person, nor shall license plates for small vehicles be used on vehicles drawn by horses or propelled by motors or vice versa.

(1971 Comp., Ch. VII, Art. 2, § 4.03; Code 1999, § 23-48)

Sec. 46-182. - Expiration.

Each license issued under this division shall expire on midnight December 31 of each year unless previously terminated by operation of law.

(1971 Comp., Ch. VII, Art. 2, § 4.05; Code 1999, § 23-49)

Secs. 46-183—46-202. - Reserved.

ARTICLE V. - TRANSIENT MERCHANTS

FOOTNOTE(S):

--- (1) ---

State Law reference— Transient merchants, MCL 445.371 et seq. (Back)

DIVISION 1. - GENERALLY

Sec. 46-203. - Defined.

(a) The term "transient merchant," as used in this article, means any person engaged temporarily in a retail sale of goods, wares or merchandise, in any place in this city and who, for the purpose of conducting such business, occupies or uses any lot, building, room, structure of any kind or any vehicle. Such term shall include:

(1) "Itinerant merchants,"

(2) "Itinerant vendors,"

(3) "Ice cream vendors,"

(4) Persons who shall be engaged in selling goods, wares or merchandise at retail in this city and who are not on the tax rolls of this city; and

(5) Any person who commences a business of selling goods, wares and merchandise at retail within this city after January 1 in any year and who is not assessed on the tax roll for the year.

(b) The term "transient merchant" shall not include any produce merchants to whom a class I, II or III license shall have been issued under section 46-174

(1971 Comp., Ch. VII, Art. 1, §§ 45, 46; Code 1999, § 23-66)

Sec. 46-204. - Exemptions.

(a) This article shall not in any way affect or regulate trucks or motor vehicles operated within the city for the following purposes:

- (1) For the wholesale distribution and delivery of goods, wares and merchandise;
- (2) For the delivery to residences of milk, cream, dairy products and baked goods.

(b) This article shall not affect or regulate the sale or distribution of newspapers.

(1971 Comp., Ch. VII, Art. 1, § 52; Code 1999, § 23-67)

Sec. 46-205. - Signs required.

All persons having a license issued under the provisions of this article who are engaged in the selling of vegetables, fruits, produce, eggs, farm products and all kinds of manufactured articles, shall post on the premises where the merchandise is being sold, and in a conspicuous place, a legible sign in such form as may be approved by the police chief, clearly stating whether or not the merchandise so offered for sale was actually grown, produced or manufactured by the licensee.

(1971 Comp., Ch. VII, Art. 1, § 53; Code 1999, § 23-68)

Secs. 46-206—46-233. - Reserved.

DIVISION 2. - LICENSE

Sec. 46-234. - Required.

(a) It shall be unlawful for any person, either as principal or agent, to engage in business as a transient merchant in the city without having first obtained a license in the manner provided in this division.

(b) A separate license and fee shall be required for each place of business, location or vehicle used by any transient merchant. The fee to be paid to the city for a transient merchant's license shall be as established by resolution.

(1971 Comp., Ch. VII, Art. 1, §§ 47, 51(b); Code 1999, § 23-81)

Sec. 46-235. - Clearance by police department required.

(a) No license to engage in business as a transient merchant shall be granted to any person unless a complete set of fingerprints of such person and of any person assisting him are on file in the noncriminal identification file of the police department.

(b) No license shall be granted except upon certification of the police chief or the director of the ordinance department.

(c) No license shall be issued under this division until the applicant shall have complied with all ordinances, rules and regulations of the city, the fire department, the police department and the county department of health, pertaining to the business or property of the applicant, and passed or adopted for the protection of the public health, safety, morals, peace and general welfare.

(d) Every licensee shall comply with all of the ordinances, rules and regulations prior to issuance of his license and while such license is in effect.

(1971 Comp., Ch. VII, Art. 1, §§ 48, 49, 54; Code 1999, § 23-82)

Sec. 46-236. - Bond; agent for service of process.

(a) Before any license shall be issued for engaging in the business of transient merchant, the applicant shall file with the city clerk the following instruments:

(1) A cash or surety company bond running to the city in the sum of \$1,000.00, conditioned on full compliance by the applicant with all the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, and further conditioned on prompt payment by the applicant of all judgments and costs that may be recovered against such applicant by any person for damage growing out of any misrepresentations of the applicant or of the applicant's agents or servants, either at the time of sale or through any advertisement of any character whatsoever.

(2) An instrument appointing the city clerk as the true and lawful agent of the applicant with full power and authority to accept service of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license and the bond required by this section, or for the performance or breach of any of the provisions thereof, with the result that service on the agent shall be as valid as if personally served on the applicant.

(b) Any instruments shall be in such form as may be approved by the corporation counsel. Action on the bond may be brought in the name of the city for the use of the aggrieved persons. On receipt of any process, the city clerk shall promptly send a copy to the applicant, by registered mail, directed to the address stated in the application for the license.

(1971 Comp., Ch. VII, Art. 1, § 49; Code 1999, § 23-83)

Secs. 46-237—46-265. - Reserved. Auctioneer:

- **Roosevelt Park**

(231) 755-3721

Link: <http://www.rooseveltpark.org/pages/home/>

Auction: Auctioneer: No information given

- **Roseville City**

586 447-4651

Link <http://www.ci.roseville.mi.us/>

Auction / Auctioneer

City of Roseville, MI

Wednesday, December 24, 2014

GENERAL REFERENCES

Fees — See Ch. 133.

Article I. Temporary Open-Air Sales

[Adopted 2-28-1984 by Ord. No. 895 as § 187-4E of Ch. 187 of the 1984 Code; amended 4-11-1989 by Ord. No. 991]

§ 248-1. Term defined.

[Amended 10-14-2003 by Ord. No. 1182]

A temporary open-air retail sale is the displaying and/or selling by the licensee, his or her agent, servant or employee of any merchandise or services of any nature or kind, during a period of less than 90 continuous days, from the parking area or any other area not within the enclosed building located on the business premises of the licensee. A temporary open-air retail sale shall not constitute events performed by local charitable, civic or educational groups with the purpose of fund-raising for those local charitable, civic or educational groups.

§ 248-2. Permit required; site plan; fee.

[Amended 10-14-2003 by Ord. No. 1182]

Any licensee under this article or other ordinances of this City must obtain a permit from the Roseville Department of Buildings and Inspection to conduct any temporary open-air retail sales of merchandise or services at the licensee's business premises by submitting an application and site plan with a nonrefundable application fee as provided in Chapter 133, Fees, to the Department of Buildings and Inspection.

§ 248-3. Conditions.

The application and site plan shall be submitted not less than 10 days prior to the first day of the proposed sale, and the proposed licensee shall be subject to and comply with the following conditions.

§ 248-4. Application requirements.

A.

A statement of the nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale by the licensee at said temporary open-air retail sale; the proposed dates for the sale; the State of Michigan sales tax number of the licensee; and the invoice value and quality of such goods, wares, merchandise or services, whether the same are proposed to be from stock in possession and by sample, at auction, by direct sale or by direct sale by taking orders for future delivery, shall be set forth.

B.

A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers shall be set forth, and if required by the Department of Buildings and Inspection, copies of all advertising, whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to said application exhibits thereto.

C.

An application shall be filed on a form specified by the Department of Buildings and Inspection, accompanied by a site plan drawn to scale and setting forth the size and dimensions of the common parking area and routes of ingress and egress for said business premises, the size and dimensions of the area or areas to be used for said open-air retail sales, the size and dimensions of the area to be used for off-street parking and ingress and egress for said temporary open-air retail sales and the size and dimensions and locations of signs, if any, to be used to advertise said sales. Said proposed temporary open-air retail sales use as set forth in the site plan must conform with all provisions of Roseville Zoning Ordinance[1] and any other applicable City ordinances.

[1]:

Editor's Note: See Ch. 370, Zoning.

D.

Written verification of ownership of the subject property of the site plan shall be provided.

[Amended 7-27-1999 by Ord. No. 1125]

E.

Written permission of the property owner shall be furnished to the Department of Buildings and Inspection.

§ 248-5. Compatibility with other activities.

The proposed use shall be compatible with and shall not conflict with principal activities conducted on the site or upon any adjacent site.

§ 248-6. Parking and circulation.

A.

There shall be adequate parking on the site consistent with the scope of the proposed use.

B.

The proposed site shall be laid out so as to ensure safe vehicular and pedestrian circulation.

§ 248-7. Hours and dates of operation.

A.

The hours of operation shall be limited to specified hours which are consistent with the nature of the use and compatible with other activities on the site and adjacent parcels.

B.

The period of operation of the proposed use shall be limited to dates specified in the application, which shall not exceed three days.

§ 248-8. Compliance with other regulations.

All sanitary service, electrical lines and all other operations shall comply with all applicable City codes, ordinances and regulations and other applicable statutes, rules or regulations of any governmental body having jurisdiction over the activity, and any permits required shall be obtained by the applicant. The proposed use shall comply with any other applicable written standards established and promulgated by the city. The Building Director may forward the application to various City departments to determine compliance with applicable City codes, regulations and standards.

§ 248-9. Erection of temporary structures.

Any temporary structures shall be erected in a safe manner in accordance with any applicable City codes, ordinances or standards.

§ 248-10. Daily and final cleanup.

A.

The property shall be maintained in a neat and orderly condition and cleaned immediately after the close of each business day.

B.

Final cleanup shall be the responsibility of the applicant and shall be assured by the posting of a cash deposit or irrevocable letter of credit in an amount determined by the Building Director to ensure performance of cleanup within 48 hours of termination of the temporary use.

§ 248-11. Liability insurance.

The applicant shall provide proof of liability insurance in an amount no less than \$300,000, with the City as an additional insured, along with a hold harmless agreement in favor of the City of Roseville in a form satisfactory to the city.

§ 248-12. Signs.

Signage for the temporary use shall be limited to 32 square feet and shall be set back not less than 12 feet from the right-of-way.

§ 248-13. Existing violations and prior complaints.

There shall be no existing violations of any applicable City code on the proposed site nor any past complaint filed for violation of any codes, conditions or restrictions placed upon the use if such use was previously approved by the City for the applicant for the subject site. The issuance of prior complaints shall be a basis for denial or administrative approval of a temporary use.

§ 248-14. Special considerations.

The use shall not be of such a scope, nature or size or shall not have any unusual or peculiar characteristics that necessitate special safety considerations or sanitary considerations, require special crowd control measures or involve hazardous material.

§ 248-15. Variances and appeals.

Applications for any variance of these regulations or an appeal by any person aggrieved by the decision of the Department of Buildings and Inspection regarding an application for a permit shall be made pursuant to the appeal process provided for in Chapter 187, Licensing, § 187-12B(7) of the Code, and any variance or reversal of a decision of the Department of Buildings and Inspection shall be granted upon a showing that a strict application of the regulations or the decision of the Department of Buildings and Inspection would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the applicant, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this article. In granting a variance, the appeal board or the City Council may attach thereto such conditions regarding the location, character and other features of the proposed temporary use as it may deem reasonable in furtherance of the purpose of this article.

§ 248-16. Revocation of permit by Chief of Police.

The Roseville Chief of Police, or representative, in addition to and not in lieu of any other penalties provided for violation of any City ordinances, may revoke any permit already issued for the operation of temporary open-air retail sales upon proof submitted of the violation of any provisions of this article regulating temporary open-air retail sales.

§ 248-17. Closing down of operations; impoundment of evidence.

The Roseville Chief of Police, or representative, shall close down the operation of any temporary open-air retail sale upon the revocation of the permit to operate and may impound, as evidence, any merchandise, vehicles, signs or other apparatus used in connection with the temporary open-air retail sales; provided, however, that said evidence may not be impounded unless a violator is given an opportunity for trial on the violation charges before the 39th Judicial District Court within 10 business days of the date any evidence is impounded for any violation.

§ 248-18. Violations and penalties.

Any person violating the provisions of this article shall be punished as provided in Chapter 1, General Provisions, Article I.

[1]:

Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- **Rose , (Oakland Co.)**

Phone: (248) 634-7551

Fax: (248) 634-6888

Link: <http://www.rosetownship.com/>

Auction: Auctioneer: No information given

- **Royal Oak Charter Township, (Oakland Co.)**

248-547-9800

Link: <http://www.royaloaktwp.com/>

Auction: Auctioneer:

- **ARTICLE II. - LICENSE**

- **Sec. 14-23. - Required; expiration, renewal.**

(a)

From and after the effective date of the ordinance from which this chapter is derived, every merchant, either before opening a mercantile establishment in the township or prior to conducting any business, shall procure from the township clerk after board approval an initial merchant's license which shall expire on December 31 of the year in which it is issued.

(b)

An initial merchants license shall be renewed annually upon payment of a fee as provided in section 14-25 and which shall expire on December 31 of the year in which said renewal license is issued. Operation of a mercantile business by any person without an initial merchants license or a renewal license and the payments of fees as herein provided shall constitute a violation of this article.

(Ord. No. 203, § 2, 8-26-2008)

• **Sec. 14-24. - Application.**

Application for an initial merchant's license shall be in writing and shall contain a statement under oath containing the facts relating to the character of the business which the applicant desires to transact, including a true statement of the names and addresses of the owners or persons in whose interest such business is conducted; also places and dates where said applicant for the preceding 18 months has been engaged in business, stating the nature and character of said business and also length of time for which the store or place of conducting said business has been or will be rented or leased, if applicable.

(Ord. No. 203, § 3, 8-26-2008)

• **Sec. 14-25. - Fees.**

A license fee in an amount as currently established or as hereafter adopted by resolution of the township board, from time to time, for various classifications of business shall be collected by the township clerk before issuing an initial merchants license and for the annual renewal of such license as herein provided for business engaged principally in the sale of:

(1)

Nature of business.

a.

Bakery.

b.

Bowling alley.

c.

Carwash.

d.

Christmas trees.

e.

Confectionary stores.

f.

Cut flowers, potted plants, bulbs and shrubs.

g.

Drugstores.

- h.
Dry cleaning plant (pickup station).
- i.
Factories.
- j.
Fish market.
- k.
Gasoline station, first pump.
- l.
Gasoline station, each additional pump.
- m.
Grocery store, under 1,500 square feet.
- n.
Electric equipment and appliances.
- o.
Hardware.
- p.
Jewelry store.
- q.
Laundromat.
- r.
Merchandise at auction.
- s.
New and/or used autos and trucks.
- t.
Pawnbrokers.
- u.
Peddlers license, door to door.
- v.
Peddlers license, veterans.
- w.
Pet shops.
- x.
Pool room, per table.
- y.
Restaurant.
- z.

Secondhand merchants store.

aa.

Selling from trucks, vegetables, fruits, etc.

bb.

Service charges.

cc.

Soda fountain.

dd.

Supermarket, over 1,000 square feet.

ee.

Special permits, dances, etc.

ff.

Vending machine, pop, candy, etc.

gg.

Warehouses.

hh.

Permits not listed according to application.

ii.

Delicatessen, under 1,500 square feet, over 1,500 square feet.

jj.

Record shop.

kk.

Barbershop/beauty shop.

ll.

Bar.

mm.

Garage.

nn.

Variety store.

oo.

Shoe shine parlor.

pp.

Knit shop.

qq.

Machine shop.

rr.

Service providers (i.e., doctors, lawyers, bail bondsman, consultants).

(2)

Prohibited businesses. Massage parlor and adult store, books and tapes.

(Ord. No. 203, § 4, 8-26-2008)

• **Sec. 14-26. - Building restrictions; license transfer, fee for transfer.**

No person shall open a mercantile business in the township without first securing a license therefor. No license provided for in this chapter shall be granted to open or operate a mercantile business on any premises, unless said premises be provided with a building having water and sewer connections and adequate toilet facilities; said building shall be in compliance with state construction code. All licenses issued under this chapter shall be transferable from one location to another in the township, and applications for all such transfers shall be made in writing to the township clerk and shall contain the statement of the new location of such business. In the event of a sale of a licensed mercantile business in the township the license therefor may be transferred from the seller to the purchaser of said business, and applications for all such transfers shall be made in writing to the township clerk and shall contain a statement under oath of the names and addresses of the owners or persons in whose interest such business is conducted; also the places where said applicant for the preceding 18 months has been engaged in business, and stating the nature and character of said business. The transfer fee in an amount set by board resolution shall be collected by the township clerk before issuing any transfer of license as provided for in this section. No licenses or transfers of licenses shall be issued by the township clerk until the application for such licenses or transfers of licenses shall have been first approved by the township board.

(Ord. No. 203, § 5, 8-26-2008)

• **Sec. 14-27. - Branch license; application, fee.**

(a)

All persons who own or operate established mercantile businesses in the township, and mercantile businesses licensed under the provisions of this chapter, and who shall desire to open and operate branches of such business, shall first make application for a branch license to the township clerk before opening or operating same.

(b)

A branch license fee in an amount set by board resolution shall be collected by the township clerk before issuing a branch license as provided for in this section.

(c)

No such branch license shall be issued by the township clerk until the application for such branch license shall have been approved by the township board.

(Ord. No. 203, § 6, 8-26-2008)

• **Royal Oak City Of**

248-246-3000

Link <http://www.ci.royal-oak.mi.us/>

Auction / Auctioneer

GENERAL REFERENCES

General licensing — See Ch. 425.

City Market — See Ch. 441.

Merchants and mercantile establishments — See Ch. 458.

Pawnbrokers — See Ch. 521.

Peddling, soliciting and transient merchants — See Ch. 526.

Precious metals and gems — See Ch. 547.

Secondhand goods; junk — See Ch. 593.

§ 201-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AUCTION

Selling at auction under this chapter shall mean the offering for sale or selling of personal property to the highest bidder, or offering for sale or selling of such property by the method known as "down hill selling."

DOWN HILL SELLING

First offering any article at a high price and then offering the same at successive lower prices until a buyer is secured.

§ 201-2. License required; application; fee; bond; deposit.

[Amended 8-18-2003 by Ord. No. 2003-12]

Selling at public auction in the City of Royal Oak, Michigan, is hereby prohibited unless a license shall have first been secured as hereinafter provided. Any person, firm or corporation may be licensed to sell personal property at public auction at a place to be named in the license, upon making application, in writing, to the City Clerk for a license and paying to the City Treasurer the sum as determined by resolution of the City Commission and executing a bond to the City of Royal Oak for the sum as determined by resolution of the City Commission. The bond shall be approved by the Commission or its designee and shall be conditioned for the faithful observance of this chapter of the City; and further, before a license is granted to any itinerant or nonresident of the City of Royal Oak they shall deposit with the City Treasurer the sum as determined by resolution of the City Commission, the same to be held to secure the payment of all City taxes and license fees for the period of such license.

§ 201-3. Application for license.

The application for such license shall give the name of the applicant if a person, and if a partnership the names and addresses of the partners, and if a corporation the names and addresses of the officers thereof. It shall state the place where said auction is to be held and describe the kind or class of goods to be sold, and shall give the time or date when said auction is to be held.

§ 201-4. Expiration of license.

[Amended 8-18-2003 by Ord. No. 2003-12]

Every license so granted shall expire the 31st of the following December.

§ 201-5. Auctioning watches, jewelry and similar items.

It shall be deemed a violation of this chapter if any person shall sell or attempt to sell at public auction in this City any watch, clock, jewelry, silver, silver-plated ware or optical goods (except under and by virtue of legal process, or under and by virtue of a mortgage) without having first obtained a license therefor as herein required.[1]

[1]:

Editor's Note: Original Section 6, regarding the right to return certain merchandise, which previously followed this section, was repealed 12-14-1953 by Ord. No. 746.

§ 201-6. License to be posted.

[Amended 12-14-1953 by Ord. No. 746]

It shall be the duty of every person licensed under this chapter to post his license in a conspicuous place in his place of business.

§ 201-7. Substitution of items after purchase; violations and penalties.

Any auctioneer who shall offer for sale at auction any article and induce its purchase by any bidder and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder, shall forfeit his license and be fined not less than \$35 nor more than \$100.

§ 201-8. Making false statements regarding history or character of goods; violations and penalties.

Whoever sells or attempts to sell at auction, or whoever advertises for sale any goods, wares or merchandise falsely representing or pretending that such goods, wares or merchandise are in whole or in part a bankrupt or insolvent stock or damaged goods, or goods saved from fire, or makes any false statement as to the previous history or character of such goods, wares or merchandise, shall be punished by a fine of not less than \$25 nor more than \$100, shall be further liable in an action of contract to any person purchasing any such goods, wares or merchandise because of such representation or statement in an amount equal to three times the amount paid therefor. A violation of the provisions of this section shall forfeit the license of the auctioneer.

§ 201-9. Fraud; misrepresentation of goods.

It shall be deemed a violation of this chapter for any person operating a public auction by virtue of a license issued as herein provided to permit or allow any person or persons to remain in or upon the premises wherein said public auction is being conducted, to assist or take part in the practice of any fraud of any kind, nature or description, or misrepresent the quality or description of any article or thing offered to be sold.

§ 201-10. Making false statements regarding ownership or quality of goods; violations and penalties.

Any licensee under this chapter or person being present when any personal property is offered for sale at auction who shall knowingly make any false representations or statement as to the ownership of or character or quality of the property offered for sale shall be fined not less than \$25 nor more than \$100, and a violation of the provisions of this chapter shall forfeit the license of the auctioneer.

§ 201-11. Goods received from minors.

Any licensee in this chapter or any employee of such licensee or auctioneer who receives for sale by auction any goods from a minor shall be deemed an offender against this chapter.

§ 201-12. Display of goods in public.

No personal property shall be sold at auction or exposed for sale at any street, avenue, alley or public place of the City.

§ 201-13. Methods to attract attention.

No bellman or crier, nor any drum or fife or other instrument, or music or radio, nor any show signal or means of attracting the attention of the public other than a sign or flag shall be employed, or suffered or permitted to be used in connection with any auction sale at or near any place of such sale, or at or near any auction room.

§ 201-14. Hours of sale for watches, jewelry and similar items.

[Amended 12-14-1953 by Ord. No. 746]

No person shall sell at public auction diamonds or any precious or semiprecious stones or imitations thereof, watches, clocks, jewelry, gold, silver or plated ware, china, or glassware, between the hours of 6:00 p.m. and 8:00 a.m.

§ 201-15. Inventory and other details to be filed with Clerk.

It shall be the duty of any licensee before selling any goods, wares or merchandise at public auction and at least once every three months during the term of his license to file with the City Clerk an inventory of the goods, wares and merchandise to be sold at auction within the following three-month period, and a statement as far as possible of the names of the persons from whom the goods, wares and merchandise so to be sold were obtained, the date of delivery of the same to the licensee, the place from which they were last taken, and all details necessary to fully identify the goods, wares and merchandise so to be sold. Any person selling any article of personal property at public auction which is not included in such inventory filed as aforesaid shall be deemed guilty of a violation of this chapter.

§ 201-16. Revocation of license; hearing.

Any license granted hereunder may be revoked by the City Commission for any violation of the provisions of this chapter. The licensee shall be entitled to a hearing before such revocation becomes effective and shall be given at least five days' written notice of such hearing.

§ 201-17. Violations and penalties.

Any violation of the provisions of this chapter shall be punishable by a fine of not less than \$25 nor more than \$100, and in default of the payment thereof the offender may be imprisoned in the county jail or City prison for any period of time not exceeding 90 days.

§ 201-18. Exemptions from licensing requirements; fee.

[Added 7-5-1949 by Ord. No. 579; amended 12-14-1953 by Ord. No. 746; 9-17-1956 by Ord. No. 879]

A.

A license shall not be required to sell at public auction in the following cases:

(1)

An auction for the sale of property under process of any court.

(2)

An auction held by the administrator, executor or guardian of any estate for the sale of personal property belonging to such estate when the value of such personal property does not exceed \$1,000.

(3)

An auction for the sale of any goods upon the foreclosure of mortgages or liens.

(4)

Sales by the City Treasurer of goods distrained for taxes.

(5)

Sales of abandoned goods by the Police Department.

(6)

Any sale held by a City officer or department under municipal authority.

(7)

Any sale at public auction held for charitable purposes.

(8)

An auction for the sale of household goods for a legal resident of the City of Royal Oak for the purpose of disposing of the household effects of such resident.

(9)

For a public auction sale of the equipment and fixtures of a business establishment that is legitimately closing out its business; provided that, in case any business exempted from the payment of a license fee under this subsection is reestablished within 30 days of the date of the auction sale, said reestablishment shall be regarded as conclusive evidence that said auction sale was not a legitimate closing out sale, and the proprietor of said business shall forfeit a sum of money equivalent to the regular license fee for holding a public auction.

B.

Provided, however, that except in the case of Subsection A(1) and (6) above, a permit shall be required for the holding of any of the auctions enumerated in this section and the applicant shall be required to pay a fee of \$1 and state in the application for such permit for what purpose the auction is being held and give other pertinent information thereto sufficient for the Clerk to determine whether the applicant for such permit is entitled to exemption from payment of the regular license fee.

S

- **Saginaw Charter Township, (Saginaw Co.)**

989-791-9800

Link: <http://www.saginawtownship.org/>

Auction: Auctioneer: No information given

- **Saline**

: (734) 429-4907

Link <http://www.ci.saline.mi.us/>

Auction: Auctioneer: No information given

- **Saranac**

PH: 616-642-6324

FAX: 616-642-0472

Link <http://www.villageofsaranacmi.org/>

Auction: Auctioneer: No information given.

- **Saugatuck Township, (Allegan Co.)**

Phone: (269) 857-7721

Fax: (269) 857- 4542

Link <http://www.saugatucktownship.org/>

Auction: Auctioneer:

- **DIVISION 8. - C-2 LOCAL COMMERCIAL ZONED DISTRICT**

FOOTNOTE(S):

--- (5) ---

Cross reference— Businesses, ch. 10.

- **Sec. 40-416. - Statement and purpose.**

The C-2 local commercial zoned district is established to provide areas in which the Principal Uses of the land are devoted to businesses serving the day-to-day needs of the local, nontransient population. This district allows a wide range of service and retail Uses, but is not designed to support large Commercial operations or those specifically oriented toward the tourist or regional trade. All Uses shall be controlled by development performance standards to ensure their attractiveness and the character of the community and adjoining properties are not diminished.

(Ord. No. 77, art. III(5.02(C-2)), 6-3-1998)

- **Sec. 40-417. - Permitted Uses.**

The following list of Uses are those that are permitted by right within the C-2 local commercial zoned district; refer also to [section 40-1046](#):

- (1)
Ambulance service.
- (2)
Lodge hall, private club, veterans' club.
- (3)
Antique shop, resale shop.
- (4)

Indoor auction houses.

- (5) Bakery goods store.
- (6) Bait and tackle.
- (7) Bank, loan and finance offices including drive-up facilities.
- (8) Barbershop or beauty shop.
- (9) Bowling alleys and indoor amusement enterprises.
- (10) Florists and nurseries.
- (11) Clinic, dental and medical, including laboratory.
- (12) Laundromats, dry cleaning, diaper, and linen service.
- (13) Restaurants, including Full-Service, excluding drive-in/takeout facilities, and excluding dancing and floor shows.
- (14) Exterminator service.
- (15) Funeral homes.
- (16) Locksmith.
- (17) Nursery school and day nursery.
- (18) Professional, public administration offices.
- (19) Sign painting and servicing shops.
- (20) Studios: dance, photographic, taxidermy, art and music.
- (21) Parcel delivery station.
- (22) Pet shop, not including treatment or boarding of animals.
- (23) Grocery stores, party stores, convenience stores.

- (24)
Auto parts.
- (25)
Gift shops.
- (26)
Book, video, record stores (excluding adult oriented).
- (27)
Retail and convenience printing.
- (28)
Electrical, plumbing and heating supplies and service.
- (29)
Tanning spas, licensed massage therapists.
- (30)
Hardware, home furnishing stores.
- (31)
Tool and gauge sales and service.
- (32)
Radio, television, computer and similar electronic repair.
- (33)
Tailor and/or dressmaker, shoe repair shop.
- (34)
Travel agency.
- (35)
Bars, taverns and lounges without dancing or floor shows.
- (36)
Essential public services, utility and municipal Buildings, excluding maintenance facilities.

(Ord. No. 77, art. III(5.04(C-2)), 6-3-1998)

- **Sec. 40-418. - Special Approval Uses.**

In the C-2 local commercial zoned district, the following Uses are those that may be approved as Special Approval Uses under article VI of this chapter; refer also to [section 40-1046](#):

- (1)
Automatic and manual autowash.
- (2)
Automobile Service Stations in existence prior to March 16, 2001.
- (3)
Automobile and boat sales, excluding Recreational Vehicle sales.
- (4)

Automobile repair, excluding maintenance, servicing, storage or overnight parking of commercial vehicles in excess of 35,000 pounds of gross vehicle weight.

(5)

Outdoor, open air sales.

(6)

Attached accessory Apartments and Dwelling Units in association with permitted business Uses.

(7)

Restaurants, bars, taverns and lounges with dancing or floor shows, excluding adult oriented.

(8)

Broadcasting studios.

(9)

Multitenant retail Buildings with less than 30,000 square feet of gross leasable area.

(10)

Vending machine service.

(11)

Expansions to Hotels, Motels, and other lodging establishments existing on or before June 1, 1998.

(12)

Auction houses, outdoor (not involving livestock).

- **Sault Ste. Marie**

PH: 906-632-5715

FX: 906-635-5606

Link <http://www.saultcity.com>

Auction: Auctioneer:

ARTICLE VII. - AUCTIONEERS

FOOTNOTE(S):

--- (11) ---

State Law reference— Duties of auctioneers, MCL § 446.26 et seq., MSA § 19.551 et seq.; sales by auction, MCL §§ 446.51 et seq., 440.2328, MSA §§ 19.565(1) et seq., 19.2328. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 9-143. - Exceptions to article provisions.

The provisions of this article shall not apply to sheriffs, constables or other public or court officers or to any person acting under the license, direction or authority of any state or federal court selling goods, wares or merchandise in the

course of their official duties or to any person selling goods, wares or merchandise under or by virtue of any state or federal statute.

(Code 1957, § 9-12.01)

Sec. 9-144. - Restrictions on sale.

No person shall sell, dispose of, advertise for sale, or offer for sale at public auction in this city, any property of any kind except under the following conditions:

- (1) That such sale shall be conducted by an auctioneer duly licensed as provided in this article;
- (2) That such property shall have been on the tax rolls of this city for a period of one year prior to such sale; or, that it is all of stock of goods of a merchant who has regularly done business in this city for one year prior to such sale;
- (3) That all taxes, plus penalties, which have become a lien under any law or provision of the Code, or of the Charter of the city, whether or not such taxes may have been actually assessed, shall have first been paid;
- (4) That, in the event such auction sale is also a closing-out sale, the statutes and ordinances regulating such sales shall have been complied with;
- (5) That no property of any kind will be added to the stock sought to be sold after the inventory is filed, nor shall any property have been added within sixty (60) days prior to the commencement of such sale in anticipation thereof;
- (6) That no property which has been struck off to the highest bidder during the course of such sale shall be again offered for sale during such auction;
- (7) That no auction sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry shall be permitted unless it is a closing-out auction and application therefor has been on file with the city clerk for a period of sixty (60) days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is placed and the true name or names, weight, quality and color of any precious or semiprecious stone or stones, together with the name of the manufacturer of such article;
- (8) That a sales book shall be kept, showing every sale and each sale shall be signed by the purchaser of such article at the time of the purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his original bid.

(Code 1957, § 9-12.04)

Sec. 9-145. - Prohibited practices.

No person shall do or engage in any of the following acts, omissions or practices, in connection with the sale of goods, wares and merchandise at auction:

- (1) The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article;
- (2) The substitution of any article in place of an article bid upon at auction;
- (3) The use of fake bidders, cappers or puffers;
- (4) The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at auction;
- (5) The use of any false or misleading advertising matter, whether relating to the kind or quality of the goods or to other past history, present status or otherwise;
- (6) The substitution of an unlicensed person in place of a licensed auctioneer;
- (7) The failure to exhibit an auctioneer's license to any police officer upon demand at the place where an auction is being conducted;
- (8) The receipt for sale by auction or the sale by auction of any licensed auctioneer of any goods, wares, or merchandise from any minor, knowing such minor to be such.

(Code 1957, § 9-12.05)

Sec. 9-146. - Accounts to be kept.

Every auctioneer licensed under this article shall keep an accurate account of goods and chattels sold, and of the person from whom they were received, which record shall be open to inspection by the chief of police at all reasonable times.

(Code 1957, § 9-12.06)

Sec. 9-147. - Statement for sale; violation.

- (a) At least five (5) full days before commencing any sale by auction, except as noted in section 9-144(7), the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:
- (1) Whether or not the auction sought to be conducted is a closing-out auction;
 - (2) If it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that section 9-1 and all statutes governing closing-out sales have been complied with;
 - (3) That the stock of goods, or other property, sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year;
 - (4) A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory, with identifying numbers, or other means of readily determining the identity of each and every article;
 - (5) The place where the auction is to be conducted;
 - (6) The name of the auctioneer who is to conduct the sale;
 - (7) The name of the owners of the property for the preceding year;
 - (8) The length of time the applicant has been in business in the city and the location of such business;
 - (9) That all taxes on such property have been paid;
 - (10) That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during the course of such auction sale;
 - (11) That all of the property listed is actually on the premises where the auction is to be conducted.
- (b) It shall be unlawful for the auctioneer to conduct the auction at any place other than that stated in the application and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents, or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statement shall be deemed a violation of this Code.

(Code 1957, § 9-12.07)

Sec. 9-148. - Sales inspection.

The chief of police shall appoint an inspector for every auction sale conducted in this city except such as are not regulated according to sections 9-143 and 9-150, who shall be at all times on the premises while such sale is in progress. The inspector shall be given a copy of the inventory by the city clerk and shall, as each article is sold, check such item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of such article, and if the auctioneer refuses to comply with such request, the inspector appointed by the chief of police may forthwith stop the sale until the auctioneer furnishes satisfactory proof that such article was included in the inventory. The owner or auctioneer shall pay or cause to be paid to the city treasurer the sum of fifteen dollars (\$15.00) in advance, for each day such auction is to continue, for the services of the inspector, but such payment may be made on the day of the sale if made before the hour of commencement. If the sale does not run for a full eight (8) hours, the owner shall pay five dollars (\$5.00) per hour for each hour the inspector shall be on duty.

(Code 1957, § 9-12.08)

Sec. 9-149. - New goods.

No new goods, wares, merchandise or personal property shall be offered for sale at public auction when and where secondhand goods, wares, merchandise or personal property are being sold at public auction.

(Code 1957, § 9-12.09)

Sec. 9-150. - Household goods.

Sections 9-144(2)—(8), 9-147 and 9-148 shall not apply to the selling by auction of secondhand household furniture and household goods which have been actually used in keeping house in this county.

(Code 1957, § 9-12.10)

Secs. 9-151—9-156. - Reserved.

DIVISION 2. - LICENSE

FOOTNOTE(S):

--- (12) ---

Cross reference— Licenses and permits, Ch. 14. [\(Back\)](#)

Sec. 9-157. - Required.

No person shall exercise the business of auctioneer, or sell, or cry off at auction any real estate, goods, wares or merchandise of any description within the city until such person shall have first secured a license to do so from the city commission in the manner provided in this division and in chapter 14.

(Code 1957, § 9-12.01)

Sec. 9-158. - Application.

Any person desiring a license under this division shall file with the city clerk an application for such license, accompanied by the statement of three (3) citizens of the city certifying the good reputation and moral character of the applicant, and including any other information which the city clerk shall require. No license shall be issued to any minor or to any person not of good reputation and moral character.

(Code 1957, § 9-12.02)

Sec. 9-159. - Bond required.

No license shall be issued under this division until the applicant therefor has filed with the city clerk a bond in the amount of one thousand dollars (\$1,000.00) conditioned upon the faithful compliance by such applicant with the provisions of the Charter, and the provisions of this Code, also the payment of all penalties which may be recovered against such applicant for the violation of this Code and upon the faithful accounting to the consignor or owner of the goods entrusted to and money received by such applicant and for the protection of any person purchasing goods from such auctioneer who shall be injured by unlawful or fraudulent sale by such auctioneer.

(Code 1957, § 9-12.03)

Secs. 9-160—9-170. - Reserved.

- **Schoolcraft**

Phone: 269-679-4304

Fax: 269-679-4761

Link <http://www.villageofschoolcraft.com/index.php>

Auction: Auctioneer:

Sec. 62-80. - Temporary sales and service (outdoor).

(a)

Outdoor temporary sales or service uses may only operate after obtaining a temporary use permit from the village manager, who may review the application with the building inspector, police chief, and/or fire chief. The village manager shall respond within 30 days of submittal of a complete application and fee as established by resolution of the village council. The permit must be maintained on site at the temporary sales or service use and be visible. Any costs associated with review by the building inspector or other outside officials or consultants shall be the responsibility of the applicant and will be added to the total fees for the review.

(b)

An application for a temporary use permit shall be established by the village clerk and made available at the village hall. A fee for the review of a temporary use permit application shall be established by resolution of the village council and shall be submitted with the application in order to initiate review. The application form shall be accompanied by a scaled drawing of the property depicting the existing and surrounding uses and improvements and the proposed temporary sales or service use.

(c)

Outdoor temporary sales or service uses are permitted only in the B-1, B-2, and CBD zoning districts unless otherwise specified below.

(d)

No outdoor temporary sales or service use may operate on a vacant parcel, on a parking lot on a property on which there is no other permitted primary use, or on any other property that is abandoned or has not been through site plan approval (see [section 62-77](#)).

(e)

Each temporary outdoor sales or service use shall be accessory to a permitted nonresidential primary use on the property. If the applicant is not the owner of the property, he/she shall be the proprietor of the business located at the site and shall provide signed evidence of the property owner's permission to proceed with the application. Exceptions are as follows:

(1)

Any permitted nonresidential primary use may permit an outdoor temporary sales or service use operated by, in support of, or as a fundraiser for, a local school or church. Such uses may be permitted for up to three consecutive days, three times per year.

(2)

Temporary outdoor recreational or related activities such as **auctions**, carnivals, festivals, and the like, which may be approved in any zoning district provided the event will not have adverse impacts on the surrounding uses and shall not exceed three consecutive days in duration.

- **Scio Township, (Washtenaw Co.)**

734-369-9400

Link <http://www.twp.scio.mi.us/>

Auction: Auctioneer: No information given

- **Scottville**

231-757-4729.

Link <http://www.cityofscottville.org/>

Auction / Auctioneer

TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: AUCTIONS

CHAPTER 112: AUCTIONS

Section

112.01 Definitions

112.02 License required

112.03 Application

112.04 Bond

112.05 Fee

112.06 Issuance

112.07 Report of sales

112.08 Prohibited practices

112.09 Exempt auctions

Cross-reference:

License fee schedule, see § 110.36

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUCTION SALE. The offering for sale or selling of personal property to the highest bidder or offering for sale at a high price and then offering the same at successive lower prices until a buyer is secured.

NEW MERCHANDISE. All merchandise not previously sold at retail.

(1993 Code, § 112.01)

§ 112.02 LICENSE REQUIRED.

It shall be unlawful for any person to sell, dispose of, or offer for sale at public auction at any place within the city, unless the person and the owners of the merchandise, if it is not owned by the vendors, shall have first secured a license as herein provided and shall have complied with the regulations hereinafter set forth.

(1993 Code, § 112.02) Penalty, see § 10.99

§ 112.03 APPLICATION.

Any person desiring a license shall, at least ten days prior to the proposed auction sale, file with the City Clerk an application in writing duly verified by the person proposing to sell, dispose of, or offer for sale any new merchandise at public auction, which application shall state the following facts:

(A) The name, residence, and post office address of the person, firm, or corporation making the application; and if a firm or corporation, the name and address of the members of the firm or officers of the corporation, as the case may be;

(B) The name, residence, and post office address of the auctioneer who will conduct the auction sale;

(C) A detailed inventory and description of all the new merchandise to be offered for sale at the auction and a valuation thereof; and

(D) A statement as to whether or not the sale at public auction shall be with or without reservation.

(1993 Code, § 112.03) Penalty, see § 10.99

§ 112.04 BOND.

(A) At the time of filing the application, and as a part thereof, the applicant shall file and deposit with the City Clerk a bond, with sureties to be approved by the City Commission, in the penal sum of two times the value of the merchandise proposed to be offered for sale at the auction as shown by the inventory filed, running to the state and for the use and benefit of any purchaser of any merchandise at the auction who might have a cause for action of any nature arising from or out of the auction sale against the auctioneer or applicant; the bond to be further conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state, or any department or subdivision thereof, the payment of any fines that may be assessed by any court against the applicant or auctioneer for violation of the provisions of this chapter, and the satisfaction of all causes of action commenced within one year from date of the auction sale and arising therefrom; provided, however, that the aggregate liability of the surety for all taxes, fines, and causes of action shall in no event exceed the amount of the bond.

(B) In the bond, the applicant and the surety shall appoint the City Clerk of the city, the agent of the applicant, and the surety for the service of process. In the event of this service, the agent on whom the service is made shall,

within five days after the service, mail by ordinary mail a true copy of the process served upon him or her to each party for whom he or she is served, addressed to the last known address of the party. Failure to so mail the copy shall not, however, affect the court's jurisdiction.

(C) The bond shall contain the consent of the applicant and surety that the Circuit Court of the county or the District Court of the city wherein the application and bond is filed shall have jurisdiction of all actions within the jurisdiction of the respective courts against the applicant or surety, or both, arising out of the sale.

(D) The state or any subdivision thereof, or any person having a cause of action against the applicant arising out of the sale of the new merchandise, may join the applicant and the surety on the bond in the same section, or may in the action sue either the applicant or the surety alone.

(1993 Code, § 112.04) Penalty, see § 10.99

§ 112.05 FEE.

At the time of filing the application and bond, the applicant shall pay to the City Clerk a license fee in a sum set forth in § 110.36 for each day it is proposed to hold the auction sale as shown by the application for the license.

(1993 Code, § 112.05) Penalty, see § 10.99

§ 112.06 ISSUANCE.

Upon the filing of the application and after the applicant has fully complied with all the provisions hereof, the City Commission by the City Clerk, shall issue to the applicant a license authorizing the holding of the auction sale as proposed in the application. The license shall not be transferable, and shall be valid in only the city where issued.

(1993 Code, § 112.06)

§ 112.07 REPORT OF SALES.

Within ten days after the last day of the auction , the applicant shall file in duplicate with the City Clerk a listing of all merchandise sold at the auction and the prices received therefor, together with a detailed inventory of all merchandise unsold at the close of the auction sale. The City Clerk shall, immediately after receiving the listing of sales, forward a copy thereof to the Department of Revenue.

(1993 Code, § 112.07) Penalty, see § 10.99

§ 112.08 PROHIBITED PRACTICES.

At any sale by auction , no person shall act as "bidder" or what is commonly known as a "capper," "booster" or "shiller," or offer or make any false bid, or offer any false bid or pretend to buy any article sold or offered for sale at any sale by auction .

(1993 Code, § 112.08) Penalty, see § 10.99

§ 112.09 EXEMPT AUCTIONS .

The provisions of this chapter shall not extend to the sale at public auction of livestock, farm machinery or farm produce, used homestead goods, or other items commonly sold at farm or homestead sales, or to auction sales by individuals of new merchandise, which was assessed personal property tax in the state or is replacement stock of merchandise inventory which was assessed personal property tax, and to auction sales under a mortgage foreclosure or under the direction of a court or court officers of the sales as may be required by law. The owner of the personal property specified in this section may furnish the person conducting the public auction with a statement that the property set forth in the statement has been assessed as personal property in the state or that it has been purchased as replacement for property that has been assessed, and the possession of such a statement shall absolve the person or persons to whom it is given from all liability under the provisions of this chapter.

(1993 Code, § 112.09)

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Scottville, MI Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 110: BUSINESS LICENSING; FEES AND BONDS

CHAPTER 110: BUSINESS LICENSING; FEES AND BONDS

Section

General Provisions

- 110.01 Licenses required
- 110.02 Multiple businesses
- 110.03 State licensed businesses
- 110.04 License application
- 110.05 License year
- 110.06 Conditions for issuance
- 110.07 Where certification required

- 110.08 Health Officer's certificate
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- 110.20 Exhibition of license
- 110.21 Exhibition on vehicle and machine
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- 110.23 Transferability; misuse

Fees and Bonds

- 110.35 Schedule established
- 110.36 Fees for licenses

Cross-reference:

Sexually oriented businesses, see Ch. 153

GENERAL PROVISIONS

§ 110.01 LICENSES REQUIRED.

No person shall engage, or be engaged, in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which any license is required by any provision of this code without first obtaining a license from the city in the manner provided for in this chapter. Any person duly licensed on the effective date of this code shall be deemed licensed hereunder for the balance of the current license year.

(1993 Code, § 110.01) Penalty, see § 10.99

§ 110.02 MULTIPLE BUSINESSES.

The granting of a license or permit to any person operating, conducting, or carrying on any trade, profession, business, or privilege which contains within itself or is composed of trades, professions, businesses, or privileges which are required by this code to be licensed, shall not relieve the person to whom the license or permit is granted from the necessity of securing individual licenses or permits for each trade, profession, business, or privilege.

(1993 Code, § 110.02) Penalty, see § 10.99

§ 110.03 STATE LICENSED BUSINESSES.

The fact that a license or permit has been granted to any person by the state to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege shall not exempt the person from the necessity of securing a license or permit from the city if the license or permit is required by this code.

(1993 Code, § 110.03) Penalty, see § 10.99

§ 110.04 LICENSE APPLICATION.

Unless otherwise provided in this code, every person required to obtain a license from the city to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege shall make application for the license to the City Clerk upon forms provided by the City Clerk and shall state under oath or affirmation any facts as may be required for, or applicable to, the granting of the license.

(1993 Code, § 110.04) Penalty, see § 10.99

§ 110.05 LICENSE YEAR.

Except as otherwise herein provided as to certain licenses, the license year shall begin January 1 of each year and shall terminate at 12:00 midnight on December 31 of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be accepted and licenses issued for a period of 15 days prior to the annual expiration date. In all cases where the provisions of this code permit the issuance of licenses for periods of less than one year, the effective date of the licenses shall commence with the date of issuance thereof.

(1993 Code, § 110.05)

§ 110.06 CONDITIONS FOR ISSUANCE.

No license or permit required by this code shall be issued to any person who is required to have a license or permit from the state, until the person shall submit evidence of the state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until the applicant has complied with all the provisions of this code applicable to the trade, profession, business, or privilege for which application for license is made.

(1993 Code, § 110.06) Penalty, see § 10.99

§ 110.07 WHERE CERTIFICATION REQUIRED.

No license shall be granted where the certification of any officer of the city is required prior to the issuance thereof, until the certification is made.

(1993 Code, § 110.07)

§ 110.08 HEALTH OFFICER'S CERTIFICATE.

In all cases where the certification of the Health Officer is required prior to the issuance of any license by the City Clerk, that certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he or she proposes to conduct or is conducting the trade, profession, business, or privilege comply with all the sanitary requirements of the state and of the city.

(1993 Code, § 110.08)

§ 110.09 FIRE CHIEF'S CERTIFICATE.

In all cases where the certification of the Fire Chief is required prior to the issuance of any license by the City Clerk, the certification shall be based upon an actual inspection and a finding that the premises in which the person making application for the license proposes to conduct, or is conducting the trade, profession, business, or privilege comply with all the fire regulations of the state and of the city.

(1993 Code, § 110.09)

§ 110.10 POLICE CHIEF'S CERTIFICATE.

In all cases where the certification of the Chief of Police is required prior to the issuance of any license by the City Clerk, the certification shall be based upon a finding that the person making application for the license is of good moral character.

(1993 Code, § 110.10)

§ 110.11 BUILDING INSPECTOR'S CERTIFICATE.

In all cases where the carrying on of the trade, profession, business, or privilege involves the use of any structure or land, a license therefor shall not be issued until the Building Inspector shall certify that the proposed use is not prohibited by Chapter 150.

(1993 Code, § 110.11)

§ 110.12 BONDS.

Where the provisions of this code require that the applicant for any license or permit furnish a bond, the bond shall be furnished in an amount deemed adequate by the proper city officer, or, where the amount thereof is specified in the schedule of fees and bonds set out in § 110.36 or elsewhere in this code, in the amount so required; the form of the bond shall be acceptable to the City Attorney. In lieu of a bond, an applicant for a license or permit may furnish one or more policies of insurance in the same amounts and providing the same protection as called for in the bond; any policies of insurance shall be approved as to substance by the city official issuing the license or permit and as to form by the City Attorney.

(1993 Code, § 110.12)

§ 110.13 LATE RENEWALS.

All fees for the renewal of any license, which are not paid at the time the fees shall be due, may be paid without penalty for the first 30 days that the license fee remains unpaid, and thereafter the license fee shall be that stipulated for the licenses under § 110.36 plus 50% of the fee.

(1993 Code, § 110.13)

§ 110.14 RIGHT TO ISSUANCE.

If the application for any license is approved by the proper officers of the city, as provided in this code, the license shall be granted and shall serve as a receipt for payment of the fee prescribed for the license.

(1993 Code, § 110.14)

§ 110.15 FEES; WHEN PAID.

The fee required by this code for any license or permit shall be paid at the office of the City Treasurer upon or before the granting of the license or permit.

(1993 Code, § 110.15)

§ 110.16 LICENSES, DENIAL, REVOCATION, SUSPENSION; CAUSES ENUMERATED.

The issuance of licenses applied for under this code may be denied by the City Clerk, and licenses issued may be revoked or suspended by the City Manager at any time, for any of the following reasons:

- (A) Fraud, misrepresentation, or any false statement made in the application for license;
- (B) Fraud, misrepresentation, or any false statement made in the operation of a business;
- (C) Any violation of this code pertaining to the licensed business;

(D) Conducting a business in an unlawful manner or in a manner as to constitute a breach of the peace or to constitute a menace to the health, morals, safety, or welfare of the public; or

(E) Failure or inability of an applicant to meet and satisfy the requirements and provisions of this code.

(1993 Code, § 110.16) Penalty, see § 10.99

§ 110.17 NOTICE OF SUSPENSION OR REVOCATION.

Written notice of suspension or revocation, stating the cause or causes therefor, shall be delivered to the licensee personally or mailed to his or her address as shown in his or her application for license.

(1993 Code, § 110.17)

§ 110.18 RIGHT TO HEARING.

Any person whose license is revoked or suspended, or any person whose application for a license is denied, shall have the right to a hearing before the City Commission, provided a written request therefor is filed with the City Clerk within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the application for a license. The City Commission may reverse any determination to issue or to deny the issuance of a license or any revocation of a license, and the City Commission may grant or reinstate any license. No person shall operate any business during any time when his or her license therefor has been suspended, revoked, or cancelled.

(1993 Code, § 110.18)

§ 110.19 LICENSE RENEWAL.

Unless otherwise provided in this code, an application for renewal of a license shall be considered in the same manner as an original application.

(1993 Code, § 110.19)

§ 110.20 EXHIBITION OF LICENSE.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his or her person at all times when engaged in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which the license was granted; except that where the trade, profession, business, or privilege is operated, conducted, or carried on at a fixed place or establishment, the license shall be exhibited at all times in some conspicuous place in the place of business. Every licensee shall produce his or her license for examination when applying for a renewal thereof or when requested to do so by any city police officer or by any person representing the issuing authority.

(1993 Code, § 110.20) Penalty, see § 10.99

§ 110.21 EXHIBITION ON VEHICLE AND MACHINE.

No licensee shall fail to display conspicuously on each vehicle or mechanical device or machine required to be licensed by this code the tags or stickers that are furnished by the City Clerk for that purpose.

(1993 Code, § 110.21) Penalty, see § 10.99

§ 110.22 DISPLAYING INVALID LICENSE.

No person shall display any expired license or any license for which a duplicate has been issued.

(1993 Code, § 110.22) Penalty, see § 10.99

§ 110.23 TRANSFERABILITY; MISUSE.

No license or permit issued under the provisions of this code shall be transferable unless specifically authorized by the provisions of this code. No licensee or permittee shall, unless specifically authorized by the provisions of this code, transfer or attempt to transfer his or her license, or permit another to nor shall he or she make any improper use of the same.

(1993 Code, § 110.23)

FEES AND BONDS

§ 110.35 SCHEDULE ESTABLISHED.

The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which a license is required by the provisions of this code shall be as hereinafter provided in this chapter. No license shall be issued to any applicant unless he or she first pays to the City Clerk the fee and posts a bond or evidence of insurance coverage in the amount required for the type of license desired.

(1993 Code, § 110.35) Penalty, see § 10.99

§ 110.36 FEES FOR LICENSES.

Fees for licenses shall be as prescribed in the following schedule under the business, trade, occupation or privilege to be licensed. Bonds or insurance coverage, where required, shall be in the amounts listed beneath the license fee prescribed for the business.

Type of Trade or Business	Fee
---------------------------	-----

Auction (Ch. 112)	\$25
-------------------	------

Carnival or circus (Ch. 113)	
------------------------------	--

Per day	\$50
---------	------

Liability insurance — personal injury or death

1 person \$500,000

1 occurrence \$1,000,000

Street vendor, peddler, solicitor (Ch. 111)

For vending on foot by hand cart:

Per day, not exceeding:

10 days \$10

Six months \$100

One year \$200

For vending from or with a wagon or other vehicle:

Per day, not exceeding:

10 days \$50

Six months \$150

One year \$250

For each helper to vend with vehicle:

Per day, not exceeding:

10 days \$10

Six months \$40

One year \$70

Street vendors who travel from house to house for the purpose of selling, offering for sale, or soliciting orders by sample or otherwise, for clothing of any kind, patterns, linens, laces, embroideries, yard goods, draperies, rugs, curtains, furs, jewelry, the sum of \$10 per day for each day not exceeding ten days, and for any period of time exceeding ten days and not exceeding one year, the sum of \$175

Street vendors selling, in the same manner as specified above any other goods, wares, merchandise, or services, the sum of \$4 per day, not exceeding ten days, and for any period of time exceeding ten days and not exceeding one year, the sum of \$60

Any street vendor not specifically covered in any other provision of this schedule shall pay a fee of \$7 per day for each day not exceeding ten days and for any period of time exceeding ten days and not exceeding one year, the sum of \$100

(1993 Code, § 110.36)

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- **Shelby Charter Township, (Macomb Co.)**

586-731-5100

Link <http://www.shelbytwp.org/>

Auction: Auctioneer: No information given.

- **Southgate**

PH: 734-58-3010

Link <http://www.southgatemi.org/>

Auction / Auctioneer

Southgate, MI Code of Ordinances

TITLE TWO - Business Regulation

CHAPTER 806 Auctions and Auctioneers

CHAPTER 806

Auctions and Auctioneers

806.01 Definitions.

806.02 Auctioneer's license required.

- 806.03 License applications; fee.
- 806.04 Auction permit required.
- 806.05 Bonds.
- 806.06 Permit applications; issuance.
- 806.07 Contents of applications; fees.
- 806.08 Inspectors.
- 806.09 Prohibitions.
- 806.10 Restrictions on jewelry sales.
- 806.11 Exceptions to chapter.
- 806.99 Penalty.

CROSS REFERENCES

Power to regulate businesses - see CHTR. Sec. 4(14), (15)

Authority of Council re licenses - see CHTR. Sec. 52

Auctions and auctioneers generally - see M.C.L.A. Secs. 446.26 et seq.

Licenses and permits - see M.C.L.A. Secs. 446.51 et seq.

Licensing in general - see B.R. & T. Ch. 802

806.01 DEFINITIONS.

As used in this chapter:

(a) "Auction" means any sale or offering for sale wherein a price is submitted by the auctioneer and a bid is requested, either above or below the asking price.

(b) "Public auction house" means any lot, building or store where the sole business conducted is that of auctioning articles of merchandise and which auction house is in a zone permitting such business under the Zoning Code.

(1974 Code Sec. 7.51)

806.02 AUCTIONEER'S LICENSE REQUIRED.

No person shall exercise the business of auctioneer or sell or cry off at auction any real estate, goods, wares or merchandise of any description in the City without first obtaining a license to do so.

(1974 Code Sec. 7.52)

806.03 LICENSE APPLICATIONS; FEE.

(a) No auctioneer's license shall be granted to any minor or to any person not of good reputation and moral character. Any person desiring to be licensed as an auctioneer shall file with the City Clerk an application therefor. On such application, three residents of the City shall certify to the good reputation and moral character of the applicant, provided that a certificate of membership in the Michigan Association of Auctioneers may be filed in lieu of the references. Before granting any such application, Council may require such further information as it deems necessary in order to pass upon the reputation of the applicant.

(1974 Code Sec. 7.53)

(b) The fee for an auctioneer's license shall be as specified in the Business License Fee Schedule.

(Ord. 797. Passed 10-6-04.)

806.04 AUCTION PERMIT REQUIRED.

No person shall sell, dispose of, advertise for sale or offer for sale at public auction in the City, any property of any kind, without being licensed as provided in this chapter, and without first obtaining a permit to conduct such sale as hereinafter specified.

(1974 Code Sec. 7.54)

806.05 BONDS.

Auction sales may be conducted in the City by regularly licensed auctioneers, wherever a permit has been issued therefor by the City Clerk, and upon filing a bond as hereinafter provided where the merchandise to be auctioned consists of items of jewelry, gold, silver, plated ware, precious or semiprecious stones or watches. No permit shall be issued unless all taxes on the property sought to be sold have been paid, or unless security satisfactory to the City Treasurer has been given for such payment, and unless the property sought to be sold has been within the City for one year or is part (or all) of the stock of goods of a merchant who has regularly done business in the City for one year prior to the date of the application, and no stock has been added thereto in anticipation of such sale within 120 days prior to the date of application. However, the limitations set forth in this section shall not apply to public auctions of household effects and personal belongings at the residence of the owner or under the direction of an administrator of an estate, provided that an affidavit shall be filed showing such to be the case. No permit shall be issued where merchandise to be auctioned consists of items of jewelry, gold, silver, plated ware, precious or semiprecious stones or watches, unless the owner of such merchandise files with the City Clerk a bond in the penal sum of two thousand dollars (\$2,000), running to the people of the State, and conditioned upon the faithful performance by the owner of all of the provisions of this chapter, and upon the payment of all judgments recovered against the owner for fraud, misrepresentation or deceit, practiced by the owner's agent or auctioneer in the sale of such merchandise.

(1974 Code Sec. 7.55)

806.06 PERMIT APPLICATIONS; ISSUANCE.

The application for a permit for an auction sale shall be filed with the City Clerk, under oath, where it may be examined by the public at any time before or during the sale. Not less than five full days after the proper application has been filed, the City Clerk shall issue a permit to the auctioneer named in the application, which permit shall authorize the auctioneer to conduct an auction sale of the property listed in the application at the place named therein, for the number of days for which an inspector's fee has been paid as hereinafter provided. Such permit, with the number of days plainly stated on its face, shall be posted by the auctioneer in a conspicuous place on the premises where the auction sale is being conducted and shall remain posted throughout such sale. However, if the application is for an auction sale where the principal merchandise auctioned is platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry, all persons interested may examine the same thirty full days prior to the issuance of a permit. A permit shall not be required for a public auction of household effects and personal belongings to be auctioned at the bona fide residence of the owner or under the direction of a court administrator, provided that the sworn application filed with the City Clerk shows such to be the case.

(1974 Code Sec. 7.56)

806.07 CONTENTS OF APPLICATIONS; FEES.

The application for a permit to conduct an auction sale in the City shall be made by the owner of the property to be auctioned on blanks to be furnished by the City Clerk. The application shall be sworn to by the owner or by someone on the owner's behalf who knows the facts. It shall state the name of the auctioneer who is to conduct the sale, the location of the property; the place where the sale is to be held; that the property has been in the City for one year, or that it is a part or all of the stock of a merchant who had regularly done business in the City for one year; that all taxes which have become a lien on such property have been paid; that no property other than that listed will be sold or offered for sale at such auction sale; the number of days the sale is to continue and the hours of sale each day; and a completely itemized statement of the property, in duplicate, including, if it is personal property, an identifying number from each and every article, a brief description of its quality and character and its cost price to the owner. A permit fee as specified in the Business License Fee Schedule shall accompany such application. In addition to such permit fee, the auctioneer or owner shall cause to be paid to the City Treasurer, before a permit is issued, an inspector's fee as specified in the Business License Fee Schedule for each calendar day during which an auction sale is to be held for the sale of jewelry, watches and similar items, and the permit shall be operative only on the days for which such fee has been paid. However, new permits may be issued by the City Clerk from time to time upon the payment of additional inspector's fees.

(Ord. 797. Passed 10-6-04.)

806.08 INSPECTORS.

The Chief of Police may appoint an inspector, who, at all times, shall be on the premises where jewelry, watches and similar items are to be auctioned. He or she shall be given one copy of the inventory by the City Clerk upon which he or she shall keep a record of each article that is offered for sale and whether or not such article is struck off to the highest bidder. If any article is offered for sale by the auctioneer, which article does not

appear on the inspector's inventory, or if an article is offered for sale which had been previously struck off to a bidder at such sale, the inspector may forbid the sale of such article and take such other steps as appear to be necessary to protect the interests of the public.

(1974 Code Sec. 7.58)

806.09 PROHIBITIONS.

The following acts, omissions and practices in connection with auction sales are hereby prohibited:

- (a) The use of deceit, fraud or misrepresentation in the sale of any property;
- (b) The substitution of another article for that bid upon by the prospective purchaser;
- (c) The use of false bidders, cappers or puffers;
- (d) The use of bells, buzzers, ballyhoo, loudspeakers or any variety of mechanical or excessive vocal sound to attract attention;
- (e) The use of any false or misleading advertising matter;
- (f) A sale by a person other than the licensed auctioneer named in the application;
- (g) Failure to exhibit an auctioneer's license to a police officer on demand at the place where the auction is being conducted;
- (h) Failure to completely post the auction sale permit;
- (i) Sale of property not listed on the inventory filed with the City Clerk;
- (j) Adding property to the stock sought to be sold after the inventory is filed or within 120 days prior thereto in anticipation of such sale;
- (k) Offering property for sale which has once been struck off to the highest bidder; and
- (l) The carrying on of auction sales without obtaining a license as provided in this chapter.

(1974 Code Sec. 7.59)

806.10 RESTRICTIONS ON JEWELRY SALES.

If an auction sale is for the sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry, each article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and/or the true name, weight, quality and color of any precious or semiprecious stone, together with the name of the manufacturer of such article. No such auction sale shall continue longer than fifteen days.

(1974 Code Sec. 7.60)

806.11 EXCEPTIONS TO CHAPTER.

This chapter shall not apply to a sheriff, constable or other public or or court officer, or to any person acting under the license, direction or authority of any court, State or Federal, selling property in the course of his or her official duties, or to any person selling property under and by virtue of any statute, State or Federal.

(1974 Code Sec. 7.61)

806.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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- **South Haven Charter Township, (Van Buren Co.)**

269-657-8200

Link <http://www.vbco.org>

Auction: Auctioneer: No information given

- **South Lyon**

(248) 437-1735

Fax: (248) 486-0049

Link <http://www.southlyonmi.org/>

Auction: Auctioneer: No information given

- **South Rockwood**

PHONE: 734-379-3683

FAX: 734-379-2523

Link <http://www.villageofsouthrockwoodmi.com/>

Auction: Auctioneer: No information given

- **Southfield**

(248) 796-5000

Link <http://www.cityofsouthfield.com/>

Auction: Auctioneer:

CHAPTER 78. - AUCTIONEERS

FOOTNOTE(S):

--- (8) ---

Cross reference— Secondhand dealers, § 7.111 et seq. [\(Back\)](#)

Sec. 7.181. - License.

No person shall engage in the trade or business of auctioneer without first obtaining a license therefor and payment of fees as provided in Chapter 71. No such license shall be granted except upon certification of the chief of police.

Sec. 7.182. - Prohibited activity.

No auctioneer shall knowingly misrepresent the quality of any goods sold by him. No auctioneer shall accept any goods from any minor for sale at auction.

Sec. 7.183. - Auction accounts.

Every auctioneer shall keep a full and accurate account of all goods sold by him, indicating the prior owner, the price at which sold, and to whom sold. Such account shall be open for inspection by any police officer of the city at any reasonable time. No auctioneer shall fail to make such account accessible to any police officer upon demand.

Sec. 7.184. - Prohibitions.

The following acts, omissions and practices in connection with auction sales are prohibited:

- (1) The use of deceit, fraud or misrepresentation in the sale of any property;
- (2) The substitution of another article for that bid upon by the prospective purchaser;
- (3) The use of false bidders, cappers or puffers;
- (4) The use of bells, buzzers, ballyhoo, loudspeakers or any variety of mechanical or excessive vocal sound to attract attention;
- (5) The use of any false or misleading advertising matter;
- (6) A sale by a person other than the licensed auctioneer named in the application;
- (7) Failure to exhibit an auctioneer's license to a police officer on demand at the place where the auction is being conducted.

1. **Cross reference—** Noise control, § 9.10 et seq.

Sec. 7.185. - Exempt sales.

The provisions of this chapter shall not apply to sheriffs, constables or other public or court officers or to any person acting under the license, direction or authority of any court, state or federal, selling property in the course of their official duties or to any person selling property under and by virtue of any statute, state or federal.

- **Sparta**

P (616) 887-8251

F (616) 887-1114

Link <http://spartami.org/>

Auction: Auctioneer:

- **Sparta Township, Kent Co**

PH: 616-887-8863

FX: 616-887-3823

Link <http://www.sparta-township.com/>

Auction: Auctioneer: No information given

- **Spring Lake**

616.842.1393

Link <http://www.springlakevillage.org/>

Auction: Auctioneer: No information given

- **Spring Lake Township, Ottawa Co**

Phone: 616-842-1340

Fax: 616-842-1546

Link <http://www.springlaketwp.org/>

Auction: Auctioneer: No information given

- **Springfield**

Link <http://www.springfieldmich.com/>

Auction: Auctioneer: no information given

- **Springfield Charter Township, (Oakland Co.)**

Ph: 269-965-2354

Fx: 269-965-0114

Link <http://www.springfield-twp.us/>

Auction: Auctioneer:

Prohibited activity in relationship to the rental of units.

a.

No activity other than rental of storage units shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed. Examples of prohibited activities (commercial or personal) include but are not limited to:

1.

Auctions, wholesale or retail sales, miscellaneous or garage sales, except those conducted by the owner of the self-storage facility to dispose of those items abandoned by individual tenants.

- **St. Charles**

Phone: 989-865-8287

Fax: 989-865-6480

Link <http://www.stcml.com/>

Auction: Auctioneer: No information given

- **St. Clair (St. Clair Co.)**

tel 810-329-7121

fax 810-329-7997

Link <http://www.cityofstclair.com/>

Auction: Auctioneer:

- **DIVISION 1. - GENERALLY**

- **Sec. 18-151. - Purpose.**

The purpose of this article shall be to protect the health, safety, and welfare of the citizens of the city by regulating solicitors, transient merchants, door-to-door salesmen, roadside stands, street vendors, auctioneers, peddlers and other temporary businesses.

- **Sec. 18-152. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auctioneer means any person selling, or offering for sale, any goods, wares, merchandise, or services at public auction.

Peddler means and includes any person, whether a resident of the city or not, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing same for sale or making sales and delivering articles to purchasers, or who without traveling from place to place shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance. The word "peddler" shall include the words "hawker" and "huckster."

Roadside stand or temporary business means any place at which goods, wares, merchandise, or services are sold or offered for sale, other than from a permanent structure duly approved for such use.

Solicitor, canvasser, or door-to-door salesman means any person who sells or offers for sale any goods, wares, merchandise, or services by traveling about the city and, in the course of his business, enters upon privately owned property.

Transient merchant means any person who sells or offers for sale any goods, wares, merchandise, or services from a permanent structure duly approved for such use for a period not to exceed six months.

Vendor means any person who sells or offers for sale any goods, wares, merchandise, or services from any vehicle, pushcart, or carriage which is propelled by human power, self-propelled, or propelled by other means.

(Ord. No. 2001-02, § 1, 5-21-01)

Cross reference— Definitions and rules of construction generally, § 1-2.

- **Sec. 18-153. - Hours of operation.**

It shall be unlawful for any peddler or solicitor to engage in peddling or soliciting with the city between the hours of 9:00 p.m. and 9:00 a.m., except by specific appointment with or invitation from the prospective customer, or unless extended hours are approved by the city council for special events.

(Ord. No. 1996-04, § 1, 5-6-96)

- **Sec. 18-154. - Misrepresentation.**

It shall be unlawful for any peddler or solicitor to make false or fraudulent statements concerning the quality of nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

- **Sec. 18-155. - Refusing to leave.**

Any peddler or solicitor who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be deemed guilty of a misdemeanor.

- **Sec. 18-156. - Entrance to premises restricted.**

It shall be unlawful for any peddler or solicitor to enter upon any private premises when the same are posted with a sign stating "No Peddlers Allowed" or "No Solicitations Allowed" or other words to such effect.

- **Secs. 18-157—18-175. - Reserved.**

- **St. Clair Shores**

586-447-3303

Link <http://www.ci.saint-clair-shores.mi.us/>

Auction: Auctioneer: No information given

- **St. Johns**

PH: (989) 224-8944

LINK <http://cityofstjohnsmi.com/>

Auction / Auctioneer

TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

CHAPTER 112: PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS

Section

112.01 Definitions

112.02 Permit and license required

112.03 Application

112.04 Investigation and issuance

112.05 Fees

112.06 Exhibition of license

112.07 Hours

112.08 Duty of police to enforce

112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER or SOLICITOR. An individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself, or for another person, firm, or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

PEDDLER. Any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a PEDDLER subject to the provisions of this chapter. The word PEDDLER shall include the words HAWKER and HUCKSTER.

TRANSIENT MERCHANT. Any person, firm, or corporation, whether owner, agent, consignee, or employee, or whether a resident within the city limits, or a resident outside the city limits, that engages in a temporary business of selling and/or delivering goods, wares, or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to participants, or one who sells, offers, or exhibits for sale any goods, wares, or services, franchises, distributorships, contracts, or business opportunities out of trucks, vehicles, vans, or located on street corners, parking lots, lawns, or other devices and locations; the foregoing notwithstanding, however, a transient merchant, for the purposes of this section, shall not include the following: a person, firm, or corporation who shall occupy any of the aforesaid places for the purpose of conducting a permanent business therein or thereon, provided no person, firm, or corporation shall be relieved from the provisions of the chapter by reason of a temporary association with any local dealer, owner, trader, merchant, or auctioneer, or by conducting such temporary transient business in connection with or as a part of, or in the name of any local dealer, owner, trader, merchant, or auctioneer, and shall not include any garage sales by owners of the property thereon or any auction sales on property owned by the resident and involving sale of property of said owner.

(1990 Code, § 7.42)

§ 112.02 PERMIT AND LICENSE REQUIRED.

It shall be unlawful for any solicitor, peddler, canvasser, or transient merchant, as defined in § 112.01, to engage in such business within the city limits, without first having obtained a permit and license therefor in compliance with the provisions of this chapter.

(1990 Code, § 7.41) Penalty, see § 112.99

§ 112.03 APPLICATION.

Applicants for permit and license under this chapter must file with the City Clerk a sworn application in writing (in duplicate) on a form to be furnished by the City Clerk, which shall give the following information:

- (A) Name and description of the applicant;
- (B) Permanent home address and full local address of the applicant;
- (C) A brief description of the nature of the business and the goods to be sold;

(D) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired;

(F) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;

(G) The applicant shall furnish to the City Clerk his sales tax license number and proof of the issuance thereof;

(H) The applicant shall furnish to the City Clerk, a lease, rental agreement, or other indication of the written permission of the owner of the property upon which the establishment of the business is to occur.

(1990 Code, § 7.43)

§ 112.04 INVESTIGATION AND ISSUANCE.

(A) Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(B) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and the reasons for the same and shall return the application to the City Clerk.

(C) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and shall return the application with his endorsement of approval thereon to the City Clerk.

(D) The City Clerk, after obtaining the recommendation of the Chief of Police, shall then satisfy himself that all provisions set forth in § 112.03 are met and shall then complete the license and issue the same to the applicant for the purposes set forth and for the time limit set forth therein. The Clerk shall keep a permanent record of all licenses applied for, issued and denied.

(1990 Code, § 7.44)

§ 112.05 FEES.

(A) The license fee shall be set by the St. Johns City Commission, by resolution, and shall be posted in the offices of the City Clerk or in the Municipal Building and shall be continued as set by the City Commission or until subsequently amended by the City Commission by resolution.

(B) No fee shall be required of one selling products of the farm produced by the seller or by his immediate employer.

(C) The City Commission may, by resolution, waive the requirement for payment of fees, either for the investigation, for the license, or for both, if it deems the applicant represents and acts on behalf of a charitable, benevolent, or non-profit organization.

(1990 Code, § 7.45)

§ 112.06 EXHIBITION OF LICENSE.

Peddlers, solicitors, and transient merchants are required to exhibit their licenses and display the same at the request of any official acting for and on behalf of the city or at the request of any citizen.

(1990 Code, § 7.46)

§ 112.07 HOURS.

No person licensed under this chapter shall engage in peddling, soliciting, canvassing, or the transient selling of merchandise, goods, or wares within the city between the hours of 7:00 p.m. and 8:00 a.m.

(1990 Code, § 7.47)

§ 112.08 DUTY OF POLICE TO ENFORCE.

It shall be the duty of any police officer of the city to require any person seen soliciting, peddling, or selling wares, who is not known by such officer to be duly licensed, to produce his solicitor's and/or peddler's license and to enforce the provisions of this code against such person found to be in violation of the same.

(1990 Code, § 7.48)

§ 112.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than \$5, nor more than \$500, for each such offense.

(1990 Code, § 7.49)

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- **St. Joseph**

269.983.5541

Link <http://www.sjcity.com/>

Auction: Auctioneer: No information given

- **St. Louis**

(989) 681-2137

Link <http://www.stlouismi.com/>

Auction: Auctioneer: No information given

- **Standish**

PH: (989) 846-9588

Fx: (989) 846-6287

Link <http://www.cityofstandish.com/>

Auction / Auctioneer

Standish, Michigan Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 114: AUCTIONS AND AUCTIONEERS

CHAPTER 114: AUCTIONS AND AUCTIONEERS

Section

114.01 Auctions in public places prohibited

114.02 License required for real estate auctions

114.03 License fees

114.04 Bond

114.05 Transient traders or dealers

114.06 One bid limit

§ 114.01 AUCTIONS IN PUBLIC PLACES PROHIBITED.

It shall be unlawful for any person to hold or conduct or aid in holding or conducting any auction or auction sale of any article or thing whatsoever upon any public street, lane, alley or public place in the City of Standish or in any room, building, lot or place so situated that the conduction of such auction or auction sale will attract or induce any person or persons to stand or be upon any public street, sidewalk or other public place for the purpose of bidding at such auction or auction sale.

(Ord. 77, passed 6-29-33) Penalty, see § 10.99

§ 114.02 LICENSE REQUIRED FOR REAL ESTATE AUCTIONS .

It shall be unlawful for any person to hold or conduct or aid in holding or conducting as an auctioneer in the City of Standish an auction or auction sale of any real estate or personal property without first obtaining from the City Council a license for that purpose and having the license fee or fees hereinafter provided, and before any such license shall be granted the person applying therefor shall make an application in writing, giving his or her name and address and stating whether a license is desired for a period ending April 30, next following the date of such application, or whether such a license is desired for a period of 90 days or less, and such application shall contain an agreement that the license, if granted, will be accepted on condition that it may be revoked for good cause, by the City Council. No such license will be transferred, provided that no license shall be required for a sale at auction under legal process where such sales are required by law to be made at public auction .

(Ord. 77, passed 6-29-33) Penalty, see § 10.99

§ 114.03 LICENSE FEES.

Any person applying for a license hereunder shall pay to the City Clerk a license fee or fees as follows: \$100 for each year or unexpired part thereof ending April 30, next following the date of such application; \$10 per day when a license is desired for a period of 90 days or less, providing that after the payment of a license fee of \$10 per day for eight consecutive days a license issued to the person making such payment shall continue in force for a period of not exceeding 90 days in all, unless sooner revoked by the City Council.

(Ord. 77, passed 6-29-33)

§ 114.04 BOND.

It shall be unlawful for any person to hold or conduct or to aid in holding or conducting as an auctioneer in the City of Standish any auction or auction sale without first executing a bond to the people of the State of Michigan with a surety company authorized to transact business in the State of Michigan as surety in the penal sum of \$2,000 for the use and benefit of any and all persons claiming damages because of the violation of any of the provisions of this chapter, which bond shall contain the conditions that the principal therein will well and faithfully in all things comply with the provisions of this chapter and will well and truly pay or cause to be paid all loss or

damage that any and all persons may sustain by reason of the failure of the principal to comply with the provisions.

(Ord. 77, passed 6-29-33) Penalty, see 10.99

§ 114.05 TRANSIENT TRADERS OR DEALERS.

The sale of any goods at auction which are being handled and sold within the limits of the city by transient traders or dealers, as defined by the laws of the State of Michigan, shall not excuse the compliance by such transient trader or dealer with the laws of the state requiring the payment of a license fee or fees as a transient trader of dealer.

(Ord. 77, passed 6-29-33)

§ 114.06 ONE BID LIMIT.

It shall be unlawful for the owner or for any person acting for the owner of any goods or property sold or offered for sale at any auction in the City of Standish to make more than one bid at such sale on any article or thing and then only when the right to make such bid is reserved and publicly announced at the time of the opening of any such auction .

(Ord. 77, passed 6-29-33) Penalty, see § 10.99

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- **Sterling Heights**

586.446.2489

Link: <http://www.sterling-heights.net>

Auction: Auctioneer

Garden City, MI Charter and Code of Ordinances

TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: TEMPORARY BUSINESSES AND SALES

CHAPTER 112: TEMPORARY BUSINESSES AND SALES

Section

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- 112.02 License required**
- 112.03 Application for license**
- 112.04 Investigation; issuance**
- 112.05 License fees**
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- 112.07 Established businesses**
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TRANSIENT MERCHANTS

§ 112.01 DEFINITIONS.

For the purpose of this chapter, a TRANSIENT MERCHANT, ITINERANT MERCHANT, or ITINERANT VENDOR is any person, firm, or corporation, whether an owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who in furtherance of that purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, tent, public room in hotels, lodging house, apartment, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction . This definition shall not be construed to include any person, firm, or corporation who, while occupying a temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant, or auctioneer.

(‘83 Code, § 112.01)

§ 112.02 LICENSE REQUIRED.

No transient merchant, itinerant merchant, or itinerant vendor shall engage in business within the city without obtaining a license therefor in compliance with the provisions of this chapter.

('83 Code, § 112.02) Penalty, see § 10.99

§ 112.03 APPLICATION FOR LICENSE.

An applicant for a license under this subchapter, whether a person, firm, or corporation, shall file a written sworn application or form furnished by the City Clerk, signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation. The application shall be filed with the City Clerk, and shall provide the following information.

(A) The full name, permanent residence, and local address, if other than the foregoing, of the applicant.

(B) The name of the firm or corporation represented, if any, together with the address of the central or district office of the firm or corporation.

(C) The address or location of the place within the city at which the applicant proposes to engage in business.

(D) A statement of the nature, character, and quality of the goods, wares, inventory, or merchandise to be sold or offered for sale by applicant in the city, and the invoice value of the goods, as well as the book value of any furniture, fixtures, machines, or equipment used in connection with the business.

(E) The length of time for which the license is desired.

(F) Whether the applicant has ever held a transient merchant's license within the city, or has applied for a license previous to the present application, together with the years in which any previous licenses were held or applications were made.

(G) Any other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant's business or the method or plan of doing business as the City Clerk may deem proper to fulfill the purpose of this chapter in the protection of public goods.

(H) The affidavit of the applicant as to the truth of the statements contained in the application, signed by the applicant.

('83 Code, § 112.03) Penalty, see § 10.99

§ 112.04 INVESTIGATION; ISSUANCE.

(A) Upon receipt of an application, the City Clerk shall notify the Chief of Police, who shall cause an investigation of the applicant's business responsibility or moral character to be made as the Chief of Police deems necessary to the protection of the public good. If, as a result of the investigation, the

applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appear to be satisfactory, the Chief of Police shall so certify in writing, and a license shall be issued by the City Clerk upon approval of the City Council.

(B) The City Clerk shall keep a full record in his office of all licenses issued. The record shall contain the number of the license, the date that it was issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name or names of the person or persons authorized to carry on the business.

('83 Code, § 112.04)

§ 112.05 LICENSE FEES.

(A) A license fee charged in accordance with the Comprehensive Fee Schedule in Chapter 12 of this Code for various classifications of business shall be collected by the City Clerk before issuing an initial merchant's license. The fees shall be determined according to the principal business of the establishment.

(B) The above license fees shall be in addition to any annual license fees now required by law or ordinance and not in lieu thereof.

('83 Code, § 112.05) (Ord. 79-017, passed 9-4-79)

Cross-reference:

License fees, see Ch. 110

§ 112.06 LICENSE BOND.

(A) Before any license shall be issued under § 112.02, each applicant shall deposit with the City Treasurer a cash bond of not less than \$1,000 and in a sum sufficient to equal the estimated city, county, school, and state tax, if any, which would be assessed against his personal property in the event he remains in business in the city a sufficient length of time to have the property assessed. The applicant shall secure a statement from the City Assessor indicating the estimated total amount of any assessment, and shall present this statement to the City Treasurer with the amount of money required as a result of the statement. The applicant shall furnish the City Assessor with any true and accurate information as shall enable him to make an accurate estimate.

(B) In the event that the personal property used or owned in the business by any transient merchant does, in fact, become subject to assessment and is duly assessed by the City Assessor, and the taxes paid thereon for a period of one year, then the amount of the bond shall be refunded forthwith or credited upon the payment of any taxes, in the discretion of the licensee.

(C) In the event that any transient merchant fails to continue in business for a sufficient length of time so that any personal property shall become subject to assessment and taxes paid thereon for a period of

one year, then the cash bond so deposited shall become the property of the city and shall be deposited in the general fund.

('83 Code, § 112.06) Penalty, see § 10.99

§ 112.07 ESTABLISHED BUSINESSES.

Merchants who on September 14, 1970, were already lawfully engaged in business, shall not be required to procure an initial merchant's license as provided in this chapter, it being the intent of this chapter to apply only to the merchants starting in business after that date.

('83 Code, § 112.07)

§ 112.08 POSTING OF LICENSE.

The license issued under the provisions of this subchapter shall be posted conspicuously in the place of business named therein. In the event that the person applying for a license desires to do business in more than one place within the city, separate licenses may be issued for each place of business.

('83 Code, § 112.08) Penalty, see § 10.99

§ 112.09 TRANSFER OF LICENSE.

No license shall be transferred without written consent from the Mayor and Council, as evidenced by an endorsement on the face of the license by the City Clerk, showing to whom the license is transferred and the date of the transfer.

('83 Code, § 112.09) Penalty, see § 10.99

§ 112.10 REVOCATION OF LICENSE.

(A) The permits and licenses issued pursuant to this subchapter may be revoked by the Mayor and Council of the city, after notice and hearing, for any of the following causes.

- (1) Any fraud, misrepresentation, or false statement contained in the application for license.
- (2) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise.
- (3) Any violation of this subchapter.
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
- (5) Conducting the business licensed under this subchapter in an unlawful manner, or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

(B) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

('83 Code, § 112.10)

PEDDLERS

§ 112.20 PEDDLER DEFINED.

The word **PEDDLER**, as used in this subchapter shall include any person traveling by foot, wagon, automotive vehicle, or other conveyance, from place to place, from house to house, or from street to street; carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions; offering and exposing the same for sale, or making sales and delivering articles to purchasers, or without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this subchapter shall be deemed a peddler. The word **PEDDLER** shall include the words **STREET VENDOR**.

('83 Code, § 112.15)

§ 112.21 LICENSE REQUIRED.

No person shall engage in the business of peddling without obtaining a license therefor. No license shall be granted except upon certification of the Chief of Police.

('83 Code, § 112.16) Penalty, see § 10.99

§ 112.22 REGULATION OF PEDDLERS.

(A) No person who operates as a street vendor shall create any undue noise or disturbance by any instrument, horn, bell, radio, electrical appliance, or noise-making device in connection with the solicitation of business, and in no event shall any such instrument be employed for the solicitation of business on the streets of the city before the hour of 8:00 a.m., or after the hour of 8:00 p.m.

(B) No street vendor shall sell or deal in unclean, unripe, or unwholesome food which might be deleterious to health, and no licensee shall stop in any one place longer than is necessary to make a sale, nor in any event shall stop for the purpose of selling or offering to sell any food products within the distance of 500 feet from any city park or any public, private, or parochial school building, or the lands on which school buildings are located in the city on any days during which the school is in session.

(C) No street vendor shall operate or conduct his business in any public park, public parking lot, or recreational area in the city.

(D) No licensee operating as a street vendor shall transact any business with any child, adult, or any person whatsoever while the person is standing on the street side of any curb; and where there is no

curb, no business shall be transacted in the traveled portion of the public highway or five feet on either side thereof.

('83 Code, § 112.17) Penalty, see § 10.99

§ 112.23 INTERFERENCE WITH TRAFFIC PROHIBITED.

No peddler shall engage in peddling on any street, alley, or public place after having been requested to desist by any police officer of the city because of congested or dangerous traffic conditions.

('83 Code, § 112.18) Penalty, see § 10.99

§ 112.24 EXEMPTIONS.

The following shall be exempt from the licensing requirements of §§ 112.20 through 112.23, but shall be subject to the other provisions hereof.

(A) Farmers or truck gardeners selling or offering for sale any products grown, raised, or produced by them, the sale of which is not otherwise prohibited or regulated.

(B) Any person under 18 years of age, when engaged in peddling on foot in the neighborhood of his residence under the direct supervision of any school or recognized charitable or religious organization.

('83 Code, § 112.19)

§ 112.25 SELLING FROM PRIVATE PROPERTY PROHIBITED; EXCEPTION.

No person shall vend, sell, offer for sale, or peddle any vegetables, fruit, farm products, flowers, plants, or any goods, wares, and merchandise whatsoever from trucks, motor vehicles, or portable stands parked or placed on private property adjacent to any public street, highway, or alley; however, the provisions of this section shall not apply to any person who sells or offers for sale on his own property vegetables, fruit, produce, or other farm-grown products grown or produced on that property.

('83 Code, § 112.20) (Ord. 72-010, passed 6-19-72) Penalty, see § 10.99

SOLICITORS

§ 112.35 SOLICITOR DEFINED.

The word SOLICITOR as used in this subchapter shall include any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from place to place, from house to house, or from street to street; taking or attempting to take orders for sale of goods, wares, and merchandise, books or magazines, insurance policies of any kind, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future; whether or not the individual has, carries, or exposes for sale a sample of the subject of the sale, and whether he is collecting advance payments on sales or not. This definition shall include any person who, for himself, or for another person, hires, leases, uses, or occupies any building, structure, tent,

railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery. The word SOLICITOR shall include the word CANVASSER.

('83 Code, § 112.25)

§ 112.36 LICENSE REQUIRED.

No person shall engage in the business of soliciting within the city without obtaining a license. No license shall be granted except upon certification of the Chief of Police.

('83 Code, § 112.26) Penalty, see § 10.99

§ 112.37 LICENSE APPLICATION; FEES.

(A) The license application filed under the provisions of Chapter 110 of this code shall furnish the following information.

- (1) The name and a description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where the goods or products are located at the time the application is filed, and the proposed method of delivery.
- (7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (8) The fingerprints of the applicant and the names of at least two reliable property owners of the County of Wayne, State of Michigan, who will certify as to the applicant's good character and business respectability; or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate character and business responsibility.
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.

(10) A statement by a reputable physician of the city, dated not more than ten days prior to submission of the application, certifying the applicant to be free of contagious, infectious, or communicable disease.

('83 Code, § 112.27)

(B) (1) The fees for a solicitor's license shall be as specified in Chapter 110 of this Code. No fee for a solicitor's license shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, he may apply to the Mayor for an adjustment of the fees so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. The application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and gross volume or estimated gross volume of business, and any other information as the Mayor may deem necessary in order to determine the extent, if any, of undue burden on interstate commerce. The Mayor shall then conduct an investigation, comparing the applicant's business with other businesses of like nature, and shall make findings of fact from which he shall determine whether the fee fixed for the solicitor's license is unfair, unreasonable, or discriminatory as to applicant's business; and he shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or if the fee has already been paid, he shall order a refund of the amount over and above the fee so fixed.

(2) In fixing the fee to be charged, the Mayor shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fee as prescribed by Chapter 110 of this code. Should the Mayor determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross sales, and to pay the amount of fee therefor; however, no additional fee during any one license year shall be required after the licensee shall have paid an amount equal to the annual license fee as prescribed in Chapter 110 of this Code.

('83 Code, § 112.28) Penalty, see § 10.99

§ 112.38 EXEMPTIONS.

Persons under 18 years of age, when engaged in soliciting on foot in the neighborhood of their residence under the direct supervision of any school or recognized charitable or religious organization, shall be exempt from the licensing requirements of §§ 112.35 through 112.37, but shall otherwise be subject to the provisions thereof.

('83 Code, § 112.29)

§ 112.39 HOURS OF SOLICITATION.

No person shall engage in the business of soliciting within the city after dusk.

HANDBILL SOLICITATION

§ 112.50 PURPOSE.

The purpose of this subchapter is to protect the people against the nuisance of the promiscuous distribution of handbills as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience, and necessity require the regulation of handbill solicitation. To that end, the further purposes of this subchapter are specifically declared to be as follows.

(A) To protect local residents against trespassing by solicitors, canvassers, or handbill distributors upon the private property of local residents, if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

(B) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(C) To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency, good morals, and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars, and the right to deliver noncommercial handbills to all who are willing to receive the same.

('83 Code, § 112.35)

§ 112.51 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL HANDBILL. Any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature as follows.

(1) Which advertises for sale any merchandise, product, commodity, or thing.

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales.

(3) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

NEWSPAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law; and

any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL. Any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the definitions of **COMMERCIAL HANDBILL** or **NEWSPAPER** with the exception of political and religious literature.

OBSCENE. Any material that meets all of the following criteria:

(1) The average individual, applying contemporary community standards, would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(2) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(3) The material depicts or describes sexual conduct in a patently offensive way.

(M.C.L.A. § 752.362)

PRIVATE PREMISES. Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to a dwelling, house, building, or other structure.

PUBLIC PLACE. Any and all streets, boulevards, avenues, lanes, alleys, or other public ways; and any and all public parks, squares, spaces, plazas, grounds, and buildings.

(‘83 Code, § 112.36)

§ 112.52 PROHIBITED DISTRIBUTION.

(A) No person shall deposit, place, throw, scatter, or cast any commercial handbills in or upon any public place within this city; and no person shall hand out or distribute or sell any commercial handbill in any public place; however, it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept the noncommercial handbill. (‘83 Code, § 112.37)

(B) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting, or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the same. (‘83 Code, § 112.38)

(C) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (‘83 Code, § 112.39)

(D) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed, or to have any handbills left upon the premises. However, it shall be the duty of the owner, landlord, or person in control of any premises remaining vacant for a period of more than five days to post in a conspicuous position on the premises a sign as is indicated by this section. The term "vacant" as used herein shall not be deemed to include temporary absences from the premises by its regular occupants. ('83 Code, § 112.40)

(E) No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any handbill directly to the owner, occupant, or any other person then present in or upon the private premises. However, in case of inhabited private premises which are not posted as provided in this subchapter, the distributor, unless requested by anyone upon the premises not to do so, may place or deposit any handbill in or upon any inhabited private premises, if the handbill is so placed or deposited as to secure or prevent it from being blown or drifted about the premises or elsewhere, except that mailboxes may not be so used when prohibited by federal laws or regulations. ('83 Code, § 112.41)

(F) (1) No person shall distribute, deposit, scatter, hand out, or circulate any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front, or back thereof, the name and address of the following.

(a) The person who printed, wrote, compiled, or manufactured the handbill.

(b) The person who caused the handbill to be distributed.

(2) In the case of a fictitious person or club, in addition to the fictitious name, the true names and addresses of the owners, managers, or agents of the person sponsoring said handbill shall also appear thereon.

('83 Code, § 112.42)

(G) No person shall post, hand out, distribute, scatter, or transmit any sign, or any commercial or noncommercial handbill as follows.

(1) Which may reasonably tend to incite riot or other public disorder, or which advocates the overthrow of the government of the United States or of this state by means of any artifice, scheme, or violence, or which urges any unlawful conduct or encourages or tends to encourage a breach of the public peace or good order of the community.

(2) Which is obscene.

('83 Code, § 112.43) Penalty, see § 10.99

§ 112.53 EXEMPTIONS.

The provisions of this subchapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in § 112.51.

('83 Code, § 112.44)

§ 112.54 CERTAIN EXISTING ORDINANCES UNAFFECTED.

The provisions of this subchapter shall not be deemed to repeal, amend, or modify any ordinance either prohibiting, regulating, or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprise or for commercial sales, not covered herein.

('83 Code, § 112.45)

GARAGE SALES

§ 112.60 PURPOSE.

It is the intent of this chapter to regulate the term and frequency of personal property sales within residential areas so that the environment of those areas is not disturbed or disrupted. It will also, in conjunction with Chapter 156, Zoning, prohibit the establishment of businesses in residential areas. It is not the intent of this chapter to seek control of sales by individuals selling a few of their household goods or personal property.

('83 Code, § 99.01) (Ord. 76-014, passed 12-20-76)

§ 112.61 DEFINITION.

BASEMENT SALE, GARAGE SALE, RUMMAGE SALE, or YARD SALE, including similar terms such as **ATTIC SALE, FLEA MARKET SALE or LAWN SALE** and the like. Any sale of tangible personal property, whether new, used, secondhand, damaged, or discarded, not otherwise regulated in the code, advertised by any means whereby the public at large is or can be aware of the sale.

('83 Code, § 99.02) (Ord. 76-014, passed 12-20-76)

§ 112.62 PERMIT REQUIRED; EXCEPTION.

(A) It shall be unlawful for any person, organization, corporation, partnership, or association of whatever description to conduct, advertise, or promote any sales of new, used, secondhand, damaged, or discarded property of any description whatsoever upon any property, public or private, within the city unless the property is licensed as provided in Chapters 110 and 113 of the code or as further permitted herein. ('83 Code, § 99.03)

(B) It shall be unlawful for any owner, tenant, or lessee of a residence or charitable institution to conduct, advertise, or promote a garage sale unless a permit is obtained as follows.

(1) A written application shall be filed with the City Clerk on forms prescribed by the Clerk and shall contain the following information.

- (a) Name and address of the person, association, or organization conducting the sale.
- (b) The location at which the sale is to be conducted.
- (c) The number of days which the sale is to be conducted within the limits hereinafter prescribed.
- (d) A general description of the items proposed to be sold.
- (e) The date, nature, and location of any past sale conducted by the applicants.

(2) An affidavit signed by the applicant affirming that the items to be sold are the sole property of the applicant must be filed with the application.

(3) The applicant shall pay the required fee to the City Clerk for the issuance of the sale permit at the time of filing the application.

('83 Code, § 99.05)

(C) An owner, tenant, or lessee of a residence or charitable institution, including churches, schools, and hospitals, may conduct a garage sale upon the premises of his or her residence or the premises of the charitable institution, as hereinafter provided. ('83 Code, § 99.04)

(Ord. 76-014, passed 12-20-76; Am. Ord. 79-015, passed 9-4-79) Penalty, see § 10.99

Cross-reference:

General Provisions, licensing, see Ch. 110

Junk dealers; Secondhand Merchants, see Ch. 113

§ 112.63 CONDITIONS.

Any sale as described in this chapter shall not be conducted for any period in excess of three consecutive days. No permit shall be granted for more than two sales within any 12 calendar months, provided however, that an additional permit may be issued by the City Clerk during the 12-month period if the applicant is in the process of moving into, out of, or within the city. However, the City Clerk may not issue more than one additional permit during the 12-month period for any reason. The permit authorizing the sale shall be displayed in the front window or other prominent place, clearly visible from the street, at each location where a sale is being conducted. The items offered for sale shall not be displayed in the front yards of residences.

('83 Code, § 99.06) (Ord. 76-014, passed 12-20-76) Penalty, see § 10.99

§ 112.64 SIGNS.

(A) One sign may be erected advertising a sale on the premises of the sale. The sign shall not be in excess of four square feet and shall not be artificially illuminated. Two other signs may be erected within the right-of-way, but not including the traveled portion of a main thoroughfare of the city within a half-mile radius of the sale during the period of the sale as hereinbefore provided. Under no circumstances shall any signs be attached to any tree, traffic-control device, street sign, or utility pole on any public right-of-way or land either by nail, screw, wire, cord, or by any manner whatsoever.

('83 Code, § 99.07)

(B) No sign placed for advertising any sale as described herein shall be allowed to remain erected or displayed for a period longer than 24 hours after the sale is terminated. The applicant for the required permit shall be responsible for the removal of all signs within the time limit of this section. ('83 Code, § 99.08)

(Ord. 76-014, passed 12-20-76) Penalty, see § 10.99

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- **Stevensville**

PH: (269) 429-1802

Fax (269) 429-7391

Link <http://www.villageofstevensville.us/>

Auction: Auctioneer: No information given

- **Stockbridge**

(517) 851-7435

Link <http://www.vil.stockbridge.mi.us/>

Auction: Auctioneer: No information given

- **Sturgis**

269.651.2321

Link <http://www.sturgismi.gov/>

Auction: Auctioneer:

- **DIVISION 1. - GENERALLY**

- **Sec. 18-151. - Definitions.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Transient merchant, itinerant merchant, or itinerant vendor means a person, whether an owner, agent, consignee, ' or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the city, and who in furtherance of that purpose hires, leases, uses, or occupies any building, structure, motor vehicle, tent, railroad box car, boat, public room in a hotel, lodging house, apartment, shop, or any street, lot, alley, or other place within the city, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction. This definition shall not be construed to include any person who, while occupying the temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting transient business in connection with, as a part of, or in the name of, any local dealer, trader, merchant, or auctioneer.

(Code 1969, § 118.01)

Cross reference— Definitions generally, § 1-2.

- **Sec. 18-152. - Penalty.**

Unless provided otherwise by law or in this article, violations of this article are a municipal civil infraction.

- **Sec. 18-153. - Excepted activities.**

(a)

The licensing provisions of this article shall not apply to sales of goods, wares, and merchandise for religious or local charitable purposes or to vendors approved by the city manager or operating with the consent of individuals or organizations sponsoring events approved by the city manager. The city manager shall, in reviewing a request for exemption from the licensing requirement of this article, consider the following:

(1)

The sponsoring of an event by an established business or organization.

(2)

The regular or periodic scheduling of an event.

(3)

The ability of an event sponsor to provide appropriate supervision and control over an event.

(4)

Whether the licensing requirement imposes an undue burden on interstate commerce.

(5)

Such other factors as shall promote and protect the interests of the residents of the city.

These vendors or sponsors of city manager-approved events may be required to provide general liability insurance with such limitations as the city attorney approves. Proof of insurance, showing that the insurance is in force, shall be filed with the purchasing agent of the city prior to the approved event. Termination or alteration of the policy without approval of the city attorney shall constitute grounds for cancellation of the event by the city manager.

(b)

This article shall also be inapplicable to growers or producers of food selling unprocessed products which are primarily of their own production, and to sellers of food required to be licensed by the state pursuant to the Food Law of 2000 (MCL 289.1101 et seq.), and to any other person or entity whose business activities which would otherwise be subject to this article are required to be licensed by the state.

(Code 1969, § 118.11)

- **Sec. 18-154. - Duties of police.**

Police officers of the city shall examine all places of business and persons in their respective territories subject to this article, to determine if this article has been complied with and to enforce the provisions hereof against any person found to be violating this article.

(Code 1969, § 118.10)

- **Sec. 18-155. - Loud noises and speaking devices.**

No licensee under this article, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any other sound device, including any loudspeaking radio or amplifying system, upon any of the streets, alleys, parks, or other public places of the city or upon any private premises in the city, where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which the licensee proposes to sell.

(Code 1969, § 118.09)

Cross reference—Noise, § 34-61 et seq.

- **Secs. 18-156—18-170. - Reserved.**

- **DIVISION 2. - LICENSE**

- **Sec. 18-171. - Required; expiration date.**

(a)

No transient merchant, itinerant merchant, or itinerant vendor shall engage in such business within the city without first obtaining a license therefor.

(b)

Licenses shall expire December 31 of the year of issuance.

(Code 1969, § 118.02)

- **Sec. 18-172. - Application; contents.**

Not less than ten days prior to the date on which the applicant proposes to commence business in the city, applicants for a license under this article shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the city clerk-treasurer, showing the following:

(1)

The name, birth date, and motor vehicle operator's license number of the person having the management or supervision of the applicant's business during the time that it is proposed that the business will be carried on in the city; the local street address of the person while engaged in this business; the permanent street address of the person; the capacity in which the person will act, that is, whether as proprietor, agent, or otherwise; the name and street address of the person for whose account the business will be carried on, if any; if a corporation, under the laws of what state the same is incorporated; and, if an individual, the birth date and motor vehicle operator's license number of the individual.

- (2)
The fingerprints of the person having the management or supervision of the applicant's business, or, in lieu thereof, at least three letters of recommendation from reliable property owners in the county certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the city clerk-treasurer the good character and business responsibility of the person.
- (3)
The place in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that the business shall be conducted.
- (4)
The place, other than the permanent place of business of the applicant, where the applicant, within the six months next preceding the date of the application, conducted a transient business, stating the nature thereof, and giving the post office and street address of any building or office in which the business was conducted.
- (5)
A statement of the nature, character, and quality of the goods, wares, and merchandise to be sold or offered for sale by the applicant in the city; the invoice value and quality of the goods, wares, and merchandise; whether the goods, wares or merchandise are proposed to be sold from stock in possession, by sample, at auction, by direct sale, or by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where the goods or products are located at the time the application is filed.
- (6)
A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, copies of which advertising, if required by the city clerk-treasurer, whether handbills, circulars, newspaper advertising, or otherwise, shall be attached to the application.
- (7)
Whether or not the applicant or the person having the management or supervision of the applicant's business has been convicted of a crime or a violation of any municipal ordinance of any municipality and, if so, the nature of the offense and the punishment assessed therefor.
- (8)
Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as the representative.
- (9)
Three photographs of the person having the management and supervision of the applicant's business within the city. These photographs shall have been taken within 60 days of the date the application is filed, shall be not less than two inches by two inches in size, and shall show the head and shoulders of the person depicted in a clear and distinguishing manner.
- (10)

Other reasonable information. including written, verifiable personal identification, as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing the business as the city clerk-treasurer may deem proper to fulfill the purpose of this article in the protection of the public good.

(Code 1969, § 118.03)

- **Sec. 18-173. - Fees.**

For each license issued under this article, the applicant shall pay a fee in the amount established by resolution, payable in advance with the license application.

(Code 1969, § 118.04)

- **Sec. 18-174. - Investigation of applicant; issuance of license.**

(a)

Upon receipt of the application, the city clerk-treasurer shall cause an investigation of the applicant's business responsibility or moral character to be made as he deems necessary for the protection of the public good; and a like investigation shall be made of the person having the management or supervision of the applicant's business within the city, if different from the applicant. If, as a result of this investigation, the applicant's character and business responsibility or the character and business responsibility of the person having the management and control of the applicant's business within the city are found to be unsatisfactory, the application shall be denied. If as a result of the investigation, the character and business reputation appear to be satisfactory, the city clerk-treasurer shall so certify in writing and shall issue a license. The city clerk-treasurer shall keep a full record in his office of all licenses issued.

(b)

The license shall contain the number of the license, the date the license is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name of the person authorized to carry on the business.

(Code 1969, § 118.05)

- **Sec. 18-175. - Bond required; conditions.**

(a)

Before any license is issued for engaging in a transient or itinerant business in the city, the applicant shall file with the city clerk-treasurer a bond running to the city in the sum of \$500.00, executed by the applicant, as principal, together with a surety upon which service of process may be made in the state.

(b)

The bond shall be approved by the city attorney and conditioned on the applicant's full compliance with the provisions of this article and the statutes of the state regulating and concerning the sale of goods, wares, and merchandise. A further condition shall be the payment by the applicant of all judgments rendered against him for any violation of this article or statutes, together with all judgments and costs that may be recovered against him by a person for damage growing out of a misrepresentation or deception practiced on a person transacting business with the applicant, whether the misrepresentation or deception was made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through an advertisement of any character printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city for the use of the aggrieved person. The bond must be approved by the city attorney, both as to form and as to the responsibility of the sureties thereon.

(Code 1969, § 118.06)

- **Sec. 18-176. - Service of process.**

(a)

Before any license is issued for engaging in business as an itinerant merchant in the city, the applicant shall file with the city clerk-treasurer an instrument nominating and appointing the city clerk-treasurer, or the person performing the duties of the position, as his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant with respect to any matters connected with or arising out of the business transacted under the license and the bond given as provided in [section 18-175](#), or for the performance of the conditions of the bond or for any breach thereof. The instrument shall also contain recitals to the effect that the applicant for the license consents and agrees that service of any notice or process may be made upon the agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license, according to the law of this or any other state, and waives all claim or right of error by reason of such acknowledgement or service or manner of service.

(b)

Immediately upon service of process upon the city clerk-treasurer, as provided in subsection (a) of this section, the city clerk-treasurer shall send to the licensee at his last known address, by registered mail, a copy of the process.

(Code 1969, § 118.07)

- **Sec. 18-177. - Exhibition of license.**

The license issued under this article shall be posted conspicuously in the place of business named therein. If a person applying for the license desires to do business in more than one place within the city, separate licenses shall be issued for each place of business and shall be posted conspicuously in each.

(Code 1969, § 118.08)

- **Sec. 18-178. - Suspension and revocation of license.**

(a)

Any license issued under this article may be temporarily suspended by the city clerk-treasurer, pending a hearing, for any of the following causes:

(1)

Fraud, misrepresentation, or any false statement contained in the application for the license.

(2)

Any violation by the licensee, or by the person having management and supervision of the licensee's business within the city, of this article, or of any other city ordinance.

(3)

Conviction of the licensee of any felony or any crime involving moral turpitude.

(b)

In the event any license is temporarily suspended pursuant to subsection (a) of this section, a hearing to review the suspension shall be, scheduled not later than the next regular city commission meeting scheduled to take place not less than five days following the suspension, and the licensee shall cease conducting business pending the hearing. Written notice of the date, time, and place of the hearing shall be sent by the city clerk-treasurer to the licensee not less than five days prior thereto, unless the licensee requests an earlier hearing; the notice to be sent to the licensee's address contained in the application. The hearing shall be conducted by a panel consisting of the city manager or his designee, the chief of police, or his designee, and a representative of the city commission appointed by the mayor for that purpose. At the hearing, the licensee may present evidence, and may be represented by legal counsel. If the hearing panel finds, by a majority vote, that one of the causes for suspension specified in subsection (a) of this section exists, the panel may, in its discretion, by majority vote, continue the suspension for such period of time as the hearing panel designates, or the license may be revoked. In the event of revocation, the bond provided for in [section 18-175](#) shall be deemed forfeited, and the licensee shall be forever precluded from doing business in the city under this article.

(Code 1969, § 118.12)

- **Secs. 18-179, 18-180. - Reserved.**

- **Sumpter Township, (Wayne Co.)**

PH: 734.461.6201

Fax: 734.461.6441

Link <http://www.sumptertwp.com/>

Auction: Auctioneer:

Section 6.32. - Livestock auction yards/markets.

Those who wish to operate a livestock auction market must first obtain bonding and a livestock dealer/broker license from the Animal Industry Division, Michigan Department of Agriculture, Lansing, Michigan. The following must be provided:

- (a) Copy/proof of required bonding.
- (b) Copy of the livestock dealer/broker license.
- (c) License must be kept current on a yearly basis.
- (d) All such facilities shall be located on a paved primary arterial road.

- **Swartz Creek**

PH: 810-635-4464

Fax: 810-635-2887

Link <http://www.cityofswartzcreek.org/>

Auction: Auctioneer: No information given

- **Sylvan Lake**

248 682-1440

Link <http://www.sylvanlake.org/>

Auction: Auctioneer:

- **ARTICLE 4. - GENERAL MUNICIPAL POWERS**

- **Section 4.1. - Powers of the City.**

The City of Sylvan Lake shall be a body corporate and politic, shall have perpetual succession, shall have a corporate seal, may sue and be sued and may contract and be contracted with.

State law reference— organized cities to be a body corporate, MCL 117.1, MSA 5.2071.

- **Section 4.2. - [Powers enumerated.]**

The City shall have power:

(1)

To acquire by purchase, gift, condemnation, lease, or otherwise, real and personal property, or any interest therein, for any public use or purpose within the scope of its powers, located either within or without its corporate limits and either within or without the limits of the county of Oakland, unless prohibited by the Constitution or laws of the state; and to hold, manage, control, lease, sell or otherwise dispose of the same. The City Council may appropriate funds for the maintenance and upkeep of property acquired by it. Any gift of property may be accepted whether made directly or in trust and if in trust the Council shall have full power to carry out the terms of such trust.

State law reference— Permissive that charter provide for acquisition of property and certain facilities, MCL 117.4e, MSA 5.2078.

(2)

To acquire, construct, establish, own, equip, maintain, conduct, manage and operate libraries, hospitals, markets, markethouses, play grounds, parks, public grounds, recreation buildings, comfort stations, police stations, jails, fire houses, city hall, office buildings, for use of city officials, public buildings, sewage disposal systems and plants, lighting systems and plants, water systems and pumping stations, water filtration plants, public parking grounds, public works, works and plants for the preparation, manufacture, storage, handling or transportation of materials required in public work, and all improvements, buildings, establishments, institutions and places which are necessary or convenient for the transaction of public business or for promoting the health, morals, safety or welfare of the inhabitants of the City whether the same be specifically enumerated herein or not; and to acquire sites therefor.

State law reference— Permissible that charter provide for acquisition of property and certain facilities, MCL 117.4e, MSA 5.2078; permissible that charter provide for purchase (or condemnation), operation, etc., of water systems, sewer systems, etc., MCL 117.4f, MSA 5.2079.

(3)

To make and enforce ordinances and resolutions for the care, protection, control and management of property belonging to the City located within the corporate limits. It may also make and enforce such ordinances and resolutions as to such property located without the corporate limits, as is permissible under the laws of the state.

(4)

To establish any department that it may deem necessary for the general welfare of the City and for the separate incorporation thereof; provided however that this provision shall not extend to and include public schools.

State law reference— Permissible that charter provide for the establishment of departments, MCL 117.4j, MSA 5.2083.

(5)

To establish by ordinance, districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings and the density of population may be regulated by ordinance, and such regulations in one or more districts may differ from those in other districts.

State law reference— Permissive charter provisions, MCL 117.4i(c), MSA 5.2082, (c); zoning generally, MCL 125.581 et seq., MSA 5.2931 et seq.

(6)

To enact a building code and a housing code; to regulate the erection and repair of buildings; to prevent the erection of unsafe buildings and to provide for the removal of any such buildings, to require building permits for all buildings and structures erected in the City; to regulate the maintenance and occupancy of buildings insofar as the same affects health and safety.

State law reference— State construction code act of 1972, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

(7)

To regulate and license the location, construction, size and height of bill-boards and the maintenance thereof; or to entirely prohibit the construction of bill-boards in the City.

State law reference— Permissible charter provisions, MCL 117.4i(f), MSA 5.2082, (f).

(8)

To establish and maintain definite fire limits and to prohibit within such limits the construction of buildings and other structures of wood and other materials easily inflammable.

State law reference— State construction code act of 1972, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

(9)

To enact and enforce ordinances in relation to the prevention and suppression of fires and to provide for the inspection of private property for the purpose of determining whether a fire hazard exists.

(10)

To prescribe by ordinance the limits or districts within which shall be prohibited the location of shops, the prosecution of any trade or business, the storing of lumber, wood or other easily inflammable material in open places, or the carrying on of any other trade, business or occupation, or the storing of any material in any manner or circumstances, which, in the opinion of the Council, may increase the danger from fire.

(11)

To regulate the height, construction and location of all fences; to provide for the building and maintenance of partition fences and all things in relation thereto; to provide for a board of fence viewers to determine all disputes between owners in relation to partition fences and for the enforcement of the decisions of such board.

(12)

To regulate the construction of cellars and basements so far as the same in any manner affects the public safety or health.

State law reference— State construction code act of 1972, MCL 125.1501 et seq., MSA 5.2949(1) et seq.

(13)

To regulate and license the storing, handling, disposal and sale of combustible and explosive substances of every character.

(14)

To regulate, restrict and limit the number and location of oil and gasoline stations.

State law reference— Permissible provisions, MCL 117.4i(b), MSA 5.2082, (b).

(15)

To define, prohibit, abate, suppress, regulate and prevent all nuisances and all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and the causes thereof.

State law reference— Mandatory that charter provide for the public peace and health and for the safety of persons or property, MCL 117.3(j), MSA 5.2073, (j).

(16)

To prevent the introduction or spreading of malignant, infectious or contagious diseases within the City, and to remove persons having such diseases to such proper places, either within or without the city limits, as may be deemed necessary for the public health.

State law reference— Mandatory that charter provide for the public peace and health and for the safety of persons or property, MCL 117.3(j), MSA 5.2073, (j).

(17)

To care for and give relief to poor and indigent persons, delinquent and juvenile offenders, and mentally or physically deficient persons.

(18)

To provide for taking a census of the City.

(19)

To provide for and regulate the numbering of buildings upon the streets and highways of the City.

(20)

To regulate the planting and setting of trees, shrubs, flowers and plants in the streets of the City; and to exercise jurisdiction over all diseased or noxious trees, shrubs and plants.

(21)

To regulate and control the aerial construction of Public utilities and to require if deemed necessary, pin space or bracket contact on all poles without expense to the City.

(22)

To regulate and control the disposition and handling of garbage, ashes, dead animals and any other thing detrimental to public health or good sanitation.

State law reference— Mandatory that charter provide for the public peace and health and for the safety of persons or property, MCL 117.3(j), MSA 5.2073, (j).

(23)

To license and control public fuel supplies and markets of every kind, and to own, maintain and operate fuel yards and markets.

(24)

To regulate the speed of motor vehicles and to prohibit the reckless driving thereof, upon the streets, highways and alleys of the City.

State law reference— General powers of local government relative to traffic, MCL 257.605, 257.606, MSA 9.2305, 9.2306; reckless driving, MCL 257.626, MSA 9.2326; local alteration of speed limits, MCL 257.629, MSA 9.2329.

(25)

To regulate traffic and parking of automobiles and other vehicles; to prohibit such parking on designated highways, streets and alleys or parts thereof; to provide for the impounding of vehicles parked in violation of such regulation or prohibitions and of vehicles abandoned and left on the streets, highways and alleys of the City; and to provide for the sale of any impounded vehicle which shall not be claimed and the impounding and other charges paid, within sixty days after being impounded.

State law reference— General powers of local government relative to traffic, MCL 257.605, 257.606, MSA 9.2305, 9.2306; impoundment of vehicles, MCL 257.252a et seq., MSA 9.1952 et seq.

(26)

To make and enforce all such local, police, sanitary and other regulations as are not in conflict with the general laws.

State law reference— Mandatory that charter provide for the public peace and health and for the safety of persons or property, MCL 117.3(j), MSA 5.2073, (j).

(27)

To inspect, regulate and control all weights and measures and the use thereof and to seize and destroy inaccurate or fraudulent weights and measures.

State law reference— Restrictions on local ordinances regulating weights and measures, MCL 290.618, MSA 12.1081(18).

(28)

To regulate and license taxi-cabs, jitneys, buses, and all kinds of vehicles used for the conveyance of persons and property for hire; and to regulate, license and control the drivers of such taxi-cabs, jitneys, buses, and other vehicles above mentioned.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2077, (d).

(29)

To regulate and license hotels, rooming houses, boarding houses and restaurants.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2077, (d).

(30)

To regulate and license billiard and pool tables, and rooms, and bowling alleys, and to restrict the number and location thereof.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2077, (d).

(31)

To regulate and license theatres, motion picture shows, public shows, exhibitions and other amusements.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2077, (d).

(32)

To regulate and license public dances or to prohibit the same.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2077, (d).

(33)

To regulate and license auctioneers, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers, and junk yards. The above occupations may also be prohibited unless such prohibition may be contrary to state or federal law.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2077, (d); peddler's license for veterans, MCL 35.441 et seq., MSA 4.1241 et seq.

(34)

To regulate or prohibit the use, selling, storing and transportation of firearms and fireworks.

Editor's note—

The provisions of charter [§ 4.2](#)(34), insofar as they pertain to firearms, are superseded by the provisions of MCL 123.1102, 123.1103, MSA 5.3415(2), 5.3415(3).

State law reference— Fireworks, MCL 750.243a et seq., MSA 28.440(1) et seq.

(35)

To prohibit the manufacture, transportation, possession, and sale of intoxicating liquors, except for medicinal, mechanical, chemical, scientific or sacramental purposes in accordance with the laws of the state.

State law reference— The Michigan liquor control act, MCL 436.1 et seq., MSA 18.971 et seq.

(36)

To license dogs and other animals and to prevent their running at large.

State law reference— Local animal control ordinances, MCL 287.290, MSA 12.541.

(37)

To require all employees in barber shops, beauty parlors and places where foods are handled to submit to physical examinations and to prohibit the employment in any such place of any person who is afflicted with any infectious disease.

State law reference— Mandatory that charter provide for the public peace and health and for the safety of persons and property, MCL 117.3(j), MSA 5.2073, (j).

(38)

To provide for the inspection, and to regulate and license the manufacture, sale and keeping for sale, of provisions, foods, food supplies and beverages.

State law reference— Mandatory that charter provide for the public peace and health and for the safety of persons and property, MCL 117.3(j), MSA 5.2073, (j).

(39)

To regulate and license trades, occupations and amusements, not inconsistent with state and federal laws, whether the same be specifically herein mentioned or not.

State law reference— Permissible charter provisions, MCL 117.4i(d), MSA 5.2082, (d).

(40)

To prescribe the terms and conditions upon which licenses shall be granted and may require the payment of such license fees and the furnishing of such bond as the Council shall deem reasonable and proper. Licenses shall be subject to revocation by the Council as provided in each particular ordinance.

(41)

To issue bonds or other evidences of indebtedness of the City when authorized by law or by the provisions of this Charter.

State law reference— Permissible charter provisions, MCL 117.4a, MSA 5.2074.

(42)

To regulate the obstructing of streets, highways and alleys by trains, engines, cars or otherwise; to regulate the speed of all locomotives and railroad trains and street cars within the City.

Editor's note—

The provisions of charter [§ 4.2](#)(42) are invalid, as the regulation of the speed of trains is preempted to federal and state law. See *CSX Transportation, Inc. v. City of Plymouth*, 86 F.3d 626 (6th Cir. 1996). See also *Johnson v. Southern Ry. Co.*, 654 F. Supp. 121 (W.D.N.C. 1987), *CSX Transp., Inc., v. City of Tullahoma*, 705 F. Supp. 385 (E.D. Tenn 1988), *City of Covington, v. Chesapeake & Ohio Ry.* 708 F. Supp. 806 (E.D. Ky. 1989).

(43)

To require that wires in streets, highways and alleys be placed underground, and to maintain the right to use one duct without expense to the City.

(44)

To establish building lines; and to establish by ordinance future street lines where the city contemplates to open or widen any street or highway.

State law reference— Permissive charter provisions, MCL 117.4i(c), MSA 5.2082, (c); zoning generally, MCL 125.581 et seq., MSA 5.2931 et seq.

(45)

To regulate public utilities; to purchase, contract for the purchase, condemn, construct, own, lease, and operate public utilities subject to the provisions of the state law.

(46)

To provide for the separation of grades at the intersection of streets and alleys with railroads and street railways.

(47)

To enforce restrictions in any approved plats, or to enforce any conditions or covenants on the use of any lands within the city. The Council may pass appropriate resolutions to give any restrictions the effect of ordinances, and may take necessary action in any court of competent jurisdiction to enforce any restrictions in plats, or any conditions or covenants on the use of any lands, with the same authority as the seller of the land so platted or any purchasers thereof.

(48)

To establish and maintain a Fire Department, to make rules and regulations in relation thereto, and provide equipment and fire stations therefor.

(49)

To make contracts or arrangements with any municipality, individuals, or corporation, for fire protection and for the services of its Fire Department.

(50)

To provide for the initiative and referendum on all matters within the scope of its power and for the recall of its officials.

State law reference— Permissible charter provisions, MCL 117.4i(g), MSA 5.2077, (g).

(51)

To provide for a system of civil service for its employees, including the employees of any city Board of Health.

State law reference— Permissible charter provisions, MCL 117.4i(h), MSA 5.2077, (h).

(52)

To provide for a system of compensation for its employees and their dependents in the case of disability, injury or death of such employees.

State law reference— Worker's compensation disability act of 1969, MCL 418.101 et seq., MSA 17.237(101) et seq.

(53)

To regulate, prohibit and control the use of the streets and alleys in the City by animals, horses and horsedrawn vehicles.

(54)

To provide for the use, control and regulation of the streams, waters and water-courses in the City.

State law reference— Permissible charter provisions, MCL 117.4h(4), MSA 5.2081, (4).

(55)

To exercise all municipal powers in the management and control of the municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interest of the City, the good government and prosperity of the municipality and its inhabitants, and through its legally constituted authority to pass all laws and ordinances relating to its municipal concerns, subject to the Constitution and general laws of the state.

(56)

The City shall have power to acquire and maintain an airport and shall possess the power to control and regulate the use of the air above the city and the use thereof by aircraft of all types subject to the laws of the state of Michigan and the United States of America.

State law reference— Permissible charter provisions, MCL 117.4e, MSA 5.2078.

(57)

To exercise the powers enumerated throughout this Charter.

(58)

Unless otherwise provided or limited in this Charter, the City of Sylvan Lake and its officers shall be vested with any and all powers, privileges and immunities, expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the constitution and laws of the state of Michigan, and of the United States of America, including all the powers, privileges, and immunities which cities are permitted to or may provide in their charters by Act No. 279 of the Public Acts of 1909 (MCL 117.1 et seq., MSA 5.2071 et seq.), as amended, as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges, or immunities in this charter be held to be exclusive.

• **Section 4.3. - Exercise of powers.**

Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city and its officers, resort may be had to any procedure set forth in any statute of the state of Michigan which was passed for the government of cities or townships, or in any other statute of the state of Michigan. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this charter or in any statute of the state of Michigan, the Council may prescribe by ordinance a reasonable procedure for the exercise thereof.

• **Section 4.4. - Continuation of rights and liabilities.**

The adoption of this charter shall not be regarded as discharging, impairing, or limiting any right vested in or liability incurred by the Village of Sylvan Lake, and of any of that part of the Townships of Waterford and West Bloomfield included in the City, by the act of incorporation as such at the time of the adoption of this charter.

- **Sylvan Township, (Washtenaw Co.)**

PH: 734-47-8890

Link <http://www.sylvan-township.org/>

Auction: Auctioneer:

Sec. 6-75. - Exemptions.

This article shall not apply to any auction held by a licensed auctioneer for the purpose of selling the land or property of a landowner or the landowner's tenant.

T

- **Tawas City**

(989) 362-8688

Link <http://www.tawascity.org/>

Auction: Auctioneer:

Chapter 16 - PEDDLERS, SOLICITORS, CANVASSERS AND TRANSIENT MERCHANTS

FOOTNOTE(S):

--- (1) ---

State Law reference— Home solicitation sales, MCL 445.111 et seq.; transient merchants, MCL 445.371 et seq.; charitable organizations and solicitations act, MCL 400.271 et seq.; public safety solicitation act, MCL 14.301 et seq.; veteran's license for peddlers, MCL 35.441 et seq. [\(Back\)](#)

ARTICLE I. - IN GENERAL

Sec. 16-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, magazines, photographs, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance; and further, provided, that one who solicits orders and as a separate transaction makes deliveries to purchases as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The term "peddler" shall include the terms "hawker" and "huckster."

Solicitor and *canvasser* means any individual, whether a resident of the city or not, traveling either by foot, wagon, automobile, meter truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders, or doing preliminary work designed to result in the ultimate taking of orders, for the sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject or subjects of such sale or sales or whether he is collecting advance payments on such sale or sales or not; provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hire, leases, uses, or occupies any building, structure, tent, railroad car, boat, hotel room, lodginghouse, apartment, shop, or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

Transient merchant shall include itinerant merchant or itinerant vendor, and means any person whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city, or the taking of photographs for sale or for a service fee within the city, and who in the furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, box car, or boat, public room in hotels, lodginghouses, apartments, shops, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction; provided that such definition shall not include any person who, while occupying such temporary location, does not sell from stock, does not take deposits, but exhibits samples only for the purpose of securing orders for future delivery.

(Ord. No. 150, § 2, 1-4-1960; Ord. No. 150-A, § 2, 10-4-1965)

Sec. 16-2. - Loud noises.

No licensee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. No. 150, § 10, 1-4-1960)

Sec. 16-3. - Use of streets.

No licensee shall have an exclusive right to any location in the public streets, nor shall any be permitted a stationary location longer than is necessary to make such sale, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.

(Ord. No. 150, § 11, 1-4-1960)

Sec. 16-4. - Enforcement and records.

The chief of police shall examine all persons engaged in the covered activities to determine whether they are licensed and whether the provisions of the ordinance from which this chapter is derived are being complied with. It is the duty of the city clerk to keep all records necessary to identify complaints, convictions and to process the same.

(Ord. No. 150, § 12, 1-4-1960)

Secs. 16-5—16-30. - Reserved.

ARTICLE II. - LICENSE

Sec. 16-31. - License required.

It shall be unlawful for any person to engage in the business of peddler, transient merchant, solicitor or canvasser, as respectively defined in section 16-1, without first having obtained a license therefor as provided in this article.

(Ord. No. 150, § 1, 1-4-1960; Ord. No. 150-A, § 1, 10-4-1965)

Sec. 16-32. - Application.

Applicants for a license under this chapter must file with the city clerk a sworn application, in writing (in duplicate), on a form to be furnished by the city clerk, which shall give the following information:

- (1) Name and description of the applicant;
- (2) Address (legal and local);
- (3) A brief description of the nature of the business and the goods to be sold and in the case of a farm or orchard, whether produced or grown by the applicant;
- (4) If employed, the name and address (no P.O. Box) of the employer, together with credentials establishing the exact relationship;
- (5) The length of time for which the right to do business is desired;
- (6) If a vehicle is to be used, the license number and state of licensing or other means of identification;
- (7) A photograph of the applicant, taken within 60 days, which shall be two inches by two inches, showing the face, head, and shoulders clearly;
- (8) The fingerprints of the applicant and evidence of good character and business responsibility, local business references preferred;
- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of a city ordinance, if so, the nature of the infraction and penalty assessed;
- (10) The applicant shall file with his application a statement by a reputable physician licensed to practice in the state, dated not more than ten days prior to the submission of the application, certifying the applicant to be free of infectious, contagious, or communicable disease;
- (11) At the time of filing the application, a fee, as currently established or as hereafter adopted by resolution of the city council from time to time, shall be paid to the city clerk to cover the cost of investigation;
- (12) If the application is for a permit and license as a transient merchant, in addition to the foregoing, the application shall contain:
 - a. The state of incorporation and local resident agent for service of process; or names and addresses (no P.O. Box) of all partners of partnership involved;
 - b. The place or places in the city where the business is to be located and the length of time in each;
 - c. The places where the applicant has conducted a transient business in the last six months, the nature thereof, and the street address of each;
 - d. The nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the city, the invoice value and quality of such, the manner of sale, whether in part by sample and part from stock, by auction or direct sale, what deposits will be required, where the goods are manufactured and where the goods are at the time of the application;
 - e. A brief statement of the nature of advertising to be done;
 - f. Such other reasonable information as to the identity or character of the person or persons having the management of the applicant's business and method of doing business as the clerk may deem proper to fulfill the purpose of this chapter and protect the public good.

(Ord. No. 150, § 3, 1-4-1960)

Sec. 16-33. - Investigation and issuance.

Upon receipt of such application and investigation fee, the city clerk or such other person as he may designate, including the chief of police, shall cause such investigation to be made as may be necessary to determine the applicant's

business responsibility or moral character for the public good and grant or deny said application in writing. If granted, a license shall issue upon fulfillment of other requirements of this chapter.

(Ord. No. 150, § 4, 1-4-1960)

Sec. 16-34. - Licensing standards for good moral character.

- (a) The phrase "good moral character," when used in this article for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.
- (b) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used, the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability to, and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.
- (c) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:
 - (1) Records of an arrest not followed by a conviction;
 - (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;
 - (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest, and open manner;
 - (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.
- (d) When a person is found to be unqualified for a license because of a lack of good moral character, or similar criteria, the person shall be furnished by the city clerk with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of right, to a rehearing on the issue before the city council if he has relevant evidence not previously considered regarding his qualifications.

Sec. 16-35. - Bond.

Before any license provided by this chapter shall be issued for a transient merchant or solicitor, but not including a peddler, such applicant shall file a bond running to the city in the amount, executed by the applicant, as principal and one corporate surety licensed to do business in the state as such, or two sureties upon which service of process may be made in the state, said bond to be approved by the city attorney, conditioned that said applicant shall comply fully with all the provisions of the ordinances of the city and statutes of the state regulating the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against the applicant by any person for damage growing out of any misrepresentation or deception practiced or made by the owners, agents or others in privity with the applicant, or by the applicant alone, either at the time of the sale or through any advertisement connected in any way with said sale. The action on the bond shall be brought in the name of the city for the use and benefit of the aggrieved person.

(Ord. No. 150, § 5, 1-4-1960)

Sec. 16-36. - Service of process.

Before any license is issued hereunder for a transient merchant or solicitor, such applicant shall file with the city clerk an instrument appointing the city clerk, and his successors in office, the applicant's true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by section 16-35, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made, shall be taken and held to be as valid as if personally served upon the applicant within this jurisdiction, and waiving all claim of error by reason of such acknowledgment of service of process. Immediately upon service of process upon the city clerk, as herein provided, the city clerk shall send to the licensee at his last known address, by registered mail, return receipt requested, a copy of said process.

(Ord. No. 150, § 6, 1-4-1960)

Sec. 16-37. - Exhibition of license.

The license issued under this article shall at all times be conspicuously posted in the place of business or upon the vehicle used in connection with the licensed business. Licensees are required to exhibit their licenses at the request of any person.

(Ord. No. 150, § 7, 1-4-1960)

Sec. 16-38. - Fees, computation as to licensees.

- (a) A fee, as currently established or as hereafter adopted by resolution of the city council from time to time, will be required for each person proposing to operate on foot; hand cart, push cart, wagon, motor vehicle, railroad car, conveyance or location; and the same fee for each helper, except that no helper shall be required to file a bond.
- (b) No person selling products of the farm or orchard actually produced by seller need pay a fee.
- (c) The annual fees shall be on a calendar year basis.

(Ord. No. 150, § 8, 1-4-1960; Ord. No. 150-A, § 8, 10-4-1965)

Sec. 16-39. - License not transferable.

No person shall exhibit the license of another.

(Ord. No. 150, § 9, 1-4-1960; Ord. No. 150-A, § 8, 10-4-1965)

Sec. 16-40. - Revocation.

- (a) The license and permit issued under this article may be revoked by the mayor of the city, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for a license or made in connection with the selling of goods, wares or merchandise or other licensed activity;
 - (2) Any violation of this chapter;
 - (3) Conviction of the licensee of any felony or misdemeanor involving moral turpitude; or
 - (4) Conducting the licensed business in an unlawful manner or in such a manner as to constitute a breach of the peace or menace to health, safety or general welfare of the public.
- (b) Notice of hearing for revocation of a license shall be given in writing setting forth the grounds, time and place of the hearing, and mailed, postage prepaid to the applicant's last known address at least five days prior to the date of the hearing.

(Ord. No. 150, § 13, 1-4-1960)

Sec. 16-41. - Appeal.

Any person aggrieved by the decision of the clerk not to grant a license, or of the mayor in revoking the same, may appeal to the city council, by stating their grounds in writing and filing the same with the city clerk or council within ten days from the date of the action complained of. The council shall set the time and place of hearing. The decision of the council shall be final.

(Ord. No. 150, § 14, 1-4-1960)

• **Taylor**

PH: :(734) 374-1474

Fax:(734) 374-1343

Auction: Auctioneer:

- **ARTICLE III. - CUSTODY, CARE AND DISPOSAL OF PERSONAL PROPERTY**

FOOTNOTE(S):

⁽⁵⁸⁾ **State Law reference—** Lost and unclaimed property, MCL ch. 434; lost property, MCL 434.21 et seq.; disposition of lost, unclaimed, or abandoned personal property, MCL 434.151 et seq.; disposition of unclaimed stolen property, MCL 434.171 et seq.; disposition and sale of stolen or abandoned property, MCL 434.181 et seq.

- **Sec. 28-33. - Scope of article; mayor/council agreements concerning property disposition.**

(a)

The provisions in this article shall not be construed or interpreted to conflict with or interfere with any federal or state laws. The provisions in this article shall also not be construed or interpreted to limit or restrict the authority of the city to dispose of property in accordance with any federal or state laws.

(b)

Notwithstanding any provision in this article to the contrary, the mayor and city council may, through joint agreement, dispose of specific items of property described herein in any manner and to any individuals or entities they deem appropriate.

(Code 1987, § 23-15; Ord. No. 87-171, §§ 23, 24, 6-2-1987)

- **Sec. 28-34. - Authority of police department to adopt rules and regulations.**

The police department shall adopt, subject to the city council's approval, such rules and regulations as may be necessary to implement the purposes of this article.

(Code 1987, § 23-16; Ord. No. 75-64, § 17, 6-10-1975; Ord. No. 87-171, § 25, 6-2-1987)

- **Sec. 28-35. - Property and money to which this article applies.**

The following property and money shall be deposited, handled and disposed of as provided in this article:

(1)

All stolen property and money taken or found by any officer of the police department in the possession of any person arrested or charged with a violation of the law.

(2)

All property and money confiscated on suspicion of having been criminally obtained or possessed or being the proceeds of crime.

(3)

All lost property and money coming into the possession of the police department of the city.

(4)

All property and money taken from pawnbrokers, as the proceeds of crime.

(Code 1987, § 23-17; Ord. No. 75-64, § 1, 6-10-1975; Ord. No. 87-171, § 1, 6-2-1987)

- **Sec. 28-36. - Disposition of lost property or money by finder.**

When any person shall find any lost property or money in the city:

(1)

If the owner is known, the person shall immediately give notice to the owner;

(2)

If the owner is unknown, the finder shall notify the police department and deposit such property or money with the police department.

(Code 1987, § 23-18; Ord. No. 75-64, § 4, 6-10-1975; Ord. No. 87-171, § 4, 6-2-1987)

- **Sec. 28-37. - Deposit of items with police department; receipt.**

Whenever any lost property or money is deposited with the police department, a receipt containing the date and a description of the property or money shall be given to the finder by the officer receiving such money or goods.

(Code 1987, § 23-19; Ord. No. 75-64, § 5, 6-10-1975; Ord. No. 87-171, § 5, 6-2-1987)

- **Sec. 28-38. - Custodial duty of police department.**

The police department shall take into its care and custody the property and money described in [section 28-35](#) and deposit it in a safe and suitable place.

(Code 1987, § 23-20; Ord. No. 75-64, § 2, 6-10-1975; Ord. No. 87-171, § 2, 6-2-1987)

- **Sec. 28-39. - Claims for property or money.**

If the owner or person entitled to possession of the property and money described in [section 28-35](#) does not file a claim with the police department for such property and money within six months after such property and money came into possession of the police department, then such property and money shall be claimed by the city after the expiration of such six months as its own personal property.

(Code 1987, § 23-21; Ord. No. 75-64, §§ 3, 6, 14, 6-10-1975; Ord. No. 87-171, § 3, 6-2-1987)

- **Sec. 28-40. - Disposition of money.**

All money described in [section 28-35](#) which is claimed by the city pursuant to [section 28-39](#), shall be transferred to the city clerk. The city clerk shall deposit such money in the city trust and agency fund, to be distributed in accordance with the terms and conditions of such fund.

(Code 1987, § 23-22; Ord. No. 75-64, § 15, 6-10-1975; Ord. No. 87-171, § 6, 6-2-1987)

- **Sec. 28-41. - Estimated value of property other than money.**

The police department shall estimate the value of each item of property described in [section 28-35](#), other than money, firearms and motor vehicles, which is claimed by the city pursuant to [section 28-39](#). The estimated value shall be based on the prevailing market price in the city for retail sale of like property.

(Code 1987, § 23-23; Ord. No. 75-64, § 16, 6-10-1975; Ord. No. 87-171, § 7, 6-2-1987)

- **Sec. 28-42. - Disposition of property valued at less than \$500.00.**

(a)

The police department shall prepare a list of each item of property described in [section 28-41](#), which is estimated to have a value of less than \$500.00. Such list shall be distributed to the head of the city school district and the heads of every department in the city government. Any such school district or department head may file a written request with the police department for any item of property on such list, within 30 days after such list is sent by the police department. The police chief may, in the police chief discretion, transfer such items of property to the school district or department which requested them. All such transfers are subject to final review and approval by the mayor.

(b)

The police chief may, in the police chief discretion, transfer to the auxiliary police or to any organization which qualifies for tax-exempt status under the Internal Revenue Code as a charitable organization any property described in [section 28-41](#), which is estimated to have a value of less than \$500.00, and which is not transferred pursuant to subsection (a) of this section. All such transfers are subject to final review and approval by the mayor. All such property transferred to the auxiliary police shall be disposed of by the auxiliary police by public **auction**, in accordance with the procedures set forth in sections [28-46](#) through [28-48](#). The proceeds from such **auctions** conducted by the auxiliary police shall be retained by the auxiliary police and used in furtherance of community service activities.

(Code 1987, § 23-24; Ord. No. 87-171, §§ 8, 9, 6-2-1987)

- **Sec. 28-43. - Destruction of property valued at less than \$100.00.**

The police chief may, in the police chief discretion, destroy any property described in [section 28-41](#) which is estimated to have a value of less than \$100.00 and which is not transferred pursuant to [section 28-42](#).

(Code 1987, § 23-25; Ord. No. 87-171, § 10, 6-2-1987)

- **Sec. 28-44. - Disposition of property by city clerk.**

The police chief shall transfer to the city clerk all property described in [section 28-41](#) which is not transferred or destroyed pursuant to [section 28-42](#) or [28-43](#). The city clerk shall dispose of all such property by public **auction**, in accordance with the procedures set forth in sections [28-46](#) through [28-48](#). The city clerk shall deposit all proceeds

from such **auctions** in the city trust and agency fund, to be distributed in accordance with the terms and conditions of such fund.

(Code 1987, § 23-26; Ord. No. 87-171, § 11, 6-2-1987)

- **Sec. 28-45. - Firearms; disposition.**

The police chief shall transfer to the city clerk all firearms described in [section 28-35](#) which are claimed by the city pursuant to [section 28-39](#). The city clerk shall dispose of all such firearms by public **auction**, in accordance with the procedures set forth in sections [28-46](#) through [28-48](#). The city clerk shall deposit all proceeds from such **auctions** in the city trust and agency fund, to be distributed in accordance with the terms and conditions of such fund. However, notwithstanding anything to the contrary in sections [28-46](#) through [28-48](#), the following procedures shall be followed:

(1)

No firearm shall be sold under this section to any individual, entity, or agent thereof, unless such individual, entity or agent thereof is authorized under state and federal laws to make retail sales of such a firearm in the state. The party conducting the **auction** may require written verification of such authorization prior to the sale of a firearm under this section. These restrictions on purchase shall be indicated in the advertised notice of **auction**.

(2)

The party conducting the **auction** may, at the party's discretion, conduct the **auction** by sealed bids for individual firearms or any groups thereof.

(Code 1987, § 23-27; Ord. No. 87-171, § 12, 6-2-1987)

- **Sec. 28-46. - Notice of **auctions**.**

The party conducting any **auction** authorized under [section 28-42\(b\)](#), [28-44](#) or [28-45](#) shall advertise notice of such **auction** once each week for two consecutive weeks in a newspaper circulating generally in the county. Such notice shall include a description of the property to be offered for sale, together with the date, time and place of sale. No **auction** or sale shall take place within less than 30 days from the date of the first advertisement of such sale.

(Code 1987, § 23-28; Ord. No. 87-171, § 13, 6-2-1987)

- **Sec. 28-47. - **Auction** list.**

The party conducting any **auction** authorized under [section 28-42\(b\)](#), [28-44](#) or [28-45](#) shall prepare an **auction** list containing a description of the items to be sold, and a proposed date, time and place for conducting the **auction**. The **auction** list shall be presented to the mayor and city council for approval. The proposed date of the **auction** shall be set to allow sufficient time for such presentation of the **auction** list, and for notice of the **auction** to be advertised.

(Code 1987, § 23-29; Ord. No. 87-171, § 14, 6-2-1987)

- **Sec. 28-48. - Procedure for conducting **auctions**.**

(a)

The party conducting any **auction** authorized under [section 28-42\(b\)](#), [28-44](#) or [28-45](#) shall be responsible for administering the **auction**, recording sales and collecting monies. Such party shall be assisted by assigned personnel from the police department. All items to be sold shall be marked with identification cards for inspection and recordkeeping prior to and during the **auction**. All identification cards shall be in triplicate. The first card shall be given to the successful bidder who will present same to the clerk of the **auction**, who will:

(1)

Compare identity cards;

(2)

Collect the sale price;

(3)

Receipt the purchase, retaining copies before items are removed from the **auction** area.

(b)

Hours of **auctions** shall be during regular business hours maintained by the city unless otherwise specified by the mayor or city council. Transfer of ownership by title or bill of sale will be the responsibility of the city clerk. A copy of the **auction** list together with a report of all monies received are to be forwarded to the mayor, city council and police chief. The report shall contain the amount of sales and all costs of the **auction**.

The **auction** clerk must within 48 hours turn over all monies with the **auction** list to the designated fund for receiving proceeds from the **auction**. There shall be no private sales of property described in this article without express approval in writing from the city council. **Auction** personnel will be assigned by the city clerk and chief of police acting jointly. Any designated person disposing of property in the manner provided in this article shall not be liable to the owner or purchaser thereof. All sales are to be paid for by the successful bidder in full amount of the bid at time of sale. Only cash, cashiers or certified check will be accepted. No personal checks shall be accepted.

(Code 1987, § 23-30; Ord. No. 87-171, § 15, 6-2-1987)

- **Tecumseh**

Phone: 517-423-2107

Fax: 517-423-3610

Link <http://www.tecumseh.mi.us/>

Auction: Auctioneer:

ARTICLE II. - GARAGE SALES

DIVISION 1. - GENERALLY

Sec. 58-31. - Short title.

This article, for brevity, may be cited, pleaded and referred to and may be amended by the short title of "Garage Sales Ordinance of the City of Tecumseh, Michigan."

(Comp. Ords. 1982, § 3.982.08)

Sec. 58-32. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale, attic sale or lawn sale means any sale of tangible personal property not otherwise regulated in the city and not falling within the exceptions of this article, advertised in such manner that the public at large is or can be made aware of such sale.

Goods means any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this article.

(Comp. Ords. 1982, § 3.982.01)

Cross reference— Definitions generally, § 1-2.

Sec. 58-33. - Penalties.

Any person violating any of the provisions of this article shall upon conviction be punished as provided in section 1-7.

(Comp. Ords. 1982, § 3.982.07)

Secs. 58-34—58-50. - Reserved.

DIVISION 2. - LICENSE

FOOTNOTE(S):

--- (2) ---

Charter reference— Municipal powers, licenses, § 2.3(q). [\(Back\)](#)

Sec. 58-51. - Required.

A license issued by the city manager or his designee shall be obtained by any person 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 sales enumerated in section 58-32 and not falling within the exceptions of section 58-55.

(Comp. Ords. 1982, § 3.982.02)

Sec. 58-52. - Application.

An application for a license for any of the sales regulated under this article shall be made at the office of the city manager on a form to be provided, which application shall contain the following information:

- (1) Name of the person conducting the sale.
- (2) Location at which the sale is to be conducted and the date and nature of any prior sales conducted at the same location.
- (3) Dates during which the sale is to be conducted within the time limits prescribed in this division.
- (4) Date, nature and location of any past sale conducted by applicant.

(Comp. Ords. 1982, § 3.982.03)

Sec. 58-53. - Fees.

A license fee in an amount set from time to time shall be paid to the city at the time of a first application and at the time of a second application for a sale by a particular applicant or at a particular location is made during any calendar year beginning January 1. A license fee in an amount set from time to time shall be paid to the city at the time application for a sale by a particular applicant or at a particular location is made for a third license during any calendar year beginning January 1. Each successive license fee issued thereafter by the city during each calendar year shall be set from time to time and paid to the city at the time of application for sale by a particular applicant or at a particular location is made during any calendar year beginning January 1.

(Comp. Ords. 1982, § 3.982.04)

Sec. 58-54. - Conditions of license.

- (a) No person shall conduct, advertise or promote any sale regulated by this article without a license issued as prescribed in this division.
- (b) No signs advertising a sale regulated by this division shall be placed on public property or within the public right-of-way or any utility pole or on private property, except that one sign advertising the sale may be placed on the property of the owner. The sign shall not exceed six square feet in size.
- (c) No license shall be issued authorizing any such sale to be conducted for a period longer than five consecutive days.
- (d) 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 conducted.

(Comp. Ords. 1982, § 3.982.05; Ord. No. 4-07, 3-5-2007)

Sec. 58-55. - Persons and sales excepted.

The following are excepted from the provisions of this article:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Any person selling or advertising for sale items of personal property which are not displayed in a residentially zoned district.
- (4) Any publisher of a newspaper, magazine or other publication or other communication medium who publishes or broadcasts in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been complied with.
- (5) Any sale regulated under any other provisions of the ordinances of the city.
- (6) 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 or under protection of the presently nonconforming section of such ordinance, 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 ordinances of the city.
- (7) Any bona fide charitable, religious, educational, cultural or governmental institution or organization; however, the burden of establishing the exemption under this subsection shall be on the organization or institution claiming such exemption.
- (8) An auction by a lawfully qualified auctioneer.

(Comp. Ords. 1982, § 3.982.06)

- **Texas Charter Township, (Kalamazoo Co.)**

269) 375-1591

Link <http://www.texastownship.org/>

Auction: Auctioneer: No information given.

- **Thomas Township, (Saginaw Co.)**

PHONE: 781-0150

Link <http://www.thomastwp.org/>

Auction: Auctioneer:

ARTICLE C. - TRANSIENT MERCHANTS

SECTION:

2-3C-1: - DEFINITION:

A "transient merchant", "itinerant merchant", or "itinerant vendor", is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the Township or not, who engages in a temporary business of selling and delivering goods, wares, merchandise and provisions within Thomas Township and who, in furtherance of such purpose, hires, leases, uses or occupies any booth, building, structure, vehicle, tent, boat, motel, hotel, lodging house, apartment, shop or space upon any street or alley, parking lot, or other place within the Township for the exhibition and sale of such merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this Article merely by reason of association temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection therewith, as a part of, or in the name of, any local dealer, trader, merchant or auctioneer.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-2: - LICENSE REQUIRED:

It shall be unlawful for a "transient merchant", "itinerant merchant", or "itinerant vendor", as defined herein to engage in such business within Thomas Township without first obtaining a license therefor in compliance with provisions of this Article.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-3: - EXEMPTIONS FROM LICENSE:

The licensing provisions of this Article shall not apply to:

- A. A person selling goods, wares, or merchandise of any description raised, produced, or manufactured by the individual offering the same for sale.
- B. A person selling at an art fair or festival or similar event at the invitation of the event's sponsor if all of the following conditions are met:
 - 1. The sponsor is a governmental entity or nonprofit organization.
 - 2. The person provides the sponsor with the person's sales tax license number.
 - 3. The sponsor provides a list of the event's vendors and their sales tax license numbers to the County Treasurer and the State Treasurer.

2-3C-4: - APPLICATION:

- A. Information Required: At least forty five (45) days prior to the date of the commencement of the period for which the license is intended to be used, applicants for a license must file with the Township Clerk a sworn application in writing, on a form to be furnished by the Township Clerk, which shall give the following information:
1. Name and description of the applicant;
 2. Address (legal and local);
 3. A brief description of the nature of the business and the goods to be sold;
 4. If employed, the name and address of the employer together with credentials establishing the exact relationship;
 5. The length of time for which the right to do business is desired;
 6. If a vehicle is to be used, a description of the same, together with license number or other means of identification;
 7. One photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which pictures shall be two inches by two inches (2" x 2") showing the head and shoulders of the applicant in a clear and distinguishing manner; and also a photograph of the booth, structure, vehicle or other base or station used in merchandising which portrays the applicant's intended display or exhibit;
 8. The fingerprints of the applicant;
 9. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
 10. If applicant intends to handle or sell anything edible by human beings, he shall also file with his application a statement by a registered physician in the County of Saginaw, dated not more than ten (10) days prior to submission of the application of the applicant, certifying the applicant to be free of infectious, contagious or communicable disease.
- B. Fee: At the time of filing the application, an application fee set by Board resolution shall be paid to the Township Clerk.
- C. Form Contracts: Applicant shall file with the complete application a copy of any form contracts to be used in the course of applicant's business under this Ordinance.
- D. Additional Information: Applicants for a permit or license to do business as a "transient merchant" as defined herein shall, besides the information in this Section 2-3C-4 file a statement showing:
1. The name(s) of the person(s) having the management or supervision of applicant's business during the time that it is proposed it will be carried on in Thomas Township; the local address(s) of such person(s); the capacity in which such person(s) will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.
 2. The place(s) in Thomas Township where it is proposed to carry on the applicant's business.
 3. The place(s), other than the permanent place of business of the applicant where applicant, within the six (6) months preceding the date of said application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.
 4. A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in Thomas Township, whether same are proposed to be sold from stock in possession or from stock in possession and by sample, at auction, by direct sale or by direct sale and by the taking of orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.
 5. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the Township, copies of all said advertising, whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto;

6. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative; and two (2) references in writing from someone who has known the applicant personally;
7. Such other reasonable information as to the identity or character of the person(s) having the management or supervision of applicant's business or the method or plan of doing such business as the Township Clerk may deem proper to fulfill the purpose of this Article in the protection of the public good;
8. Completion of site plan review by the Zoning Administrator in accordance with the Zoning Ordinance; and
9. The length of time the applicant wishes to do business in the Township.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-5: - ACTION UPON SUBMISSION OF APPLICATION:

- A. Investigation Of Applicant: Upon receipt of the application for a license, the Township Clerk shall forward a copy thereof to the Chief of Police, Fire Chief, Director of Community Development, and the Superintendent of Public Works for their respective recommendations. The Chief of Police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good and welfare. Business and moral character shall include but not be limited to those items of cause for license revocation specified in this Ordinance.
- B. Approval Or Denial Of License: Upon receipt of the foregoing recommendations the Township Clerk shall approve or deny the license.
- C. Issuance Of License: If approved, the Clerk shall issue a transient merchant license to the applicant upon receipt of the license fee.
- D. Notice Of Denial Of License; Appeal: If denied, the Clerk shall notify the applicant of such action by certified mail, return receipt requested, and mailed to the address listed on the application. The notice of denial shall include a statement of the reasons therefor. Denials may be appealed to Township Board.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-6: - POSTING OF LICENSES:

Licenses issued to transient merchants under this Article shall be posted conspicuously in the place of business named therein. In the event that such person(s) applying for said license shall desire to do business in more than one place within the Township, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business. Persons licensed under this Article are required to exhibit their licenses at the request of any citizen.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-7: - LOUD NOISES AND SOUND AMPLIFYING DEVICES:

No person licensed under this Article nor any person in his behalf, shall blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system upon any of the roads, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-8: - USE OF PUBLIC AREAS:

- A. Roads And Sidewalks: No person licensed under this Article, nor any person on his behalf, shall have any exclusive right to any location in the public roads or rights of way. No license shall be permitted a stationary location within a congested area if said location operates to impede or inconvenience the public use and enjoyment of Township roads and sidewalks. In furtherance thereof, the Planning Commission shall prescribe, as a condition of the license granted, specific setback areas from the Township sidewalk to assure the unimpeded flow of pedestrian movement in the vicinity of applicant's sales exhibit.

- B. **Parking Lots And Driveways:** No sales activity or exhibit, whether mobile or stationary, shall be conducted in, upon or so near the entrance to parking lots or driveways as to obstruct or impede the free ingress and egress of vehicular traffic therewith.
- C. **Exercise Of Police Powers:** For the purpose of this Ordinance, the judgment of the Police Department, exercised in good faith, shall be deemed conclusive as to whether an area is congested or impeded or inconvenienced. In the processing of applications, the Township Board shall have the power to withhold and refuse to grant further permits if, in its judgment, overcrowding of thoroughfares would result, should additional licenses be granted.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-9: - DUTY OF POLICE TO ENFORCE:

It shall be the duty of the police officers of the Township of Thomas to examine all places of business and persons in their respective locations subject to the provisions of this Article, to determine if this Article has been complied with and to enforce this Article against any person found to be violating the same.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

2-3C-10: - EVIDENCE OF INSURANCE:

- A. **Public Liability Insurance:** The Township Board shall require each applicant hereunder to give evidence of the fact that such applicant is adequately insured for public liability protection; and it shall be a condition of the granting of a license hereunder that the applicant holds harmless the Township of Thomas for any loss or damage sustained by third persons through the conduct, activity or negligence of the applicant.
- B. **Indemnity Bond:** The Township Board may also require applicant to file an indemnity bond with the Township Clerk in the penal amount of one thousand dollars (\$1,000.00) to indemnify the Township of Thomas for any and all damage to Township property of any kind whatsoever, and conditioned also upon the promise that the applicant will pay to the Township of Thomas all fines and penalties which may be assessed against said applicant for the breach of any provision of this Code related to the business carried on by such person within the Township of Thomas.

(Ord. 97-G-26, 10-6-1997, eff. 11-14-1997)

- **Thornapple Township, (Barry Co.)**

Phone: 269-795-7202

Fax: 269-795-8812

Link <http://www.thornapple-twp.org>

Auction: Auctioneer: No information given

- **Traverse City**

231-922-4700

Link: <http://www.traversecitymi.gov/>

Auction: Auctioneer:

CHAPTER 806

Auctioneers

806.01 Intent.

806.02 Registration Required.

806.03 Application for Registration; Fee.

806.04 Bond.

806.05 Permit Required.

806.06 Application for Permit; Fee.

806.07 False Bidding or Pretending

806.08 Appearance Tickets.

806.09 Civil Infraction.

806.99 Penalty.

CROSS REFERENCES

Auctions and auctioneers - see M.C.L.A. Secs. 446.26 et seq.

Sale of property recovered by police - see ADM. 252.01

Sale of abandoned vehicles - see TRAF. 410.03(UTC 2.5a)

Pawnbrokers - see B.R. & T. Ch. 846

Secondhand stores - see B.R. & T. Ch. 856

806.01 INTENT

It is in the interest of the public morals and welfare to regulate auctions and auctioneers for the preventing of deceit, misrepresentation and fraud in the selling of goods, wares, merchandise and personal property.

806.02 PERMIT REQUIRED.

No person shall conduct an auction without first obtaining an Auction Permit from the City

Clerk. This Chapter shall not apply to any public auction or sale made or conducted by a public

officer or to an auction sale conducted solely for charitable purposes where none of the proceeds are paid to the auctioneer.

(Ord. 942, Passed 5/21/12)

806.03 APPLICATION FOR PERMIT; FEE.

An applicant for an Auction Permit shall file with the City Clerk an application and such information as shall be required by the City Clerk and pay a fee in an amount established by resolution of the City Commission. Any applicant for an auction permit shall request a permit from the City Clerk no later than three (3) days prior to holding the auction. The applicant shall provide such information as shall be required by the City Clerk the applicant shall state on the application whether the auction sale shall be with or without reservation.

(Ord. 942, Passed 5/21/12)

806.04 BOND.

Before an Auction Permit is issued, the applicant for such permit shall furnish to the City Clerk a surety bond in an amount established by resolution of the City Commission, which surety bond shall be conditioned for the due observance, during the time of the permit, of the laws of the State and City. Any person aggrieved by the action of any such permit shall have a right of action on the surety bond for the recovery of money or damages, or both.

(Ord. 942, Passed 5/21/12) AUCTIONEERS

kstroven 6 2012-B Replacement

806.05 FALSE BIDDING OR PRETENDING TO BUY.

At any auction sale, no person shall act as "bidder" or what is commonly known as a "capper", "booster" or shiller" or offer to make any false bid, or offer any false bid or pretend to buy any article sold or offered for sale at any sale by auction.

(Ord. 942, Passed 5/21/12)

806.06 APPEARANCE TICKETS.

The Police Chief and the appointed officers of the Police Department, or such other officials as are designated by the City Manager, are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968, as amended (MCLA 764.9c(2); MSA 28.868(3)(2). Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(Ord. 942, Passed 5/21/12)

806.07 CIVIL INFRACTION.

A person who violates this Chapter is responsible for a civil infraction.

(Ord. 415, Passed 2/6/95. Ord. 942, Passed 5/21/12)

806.08 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

(Ord. 942, Passed 5/21/12)

- **Thornapple Township, (Barry Co.)**

Office Phone: 269-795-7202

Fax: 269-795-8812

Link: <http://www.thornapple-twp.org/>

Auction / Auctioneer

- **Trenton**

Phone: (734) 675-6500

Fax: (734) 675-4088

Link <http://trentonmi.org/>

Auction: Auctioneer:

Sec. 22-52. - Auctions.

- (a) No person shall conduct an auction of any real estate, goods, wares or merchandise of any description with the city without first procuring a permit from the city clerk, at least five days prior to the sale.
- (b) A permit required pursuant to this section shall be granted by the clerk for a fee of \$20.00, payable to the city upon making application.
- (c) The permit application shall disclose the following information:
 - (1) A complete description of the property sought to be sold including an itemized inventory of any personalty.
 - (2) An address of the location and times at which the auction is to be held.
 - (3) The name of the auctioneer conducting the sale.
 - (4) The state license number of the auctioneer, and a copy of the license.
 - (5) A receipt indicating the payment of any and all taxes due and owing on the property.
- (d) All auction sales shall be conducted by an auctioneer duly licensed by the State of Michigan.
- (e) No auction shall be conducted or continued before 9:00 a.m. or after 6:00 p.m.
- (f) Whenever any auction sale is one of used or secondhand goods, no new goods, wares merchandise or personal property shall be offered or included at such sale.
- (g) Each auctioneer shall keep an accurate record of all goods and chattels sold, together with the name and address of the person from whom such goods and chattels were received, which shall be open to inspection by any police officer or the city clerk, at all reasonable times.
- (h) All taxes, together with any penalties or interest which have become a lien on the property, shall have first been paid prior to being sold at auction.
- (i) The provisions of this section shall not apply to any sale conducted by any sheriff or court officer, or any person acting under the license, direction or authority of any court.

(Ord. No. 765, § 1, 6-18-2012)

U

- **Union Charter Township, (Isabella Co.)**

Tel: 989-772-4600

Fax: 989-773-1988

Link <http://www.uniontownshipmi.com/>

Auction: Auctioneer: No information given

- **Utica**

PH: (586) 739-1600

FAX (586) 739-2867

Link <http://www.cityofutica.org/>

Auction: Auctioneer:

ARTICLE VII. - TEMPORARY BUSINESSES, PEDDLERS, DIRECT SELLERS, AUCTIONEER, FARMERS' MARKETS AND GARAGE SALES

FOOTNOTE(S):

--- (3) ---

Cross reference— Streets, sidewalks and other public places, ch. 62. [\(Back\)](#)

State Law reference— Transient merchants, MCL 445.371 et seq.; home solicitation, MCL 445.111 et seq.; veteran's license for peddlers, MCL 35.441 et seq.; charitable solicitations, MCL 400.271 et seq.; public safety solicitations, MCL 14.301 et seq. [\(Back\)](#)

DIVISION 1. - GENERALLY

Sec. 14-361. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auctioneer means one who sells goods of another person at public auction generally on commission, or for a recompense or one who offers the sale of items through a bidding process.

Charitable organization means any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Direct seller means any individual who, for himself, or for any other legal entity or organization, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

Farmer's market means the collection of two or more persons, legal entities or organizations conducting outdoor sales at one location and which has been duly authorized by the zoning ordinance (appendix A to this Code).

Garage sale means all sales from a residential home entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property, generally used property, which is advertised by any means whereby the public at large is or can be made aware of such sale. The term "garage sale" does not include a business for the sale of used goods operated within a building on a daily basis, nor does it include any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

Goods means personal property of any kind, and shall include goods provided incidental to services offered or sold.

Peddler means any person, or other legal entity or organization that sells or offers for sale, generally in a residential area, any food, beverage, goods, merchandise, services or wares from a moving vehicle such as a motor vehicle, cart, bicycle, motorbike, or other such vehicle.

Temporary business means the sale of goods, vegetables, flowers, plants, meat, seafood, poultry, beverages, products, foods or services sold by a person, other legal entity, or organization being operated in the city:

- (1) Who is a "transient merchant" as defined in Public Act No. 51 of 1925 (MCL 445.371 et seq.); or
- (2) Upon vacant land, vacant lot or other unoccupied property;
- (3) Outside of a building without the consent of the owner or lessee thereof; or
- (4) A garage sale conducted for four or more continuous days.

Vendor means any person or other legal entity or organization that sells or offers for sale, generally at a fixed location, any food, beverage, goods, merchandise, services or wares from other than an enclosed commercial building.

(Ord. No. 116, § 1, 7-12-1983; Ord. No. 116B, § I, 7-12-1988)

2. **Cross reference**— Definitions generally, § 1-2.

Sec. 14-362. - Violations declared misdemeanor.

Except as otherwise provided by law or as otherwise stated in this article, violations of this article are a misdemeanor.

Sec. 14-363. - Exemptions.

The following shall be exempt from all provisions of this article:

- (1) Any person delivering newspapers, fuel, dairy products, bakery goods or similar goods or products to regular customers on established routes.
- (2) Garage sales of less than three days of continuous operation.
- (3) Any person selling goods at wholesale to dealers in such goods.
- (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within the city and who delivers such goods in their regular course of business.
- (5) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contract with, and specifically requested a home visit by, such person.
- (6) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (7) Any person acting by law or by order of any court and any person acting in accordance with their powers and duties as public officials.

(Ord. No. 116, § 9, 7-12-1983)

Sec. 14-364. - Use of public streets and rights-of-way.

It shall be unlawful for any person, other legal entity, or organization to conduct a temporary business or to act as an auctioneer or direct seller on any public walk, public street, public alley, public right-of-way, utility easement, within 50 feet of any highway or roadway, or to cause a hazard, directly or indirectly, to the normal travel of motor vehicles, except upon approval of common council for good cause shown.

(Ord. No. 116, § 10, 7-12-1983)

Sec. 14-365. - Direct sellers.

- (a) It shall be unlawful for any direct seller to sell at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; to call at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; to call at the rear door of any dwelling place; or to remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

- (b) It shall be unlawful for a direct seller to misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.
- (c) It shall be unlawful for any direct seller to impede the free use of sidewalks and streets by pedestrians and vehicles.
- (d) It shall be unlawful for any direct seller to make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
- (e) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

(Ord. No. 116, § 6(C)—(G), 7-12-1983)

Sec. 14-366. - Peddlers.

- (a) Any person acting as a peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a peddler in the city or who shall barter, sell or peddle any goods, or merchandise, or wares other than those specified in his application for a license shall be deemed guilty of an offense.
- (b) It shall be unlawful for any peddler to sell or offer for sale any item between 9:00 p.m. and 8:00 a.m.

(Ord. No. 116, § 7(B), (D), 7-12-1983; Ord. No. 116C, 2-13-1996)

Secs. 14-367—14-385. - Reserved.

DIVISION 2. - LICENSES

Sec. 14-386. - Required.

No person or other legal entity shall conduct a temporary business or farmer's market, or act as an auctioneer, peddler or direct seller without first having secured a license to do so from the city clerk. Each license issued under this article must be prominently displayed at the location of the activity licensed or shown to each prospective customer.

(Ord. No. 116, § 2, 7-12-1983)

Sec. 14-387. - Additional requirements and regulations for farmer's market.

A farmer's market is subject to the following additional requirements and regulations:

- (1) The license application required in this article shall contain the following information:
 - a. The name, address and phone number of the applicant.
 - b. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.
 - c. The name and address of the person or persons who will be in direct charge of conducting the temporary business.
 - d. The time within which the temporary business will be operated and the location of the business in the city.
 - e. Any application for permit must also be signed by the party on whose property the temporary business shall be located, or the applicant may present evidence of a lease for such property.
 - f. The maximum number of individual vendors that will conduct sales at the farmer's market.
- (2) Individual vendors at a farmer's market need not be licensed separately under this article or any other ordinance, however, all other regulations, including but not limited to health and sanitary requirements, shall apply.
- (3) The fee for such license shall be as established by resolution.

- (4) The city council may approve the issuance of a farmer's market license on city owned property upon such terms and conditions as it may impose. If city council approves a license, the city clerk shall issue the license upon petitioner filing a written acceptance of the terms and conditions imposed by city council.

(Ord. No. 116, § 3, 7-12-1983; Ord. of 7-14-2009)

Sec. 14-388. - Additional requirements and regulations for temporary businesses.

A temporary business is subject to the additional requirements and regulations in this section.

- (1) The license application required under this article shall contain the following information:
- The name, address or headquarters of the person applying for the permit.
 - If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.
 - The name and address of the person or persons who will be in direct charge of conducting the temporary business.
 - The time within which the temporary business will be operated and the location of the business in the city.
 - Any application for permit must also be signed by the party on whose property the temporary business shall be located.
 - A brief description of the nature of business to be performed or goods or services to be sold.
 - Submission of a photograph of the applicant taken within 30 days immediately prior to the date of filing such application, which photograph shall be no less than two inches by two inches and shall show the head and shoulders in a clear and distinguishable manner.

The fee for such license shall be as established by resolution.

- (2) The applicant for a license under this section shall deposit with the city treasurer cash or a surety bond in the amount of \$500.00.
- Deposits made with the city treasurer as required by this section shall be subject to claims in all cases where suit has been brought against the applicant and garnishment proceedings brought against the deposit. Any deposits in the hands of the city treasurer shall be returned to the applicant six months after the expiration of the license.
 - Any such license shall become immediately void if the deposit provided for in this section shall be reduced by garnishment suits to less than the amount required unless the applicant shall post additional deposits to cover such garnishments.
 - A temporary business license may be renewed only upon express approval of the common council.

(Ord. No. 116, § 9, 7-12-1983; Ord. No. 116A, § I, 1-8-1985)

Sec. 14-389. - Requirements and regulations for auctioneer license.

An auctioneer license is subject to the following requirements and regulations:

- A license application similar to a temporary business license.
- A designation, not to exceed two, as to employees who may assist in conducting the auction.
- The fee for such license shall be as established by resolution.

(Ord. No. 116, § 5, 7-12-1983)

Sec. 14-390. - Direct seller.

A direct seller is subject to the provisions of section 14-388 and to the following additional requirements and regulations:

- An application for license shall include:
 - Name, permanent address and telephone number, and temporary address if any;
 - Age, height, weight, color of hair and eyes;

- c. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
- d. Temporary address and telephone number from which business will be conducted, if any;
- e. Nature of business to be conducted and a brief description of the goods offered, and any services offered;
- f. Proposed method of delivery of goods, if applicable;
- g. Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
- h. The last three previous cities, villages, towns, where applicant conducted similar business;
- i. Place where applicant can be contacted for at least seven days after leaving the city;
- j. Statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years; the nature of the offense and the place of conviction;
- k. Disclosure of any felony convictions for the applicant together with the nature and date of any such conviction;
- l. Disclosure of any violations of article 7 of the Public Health Code (MCL 333.7101 et seq.), or violations similar thereto, together with the nature and date of any such conviction.

(2) Each applicant shall present to the city clerk for examination:

- a. A driver's license or some other proof of identity as may be reasonably required;
- b. A state certificate of examination and approval from the sealer of weights and measures where the applicant's business requires use of weighing and measuring devices approved by state authorities;
- c. A state health officer's certificate where the applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(3) The fee for a license shall be as established by resolution.

(Ord. No. 116, § 6(A), (B), (H), 7-12-1983)

Sec. 14-391. - Regulations and requirements for peddlers.

The following additional regulations and requirements apply to peddlers:

(1) A license application similar to temporary business license and in addition thereto:

- a. A brief description of the goods, merchandise, services or products being sold;
- b. Disclosure of any felony convictions for the applicant together with the nature and date of any such conviction;
- c. Disclosure of any violation of article 7 of the Public Health Code (MCL 333.7101 et seq.), or violations similar thereto, together with the nature and date of any such conviction.

(2) The fee for such license shall be as established by resolution.

(Ord. No. 116, § 7, 7-12-1983)

Sec. 14-392. - Examination of application.

The city clerk shall examine each application filed under this article for a license and shall make, or cause to be made, such further investigation of the application and the applicant as the city clerk shall deem necessary. The license shall not be issued unless the city clerk determines the following facts:

- (1) That all of the statements made in the application are true and all information required by this article has been supplied.
- (2) That the applicant has not engaged in any fraudulent transaction or enterprise, and has not previously violated this article.

- (3) Nothing in the proposal will violate any provision of the zoning ordinance of the city set forth in appendix A to this Code, or any other law or ordinance.
- (4) That an applicant for a peddler or direct sales license was not previously convicted of a felony or a violation of article 7 of the Public Health Code (MCL 333.7101 et seq.), or violations similar thereto.
- (5) That the required fee has been paid to the city.

(Ord. No. 116, § 8, 7-12-1983)

Secs. 14-393—14-420. - Reserved.

V

- **Van Buren Charter Township, (Wayne Co.)**

734-699-8900

Link <http://www.vanburen-mi.org/>

Auction: Auctioneer: No information given

- **Vassar**

989 823-8517

Link <http://www.cityofvassar.org/>

Auction: Auctioneer:

Ministorage facilities.

1.

The area used for all structures must occupy less than 50 percent of the property and must be at least three acres in size. Access to the facility shall be from a public street. The storage units shall be arranged so that the ends of the units are parallel with the front of the lot, however, alternate arrangement could be considered by the planning commission. Internal driveway aisles shall be designed with one 15-foot-wide loading/unloading lane and one 15-foot travel lane. The use of the ministorage units shall be limited to storage only, and shall not be used for any auction other than four auctions per year held by the owner of the ministorage facility for the purpose of disposing of material forfeited by clients of that facility. Nor shall it be used for sales or transfer business; for the servicing, repair or fabricating of any vehicle, boat, trailer, appliance or similar item; or for the operation of power tools, compressors, kilns or other similar equipment.

- **Vienna Charter Township, (Genesee Co.)**

(810) 686-7580

Link <http://viennatwp.com/>

Auction: Auctioneer: No information given

W

- **Walker**

616) 453-631

Link <http://www.ci.walker.mi.us/>

Auction: Auctioneer:

*Online **auction** operations* means a site of a business that conducts public **auctions** via the internet to sell new, used or repossessed vehicles, furniture, electronic equipment, appliances or similar items. The items being **auctioned** are stored on the site until purchased. Items being stored on the site shall not be displayed for sale.

- **Walled Lake**

248-624-4847

Link <http://www.infomi.com/city/walledlake/gov.html>

- Auction: Auctioneer: No information given

- **Warren**

(586) 574-4500

Link <http://www.cityofwarren.org/>

Auction: Auctioneer:

Chapter 8 - AUCTIONS AND AUCTIONEERS

FOOTNOTE(S):

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Charter reference— Authority to regulate trades and occupations, § 3.1(b)(2)(a). [\(Back\)](#)

State Law reference— Auctioneers and duties upon sales at auctions, MCL 446.26 et seq.; sales at public auctions, MCL 446.51 et seq.; UCC rules on sale by auction, MCL 440.2328. [\(Back\)](#)

ARTICLE I. - IN GENERAL

Sec. 8-1. - Sale restrictions.

It shall be unlawful for any person to sell, dispose of, advertise for sale, or offer for sale at public auction any property of any kind unless he or she complies with the following conditions:

- (1) Such sale shall be conducted by an auctioneer duly licensed as provided in this chapter.
- (2) Such property shall have been on the tax rolls of the city for a period of one (1) year prior to such sale, or comprise the stock of goods of a merchant who has regularly done business in the city for one (1) year continuously prior to such sale.
- (3) All taxes, plus penalties, which have become a lien under any law or provision of this Code, shall have first been paid.
- (4) If such sale is a closing-out sale, the statutes and provisions of state law regulating such sales shall be complied with.
- (5) No property of any kind shall be added to the goods, wares or stock at any closing-out sale after the inventory is fixed, nor shall any property be added within sixty (60) days prior to the commencement of such sale in anticipation thereof.
- (6) No property which has been struck off to the highest bidder during the course of such sale shall again be offered for sale during such auction.
- (7) No sale of platinum, gold, silver, plated ware, precious or semi-precious stones, watches or other jewelry shall be permitted unless it is a closing-out auction and application therefor has been on file with the city clerk for a period of sixty (60) days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and the true name or names, weight, quality and color of any precious or semi-precious stone or stones, together with the name of the manufacturer of such article.
- (8) A sales book shall be kept, signed by the purchaser, showing each sale of any article at the time of purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his or her last highest bid.
- (9) No auction shall be conducted or continued in the city after 6:00 p.m. of any day.

(Code 1967, § 3-704)

Sec. 8-2. - Prohibited practices.

The following acts, omissions and practices are prohibited:

- (1) The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article;
- (2) The substitution of any article in place of an article bid upon at auction;
- (3) The use of false bidders, cappers or puffers;
- (4) The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at auction;
- (5) The use of any false or misleading advertising matter, relative to the kind or quality of the goods or to the past history or present status thereof;
- (6) The substitution of an unlicensed person in place of a licensed auctioneer;
- (7) The failure to exhibit an auctioneer's license to any police officer upon demand at the place where an auction is conducted;
- (8) The receipt for sale by auction or the sale by auction of any licensed auctioneer of any goods, wares or merchandise from any minor, knowing him or her to be such.

(Code 1967, § 3-705)

Sec. 8-3. - Accounts required.

Each auctioneer shall keep an accurate record of all goods and chattels sold by him or her, together with the name and address of the person from whom such goods and chattels were received, which record shall be open to inspection by any police officer or the city clerk at all reasonable times.

(Code 1967, § 3-706)

Sec. 8-4. - Sworn statement required.

- (a) At least five (5) full days before commencing any sale by auction, except as specified in section 8-6, the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:
- (1) Whether the auction sought to be conducted is a closing-out auction;
 - (2) if it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that all statutes and the provisions of this Code governing closing-out sales have been complied with;
 - (3) That the stock of goods, or other property, sought to be sold, is a bonafide part of applicant's stock or has been on the tax rolls of the city for one (1) year;
 - (4) A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article;
 - (5) The place where the auction is to be conducted;
 - (6) The name of the auctioneer who is to conduct the sale;
 - (7) The name of the owner of the property for the preceding year;
 - (8) The length of time the applicant has been in business in the city and the address of such business;
 - (9) That all taxes on such property have been paid;
 - (10) That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during such auction sale;
 - (11) That all of the property listed is actually on the premises where the auction is to be conducted.
- (b) It shall be unlawful for the auctioneer to conduct the auction at any place other than that stated in the application, and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statements made in the application, and any false statement therein, or any act done contrary to such statements, shall be deemed a violation of this section.

(Code 1967, § 3-707)

Sec. 8-5. - New goods.

Whenever any auction sale is one of used or secondhand goods, no new goods, wares, merchandise or personal property shall be offered or included at such sale.

(Code 1967, § 3-708)

Sec. 8-6. - Household goods.

The provisions of sections 8-1(2)—(7) and 8-4 shall not apply to auction sales of secondhand household furniture and household goods. The words "secondhand household furniture and household goods", in this chapter, mean household furniture and household goods which have actually been used for housekeeping purposes.

(Code 1967, § 3-709)

Sec. 8-7. - Sales authorized by court.

The provisions of this chapter shall not apply to any sale conducted by any sheriff, constable or other public or court officer, or any person acting under the license, direction or authority of any court.

(Code 1967, § 3-710)

Secs. 8-8—8-20. - Reserved.

ARTICLE II. - LICENSE

FOOTNOTE(S):

--- (2) ---

Cross reference— Licensing generally, Ch. 18. [\(Back\)](#)

Sec. 8-21. - Required.

No person shall engage in the business of auctioneer or sell or cry off at auction any real estate, goods, wares or merchandise of any description within the city until he or she shall first procure a license so to do from the city clerk.

(Code 1967, § 3-701)

Sec. 8-22. - Age requirement.

No license shall be issued under this article to any person under eighteen (18) years of age.

(Code 1967, § 3-702)

Sec. 8-23. - Approval of police commissioner required.

No license shall be issued under this article except upon the approval of the police commissioner.

(Code 1967, § 3-702)

Cross reference— Approval of city officers or department heads generally, § 18-7.

Sec. 8-24. - Fee.

The fee for a license under this article shall be as prescribed in section 18-18.

(Code 1967, § 3-703)

Sec. 8-25. - Bond requirement.

Before any license is issued under this article, the applicant shall execute a bond in the penal sum of two thousand five hundred dollars (\$2,500.00) with two (2) or more sufficient surety companies, the bond to be approved by the city attorney. A license shall only be granted upon the condition that the applicant agrees to (1) faithfully comply with the provisions of the Charter and this Code as well as with the payment of all penalties which may be recovered against him or her for the violation of such provisions, (2) faithfully account to the consignor or owner of the goods entrusted to him or her and moneys received by him or her, and (3) agree to protect and/or reimburse any person purchasing goods who shall sustain any damage by unlawful or fraudulent sale by the auctioneer.

(Code 1967, §§ 3-125(2), 3-703; Ord. No. 80-320, § 1(2), 5-13-86; Ord. No. 80-588, § 1, 5-14-02)

Sec. 8-26. - Penalty.

The violation of any provision of this chapter is a municipal civil infraction which shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000.00) per violation, plus costs and other sanctions for each infraction.

(Ord. No. 80-527, § 7, 1-13-98)

- **Washington Township, (Macomb Co.)**

(586) 786-0010

Link <http://www.washingtontownship.org/>

Auction: Auctioneer: No information given

- **Watervliet**

(269) 463-6769

Fax (269) 463-7708

Link <http://www.watervliet.org/>

Auction: Auctioneer: No information given

- **Wayland**

269.792.2265

Link <http://www.cityofwayland.org/>

Auction: Auctioneer: No information available

- **Wayne County**

(313) 224-6262

Link <http://www.co.wayne.mi.us/>

Auction: Auctioneer:

Sec. 120-41. - Reverse on-line auctions.

When the purchasing director determines that use of the IFB or RFP will not result in the best value for the county, the purchasing director may use a third form of competitive selection known as reverse auction. A reverse auction is a real-time purchasing event that is conducted over the Internet. Interested bidders submit responses in a manner similar to those in an IFB, with the exception that no prices are included. Those bidders whose products or services meet the specifications are invited to the reverse auction event. These bidders will then be provided with instructions for the reverse on-line auction. During the event, bidders may submit multiple prices electronically over a short time period, with the lowest cost winning. Reverse auctions are often advantageous for items of definite quantity and definite delivery. Price is a primary factor in the award.

(Ord. No. 2006-1101, 12-7-06)

- **West Bloomfield**

(248) 451-4848

Link <http://wbtownship.org/>

Auction: Auctioneer:

ARTICLE II. - GARAGE SALES

Sec. 19-16. - Purpose and intent.

It is the intent of this article to regulate and control the holding of garage sales, as they may become nuisances and safety hazards if not so regulated, and so that residential areas do not become commercialized through a proliferation of garage sales and similar commercial activity.

(Ord. No. 93, § 1.00, 9-20-76)

Sec. 19-17. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

Garage sale means a sale of used household effects, appliances, clothing, china, glassware and other such items by a person from his residence by means of a display of such items in the yard, garage, patio, parking area or other like place in, around or near such residence. "Garage sale" also means an estate sale and/or auction conducted at or around a residence or in a residential subdivision. It shall not mean the sale of a single automobile by means of a "For Sale" sign in the window of such vehicle parked near a residence.

Salesmen's or free samples means items which were packaged and designed to introduce products to consumers and which were distributed by salesmen or otherwise without charge.

Wholesale means sales in bulk or individually to dealers or persons who intend to resell such items.

(Ord. No. 93, § 2.00, 9-20-76; Ord. No. C-93-A, § 1, 1-25-99)

3. **Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 19-18. - Permit required.

No person shall hold a garage sale within the township without first obtaining a permit therefor. Application for permit shall be made to the township clerk on forms to be provided by the township clerk. A fee to be set by resolution of the township board shall be paid when such permit is obtained.

(Ord. No. 93, § 3.00, 9-20-76)

Sec. 19-19. - Restriction on number, duration.

(a) No person shall have more than two (2) garage sales at any residence during a consecutive twelve-month period without the express approval of the township board.

(b) No garage sale may last more than seventy-two (72) hours.

(Ord. No. 93, § 4.00, 9-20-76; Ord. No. 93-A, 6-19-78)

Sec. 19-20. - Sales limitations.

(a) No wholesale sales shall be made at any garage sale.

(b) No salesmen shall be permitted [to sell] and no free samples or the like shall be sold at any garage sale.

- (c) Garage sales shall be limited to sales of items which had actually been used in the normal course of residential living in the home at which the sale is to occur and shall not be transported to such home for purposes of sale. For joint garage sales between or among two (2) or more homes, the following shall apply:
- (1) Sales shall be limited to items which had actually been used in the normal course of residential living in one of the homes participating in the garage sale; and
 - (2) All of the homes participating in the garage sale shall be located within the same subdivision, or, if the homes are not located within a subdivision, all of the homes participating in the garage sale shall be located within two thousand five hundred (2,500) feet of the home in which the sale is to occur.

(Ord. No. 93, § 5.00, 9-20-76; Ord. No. C-93-A, § 2, 1-25-99)

Sec. 19-21. - Not to create nuisance.

- (a) No garage sale shall continue later than one-half hour after sunset nor begin prior to 9:00 a.m.
- (b) No garage sale shall be situated so as to obstruct traffic, nor shall any garage sale patrons park their vehicles so as to obstruct traffic.
- (c) Excessive noise emanating from the area of any garage sale is expressly prohibited.

(Ord. No. 93, § 6.00, 9-20-76)

Sec. 19-22. - Responsible party.

- (a) The person to whom a permit has been issued under this article, identified on the garage sale permit, shall be responsible for compliance with this article, and with all other applicable laws and ordinances in connection with the garage sale.
- (b) If the garage sale is conducted by an organization, entity or more than one individual, a specific individual shall be identified as the person responsible for such compliance.
- (c) The person to whom the permit has been issued, and identified on the permit, shall present a recognized form of identification (e.g., State of Michigan Driver's License) at the time the garage sale permit is secured from the township clerk's office. The driver's license number or other form of identification number shall be written on the application.

(Ord. No. 93-B, § 1, 8-16-99; Ord. No. C-760, § 1, 5-23-12)

• **Westland**

(734) 467-3191

Link <http://www.cityofwestland.com/>

Auction: Auctioneer: No information given

• **White Lake Chrtr Township, (Oakland Co.)**

248.698.3300

Link <http://www.whitelaketwp.com/>

Auction: Auctioneer:

- **ARTICLE II. - DISPOSITION OF UNCLAIMED PROPERTY**

- **Sec. 22-19. - Purpose.**

The purpose of this article is to provide for the disposition and sale of property recovered by the chief of police and to provide for the disposition of the proceeds of sale pursuant to MCL 434.181 et seq.

(Ord. No. 67, art. I, 3-18-2008)

- **Sec. 22-20. - Request for public sale or auction.**

Whenever the township chief of police has any recovered, abandoned, confiscated, found, or stolen property, including money, which is unclaimed for at least six months or more after recovery, he shall report the fact to the township board and request authority from the board to dispose of it as provided by this article. If the property is an abandoned, confiscated, found or stolen bicycle, the chief of police may request authority from the township board to donate the bicycle to a state licensed charitable organization.

(Ord. No. 67, art. II, 3-18-2008)

- **Sec. 22-21. - Procedure for public sale, public auction or public online auction.**

(a)

The township board shall act upon the request of the chief of police within not less than 60 days after the receipt of the request and not more than six months after the receipt of the request. If the township board approves the request, the chief of police shall publish a notice in a newspaper of general circulation in the township not less five days before the proposed sale of the property. The notice shall describe the property, including money, and shall state the time and place of the public sale at which the property may be purchased by the highest bidder. Until the date of the sale, the property may be claimed at the township police department. If ownership of the property is proved, the property shall be turned over to the owner and the sale shall be canceled insofar as the claimed property is concerned.

(b)

The chief of police, his designated agent, or a contracted online service shall establish a minimum bid of all items to be auctioned. The chief of police, his designated agent, or a contracted online service shall conduct a public sale, public auction or public online auction.

(Ord. No. 67, art. III, 3-18-2008)

- **Sec. 22-22. - Appraisal of money.**

The chief of police may obtain an appraisal to determine whether money, because of age, origin, metal content, or value as a collector's item, has a value other than its face value. Money which does not have a value other than its face value shall not be subject to the public sale provisions contained in section 22-21.

(Ord. No. 67, art. IV, 3-18-2008)

- **Sec. 22-23. - Proceeds.**

(a)

The proceeds of the sale, and money not subject to the sale, after deducting the costs of the sale, including reasonable appraisal and/or **auction** fees, shall be deposited with the township treasurer.

(b)

If a public online **auction** is conducted by a contracted online service, the proceeds of the **auction** shall be mailed to the chief of police. After receipt, the chief of police or his designated agent shall deposit the proceeds of the **auction** after deducting the costs of the sale, including reasonable appraisal and/or **auction** fees, with the township treasurer.

(Ord. No. 67, art. V, 3-18-2008)

- **Sec. 22-24. - Claim for property after sale or **auction**.**

If, within six months after the sale, the owner of the property files with the township board a claim for the property and proves a right to the property, the township board shall direct the township treasurer who received the proceeds of the sale of that property to pay the owner the amount of proceeds or the face value of money not subject to the public sale provision contained in section 22-22. The township board shall not approve any claims filed more than six months after the sale. The chief of police disposing of the property as provided in this article shall not be liable to the owner thereof.

(Ord. No. 67, art. VI, 3-18-2008)

- **Secs. 22-25—22-51. - Reserved.**

- **Williamston**

Phone: 517-655-2774

Fax: 517-655-2797

Link <http://williamston-mi.us/>

Auction: Auctioneer:

- **Windsor Charter Township, (Eaton Co.)**

(517) 646-0772,

Link <http://www.twp.windsor.mi.us/>

Auction: Auctioneer:

- **Wixom**

248-624-4557

Link <http://www.ci.wixom.mi.us/>

Auction: Auctioneer:

- **Chapter 5.12 - GARAGE SALES**

Sections:

- **5.12.010 - Short title.**

The ordinance codified in this chapter, for brevity, may be cited, pleaded and referred to and may be amended by the short title of garage sales ordinance of the city of Wixom.

(Ord. 103 § 8, 1977)

- **5.12.020 - Definitions.**

For the purpose of this chapter, the following definitions shall apply:

"Garage sale," "attic sale" or "lawn sale" means any sale of tangible personal property not otherwise regulated in the city and not falling with the exceptions of this chapter, advertised in such manner that the public at large is or can be made aware of such sale.

"Goods" means any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this chapter, including the sale of previously owned vehicles.

"Person" means and includes all individuals living within the same household, firms, corporations or organizations.

(Ord. 103 § 1, 1977)

- **5.12.030 - 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 types of sales enumerated in [Section 5.12.020](#) and not falling within the exceptions of [Section 5.12.070](#).

(Ord. 103 § 2, 1977)

- **5.12.040 - Application for license.**

An application for a license for any of the sales regulated under this chapter shall be made at the office of the city clerk on a form to be provided thereof, which application shall contain the following information:

- A.
Name of the person, firm, group, corporation, association or organization conducting the sale;
- B.
Location at which the sale is to be conducted and the date and nature of any prior sales conducted at the same location;
- C.
The dates during which the sale is to be conducted within the time limits hereinafter prescribed;
- D.
Date, nature and location of any past sale conducted by applicant.

(Ord. 103 § 3, 1977)

- **5.12.050 - License fees.**

No license fee shall be paid to the city at the time of the first and second application for a sale at a particular location by a particular applicant made in any twelve-month period. The fee for the third such application in a twelve-month period is ten dollars and the fee for the fourth application during any twelve-month period is twenty dollars. No more than four sales as regulated under this chapter shall be held at a particular location by a particular individual, firm, group, corporation, association or organization during any twelve-month period, and not falling within the exceptions in [Section 5.12.070](#).

(Ord. 103 § 4, 1977)

- **5.12.060 - Conditions of license.**

- A.
No person shall conduct, advertise or promote any sale regulated by this chapter without a license issued as prescribed herein.
- B.
All such garage or rummage sales shall be held no closer than twenty-five feet from the front lot line of the premises covered in the permit. There shall be no overnight outside storage of the goods or merchandise held for purchase in the garage sale.

C.

No signs advertising a sale regulated by this chapter 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 sign advertising the sale may be placed on the property of the owner.

D.

No license shall be issued authorizing any such sale to be conducted for a period longer than three consecutive days.

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 conducted.

F.

The city shall retain the right to terminate the license and sale at any time for cause or violation of the above license conditions.

(Ord. 103 § 5, 1977)

• **5.12.070 - Persons and sales excepted.**

A.

Persons selling goods pursuant to any 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 an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten 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 have not been complied with.

E.

Any sale regulated under any other provisions of the ordinances of the city.

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 or under the protection of the presently nonconforming 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 ordinances of the city.

G.

Any bona fide charitable, religious, educational, cultural or governmental institution or organization, provided, however, that the burden of establishing the exemption under this section shall be on the organization or institution claiming such exemption.

H.

Auction by lawfully qualified auctioneer.

(Ord. 103 § 6, 1977)

- **5.12.080 - Violation—Penalty.**

Any person, firm, group, corporation or organization violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars or imprisonment for a period of not more than ninety days, or to both such fine and imprisonment, in the discretion of the court.

(Ord. 103 § 7, 1977)

- **Woodhaven**

PH: (734) 675-4903

Fax: (734) 675-4927

Link <http://www.woodhavenmi.org>

Auction: Auctioneer: No information given

- **Wyandotte**

PH: 734-324-4540

FX: 734-324-4552

Link <http://www.wyandotte.net/>

Auction: Auctioneer:

- **Chapter 5 - AUCTIONS AND AUCTIONEERS**

- **ARTICLE I. - MERCHANT'S AUCTION**

- **Sec. 5-1. - Definitions.**

(a)

Merchant's auction is defined as any sale or offering for sale of property by a merchant or retailer to the highest bidder or offering for sale of property at a high price and then offering the same at successive lower prices until a buyer is secured.

(b)

Merchant and retailer are defined as any person, firm, corporation, partnership or other legal entity which engages in the retail sale of goods, wares, property or merchandise.

(Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-2. - Sale restrictions.**

It shall be unlawful for any person to sell, dispose of, advertise for sale or offer for sale at public auction any property of any kind unless he complies with the following conditions:

(a)

Such sale shall be conducted by an auctioneer duly licensed by the city clerk as herein provided.

(b)

Such property shall have been on the tax rolls of this city for a period of one (1) year prior to such sale, or comprise the stock of goods of a merchant who has regularly done business in this city for one (1) year continuously prior to such sale.

(c)

All taxes, plus penalties, which have become a lien under any law or provision of this Code, shall have first been paid.

(d)

In the event such sale is a closing out sale, Michigan State Statute on going out of business sales and the provisions of this Code regulating such sales shall be complied with.

(e)

No property of any kind shall be added to the goods, wares or stock at any closing out sale after the inventory is filed, nor shall any property be added within sixty (60) days prior to the commencement of such sale in anticipation thereof.

(f)

No property which has been struck off to the highest bidder during the course of such sale shall again be offered for sale during such auction.

(g)

No sale of platinum, gold, silver, plated ware, precious or semiprecious stones, watches or other jewelry shall be permitted unless it is a closing-out auction and application therefor has been on file with the city clerk for a period of sixty (60) days prior to the first day of such sale, and every such article sold shall have securely attached to it a tag or label upon which shall be plainly

written or printed in English a true and correct statement of the kind and quality of the metal of which such article is made or with which it is plated, and the true name or names, weight, quality and color of any precious or semiprecious stone or stones, together with the name of the manufacturer of such article.

(h)

A sales book shall be kept, signed by the purchaser, showing each sale of any article at the time of purchase, opposite a description of the article, and if no purchaser comes forward to sign such book, then the next highest bidder shall have the right to sign such sales book and to demand and receive such article at the amount of his last highest bid.

(i)

No auction shall be conducted or continued in the city after 11:00 p.m. of any day.

(Ord. No. 788, § 1, 10-28-85)

• **Sec. 5-3. - Prohibited practices.**

The following acts, omissions and practices are prohibited in the sale of property at public auction:

(a)

The use of deceit, fraud or misrepresentation in the sale or offering for sale of any article.

(b)

The substitution of any article in place of an article bid upon at auction.

(c)

The use of false bidders, cappers or puffers.

(d)

The use of bells, buzzers, bally-hoo or any variety of mechanical or excessive vocal sound to attract attention in connection with sales at auction.

(e)

The use of any false or misleading advertising matter, relative to the kind or quality of the goods or to the past history, or present status thereof.

(f)

The substitution of an unlicensed person in place of a licensed auctioneer.

(g)

The failure to exhibit an auctioneer's license to any police officer upon demand at the place where an auction is conducted.

(h)

The receipt for sale by auction or the sale by auction of any licensed auctioneer of any goods, wares or merchandise from any minor, knowing him to be such.

(Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-4. - Accounts required.**

Each auctioneer shall keep an accurate record of all goods and chattels sold by him, together with the name and address of the person from whom such goods and chattels were received, which record shall be open to inspection by any police officer or the city clerk at all reasonable times.

(Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-5. - Sworn statement required; contents.**

At least five (5) full days before commencing any sale by auction, except as specified in [section 5-8](#) of this Code, the owner of the property sought to be sold shall file a sworn application with the city clerk which shall state the following:

- (a)
Whether the auction sought to be conducted is a closing-out auction.
- (b)
If it is a closing-out auction, that the application is made in good faith for the purpose of retiring from business and that all statutes and the provisions of this Code governing closing-out sales have been complied with.
- (c)
That the stock of goods, or other property, sought to be sold, is a bona fide part of applicant's stock or has been on the tax rolls of the city for one year.
- (d)
A complete description of the property sought to be sold, in duplicate, including, if it is personal property, a completely itemized inventory with identifying numbers, or other means of readily determining the identity of each and every article.
- (e)
The place where the auction is to be conducted.
- (f)
The name of the auctioneer who is to conduct the sale.
- (g)
The name of the owner of the property for the preceding year.
- (h)
The length of time the applicant has been in business in the city and the address of such business.
- (i)
That all taxes on such property have been paid.
- (j)
That no property other than that listed shall be sold or offered for sale on the premises where the auction is being conducted during such auction sale.

(k)

That all of the property listed is actually on the premises where the auction is to be conducted.

It shall be unlawful for the auctioneer to conduct the auction at any place other than that stated in such statement, and it shall be unlawful for either the auctioneer or owner to do, either themselves or through their agents or servants, any act or thing contrary to the statement. No person shall make a false statement.

(Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-6. - Inspector.**

The city clerk may appoint an inspector for every auction sale conducted in this city except such as are exempt by the provisions of this chapter, who shall be at all times on the premises while such sale is in progress. He shall be given a copy of the inventory by the city clerk and shall, as each article is sold, check such item off the inventory. If any article is offered for sale which does not appear on the inventory, the inspector is authorized to forbid the sale of such article, and if the auctioneer refuses to comply with such request the inspector may forthwith stop the sale until the auctioneer furnishes satisfactory proof that such article was included in the inventory. The owner or auctioneer shall pay or cause to be paid to the city clerk the sum of ten dollars (\$10.00), or the cost to be incurred in placing such inspector, whichever is greater, in advance, for each day such auction is to continue, for the services of said inspector; such payment may be made on the day of the sale prior to the commencement of the sale.

(Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-7. - Special exemption for sale of secondhand household furniture and household goods.**

This article shall not apply to auction sales of secondhand household furniture and household goods. The words "secondhand household furniture and household goods" in this chapter mean household furniture and household goods which have actually been used for housekeeping purposes.

(Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-8. - Exemption for judicial sales.**

The provisions of this chapter shall not apply to any sale conducted by any sheriff, constable, or other public or court officer or any person acting under the license, direction or authority of any court.

(Ord. No. 788, § 1, 10-28-85)

- **ARTICLE II. - DEALER'S AUCTION**

- **Sec. 5-9. - Definition.**

Dealer's auction is defined as any business which is primarily designed to sell property through the means of public auction or by sale to the highest bidder on a continuing basis. This definition does not apply to an auction conducted by a retailer or merchant.

- **Sec. 5-10. - Sale restrictions.**

It shall be unlawful for any person to sell, dispose of, advertise for sale or offer for sale at a dealer's auction any property of any kind unless he complies with the following conditions:

- (a)

Maintain a list which contains the name, address, telephone number, driver's license number, social security number and tax identification number, if any, of each and every seller, buyer and supplier of goods, merchandise and property sold at the auction. Said list shall be open to inspection by any police officer or the city clerk at all reasonable times.
- (b)

An inventory of all property to be sold at the auction which contains the following information:

 - (1)

Name and address of the seller and supplier of the property.
 - (2)

Description of the property to be sold and the quantity.
 - (3)

Price for each item sold.
 - (4)

Name of the purchaser of each item sold at the auction.

Said list shall be open to inspection by any police officer or the city clerk at all reasonable times.
- (c)

No auction shall be conducted or continued within the city after 11:00 p.m. of any day.

(Ord. No. 788, § 1, 10-28-85)

- **Secs. 5-11—5-25. - Reserved.**

- **ARTICLE III. - AUCTIONEER'S LICENSE**

- **Sec. 5-26. - Required.**

No person shall engage in the business of auctioneer or sell or cry off at a merchant's or dealer's auction any real estate, goods, wares or merchandise of any description within the city without a license from the city clerk.

(Code 1956, § 5-1; Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-27. - Application.**

A person desiring the license required by the provisions of this article shall file a sworn, written application with the city clerk giving the information required upon the form and such other information as the clerk may require to determine whether the license is to be issued. Such application shall be accompanied by affidavits of three (3) residents of the city certifying to the good reputation and moral character of the applicant.

(Code 1956, § 5-2; Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-28. - Persons eligible.**

No license shall be issued pursuant to the provisions of this article to any person who is under eighteen (18) years of age or who is not of good reputation and moral character.

(Code 1956, § 5-2; Ord. No. 788, § 1, 10-28-85)

- **Sec. 5-29. - Reserved.**

Editor's note—

In a letter from the city clerk, dated February 11, 2000, the city requests the repeal of [section 5-29](#) which derived from the Code of 1956, [§ 5-3](#), and Ord. No. 788, § 1, adopted October 28, 1985 and pertained to fees for an auctioneer's license. Similar provisions, as set forth in Ord. No. 1057, § 1, adopted Dec. 21, 1998, have been codified as [section 5-46](#) of this Code.

- **Sec. 5-30. - Term.**

All licenses issued pursuant to the provisions of this article shall expire on the first Monday in June of each year.

(Code 1956, § 5-4; Ord. No. 788, § 1, 10-28-85)

Charter reference— Term of license, § 178.

- **Sec. 5-31. - Bond.**

Before any license is issued pursuant to the provisions of this article, the applicant shall execute a bond in the penal sum of two thousand dollars (\$2,000.00) with two (2) or more sufficient sureties to be approved by the clerk, conditioned upon the faithful compliance by the applicant with the provisions of the charter and this Code and the payment of all penalties which may be recovered against him for the violation thereof and upon the faithful accounting to the consignor or owner of the goods entrusted to and moneys received by him and for the protection of any person purchasing goods who shall sustain any damage by unlawful or fraudulent sale by said auctioneer.

(Code 1956, § 5-3; Ord. No. 788, § 1, 10-28-85)

Charter reference— Power of city to require bonds for licenses, § 177.

- **Secs. 5-32—5-45. - Reserved.**

• **ARTICLE IV. - LICENSE FOR CONDUCTING AUCTIONS**

- **Sec. 5-46. - Fees.**

Prior to the issuance of a license pursuant to the provisions of this article, the applicant(s) for same shall pay to the city clerk a license fee of five hundred dollars (\$500.00) per year or one hundred dollars (\$100.00) per day.

(Ord. No. 1057, § 1, 12-21-98)

Charter reference— Power to city to set license fee, § 177.

- **Wyoming**

(616)530-7226

Link <http://www.wyomingmi.gov/>

Auction: Auctioneer:

ARTICLE II. - BUSINESS LICENSES

Sec. 14-31. - Purpose of article.

The purpose of issuing business licenses is to promote the general health, safety and welfare of the city's citizens by identifying business locations and operations within the city to enhance the efficient delivery of city services, including police and fire services. The issuance of a business license is not an admission or acknowledgment by the city that the license holder is in compliance with any law or city ordinance. The issuance of a business license does not relieve the license holder from the obligation to comply with all applicable laws and city ordinances.

Sec. 14-32. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Licensee means any person to whom a license has been issued under any provision of this chapter, and the employees or agents of such licensee.

4. **Cross reference**— Definitions generally, § 1-2.

Sec. 14-33. - License required.

No person shall engage in the operation, conduct or carrying on of any trade, profession, commerce, business or any other for profit private sector activity engaged in the manufacture, purchase, sale or providing of goods or services and in the related financial transactions thereof without having first obtained a license from the city for the operation of such business in the city.

Sec. 14-34. - State licensed businesses.

The fact that a license or permit has been granted to any person or business by the state to engage in the operation, conduct or carrying on of any trade, profession, business or privilege shall not exempt such person from the necessity of securing a license or permit from the city if such license or permit is required by this chapter.

Sec. 14-35. - Condition of issuance.

No license or permit required by this chapter shall be issued to any person who is required to have a license or permit from the state, until such person shall submit evidence of such state license or permit and proof that all fees appertaining thereto have been paid. No license shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this chapter applicable to the trade, profession, business or privilege for which application for a license is made.

Sec. 14-36. - Licensing authority.

Unless otherwise provided by this chapter, the city clerk shall be the licensing officer of the city. Applications for licenses from the city shall be made to the city clerk, upon forms provided by the city, and licenses shall be issued, subject to the conditions of this chapter applicable thereto. The application shall be made upon oath or affirmation. The city manager may direct other persons in other departments to assist the city clerk in monitoring and enforcing compliance with the provisions of this chapter.

Sec. 14-37. - Investigation.

The city clerk may refer any application for a license to the chief of police, the fire chief, building official or to any other officer or employee of the city for an investigation and recommendation on matters pertaining to the public safety, health or welfare which are or may be involved in the exercise of the license. The city clerk may require the giving of fingerprints and such other information as may be necessary to establish the identity of the applicant.

Sec. 14-38. - Officer certification; condition for issuance.

No license shall be granted where the certification of any officer of the city as provided in this section, is required prior to the issuance of such license until such certification is made as follows:

- (1) *Health certificate*. In all cases where the certification of compliance with health regulations is required prior to the issuance of any license by the city clerk, such certification shall be based upon an actual inspection and a finding that the person making application and the premises in which he proposes to conduct or is conducting

the trade, profession, business or privilege comply with all the sanitary requirements of any appropriate governmental agencies.

- (2) *Fire chief's certificate.* In all cases where the certification of the fire chief is required prior to the issuance of any license by the city clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license proposes to conduct or is conducting the trade, profession, business or privilege comply with all the fire regulations of the state and of the city.
- (3) *Police chief's certification; investigation of applicant's character.* For certification by the police chief, an investigation of the character of the applicant shall be conducted as follows:
 - a. In all cases where the certification of the police chief is required prior to the issuance of any license by the city clerk, such certification shall be based upon a finding that the person making application for such license is of good moral character.
 - b. The phrase "good moral character," when used in this chapter for the purpose of licensing, shall be construed to mean the propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.
 - c. A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, as proof of a person's lack of good moral character. It may be used as evidence in the determination, and, when so used, the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks to be licensed.
 - d. The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:
 1. Records of an arrest not followed by a conviction.
 2. Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction.
 3. Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest and open manner.
 4. Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.
 - e. When a person is found to be unqualified for a license because of a lack of good moral character, or similar criteria, the person shall be furnished by the city clerk with a statement to that effect. The statement shall contain a complete record of the evidence upon which the determination was based. The person shall be entitled, as of a right, to a rehearing on the issue before the city council if he has relevant evidence not previously considered regarding his qualifications.
- (4) *Building official's certificate.* In all cases where the carrying on of the trade, profession, business or privilege involves the use of any structure or land, a license therefor shall not be issued until the building official shall certify that the proposed use is not prohibited by the provisions of this chapter.
- (5) *Inspections.* All inspections provided for in this section shall be conducted in the discretion of the official designated to make such inspection. The necessity for such inspection shall be determined based upon the nature, location and purpose of the license requested.

Sec. 14-39. - Bonds; evidence of insurance.

Where the provisions of this chapter require that the applicant for any license or permit furnish a bond or evidence of insurance, such bond or evidence of insurance shall be furnished in an amount deemed adequate by the proper city officer, or where the amount therefor is specified in the schedule of fees, bonds and insurance set out in this chapter in the amount so required, the form of which shall be approved by the city attorney.

Sec. 14-40. - Fee schedule established.

The fee required to be paid and/or the amount of any bond or insurance required to obtain any license to engage in the operation, conduct, carrying out of any trade, profession, business or privilege for which a license is required by the provisions of this chapter shall be determined by the city council by ordinance or resolution. No license shall be issued to

any applicant unless he first pays the city clerk the fee and provides the bond or evidence of insurance in the amount required for the type of license required.

Sec. 14-41. - Payment of fees.

The fee required by this chapter for any license or permit shall be paid at the office of the issuing authority prescribed in this chapter or by city council resolution upon or before the granting of the license or permit. Annual license fees shall not be prorated for businesses that commence operations within the city or cease operations within the city during the licensing year.

Sec. 14-42. - Late renewals.

All fees for renewal of any license which are not paid at the time the fee shall be due shall be paid along with a late fee. A late fee will be applied for any license fee that is 30 days overdue. If the license fee is more than 90 days overdue, the late fee shall be increased. Fees shall be as set by resolution of the city council from time to time.

Sec. 14-43. - Exempt persons.

No license fee shall be required from any person exempt from such requirement by state or federal law. Such persons shall comply with all other provisions of this chapter. The city clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to the exemption and the reason therefor.

Sec. 14-44. - Term.

Unless otherwise provided in this chapter or by city council resolution, the license shall be for one year beginning March 1 of each year. Any license issued between February 1 and March 1 of any year shall be good for the following license year.

Sec. 14-45. - Certificate ownership.

Each license certificate issued by the city shall be and shall remain the property of the city. No person shall alter or deface any license.

Sec. 14-46. - Authority of city officers.

Acceptance by any person of a license under this chapter shall constitute permission to any officer of the city, within the authority granted him by the chapter provision under which the license was granted, to enter upon and inspect the licensed premises at all reasonable times.

Sec. 14-47. - Renewal.

Renewals of any license shall be obtained in the same manner as an original license.

Sec. 14-48. - No transferability.

No license shall be transferable unless otherwise authorized. Every license holder shall immediately notify the city clerk's office of any change in location of a business address, or any other change in the information provided in the license application.

Sec. 14-49. - Jobbing licenses.

Unless otherwise provided, no person shall permit, by lease or otherwise, any other person to use or employ any license issued to him.

Sec. 14-50. - Persons to whom licenses shall not be issued.

No applicant to whom a license has been refused or whose license has been revoked shall make further application for a license for at least six months thereafter.

Sec. 14-51. - Failure to possess.

Failure to have a current license may result in prosecution of or other action against the business owner, operator or other responsible person.

Sec. 14-52. - Suspension and revocation.

Any license, registration or permit issued by the city may be suspended for any one of the following reasons:

- (1) Misrepresentation of any material fact on the application for obtaining such license, registration or permit.
- (2) Violation of any section of this chapter as it relates to the operation or business.
- (3) Violation of any state or federal statute or duly adopted federal, state or local rule and regulation as relates to the operation or business.
- (4) Failure to comply with an authorized requirement of any city official as relates to the operation or business.
- (5) Failure to perform any act or the performing of any act, either of which is contrary to or would endanger the public health, safety and welfare.

If the license or registration of any person is suspended, the city official who suspends such license or registration shall inform the licensee in writing as to the reasons why the license has been suspended and the effective date of such suspension. If there are conditions to be corrected, the city official in the notice shall inform the licensee of such. The city official may lift such suspension if he finds that the conditions have been corrected.

Sec. 14-53. - Hearing on revocation or refusal to grant a license or registration.

If a person's license or registration has been suspended, it shall not be revoked until and at such time as a hearing has been held as provided in section 14-54. A person who has been refused a license or registration shall be entitled to a hearing in the same manner as provided for in a revocation.

Sec. 14-54. - Hearing.

Any person who has been refused a license or registration, or whose license has been suspended, may request a hearing on a date as set by the city. Hearings shall be conducted as follows:

- (1) The city council may appoint a committee of not less than three of its members to sit as a factfinding body for the purpose of holding the hearing. One of the three members shall be appointed as chairman.
- (2) The committee shall establish the date, time and place for the hearing.
- (3) At the hearing, testimony may be given, under oath given by the city clerk, by any interested persons. Other evidence may also be presented. The committee may, on its own, view any premises.
- (4) After the hearing the committee shall make a determination of facts and recommendations for consideration by the city council.
- (5) The recommendation of the committee shall be referred by the city clerk to the city council, which shall make a final determination on the matter. It may make such decision as it deems best will serve the public health, safety and welfare by revoking the license or registration, lifting the suspension or by making certain conditions to correct the conditions within a specified time.
- (6) The city clerk shall forward the decision of the committee and the final decision of the city council to the persons desiring copies.

Sec. 14-55. - Display.

No person to whom a license has been granted shall fail to carry such license upon his person when engaged in the operation, conduct or carrying on of the trade, profession, business, privilege or performing any act for which the license was granted, except that where such trade, profession, business or privilege is operated, conducted or carried on at a fixed place or establishment, or from or in a vehicle. The license shall be exhibited at all times in some conspicuous place in such place, establishment or vehicle. If there is a loss or destruction of a license, the person may obtain permission to continue by notifying the city clerk and obtaining a duplicate within three working days.

Sec. 14-56. - Altering or defacing.

No person shall alter or deface any license or permit issued by the city.

Sec. 14-57. - Issuance of duplicate.

Any person holding a license under this chapter of the city may obtain a duplicate copy of such license in case the original has been lost, destroyed or so worn or soiled as to be partially or wholly illegible. No duplicate copy shall be issued until the licensee shall return the original to the city clerk, or file an affidavit with the city clerk to the effect that the license has been destroyed or lost. Any duplicate issued shall be plainly marked "duplicate" on its face.

Sec. 14-58. - Recordkeeping of applications.

The city clerk shall keep a record of all applications for licenses filed which shall indicate whether the license was granted or withheld, and, if withheld, the reason therefor. Such applications shall be retained for the term as defined in the official record retention schedule for the city.

Secs. 14-59—14-85. - Reserved.

Y

- **Yankee Springs Township, (Barry Co.)**

269-795-9091

Link <http://www.yankeespringstwp.org/index.php>

Auction: Auctioneer: Sec. 17.4. - Exempt Signs.

The following signs shall be exempt from site plan review, however they shall comply with all other requirements of this article:

1. All on-premises signs located in the agriculture zoning district advertising agricultural products for sale which have been grown on the property and all signs of less than ten (10) square feet located in the agriculture and residential zoning districts.
2. Temporary auction signs, not exceeding thirty-two (32) square feet advertising the date of a sale of household goods and/or real estate. Such signs shall not be erected more than fourteen (14) days before the sale date and shall be removed at the end of the sale.
3. Building permit signs, as required by state law, however such signs shall not be posted on trees or utility poles.
4. Garage, yard, moving or similar sale signs, not exceeding four (4) square feet. Such signs may be erected not more than seven (7) days before the sale and must be removed within twenty-four (24) hours after the advertised date of the sale. Only two (2) such sales, not to exceed three (3) days each, shall be allowed in any twelve-month period.
5. Government signs.
6. Political signs. All signs shall be removed within forty-eight (48) hours after the close of the polls on election day.
7. Portable signs advertising civic and nonprofit activities. Such signs shall be located not more than fourteen (14) days before the advertised event and shall be removed within seven (7) days after the advertised event.
8. Real estate signs located on any parcel of land, advertising the parcel for sale, rent, or lease.
9. Construction signs of less than four (4) square feet.

- **Ypsilanti**

(734) 483-1530

Fax: 483-7324

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Auction: Auctioneer:

Sec. 122-813. - Auction house.

(a)

The applicant shall provide a use statement with the following information:

(1)

The maximum capacity of the facility;

(2)

Number and frequency of the auctions; and

(3)

Method for providing parking during auctions.

(b)

Any outdoor activities are subject to the requirements for open-front or open-air businesses (section [122-798](#)) and are only permitted in those districts that permit open-front businesses as a permitted or special uses subject to the standards for those districts.

- **Ypsilanti Charter Township, (Washtenaw Co.)**

(734) 484 – 4700

Link <http://www.twp.ypsilanti.mi.us/>

Auction: Auctioneer: No information given

Z

- **Zeeland**

616-772-6400

Link <http://www.ci.zeeland.mi.us/>

Auction: Auctioneer:

ARTICLE II. - PAWNBROKERS, HAWKERS, AUCTIONEERS, ETC.

DIVISION 1. - GENERALLY

Secs. 12-17—12-31. - Reserved.

DIVISION 2. - LICENSE

Sec. 12-32. - Required.

No person shall engage in or carry on the business of pawnbroker, hawker, street peddler or auctioneer of any goods, chattels, wares or merchandise within the city, nor shall any person exhibit any natural or artificial curiosities, circuses, menageries, theatrical exhibitions or shows for which money or other reward is in any way demanded or received without first having obtained a license therefor, as provided by this article.

(Code 1974, § 13-6; Ord. No. 6, § 1)

Sec. 12-33. - Application procedure.

Every person desiring to obtain a license to engage in or carry on any of the trades or occupations enumerated in Section 12-32 shall apply in due form and in writing to the city clerk. The application shall set forth the business desired to be carried on, the length of time such business is to be engaged in, the place where and the name of the party applying for such license. The applicant shall pay to the city treasurer such license fee as is provided in this article and shall present the receipt therefor to the city clerk who shall then issue the license according to the application; provided that no license shall be issued to any person to operate a motion picture show in the city until such application has been approved by the city council.

(Code 1974, § 13-7; Ord. No. 6, § 2; Ord. No. 79, § 2)

Sec. 12-34. - Fee schedule.

The sums of money to be paid for the various licenses required by this article shall be as follows:

- (1) For engaging in the business of pawnbroking, \$25.00 per annum.
- (2) For engaging in the business of hawking or peddling, if the applicant desires to go about on foot or with a wagon or other vehicle, drawn or propelled by hand or by a team of horses or other motive power in the public streets, or from door to door carrying with him any goods, wares or merchandise and selling or offering to sell, \$10.00 per annum, and for one day, \$3.00.
- (3) For engaging in the business of auctioneer or crying off at auction any goods, wares or merchandise, \$25.00 per annum, and for one day, \$5.00.

(Code 1974, § 13-8; Ord. No. 6, § 3; Ord. No. 46, § 1; Ord. No. 94, § 1; Ord. No. 433, § 1)

Sec. 12-35. - Farmers, butchers, bakers, etc., excluded from license requirement.

- (a) Sections 12-32 through 12-34 shall not apply to farmers selling their own fruits, vegetables, dairy or farm products or to butchers, bakers, grocers or to others who deliver their own goods to their customers upon orders to their dwellings in the city. Nothing in this article shall apply to sales made under legal process nor shall it apply to any concert or musical entertainment given by a so-called home company or by the pupils of any public or private school in the city, or to any concert or entertainment of any religious, educational, charitable, benevolent or scientific object, nor to any pupil of any private or public school or member of any religious organization or charitable organization which is treated and registered as a charitable organization under the Internal Revenue Code, and who are selling any goods for and on behalf of such school, religious organization or such charitable organization.
- (b) Any other person who goes about from house to house or place to place and sells or offers for sale any article of trade or commerce, to be delivered then or in the future, shall be deemed to be a hawker and peddler within the meaning of this article.

(Code 1974, § 13-10; Ord. No. 6, § 4; Ord. No. 46, § 1; Ord. No. 433, § 2)

Sec. 12-36. - Authorization to designate individual only.

Each license issued under the provisions of this article shall entitle only the person named in the license to carry on such business in person and not by proxy or agent.

(Code 1974, § 13-11; Ord. No. 6, § 5)

Sec. 12-37. - Expiration.

All licenses issued under the provisions of this article shall expire on the first Monday in June of each year, and in case less time than a year shall intervene between the date of its issue and the first Monday in June thereafter, such license shall be paid for at the yearly rate specified in this article in proportion to the time thus intervening.

(Code 1974, § 13-12; Ord. No. 6, § 7)

Sec. 12-38. - Limited to location designated; nontransferable.

No person shall engage in or carry on any business requiring a license under the provisions of this article at any place or locality other than that designated and set forth in his application and license. A separate license shall be taken out for each place within the city where such business shall be carried on. Licenses shall not be transferable and all assignments thereof to any person not named in the application shall be void. All licenses issued under the provisions of this article shall be and the same are hereby limited so as to enable only one person at a time to carry on such business by virtue of such license.

(Code 1974, § 13-13; Ord. No. 6, § 8)

Sec. 12-39. - Revocation; forfeiture of fee.

Every license issued under this article shall be revocable by the city council at its pleasure, and when any license is revoked for noncompliance with the terms and conditions upon which it was granted or on account of any violation of any provision of this Code or ordinance passed or authorized by the city council, the person holding such license in addition to all other penalties imposed, shall forfeit all payment made for such license.

(Code 1974, § 13-14; Ord. No. 6, § 9)

Secs. 12-40—12-54. - Reserved.

- **Zilwaukee**

(989) 755-0931

Link <http://www.zilwaukeeemichigan.gov/>

Auction: Auctioneer: No information given

