

**LINCOLN TOWNSHIP
YARD SALE ORDINANCE
No. 04-01**

An ordinance to protect the general welfare by establishing regulations related to the operation, control, and management of yard sales operated by residents of Lincoln Township, Newaygo County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF LINCOLN (the "Township"), COUNTY OF NEWAYGO,
MICHIGAN ORDAINS:

Yard Sales: Yard sales, garage sales, rummage sales, moving sales, and similar activities shall be considered temporary uses within any Residential district subject to the following conditions:

Section 1: Rules and Regulations

- A. No more than six (6) sales of four (4) days duration each shall be held any one (1) calendar year.
- B. Sales shall be limited to customary residential household item, including articles of clothing.
- C. All signs and/or items related to the sale shall be removed within twenty-four (24) hours after the conclusion the sale.

Section 2: Violations

A violation of the Ordinance constitutes a municipal civil infraction. Any person, who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any approval issued hereunder, or any amendment hereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance, and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 3: Severability

The provisions of this ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Ordinance which shall continue in full force and effect.

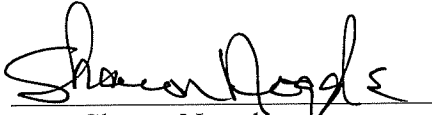
Section 4: Effective Date

This ordinance shall take effect thirty (30) days after either this Ordinance or a Summary hereof is published in the newspaper as provided by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by the Township Board member T. Worden, and was seconded by Township Board member S. Noggle, the vote being as follows:

YEAS: G. Dickinson, S. Noggle, D. Dickinson and T. Worden
NAYS: None
ABSENT: B. Geno

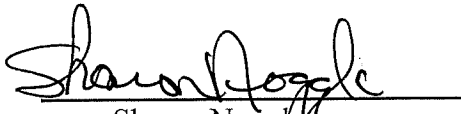
ORDINANCE DECLARED ADOPTED.


Sharon Noggle
Lincoln Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Lincoln Township Board at a regular meeting held on June 17, 2004 at The Township hall, pursuant to the required statutory procedures.

Dated: 6-17-2004


Sharon Noggle
Lincoln Township Clerk