

CITY OF BRUCEVILLE-EDDY

ORDINANCE No. 10-01-2014

An Ordinance prescribing the regulations, requirements, restrictions, and permitting of garage sales, as defined in the ordinance, in the City of Bruceville-Eddy, Texas, providing for the fee schedule, and providing a publication clause.

To Wit:

WHEREAS, the City of Bruceville-Eddy, Texas, ("the City") is a Type A, general-law City located in McLennan and Falls Counties, Texas, and is a municipality organized under the laws of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City of Bruceville-Eddy, Texas desires to regulate garage sales, as defined, within its corporate limits;

Therefore:

Required:

No garage sale shall be conducted within the corporate limits of the city, as said boundaries now exist or as said boundaries shall be hereafter altered, without a permit from the City Offices, under the order of the Chief Code Enforcement Officer.

Applications:

Any person desiring a permit under this article shall make application for such permit to the Chief Code Enforcement Officer, at City Hall during regular business hours, setting forth the location, time and date of said sale, the name and address of the person holding said sale and the type of goods, wares and merchandise to be sold. 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. Prior to issuance of any garage sale permit, the individuals conducting such sale shall file a written statement with the Code Compliance Supervisor at least five business days in advance of the proposed sale, setting forth the following information:

A. The full name and address of applicant.

(1) The location at which the proposed garage sale is to be held.

- B. The date or dates upon which the sale shall be held.
- C. The date or dates of any other garage sales within the current calendar year.
- D. 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 purposes of resale.

Fee:

Unless otherwise imposed under the city's fee ordinance, there shall be no permit fee imposed for garage sales. 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.

Compliance with fire and safety codes:

No permit shall issue under the terms of this article without full compliance with all terms and conditions of the fire and safety codes of the state as said fire and safety codes have been adopted by the city.

State law reference— Rules of public safety director, V.T.C.A., Government Code § 411.006(4).

Number per year:

No more than three permits per calendar year shall issue for any one premises or to any person per calendar year as those terms are defined in this article.

Duration:

No garage sale shall extend for any period of time exceeding four calendar days.

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:

Calendar year means that period of time from January 1 through December 31 of any year.

Chief Code Enforcement Officer means the official appointed by the administration or city council and charged with the responsibility of enforcing this article.

Dwelling means any building, or portion thereof, designed or used exclusively for residential occupancy or which is occupied, controlled or used by any person as defined in this section.

Garage sale means any sale of goods, wares and merchandise in or on any dwelling or private residential premises or in or on any commercial premises other than one zoned therefor and for which a current valid commercial store license has been issued by the state.

A. Garage means yard sale, rummage sale, estate sale, moving sale, barn sale, tag sale, porch sale, flea market, garage sale, or any similar casual sale of tangible personal property.

Person means any person, individually, or any group of persons collectively or any association organized for benevolent, charitable, religious or cultural purposes not for business or profit.

Signs—Location on sale premises.

All signs or notices posted in regard to any garage sale for which a permit is issued under the provisions of this article shall be posted only on the premises at which said sale is held or shall be so located as not to constitute an impairment to or obstruction of traffic.

Same—Prohibited locations.

Signs or notices under this article shall in no event be affixed to or located upon any public property, right-of-way or easement, utility pole, sidewalk or other public way.

Same—When posted; size

Signs or notices under this article shall be posted only for that period of time covered by the permit and shall not be larger in area than two feet by three feet.

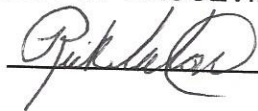
NOTICE:

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code,. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 13th day of November 2014, by a vote of 5 yeas to 0 nays to 0 abstentions of the City Council of Bruceville-Eddy, Texas.

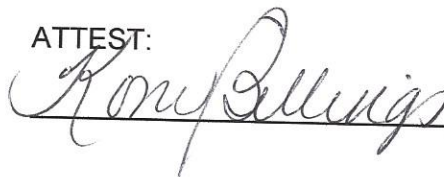
CITY OF BRUCEVILLE-EDDY:



by: Rick Eaton, Mayor

seal

ATTEST:



Koni Billings, City Administrator