

ORDINANCE NO. 2011-22

AN ORDINANCE REGULATING GARAGE SALES AND PROVIDING PENALTIES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gonzales, Texas aims to preserve, enhance and perpetuate the economic value and the residential character of the city's neighborhoods in part by regulating garage sales. Such preservation promotes and protects the health, safety, comfort, economic investment, and general welfare of the people living in Gonzales, Texas.

More specifically, this garage sale ordinance is designed to achieve the following goals:

- (1) To protect residential areas from the permanent encroachment of commercial uses;
- (2) To protect the aesthetic qualities of neighborhoods, and
- (3) To ensure the harmonious and orderly operation of garage sales.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

SECTION 1: Definitions. For the purpose of this ordinance, the following terms shall mean:

(1) Garage Sale shall mean all general sales, open or advertised to the public, conducted from or on a residential premises (single-family, duplexes or apartments), in any residential zone for the purpose of disposing of tangible personal property.

(2) Permit required, fee as prescribed: No person shall conduct a garage sale within the City of Gonzales without first filing with the city secretary an application for a permit for the garage sale. A fee, as prescribed from time to time shall be charged for the issuance of such permit. The permit which shall be prominently displayed on the premises, shall contain the name of the person who will conduct the sale, the address at which the sale will be held and the dates on which the sale will be held.

(3) Restrictions on conduct of sale: No person other than the occupant shall conduct a garage sale. No person shall conduct a garage sale if such a sale has been conducted on the same property or premises within the period of six (6) months immediately preceding the date of the commencement of the proposed sale except that in the event there has been a change of occupancy upon the property or premises then the new occupant shall be permitted to hold one (1) garage sale on the property or premises within the above referenced six (6) month period.

(4) Restrictions on conduct of sale: No person shall sell or offer for sale at a garage sale merchandise other than used and discarded items of personal property belonging to occupant. The occupant may allow the neighbors to sell their items at the occupant's garage sale provided the majority of all of the items to be sold are owned by the occupant.

(5) Length and time of holding sale: No garage sale shall be conducted for a period in excess of seventy-two (72) consecutive hours. In the event the person who is issued a permit does not hold the garage sale on the days for which the sale was originally permitted, he/she may return the paperwork to the City of Gonzales on or before the first working day after the originally permitted sale date and reschedule the sale for a date not more than sixty (60) days after the originally permitted date.

(6) Hours of Operation: Garage sales may only be held between the hours of 8:00 a.m. and 7 p.m.

(7) Display of Sales Merchandise: Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in the yard of the residence; and only in such areas. No property offered for sale shall be displayed in any public right-of-way, sidewalk, alley, or street.

(8) Signs: All off-premise signs advertising the garage sale shall be in compliance with the City of Gonzales sign ordinance. A maximum of two (2) on-premise signs may be placed within the property of the sale. No "On" or "Off" premise sign shall be placed in the public right-of-way. Signs found within the City of Gonzales which are unlawfully posted upon utility poles, regulatory signs or posts, or are placed on sidewalks, in the right-of-way, or any other area not allowed by this ordinance, are hereby declared a nuisance to public safety, as they detract from the driving public's attention to traffic signals as well as other vehicular and pedestrian traffic. Police officers may summarily remove posted signs as evidence of unlawful activity in preparation for prosecution. If no prosecutorial action is taken, the signs may be destroyed.

(9) Penalties: Any person violating any of the provisions of this ordinance shall be deemed guilty of a violation and, upon conviction, shall be fined not less than \$25.00 nor more than \$500.00, excluding court costs and assessments.

APPROVED AND ADOPTED, this _____ day of _____, 2011.

Bobby O'Neal, Mayor

ATTEST:

Candice L. Witzkoske, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jackie L. Williamson, City Attorney