

ORDINANCE B-745

AN ORDINANCE AMENDING CHAPTER 66, SECONDHAND GOODS, OF THE BURLESON CODE OF ORDINANCES BY AMENDING ARTICLE II. GARAGE SALES; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES OF THE CITY OF BURLESON IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE CLAUSE.

WHEREAS, the City of Burleson is a general purpose unit of government located in Tarrant and Johnson Counties created under and operating pursuant to the Home Rule Laws of the State of Texas; and

WHEREAS, the City of Burleson, in order to meet its police power responsibilities in providing the quality and character of environment desired by its citizens, has determined that it is reasonable and necessary to establish appropriate regulations governing garage sales and other outdoor sales within the corporate limits of the City of Burleson;

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

SECTION 1

Chapter 66, Article II. Garage Sales of the Burleson Code of Ordinances is hereby amended in its entirety to read as follows:

Article II. GARAGE SALES

Sec. 66-31. Definitions.

Garage Sale. The sale of tangible personal property or used or unwanted household items that is held in the garage, driveway or yard of the seller's residence; or the parking lot or sidewalk of a non-residential property. The term garage sale includes the terms yard sale, estate sale, occasional sale, and similar terms.

Sec. 66-32. Permits and Conditions on Sales

- A. Permit Required. A permit shall be required to hold or have a garage sale. The permit may be issued to the owner or tenant of the residence, or to the owner of the non-residential property. The sign issued by the City shall serve as the permit for the sale. The permit number shall be listed on each sign issued for the sale. The permit for sales on a non-residential property shall be in addition to any special event sales or temporary outdoor sales allowed by the zoning regulations.

- B. Number and Duration of Sales. The number of garage sales on a property shall not exceed two (2) during any calendar year period from January 1 to December 31. The duration of each sale shall not exceed three (3) consecutive calendar days.

- D. Conditions of Sale. Tangible personal property shall be sold only on the premises of the owner or tenant of the residential property where the sale is conducted, or on the premises of the owner of the non-residential property where the sale is conducted. Said owner or tenant must be the legal owner of such tangible personal property at the time of such sale. The items for sale shall be confined to the garage, porch, patio or yard on the premises of the residence, and to the parking lot or sidewalk on the premises of a non-residential property. No new merchandise, i.e., merchandise acquired solely for the purpose of resale, shall be sold at a garage sale.

- E. Sales Affected by Rain or Inclement Weather. If a property owner or tenant has purchased a garage sale permit, and the majority of the scheduled dates for the sale are affected by rain or other inclement weather, as determined by the Building Official, a rain-out permit may be issued at no cost provided the property owner or tenant returns all signs originally issued with the permit. The new permit must be issued within thirty (30) days of the date of the original permit. If the permit was issued for two (2) or three (3) days and the rain or inclement weather affects only one (1) day during the permit period, a rain-out permit shall not be issued.

Sec. 66-33. Signs

- A. Number of Signs. All signs to be used for a garage sale shall be those signs issued by the City at the time of permitting. One sign shall be issued with the permit. Up to two (2) additional signs may be purchased for an additional charge as approved in the fee schedule. No other garage sale signs shall be permitted.

- B. On-Premise Signs. One sign shall be posted on the property conducting the sale. The sign shall be placed in a location visible from the street as the on-premise sign serves as the permit for the sale.

- C. Off-Premise Signs. Up to two (2) off-premise signs may be placed on private property, subject to permission of the property owner where the sign is to be located.

- D. Sign Locations.
 - 1. Signs shall be placed at least ten (10) feet from the back of curb or edge of street pavement.

2. Signs shall not be placed on utility poles, street sign poles, or other fixed objects in the City or State rights-of-way.
 3. Signs shall not be placed within a street median or a visibility triangle.
 4. The location of off-premise signs shall be designated at the time of issuance of the permit.
- E. Posting and Removal of Signs. Signs shall not be posted more than twenty-four (24) hours prior to the beginning of the sale. All signs advertising a garage sale shall be removed by the permittee not later than twenty-four (24) hours following the expiration of the permit.

SECTION 2

If any article, section, sub-section, sentence or phrase of this Ordinance should be held to be invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.


SECTION 3

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than five-hundred dollars (\$500.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

SECTION 4

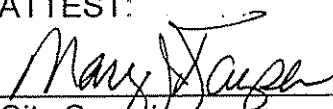
This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 23RD day of February, 2006.



MAYOR

ATTEST:



City Secretary

First Reading: 2/9/06