

ORDINANCE B-745 (A0808)

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; PUBLICATION 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 as follows:

Article II. GARAGE SALES

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 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 where the sale is being conducted. 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 off-premise signs may be placed on private property which is developed and occupied, subject to the permission from the owner of the property on which the sign is to be placed.

D. Sign Locations.

1. Signs shall not be placed on utility poles, street sign poles, or other fixed objects in the City or State rights-of-way.
2. Signs shall not be placed within a street median or a visibility triangle.
3. Signs shall be placed at least ten feet from the back of curb or edge of street pavement.
4. Signs shall not be placed on vehicles parked on city streets or any other public rights-of-way.

- C. Posting and Removal of Signs. The permitted sign shall not be posted more than twenty-four (24) hours prior to the beginning of the sale and 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

The City Secretary of the City of Burleson is hereby directed to publish in the official newspaper of the City of Burleson, the caption, penalty clause, and effective date clause of this ordinance at least two (2) times within fourteen (14) days after the

passage of this ordinance as required by Section 36 of the Charter of the City of Burleson.

SECTION 5

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 _____ day of _____, 2008.

MAYOR

ATTEST:

City Secretary

First Reading: _____