

**CITY OF EVERMAN, TEXAS**

**ORDINANCE NO. 819**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVERMAN, TEXAS, CHAPTER 11 “LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS”, ARTICLE IV, “GARAGE SALES” BY AMENDING SECTIONS 11-191 AND 11-192, AMENDING SECTION 11-194 AND RENUMBERING IT AS SECTION 11-195, AND ADDING A NEW SECTION 11-194 “GARAGE SALES ON NONRESIDENTIAL PROPERTY”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE .**

**WHEREAS**, the City Council has determined that it is in the best interests of the City to adopt regulations for licenses, permits and miscellaneous business regulations for such activity within the City; and

**WHEREAS**, the City Council further finds it to serve the health, safety and general welfare of the City to amend Chapter 11 “Licenses, Permits and Miscellaneous Business Regulations” to prohibit garage sales on nonresidential property except in exceptional circumstances as determined by the City Council in its sole discretion;

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

**SECTION 1:** That the Code of Ordinances of the City of Everman, Texas is hereby amended at Chapter 11 “Licenses, Permits, and Miscellaneous Business Regulations”, Article IV “Garage Sales” by amending sections 11-191 and 11-192, amending section 11-194 and renumbering it as section 11-195 and adding a new section 11-194 “Garage Sales on Nonresidential Property” all to read as follows:

**“CHAPTER 11 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**

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**ARTICLE IV GARAGE SALES**

**Sec. 11-191. – 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:

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*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. The term garage sale includes the terms yard sale, estate sale, occasional sale, and similar terms.

**Sec. 11-192. – Regulations.**

- (1) *Permit required.* A permit shall be required to hold or have a garage sale. Except as set forth in section 11-194 of this Article, the permit may only be issued to the owner or tenant of a residence located on residential property where the garage sale is to be held. The sign issued by the city shall serve as the permit for the garage sale. The permit number shall be listed on the sign. Subject to subsection (4) of this section, a permit is only valid for the dates set forth on the permit.

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- (3) *Conditions of sale.* Except as set forth in section 11-194, tangible personal property shall be sold only on the residential property which is identified in the permit application and which is owned, rented or leased by the applicant to whom the permit is issued. The permit holder must be the legal owner of all 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. No merchandise acquired solely for the purpose of resale shall be sold at the garage sale. Offering for sale of new-in-box or multiple similar or identical items shall create a rebuttable presumption that the merchandise was acquired solely for the purpose of resale.

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**Sec. 11-194. – Garage Sale on Nonresidential Property**

Garage sales on nonresidential property are prohibited. In exceptional circumstances, as determined by the City Council in its sole discretion, the City Council may, upon application, grant permission for an applicant to obtain a permit to hold a garage sale on nonresidential property. If permission for such sale is granted, the applicant must submit an application for such permit within five (5) business days thereof and must otherwise comply with all provisions of this Article, subject to the following:

- (1) The applicant must be the owner or tenant of the nonresidential property;

- (2) The tangible personal property shall be sold only on the parking lot and/or sidewalks of the applicant's nonresidential property covered by the permit;
- (3) The owner of tenant of the nonresidential property must be the legal owner of the tangible personal property at the time of sale;
- (4) No merchandise acquired solely for the purpose of resale shall be sold at a garage sale. Offering for sale new-in-box or multiple similar or identical items shall create a rebuttable presumption that the merchandise was acquired solely for the purpose of resale; and
- (5) City Council permission under this section shall not be granted for any applicant or with regard to any nonresidential property more frequently than once in any twelve (12) month period.

**Sec. 11-195. – Right to deny permit.**

If any person is residential property, or nonresidential property is the cited for or as the situs of violation of this article two (2) or more times during any twelve (12) month period, the City of Everman may refuse to issue that a permit to hold a garage sale anytime during the subsequent twelve (12) month period to that individual and/or for that residential or nonresidential property.”

**SECTION 2:** All ordinances, orders, or resolutions heretofore pass and adopted by the City Council of the City of Everman, Tarrant County, Texas are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

**SECTION 3:** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 5.** This ordinance shall be effective from and after its passage.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Everman, Tarrant County, Texas this the \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Ray Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Mindi Parks, City Secretary

APPROVED AS TO FORM:

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Victoria Thomas, City Attorney  
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