



Folsom City Council Staff Report

MEETING DATE:	10/11/2022
AGENDA SECTION:	Consent Calendar
SUBJECT:	Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code (Second Reading and Adoption)
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council conduct the second reading and adoption of Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code.

BACKGROUND / ISSUE

Since its enactment in 1997, Section 5.09.020 of the Folsom Municipal Code has limited garage sales in the City to no more than three consecutive days and no more than two garage sales on the same premises in any one calendar year. That provision was suspended by Emergency Order DES-03-20 (dated May 1, 2020) until termination of the COVID-19 local emergency.

On September 27, 2022 City Council introduced and conducted first reading of Ordinance 1333. No changes have been made to the ordinance since first reading.

POLICY / RULE

The City Council has authority to enact or repeal ordinances pursuant to Section 2.12(A) of the Folsom City Charter.

ANALYSIS

For over two years since the suspension of Section 5.09.020, the City has received no complaint from residents about the numbers and frequency of garage sales. To make the suspension permanent, staff is presenting a proposed Ordinance to repeal Section 5.09.020 from the Folsom Municipal Code so that City residents may hold garage sales without limitation on frequency or duration.

FINANCIAL IMPACT

The City does not charge a fee for garage sales, hence there is no financial impact associated with this action.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENT

Ordinance No. 1333 – An Ordinance of the City of Folsom Removing Limitations on Frequency of Garage Sales by Repealing Section 5.09.020 from the Folsom Municipal Code (Second Reading and Adoption)

Respectfully submitted,



Pam Johns, Community Development Director

ATTACHMENT 1

**ORDINANCE NO. 1333 – AN ORDINANCE OF THE CITY OF
FOLSOM REMOVING LIMITATIONS ON FREQUENCY OF
GARAGE SALES BY REPEALING SECTION 5.09.020 FROM THE
FOLSOM MUNICIPAL CODE (SECOND READING AND
ADOPTION)**

ORDINANCE NO. 1333

AN ORDINANCE OF THE CITY OF FOLSOM REMOVING LIMITATIONS ON FREQUENCY OF GARAGE SALES BY REPEALING SECTION 5.09.020 FROM THE FOLSOM MUNICIPAL CODE

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to remove limitations on the frequency of garage sales in the City of Folsom by repealing Section 5.09.020, "Limitations", from the Folsom Municipal Code.

SECTION 2 REPEAL OF CODE

Section 5.09.020, "Limitations", is hereby repealed and deleted from the Folsom Municipal Code.

SECTION 3 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on September 27, 2022 and the second reading occurred at the regular meeting of the City Council on October 11, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing Ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 11th day of October 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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