

EXHIBIT A

Chapter 34 - PEDDLERS, SOLICITORS, ITINERANT VENDORS, GARAGE SALES AND MOBILE FOOD UNITS

Sec. 34-2. - Prohibited acts.

(e) ~~It shall be unlawful for any person to have a garage sale without first applying for and obtaining a permit from the city; this shall apply to nonprofit organizations as well. Permits must be displayed in a prominent place for the public and any police officer or code enforcement officer to see. It shall be unlawful for a person to use any signs other than the set of three signs issued by the city. These signs may be placed at either end of the block in which the person resides, with the written permission of property owner, and one in the person's yard. These signs are exempt from chapter 36.~~

(Ord. No. G-1-06, § 2, 2-13-2006; Ord. No. G-9-06, § 1, 9-11-2006)

OPTION # 3

Chapter 35- Garage Sales

Sec. 35-1.- Purpose

This article specifically seeks to achieve the following goals:

- (1) To protect residential areas from the permanent encroachment of commercial uses;
- (2) To limit the proliferation of unsightly signs and signage structures;
- (3) To protect the aesthetic qualities of neighborhoods;
- (4) To ensure the harmonious and orderly operation of garage sales in residential areas;
and
- (5) To provide a means to assist garage sale permittees in the promoting of their sales.

Sec. 35-2.- Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning defined as follows, except where the context clearly indicates a different meaning:

Charitable/nonprofit organization. An organization qualifying as nonprofit under section 501(c) of the federal Income Tax Code or the Texas Nonprofit Corporation Act.

Garage sale. An organized sale for the purpose of disposing of tangible personal property that is open or advertised to the public, conducted from or at a residence (single-family, duplex or apartment) or within any residential area, and includes the sale of more than five (5) specific items of tangible personal property.

Garage sale operator. Any person with a permit issued by the city to operate a garage sale.

Person. Includes individuals, partnerships, voluntary associations and corporations.

Personal property. Property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence.

Residence. Any single-family structure or multifamily complex, which may be owned, rented or leased.

Sec. 35-3.-Permit required.

It shall be unlawful for any person to advertise, operate or participate in the operation of a garage sale without first obtaining the proper permit from city hall.

Sec.35-4.-Application for permit; fee.

- (a) An application for a garage sale operator's permit shall be made upon forms provided by city hall.
- (b) The application shall contain the date(s), location (street address), hours of operation of the garage sale and any other information that may be reasonably required by the city.
- (c) Only the owner or lessee of the residential property upon which the garage sale is being conducted may obtain such permit.
- (d) Before issuance of a permit, the applicant shall provide proof of address (driver's license, utility bills or other identification) and any other pertinent information as may be reasonably required by the city. Upon verification and compliance with provisions of this article, and payment of the proper fee, the applicant will be issued a permit for a garage sale by the city.
- (e) By making application for such garage sale permit, accepting said permit and conducting such sale, the owner or lessee of the property to whom such permit is granted authorizes any officer of the city to enter upon the property for the purpose of determining that such sale is being conducted in accordance with the provisions of this article.
- (f) An applicant shall pay an operator's fee in the amount established by city council for each permit issued.
- (g) An applicant may obtain a permit between the hours of 8 a.m. and 5 p.m., Monday through Friday.

(h) Outdoor advertising and informational signage for permitted garage sales shall be limited to the criteria in Sec. 35-11.-Signs. Each sign displayed in public must contain the permit number and permit date(s).

Sec. 35-5.-Restrictions on merchandise.

New personal property or merchandise purchased for resale or obtained by consignment for sale may not be sold at a garage sale.

Sec.35-6.-Duration of sale.

All permits covered by this article shall continue in full force from the date specified on the permit. Each garage sale shall not exceed four (4) consecutive days.

Sec.35-7.-Number of permits limited.

The city shall issue one (1) permit for each garage sale. Permits may be issued to a residence no more than two (2) times per calendar year. Subsequent garage sale permits may not be issued sooner than sixty (60) days after the first.

Sec.35-8.-Transfer of permit.

No permit covered by this article shall be transferable, nor shall a permit holder allow his name to be used by any other party for the purposes of operating a garage sale.

Sec.35-9.-Hours.

An applicant having a valid permit may operate a garage sale between the hours of 7:00 a.m. and 6:00 p.m.

Sec.35-10.-Sale of food items prohibited.

Food items shall not be sold under authority of a garage sale permit.

Sec. 35-11.-Signs.

(a) No signs shall be exhibited more than one (1) day prior to the sale, and shall be removed upon expiration of the garage sale permit. The person or persons exercising ownership or leasehold rights over property on which a garage sale is held or advertised to be held shall be presumed to have placed and exhibited the sign advertising the garage sale that identifies the person's address or location at which the garage sale is to be held. This presumption may be rebutted by evidence to the contrary.

(b) One garage sale sign with the permit number affixed on its face shall be displayed on the applicant's property visible no more than four (4) feet from the curbline or nearest edge of the paved portion of the nearest street or right-of-way.

(c) Garage sale signs may not be posted on city property, or on private property without the express permission of the property owner. Garage sale signs shall not be mounted upon or attached to any utility pole, traffic sign or street sign or other public device or structure. Signs must be securely staked or otherwise secured. Garage sale signs may not be placed in the right-of-way of any highway, street, alley or railroad. Signs may not project over such rights-of-way.

(d) A garage sale operator shall remove all signs within 24 hours after expiration of the garage sale permit. Violators of this section are subject to a fine not to exceed fifty dollars (\$50.00) for each day past the deadline for removing signs.

(e) Signs giving notice of or advertising garage sales shall not exceed four square feet (2' x 2') in face area. They may not be illuminated.

Sec. 35-12.-Exception for churches and charitable or nonprofit organizations.

Any church or charitable or nonprofit organization may hold a maximum of six (6) garage sales per year, provided:

- (1) The church or organization does not hold more than one (1) garage sale per month.
- (2) The sale must be conducted on the church's or organization's property.
- (3) A member of the church or organization, authorized to represent it, must register with the city. No fee will be charged for registration.
- (4) None of the net earnings of a garage sale shall inure to a shareholder or other individual