

NO. 2010-11-08(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ENTITLED "GARAGE/YARD SALES"; REQUIRING A PERMIT FOR GARAGE/YARD SALES; LIMITING THE NUMBER OF GARAGE/YARD SALES PER YEAR; ESTABLISHING SIGNAGE REGULATIONS FOR GARAGE/YARD SALES, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Nixon, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS, AS FOLLOWS:

That the attached rules and regulations are hereby adopted:

CITY OF NIXON
GARAGE/YARD SALE ORDINANCE

Section 1. **FINDINGS INCORPORATED**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage/Yard Sales means and includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

Goods are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated under this Ordinance.

"GARAGE/YARD SALES"

Garage/Yard Sales. Occasional sales on residential premises, not to exceed three (3) in number on the same property in any one calendar year, provided that:

- (a) Garage sales may only occur after the City has issued a permit to conduct the sale. Permits will only be issued to individuals who are residents of the City of Nixon, Texas ("the City"). The permit to conduct the sale must be displayed on the premises the entire duration of the sale. The permit must contain the name and address of the person conducting the sale. There is a \$5.00 per day fee for the permit which is due and payable at Nixon City Hall during regular business hours. (A sample of a City of Nixon, Texas Garage/Yard Sale Permit is attached as Exhibit "A" to this Ordinance and is incorporated here by reference).
- (b) Merchandise/Goods shall not be acquired solely for the purpose of resale on the premises under the terms of this Ordinance.

- (c) The duration of sale shall not exceed three (3) consecutive calendar days.
- (d) At least five (5) business days shall elapse between consecutive sales.
- (e) Cancellation **prior** to the sale is required so it will not count toward the three (3) garage sale limitations per year and any and all permit fees paid will be non-refundable as an administrative fee for the City of Nixon.
- (f) Signage for which shall be in conformance with the requirements of this Ordinance.
 - i. Signs must be removed immediately after completion of the sale.
 - ii. Placement of signs on utility poles, trees, medians, traffic signs, corners of public streets, rights-of-way on public streets or other such public property is expressly prohibited.
 - iii. Signs must not exceed five square feet in area and may not exceed 40 inches in height and may not be illuminated.
 - iv. Signs shall not be placed in such a way as to create a traffic hazard. The edge of signs shall be placed no closer than three (3) feet from street curb or edge of the pavement.
 - v. Signs must be securely anchored. Signs may not be mounted on or placed in vehicles.

Section 2. PENALTY CLAUSE.

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$500.00 for each offense plus Court costs/fees, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense. If a permit is approved and issued by the City pursuant to this Ordinance, and a violation occurs, the individual to which said permit was issued shall be cited for the violation, if any. If any property owner, person, firm or corporation violates any of the provisions or terms of this Ordinance and the City has not issued a permit, the citation shall be issued to the registered property owner where the violation has occurred.

Section 3. SEVERABILITY CLAUSE.


It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. EFFECTIVE DATE.


This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nixon, Texas, on this 8 day of November, 2010.

CITY OF NIXON, TEXAS

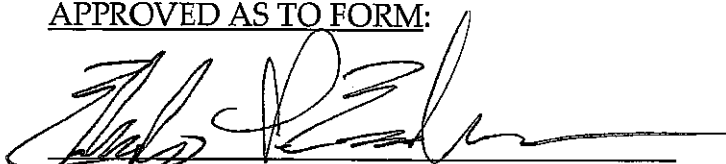
By: 
Don Chessher, Mayor
City of Nixon, Texas

ATTEST:



City Secretary, City of Nixon, Texas

APPROVED AS TO FORM:



Eduardo "Eddie" Escobar, City Attorney
City of Nixon, Texas