

City of Cottonwood Shores

ORDINANCE 4005

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES FOR THE DEFINITIONS, REQUIREMENTS OF PERMIT ISSUANCE AND DISPLAYS PERTAINING TO GARAGE SALES;

History: August 2, 2012 – Repealed Ordinance 072006 and adopted Ordinance 4005

WHEREAS, The City of Cottonwood Shores has not had a prudent and formal policy in place governing the definitions for the following words, terms and phrases, shall have the meanings ascribed.

Garage sales means and includes all sales entitled "garage sale", "lawn sale", "yard sale", "attic sale", "rummage sale", "flea market", 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 "the sale".

WHEREAS, The City of Cottonwood Shores will require a permit for the above ascribed known as a garage sale, lawn sale, yard sale, attic sale, rummage sale or flea market.

It shall be unlawful for any person to conduct a garage sale in the City of Cottonwood Shores without first filing with the City Hall clerk for the information hereinafter specified and obtaining from such clerk a permit to do so, to be known as a garage sale permit.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THAT:

Section 1. Permit Issuance and Displays for Sales

A garage sale permit shall be issued to any one person or location only three days within a month period and no such permit shall be issued for more than three consecutive calendar days. Each permit issued must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the permitted sale. The permit holder shall have forty-eight (48) hours prior to the sale to arrange merchandise for display and also shall have forty-eight (48) hours to remove and clean up sale site.

Section 2. Required information for the Sales

Information to be filed with City Hall Clerk, pursuant to this shall be as follows:

- (1) Name of person, firm, group, corporation, association, or organization conducting the sale;
- (2) Name of owner of the property on which the sale is to be conducted and consent of owner if applicant is other than the owner;

- (3) Location at which sale is to be conducted;
- (4) Number of days of sale;
- (5) Date of sale and dates of past sales;
- (6) Sworn statement of affirmation by the person signing that the information given is full and true and known to him to be so.

Section 3. Garage Sale Signs

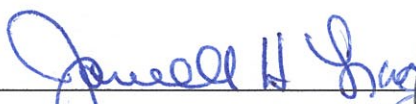
- (a) Ordinance 14000, Article III, Item (e), # II, provides that signs shall show name, date, and address, that signs shall be removed within 24 hours of the sale.
- (b) Signs giving notice of or advertising garage sales in residential areas shall not exceed four square feet in face area. They may not be illuminated, may not be erected earlier than one day preceding the sale and shall be removed within one day following the sale. Signs will show the date(s) of the sale. A permit to hold a garage sale is required separate from the signage. No permit is required for the sign itself.
- (c) The placement of or advertising of a garage sale sign in the right-of-way of any street, alley, or public property is prohibited. No sign shall be erected or affixed within or project over any public right-of-way. This section shall not be construed so as to prohibit vehicular signs as long as such comply with other provisions of this section; nor to prohibit the carrying or display of signs by a person or persons as long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Loc Government Code.*

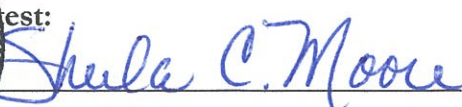
Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication.

PASSED AND APPROVED by the City Council of Cottonwood Shores, Texas, at a meeting on the 2nd day of August, 2012 with 5 votes in favor, 0 votes against and 0 abstentions.



Janelle H. Long, Mayor



est: 

Sheila C. Moore, City Secretary