

CITY OF PRINCETON, TEXAS

ORDINANCE NO. 2008-11-10-06

AN ORDINANCE OF THE CITY OF PRINCETON, TEXAS, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF PRINCETON TO ESTABLISH A NEW ARTICLE IV, ENTITLED GARAGE SALES; PROVIDING A SEVERABILITY CLAUSE; REPEALING CONFLICTING ORDINANCES; PROVIDING PUBLICATION AND PASSAGE; RECOGNIZING COMPLIANCE WITH THE OPEN MEETINGS ACT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Princeton has determined that the number of garage or home sales being held, without permit, and unlimited in scope and duration, have a negative impact on property values, property marketability and traffic congestion in residentially zoned areas; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 46 of the Code relative to permits for garage and home sales and to limit the number and duration of such sales; and

WHEREAS, the City Council recognizes that the regulation of garage or home sales is within the police power of the City of Princeton; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 46 of the Code to reflect these desired amendments and changes.

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

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Princeton Code of Ordinances, Chapter 46, "Offenses and Miscellaneous Provisions", Article IV, Garage or Home Sales is hereby amended to read as follows:

GARAGE OR HOME SALES

A. **Definition:** For purposes of this article, garage or home sale shall mean to refer to the sale of personal property on the same lot as a residential dwelling within a residential zoning district and means to include yard sales, estate sales, and moving sales. It shall not include the sale of retail merchandise sold for the benefit of a commercial retail establishment.

B. **Exclusion:** It shall be unlawful under this article for a commercial retail establishment (*e.g.*, department stores, warehouses, etc.) to sell or offer for sale merchandise at a garage sale.

C. **Permit:** Prior to the commencement date of any garage or home sale, the person desiring to engage in the sale shall obtain from the City Permit Department a permit for such sale. Any person desiring a permit under this article shall make application for such permit to the Permit Department, setting forth the location, time and date of said sale, the name and address of the person holding said sale and the type of goods, wares and merchandise to be sold. The permittee shall be responsible for compliance with the requirements of this section.

D. **Number, duration of sales:** Two garage or home sales may be held per year per household covered by the permit application. No other such sales shall be held at that location during that year, which year consists of 365 days, between January 1st and December 31st. Each sale may be held from Thursday through Sunday, dawn to dusk, and no more than four consecutive days in duration. If the sale continues for more than one day, the days must be consecutive. No more than two permits shall be issued for any one premise during said year.

E. **Signs:** The permittee shall be entitled to two on-premise sign placed one day prior to the garage sale. The permittee shall be entitled to post four additional signs off-premises for the purpose of notifying the public of the date, time and location of the sale; provided, however, no sign shall be placed in a public right-of-way, in any sight visibility triangle, utility pole, official sign, tree, nor be in excess of three (3) feet above ground level or exceed six (6) square feet in area. The off-premise signs may be placed one day prior to the sale. All signs or notices posted in regard to any garage or home sale for which a permit is issued under the provisions of this article shall be located so as not to constitute an impairment to or obstruction of traffic. All signs must be removed before 8:00 a.m. the day after the sale has concluded.

F. **Offense.** It shall be an offense to

- a. hold a garage sale without a permit;
- b. have more than two garage sales in one year;
- c. exceed the sign limitations in subsection E.
- d. to fail to remove the signs as indicated.

G. Penalty

Each violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed \$500.

H. Culpable Mental State

Allegation and evidence of a culpable mental state is not required for the proof of an

offense defined by this Article.”

Section 3. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

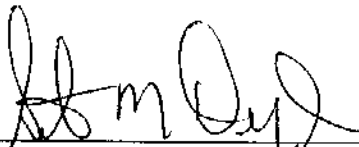
Section 4. All ordinances, orders and resolutions heretofore passed and adopted by the City Council of the City of Princeton, Texas are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

Section 5. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

Section 6. This Ordinance shall be effective immediately upon passage and publication as provided for by law.

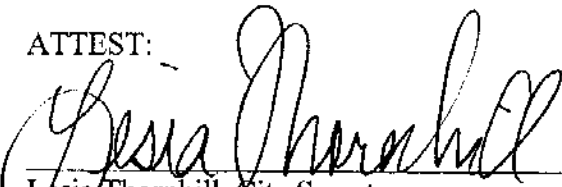
Section 7. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED the 10 day of November, 2008.



Steve Deffibaugh, Mayor

ATTEST:



Lesia Thornhill, City Secretary

