

ORDINANCE NO. 457

**AN ORDINANCE REGULATING GARAGE SALES
WITHIN THE TOWN LIMITS OF
THE TOWN OF ANTHONY, TEXAS**

***BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANTHONY,
TEXAS, THAT:***

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 indicated a different meaning:

Garage 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.

Exemptions:

The provisions of this Ordinance shall not apply to or affect the following persons or sales:

- (1). Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2). Persons acting in accordance with their powers and duties as public officials.
- (3). Any person selling or advertising for sale an item of personal property which is specifically named or described in the advertisement and which separate items do not exceed five in number.

Permit Required:

I shall be unlawful for any person to conduct a garage sale in the Town without first filing

with the clerk the information hereinafter specified and obtaining from such clerk a permit to do so, to be known as a garage sale permit.

Permit Issuance and Display:

A garage sale permit shall be issued to any one person or location only four times within a twelve-month period and no such permit shall be issued for more than two 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.

Required Information:

The information to be filed with the clerk, pursuant to this ordinance, shall be as follows:

- (1). Name of the 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 or her to be so.

Required Fee:

The clerk shall charge a fee of \$0.00 per day for which the permit is requested.

Garage Sales Signs:

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.

The placement or installation of a garage sale signs 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 or across the public right-of-way line extended across a railroad 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.

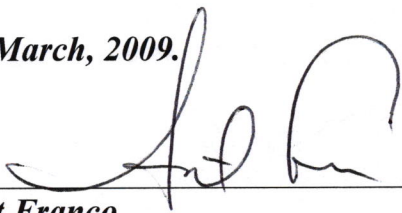
Violation - Penalty

Any person violating this Ordinance shall be deemed guilty of a misdemeanor and punished with a fine not to exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

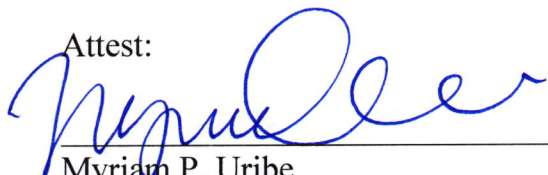
That this Ordinance was duly enacted with all the requisites and formalities incident thereto the enactment of ordinances, and such is evidenced by the below signatures.

Effective Date:

SIGNED AND ENACTED this 24th day of March, 2009.

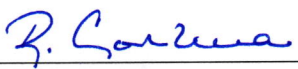


Art Franco
Mayor

Attest:


Myrian P. Uribe
Town Clerk

Approved:



Richard Contreras
Town Attorney