

**ORDINANCE NO. OR-1974-15**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING REGULATIONS PERTAINING TO GARAGE SALES IN CHAPTER 98 OF THE MANSFIELD CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield, Texas (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council deems it advisable to amend the current regulations related to garage sales.

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

**SECTION 1.**

That Sections 98.50 through 98.55 of Chapter 98 of the Mansfield Code of Ordinances, “Garage Sales”, are hereby amended and restated in its entirety as shown in Exhibit “A” attached hereto and made a part hereof for all purposes.

**SECTION 2.**

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.**

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

**SECTION 4.**

Any person, firm, corporation or other entity that violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon the conviction, shall be punished as provided in Section 10.99 of the Mansfield Code of Ordinances.

**SECTION 5.**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

**FIRST READING APPROVED ON THE 12<sup>TH</sup> DAY OF OCTOBER, 2015.**

**SECOND READING APPROVED ON THE 26<sup>TH</sup> DAY OF OCTOBER, 2015.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2015.**



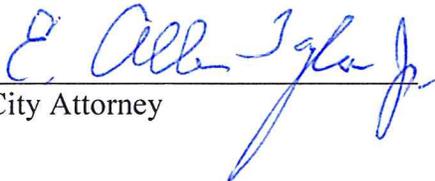
**David L. Cook, Mayor**

**ATTEST:**



**Susana Marin, Acting City Secretary**

APPROVED AS TO FORM AND LEGALITY



**City Attorney**

## Exhibit A

### GARAGE SALES

#### § 98.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARAGE SALE.** A sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing, glassware or similar personal property, including, but not limited to any sale commonly termed "estate sale," "porch sale," "yard sale," "lawn sale," "group family sale," or "attic sale."

**ESTATE SALE.** An Estate Sale is a way of liquidating the belongings of a family or estate, usually much more than a garage sale or yard sales, and is used when someone is in need of a way to sell off personal belongings due to downsizing, moving, divorce, bankruptcy, or death.

#### § 98.51 PERMIT REQUIRED.

(A) A Garage Sale permit issued by the Development Services Department shall be obtained prior to a Garage Sale.

(B) A permit fee in the amount of five dollars (\$5) shall be paid to the city at the time an application is made.

(C) A Garage Sale shall not exceed three (3) consecutive days in duration for each permit.

(D) No more than two (2) Garage Sale permits shall be issued for any one premise per calendar year.

#### § 98.52 SALE HOURS.

No person shall conduct a Garage Sale before 7:00 a.m. of any day or after 7:00 p.m. on any day.

#### § 98.53 GARAGE SALE SIGNS.

(A) No more than three (3) signs may be allowed per Garage Sale. Signs shall be allowed with consent of the property owner at off-site locations.

(B) Signs shall be limited to a maximum area of four square feet and a maximum height of three feet when measured from the ground to the top of the sign.

(C) Signs shall be removed promptly after a Garage Sale.

(D) A Garage Sale permit must be obtained before the placement of signs.

(E) The address of the Garage Sale location must be on the sign.

(F) Pennants, spinners, balloons, streamers, flags, wind signs or other similar devices shall not be attached to any sign.

(G) Signs shall be permitted in city street right-of-way, but shall not be placed in any street median on any fence, sign pole, utility pole or other fixed objects in the City right-of-way.

(H) Signs shall not be placed in such a manner as to obscure vision at any intersection, traffic sign or signal.

(I) Any sign found illegally placed will be immediately removed and discarded.

#### **§ 98.54 RESTRICTIONS.**

(A) All sidewalks, walk areas or driveways, abutting on and in front of the property at which any Garage Sale is being conducted shall remain free and uncongested so as to allow normal passage of traffic, both pedestrian and motor vehicles.

(B) A Garage Sale shall not be held for the purpose of conducting a commercial enterprise or selling items purchased for resale.

#### **§ 98.55 COMPLAINTS.**

Complaints shall be filed with the Development Services Department.

#### **§ 98.56 VARIANCE REQUEST.**

Any party or individual, who needs to conduct an Estate Sale and feels that he or she cannot comply with the requirements in Subsections (D) of Section 98.51 due to special circumstances, may request a variance by submitting a letter of request containing information and evidence as they deem appropriate to demonstrate the justification for not complying with the requirements. The Deputy City Manager in charge of the Development Services Department will decide on the variance request based upon whether or not he or she believes the information and evidence submitted by the applicant is sufficient to demonstrate that compliance with the requirements in Subsection (D) of Section 98.51 will cause unnecessary hardship due to special circumstances not simply a hardship related to convenience and that the granting of the variance will not be contrary to the public interest.