

CITY OF ANNA TEXAS

ORDINANCE NO. 327-2007

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, REPEALING ORDINANCE NO. 2002-41; ADOPTING REGULATIONS REGARDING THE CONDUCT OF GARAGE SALES; SIGN LOCATIONS; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING REPEAL AND SAVINGS CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE

Whereas, the unregulated placement of signs advertising garage sales constitutes a potential nuisance and hazard to pedestrian and vehicular traffic; and

Whereas, the unregulated conduct of garage sales encourages excessive noise, pedestrian and vehicular traffic, and general disruption of residential neighborhoods; and

Whereas, the City Council of the City of Anna has determined that the protection of the health, safety, and welfare of the citizens and property owners of the city requires minimum standards and regulations relating to the advertisement and conduct of garage sales within the city; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNA, TEXAS

Section 1. Definitions.

As used in this ordinance, unless the context otherwise requires:

Calendar year means that period of time from January 1 through December 31 of any year.

Chief building official means the official appointed by the administration or city council of the City of Anna, Texas, and charged with the responsibility of enforcing this article.

Dwelling means any building, or portion thereof, designed or used exclusively for residential occupancy or which is occupied, controlled or used by any person as defined in this section.

Garage sale means any sale of goods, wares and merchandise in or on any dwelling or private residential premises or in or on any commercial premises other than one zoned therefore and for which a current valid commercial store license has been issued by the state.

Person means any person, individually, or any group of persons collectively or any association organized for benevolent, charitable, religious or cultural purposes not for business or profit.

Section 2. Signs

A. Locations.

Temporary garage sale directional signs located off the premises being advertised may not be located in street medians, obstruct vision of traffic or pedestrians. Signs may be utilized only from Friday at 6:00 a.m. until the following Monday at 6:00 a.m. The signs must be removed prior to 6:00 a.m. Mondays.

All signs or notices posted in regard to any garage sale for which a permit is issued under the provisions of this ordinance shall be so located as not to constitute an impairment to or obstruction of traffic anywhere in the City.

Signs or notices under this ordinance shall in no event be affixed to or located upon any public property, right-of-way or easement, utility pole, sidewalk or other public way.

B. Size, when posted.

Signs or notices under this article shall be posted only for that period of time covered by the permit and shall not be larger in area than two feet by three feet.

Section 3. Permit

A. Permit Required.

No garage sale shall be conducted within the corporate limits of the city, as said boundaries now exist or as said boundaries shall be hereafter altered, without a permit from the chief building official.

B. Application.

Any person desiring a permit under this article shall make application for such permit to the chief building official, 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.

Section 4. Compliance with Fire and Safety Codes.

No permit shall issue under the terms of this article without full compliance with all terms and conditions of the fire and safety codes of the state as said fire and safety codes have been adopted by the city.

Section 5. Number Per Year.

No more than four (4) permits per calendar year shall issue for any one premises or to any person per calendar year as those terms are defined in this article.

Section 6. Duration.

No garage sale shall extend for any period of time exceeding two consecutive weekends or in any event for any period in excess of ten calendar days.

Section 7 Penalties

Any violation of any of the terms of this ordinance, whether herein denominated as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed two thousand dollars for each incidence of violation. Each day of the continuance of such violation shall be considered a separate offense and be punished separately.

Section 8 Repeal Clause

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Section 9 Savings Clause

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 10 Effective Date

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED by the City Council of the City of Anna by the following vote on this the 22nd day of May, 2007.


AYE 4


NAY 2

ABSTAIN 0

ATTEST:

APPROVED:


City Secretary, Natha Wilkison


Mayor, Kenneth Pelham

