

ORDINANCE NO. 922

AN ORDINANCE ADDING A NEW CHAPTER 28 GARAGE/ESTATE SALES TO THE CODE OF ORDINANCES ADOPTING GARAGE/ESTATE SALE REGULATIONS IN THE TOWN OF HOLLYWOOD PARK

WHEREAS, the City Council for the Town of Hollywood Park has determined that it would be beneficial for the welfare of the citizens to adopt regulations applicable to garage/estate sales.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS THAT THE FOLLOWING REGULATIONS APPLICABLE TO GARAGE/ESTATE SALES ARE HEREBY ADOPTED:

“Chapter 28

GARAGE/ESTATE SALES

Sec. 28-1 Definitions:

Estate Sale. A sale or auction, open or advertised to the public, conducted from or on residential premises in any residential zone, for the purpose of selling, bartering, trading or otherwise disposing of five or more items of tangible personal property belonging to a person who resided in the residence and who died within the past year.

Garage Sale. A sale, open or advertised to the public, conducted from or on a residential premises in any residential zone, for the purpose of selling, bartering, trading or otherwise disposing of five or more items of tangible personal property.

Garage/Estate Sale Operator. Any resident with a permit issued by the City Secretary to operate a garage/estate sale.

Tangible personal property. Tangible property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence.

Sec. 28-2 Prohibited Items:

Tangible personal property moved from another location to the sale site for a garage/estate sale is prohibited, except that the owner of a garage sale site may bring additional tangible personal property items owned by him or her to the garage sale site and multiple neighbors may consolidate their tangible personal property at a single

garage sale site. Tangible personal property purchased for resale or obtained by consignment shall not be sold at a garage sale. These restrictions shall not apply to sales conducted by churches, charitable, non-profit organizations and the Home Owners Association.

Sec. 28-3 Garage/estate sale regulations:

- a. Each garage sale shall not exceed three (3) consecutive days and each residence is allowed two (2) garage sales per calendar year per location not to exceed one garage sale per quarter. Garage sales must be held at least ninety (90) days apart from each garage sale per location.
- b. Estate sales shall not exceed two weeks per year, which may be divided into two separate time periods within each calendar year
- c. A permit shall be issued for each garage/estate sale. There shall be no charge for a garage sale permit.
- d. No estate sale permit will be issued unless the applicant has paid the City an estate sale permit fee of \$15.00.
- e. A resident having a valid permit may operate a garage/estate sale between the hours of 7:00am and 7:00pm.
- f. The permit must be clearly displayed and visible at the address of the garage/estate sale.
- g. A rain check may be granted by the City Secretary if notice that the permitted garage/estate is cancelled due to inclement weather and notice of cancellation is provided to the City Secretary by telephone message or electronic mail on the same day as permitted sale. No refunds will be given.

Sec 28-4 Permits:

It shall be unlawful for any person to operate or participate in the operation of a garage sale or estate sale without first obtaining a proper permit from the City Secretary. No garage sale or estate sale permit shall be transferable, nor shall a permit holder allow his name to be used by any other party for the purposes of obtaining a garage sale or estate sale permit. An application for a garage sale or estate sale permit shall be made upon forms provided by the City Secretary. The application will contain all the information necessary to fully advise the City Secretary of the date(s), location, hours of operation, date of the last sale held at the residence and any other information that may be reasonably required by the director of public works. Only the owner, lessee or agent of the owner or lessee of the residential property upon which the garage sale or estate sale is being conducted may obtain such a permit. An applicant for a garage sale or estate sale permit shall provide proof of address (driver's license, utility bills or other identification) and any other pertinent information as may be reasonably required by the City Secretary. Upon verification and compliance with the provisions of this article, and payment of the proper fee (if any), the applicant will be issued a permit for a garage sale or estate sale by the City Secretary. By making application for a garage sale or estate sale permit,

accepting such a permit and conducting such a sale, the owner, lessee or agent of the property to whom the permit is granted authorizes any officer or employee of the City of Hollywood Park to enter upon the property from which the sale is being conducted for the purpose of determining that such sale is being conducted in accordance with the provisions of this chapter. The Hollywood Park Code Inspector and/or Police Department have the authority to revoke the garage/estate sale permit if any consignment property is offered for sale at a garage sale. Any permit issued by the City Secretary shall bear the street address of the residence where the sale will be located, the date(s) and hours when the garage sale or estate sale will be held and any other information deemed necessary by the City Secretary. The permit shall be clearly displayed and visible from a distance of six (6) feet from the curb-line or nearest edge of the paved portion of the street or right-of-way.

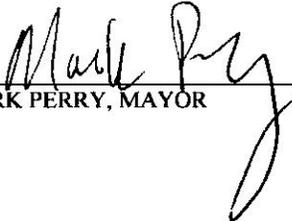
Permits shall be obtained by 12:00 noon of the second calendar day prior to the start of the garage sale or estate sale in order to give the city sufficient time to install temporary No Parking signs, if needed, on the street(s). Otherwise, the requested permit shall not be issued by the City Secretary.

Sec. 28-4 Penalty

Each violation of this ordinance shall be punishable by fine up to \$50.00 for the first offense and up to \$1500.00 for each subsequent offense.”

THIS ORDINANCE SHALL BECOME EFFECTIVE FIVE DAYS AFTER ITS PUBLICATION.

PASSED AND APPROVED THIS 18th DAY OF DECEMBER, 2012



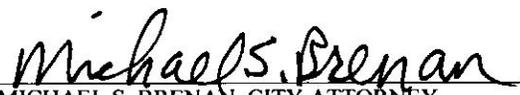
MARK PERRY, MAYOR

ATTEST:



JANICE ALAMIA, CITY SECRETARY

APPROVED AS TO FORM



MICHAEL S. BRENNAN, CITY ATTORNEY