

ORDINANCE NO. 2013-O-117

AMENDING CHAPTER 18, ARTICLE III OF THE CITY OF LAREDO CODE OF ORDINANCES BY INCREASING THE GARAGE SALE PERMIT FEE TO FIFTEEN DOLLARS (\$15) PER PERMIT; AND DECREASING THE PERMIT LIMIT TO TWO PERMITS PER YEAR; PROVIDING FOR A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE. (AS AMENDED)

WHEREAS, the City Council has perceived that the lack of regulation of garage or yard sales on private properties within the city limits, and outside of conventional business structures, appears to be creating a problem of noncompliance with other city health, safety and regulatory ordinances; and,

WHEREAS, the City Council of the City of Laredo has determined that it is in the best interests of the public and in support of the health, safety, morals and general welfare of the citizens of the City that the Code of Ordinance provisions, relative to the regulation of garage sales, be established as herein stated.

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

Section 1. Chapter 18 of the City of Laredo Code of Ordinances is hereby amended by adding a new Article III to read as follows:

ARTICLE III

REGULATION OF GARAGE OR YARD SALES

Section 18.13: Definition:

a) Garage or yard sale: shall mean the sale or offer of second-hand merchandise for sale on an occasional basis not exceeding two consecutive days nor on more than two separate occasions during a twelve month period.

b) Permit Limitation: Not more than two (2) [~~three (3)~~] permits shall be issued to the same person or for the same address within any twelve (12) month period and not more than one (1) permit shall be issued to the same person or for the same address within any one (1) quarter period.

c) Sign Display: A sign no larger than four (4) square feet in area may be displayed on the premises announcing the sale during the permitted time of the sale. No sign advertising of the sale shall be posted on telephone poles, light standards, street signs, postal cluster mailboxes or City right-of-way. Not more than two (2) signs place in the property lawn shall be permitted and must be removed by the last day of the permitted sale.

Sec.18.14 Garage Sales; Special Regulations and Requirements.

Garage or Yard sale permit shall be issued subject to following restrictions and regulations; every application for a garage or yard sale permit shall contain the following information:

1. All animal sales are strictly prohibited.
2. Permit holder must prominently display original permit.
3. Non-profit fundraisers must provide an EIN (Employer Identification Number).
4. Prior to issuance or renewal of a permit under this article, evidence of permission by the owner or lease holder of the premises proposed to be used by the vendor authorizing such use by the vendor, must be file with the permit officer. In instances where the vendor is the owner or tenant of the premises proposed to be used, a copy of a deed or lease must be provided.
5. The name of the applicant and, if applicable, a certified copy of any assumed name certificate and/or corporate or other legal organization charter of record, together with proof of the individual's authority to act in behalf of such entity.
6. The business and private address and phone numbers of the applicant.
7. The name, home address and phone number of any individuals who will engage in business under the permit in addition to the applicant.
8. A description of the proposed location of the business for which the permit application is filed, including the street address and lot or block number.

Sec.18.15 Garage Sales; Duration, fees.

1. The maximum time for which a permit may be issued shall be for a period not to exceed forty-eight (48) hours.
2. The applicant shall pay an application fee of fifteen dollars (\$15.00) per permit.
3. Hours of garage sales are restricted to 7:00 a.m. to 6:00 p.m. and should not exceed two (2) days.
4. If you have to cancel your garage or yard sale due to rain; residents can obtain a one-time replacement permit.

Sec. 18.16 Issuance of Permits.

The Building Development Services director or his/her designee shall issue to any applicant therefore, who has complied with all the requirements of section 18-14 and 18-15, a permit authorizing the garage or yard sale to operate at the location specified in his/her application. Such permit is not transferable and shall only be applicable to the person or entity applying and receiving such permit.

Sec. 18.17 Enforcement.

The duty constituted authorities of the city, including the police department Building Development Services and other having the duty of enforcing the ordinances of the city, shall enforce the provisions of this article and allow no garage or yard sale to conduct his/her business without full compliance with the terms of this article.

Sec.18.18 Revocation of permit.

Any permit issued hereunder shall be revoked by the Director of Building Development Services if the permit holder is convicted of a violation of any of the provisions of this article or has knowingly. Made a false material statement in the application or otherwise becomes disqualified for the permit under the terms of this article.

Sec. 18.19 Penalty.

Any person who shall knowingly violate any provision of Article III of Chapter 18 shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than two hundred dollars (\$200.00) and not more than five hundred (\$500.00).

Section 2: Savings

This Ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances are hereby repealed. All rights and remedies of the City of Laredo, Texas are expressly saved as to any and all violations of the provisions of this or any other ordinances affecting the issuance of permits and the payment of fees which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 3: Severability

If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidances or invalidity of another portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

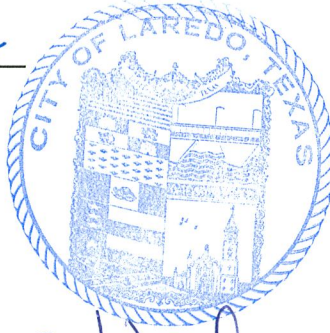
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
16th THE DAY OF September 2013.


RAUL G. SALINAS
MAYOR

ATTEST:

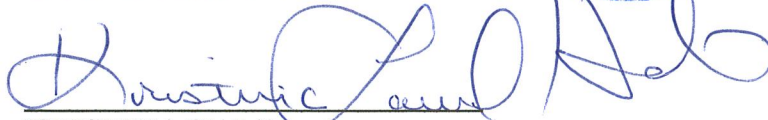


GUSTAVO GUEVARA
CITY SECRETARY



APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY



KRISTINA HALE
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

Date: 10/07/2013	SUBJECT: FINAL READING ORDINANCE 2013-O-117 AMENDING CHAPTER 18, ARTICLE III OF THE CITY OF LAREDO CODE OF ORDINANCES BY INCREASING THE GARAGE SALE PERMIT FEE TO FIFTEEN DOLLARS (\$15) PER PERMIT; AND REDUCING THE PERMIT LIMIT TO TWO PERMITS PER YEAR; PROVIDING FOR A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE. (AS AMENDED)	
INITIATED BY: Horacio De Leon, Assistant City Manager	STAFF SOURCE: Ramon E. Chavez, P.E., Acting Director Building Development Services	
PREVIOUS COUNCIL ACTION: On September 7 th , 2012 City Council approved Ordinance 2012-O-153, creating Article III of Chapter 18 of the Code of Ordinances, establishing a permit fee of five dollars (\$5) for a garage sale permit.		
BACKGROUND: The Zoning Ordinance Definitions (Garage or Yard Sale) deletion approved on August 7, 1989. The City Council has perceived that the lack of regulation of garage or yard sales on private properties within the city limits, and outside of conventional business structures, appears to be creating a problem of noncompliance with other city health, safety and regulatory ordinances. There is a need to clarify and define garage or yard sales, also garage or yard sales need to be limited and should require a permit in order to make them acceptable residential uses.		
FINANCIAL IMPACT: Additional revenue of \$27,000 based on 2,700 permits estimated per year to total \$40,500.		
COMMITTEE RECOMMENDATION: N/A	STAFF RECOMMENDATION: Staff <u>recommends</u> that City Council approve this ordinance.	