

**ORDINANCE NO. 829**

**AN ORDINANCE AMENDING THE 2004 CODE OF ORDINANCES, CITY OF LAKE WORTH, TEXAS, AS AMENDED, BY REVISING REGULATIONS RELATING TO GARAGE SALES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Worth 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 aims to preserve the residential character of its neighborhoods and promote the general health, safety and welfare of its citizens by regulating garage sales; and

**WHEREAS**, the City Council has determined after reviewing the current ordinance pertaining to garage sales that it is necessary to update and clarify these regulations in certain respects.

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

**SECTION 1.**

**Article 4.300 GARAGE SALES** of Chapter 4 of the Revised Code of Ordinances of the City of Lake Worth, Texas (2004), as amended, is hereby amended by revising **Section 4.303 Conditions of Permit** to read as follows:

**Sec. 4.303 Conditions of Permit**

The following regulations apply when obtaining and conducting a "garage sale":

- (1) "Garage Sale" permits must be obtained in person at Lake Worth City Hall, located at 3805 Adam Grubb, Lake Worth, Texas 76135.
- (2) "Garage Sale" permits will be issued by the City Manager or his/her designee(s).
- (3) A valid picture ID will be required to obtain a "Garage Sale" permit.
- (4) "Garage Sale" permits are issued by property address, not applicant name.

- (5) "Garage Sale" permits shall not be issued for properties that are not zoned single family residential unless the following conditions are met:
  - (a) Permits will only be issued to charitable, religious, educational, fraternal, government, or non-profit organizations.
  - (b) A maximum of two "Garage Sale" permits per year will be issued per non-profit organization.
  - (c) A maximum of two "Garage Sale" permits per year will be issued at the same non-single family residential location.
  - (d) The display area for the garage sale shall not exceed 2,000 square feet.
- (6) "Garage Sale" permits may be obtained no more than two (2) times per calendar year on the same premises.
- (7) "Garage Sale" permits must be obtained at least one (1) business day before the first day of the sale is to occur.
- (8) A "Garage Sale" permit shall be valid for up to three (3) consecutive days.
- (9) The "Garage Sale" permit must be posted on the property where sale is to be conducted and must be displayed in a conspicuous location.
- (10) No more than three (3) persons may combine their property for sale at a single garage sale.
- (11) No new personal property, property that is acquired or consigned for the purpose of resale, or any inventory or stock of goods in trade may be displayed, offered for sale, exchange, or barter, or sold, exchanged or bartered.
- (12) "Garage Sale" items may be displayed for sale in the following areas: residential yard including the front or back yard, garage, patio area, under a carport covering, driveway, or inside a residence in the case of a sale to dispose of a deceased individual's personal belongings.
- (13) "Garage Sale" items must be placed at least fifteen (15) feet from the back of the curb and at least five (5) feet from each side property line.
- (14) "Garage Sale" items including, but not limited to: items for sale, displays, tables, racks, tarps, and boxes must be removed from the sale area by 8:00 am the day following the last day of the sale. Items are strictly prohibited from remaining in the sale area or located in the yard of the property.

## SECTION 2.

**Article 4.300 GARAGE SALES** of Chapter 4 of the Revised Code of Ordinances of the City of Lake Worth, Texas (2004), as amended, is hereby amended by revising **Section 4.306 Charitable, Religious, Educational, Fraternal, Government or Non-Profit Organizations** to read as follows:

### **Sec. 4.306 Charitable, Religious, Educational, Fraternal, Governmental or Nonprofit Organizations**

The following regulations apply to charitable, religious, educational, fraternal, governmental, or nonprofit organizations:

- (1) These organizations may only conduct a garage sale on property zoned single-family residential unless the conditions in Section 4.303(5) are met.
- (2) The organization must present a letter from the property owner authorizing the organization to conduct a sale of their property to obtain a permit. The letter must include the organization sponsoring the sale and the dates the sale is to take place and must be signed by the property owner.
- (3) The fee for the garage sale permit will be waived for these organizations.
- (4) A garage sale permit sponsored by these organizations will be charged as a sale against the two (2) sales allowed annually per property address. The organization shall make the property owner aware of these conditions.

## SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and the 2004 Code of Ordinances, City of Lake Worth, Texas, as amended, except where the provisions of this ordinance are in direct conflict with provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

## SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6.**

All rights or remedies of the City of Lake Worth, Texas are expressly saved as to any and all violations of the provisions of Article 4.300 of the 2004 Code of Ordinances, City of Lake Worth, Texas, as amended, or any other ordinances affecting the sale of used personal property 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 7.**

The City Secretary of the City of Lake Worth is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public and operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 8.**


The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

**SECTION 9.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** this 9th day of May, 2006.

APPROVED:

  
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Walter Bowen, Mayor

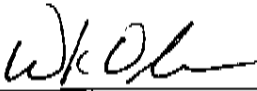
ATTEST:



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Linda Rhodes, City Secretary

APPROVED AS TO FORM AND LEGALITY:



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Wayne K. Olson, City Attorney

**ORDINANCE NO. 803**

**AN ORDINANCE UPDATING AND CLARIFYING PROVISIONS OF THE 2004 CODE OF ORDINANCES, CITY OF LAKE WORTH, TEXAS, RELATING TO GARAGE SALES BY REPEALING ARTICLE 4.300 "SALE OF USED PERSONAL PROPERTY" AND REPLACING IT WITH A NEW ARTICLE 4.300 "GARAGE SALES"; REQUIRING A PERMIT BE OBTAINED TO CONDUCT A "GARAGE SALE" AS HEREIN DEFINED; PROVIDING FOR PAYMENT OF A PERMIT FEE; ESTABLISHING RULES THEREFOR; PROHIBITING SALES IN VIOLATION OF THIS ORDINANCE OR PROVISIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Worth 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 aims to preserve the residential character of its neighborhoods and promote the general health, safety and welfare of its citizens by regulating garage sales; and

**WHEREAS**, the City Council has determined after reviewing the current ordinance pertaining to the "sale of used personal property" that it is necessary to update and clarify these regulations in certain respects.

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

**SECTION 1.**

**Article 4.300 Sale of used personal property** of Chapter 4 of the Revised Code of Ordinances of the City of Lake Worth, Texas (2004), as amended, is hereby repealed in its entirety and replaced with the following:

**"ARTICLE 4.300 GARAGE SALES**

**Section 4.301 Definitions**

The following terms used in this article shall be defined as follows:

- (1) **Garage Sale** - An occasional sale at retail, exchange, or barter to the general public, within a single family zoning district, for the purpose of disposing of surplus personal property. The term includes, but is not limited to all sales entitled "garage," "lawn," "yard," "room," "estate," "backyard," "patio," and "rummage."
- (2) **Single Family Residential Zoning District** - A property that is shown on the City zoning map as single family residential.
- (3) **Right of Way** - Is the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include the airwaves above a right-of-way with regards to wireless communications.
- (4) **Signs** - Signs shall only include those signs issued by the City for purposes of advertising a "garage sale."

#### **Section 4.302 Permit Required**

No person, firm, or corporation shall advertise, operate, or participate in a garage sale within the city limits of Lake Worth without first obtaining a "garage sale" permit. The fee for a "garage sale" permit shall be \$5.00.

#### **Section 4.303 Conditions of Permit**

The following regulations apply when obtaining and conducting a "garage sale":

- (1) "Garage Sale" permits must be obtained in person at Lake Worth City Hall, located at 3805 Adam Grubb, Lake Worth, Texas 76135.
- (2) "Garage Sale" permits will be issued by the City Manager or his/her designee(s).
- (3) "Garage Sale" permits must be obtained by the property owner or occupant of the property where sale is to be conducted. Proof will be verified through Tarrant Appraisal District, copy of warranty deed/deed of Trust, rental/lease agreement or water account information.
- (4) "Garage Sale" permits are issued by property address, not applicant name.
- (5) "Garage Sale" permits may only be issued for properties that are zoned single family residential.
- (6) "Garage Sale" permits may be obtained no more than two (2) times per calendar year on the same premises.

- (7) "Garage Sale" permits must be obtained at least one (1) business day before the first day of the sale is to occur.
- (8) A "Garage Sale" permit shall be valid for up to three (3) consecutive days.
- (9) "Garage Sale" permit must be posted on the property where sale is to be conducted and must be displayed in a conspicuous location.
- (10) No more than three (3) persons may combine their property for sale at a single garage sale.
- (11) No new personal property, property that is acquired or consigned for the purpose of resale, or any inventory or stock of goods in trade may be displayed, offered for sale, exchange, or barter, or sold, exchanged or bartered.
- (12) "Garage Sale" items may be displayed for sale in the following areas: residential yard including the front or back yard, garage, patio area, under a carport covering, driveway, or inside a residence in the case of a sale to dispose of a deceased individual's personal belongings.
- (13) "Garage Sale" items must be placed at least fifteen (15) foot from the back of the curb and at least five (5) foot from each side property line.
- (14) "Garage Sale" items including, but not limited to: items for sale, displays, tables, racks, tarps, and boxes must be removed from the sale area by 8:00 am the day following the last day of the sale. Items are strictly prohibited from remaining in the sale area or located in the yard of the property.

#### **Section 4.304 Signs**

The following regulations shall pertain to signage allowed when a "garage sale" permit has been issued:

- (1) The City will issue three (3) signs for a "garage sale", one yard sign to be posted on the property in a conspicuous location, and two (2) directional signs to aid the public in locating the sale. All other signage is strictly prohibited.
- (2) Signs are strictly prohibited from being placed in city right-of-ways or on utility poles.
- (3) The two (2) directional signs may be placed on private property with permission from the property owner, to aid the public in locating the sale. The permission of the property owner must be indicated by the property owner's signature on the back of the sign.

- (4) All signage must be posted using a wood or metal stake. All other posting methods are strictly prohibited.
- (5) All signs may be posted no sooner than twelve (12) hours prior to the first day of the sale.
- (6) All signs must be removed by 8:00 am on the day following the last day of the sale.

#### **Section 4.305 Cancellations/Inclement Weather**

The following regulations shall pertain to the cancellation of a "garage sale":

- (1) If inclement weather occurs on any part of two days of a scheduled sale, resulting in cancellation, the sale shall not be charged against the number of sales permitted within one calendar year.
- (2) Applicant shall come in person on the next business day following cancellation due to inclement weather to reschedule sale. If applicant does not do so, the sale shall be charged to the number of sales allowed per calendar year.
- (3) "Garage Sales" will only be rescheduled due to inclement weather. No exceptions.
- (4) Permit fees will not be refunded under any circumstances.

#### **Section 4.306 Charitable, Religious, Educational, Fraternal, Governmental or Non-Profit Organizations**

The following regulations shall apply to charitable, religious, educational, fraternal, governmental, or non-profit organizations:

- (1) These organizations may only conduct a "garage sale" on a property zoned single family residential.
- (2) The organization must present a letter from the property owner authorizing the organization to conduct a sale on their property to obtain a permit. The letter must include the organization sponsoring the sale and the dates the sale is to take place and must be signed by the property owner.
- (3) The fee for the "garage sale" permit will be waived for these organizations.
- (4) A "garage sale" permit sponsored by these organizations will be charged as a sale against the two (2) sales allowed annually per property address. The organization shall make the property owner aware of these conditions."

## SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and the 2004 Code of Ordinances, City of Lake Worth, Texas, as amended, except where the provisions of this ordinance are in direct conflict with provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

## SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## SECTION 5.

All rights or remedies of the City of Lake Worth, Texas are expressly saved as to any and all violations of the provisions of Article 4.300 of the 2004 Code of Ordinances, City of Lake Worth, Texas, as amended, or any other ordinances affecting the sale of used personal property 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 6.

The City Secretary of the City of Lake Worth is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public and operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 7.**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

**SECTION 8.**

This ordinance shall be in full force and effect as of September 15, 2005, which is after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 9<sup>th</sup> day of August, 2005.

APPROVED:

Walter Bowen  
Walter Bowen, Mayor

ATTEST:

Linda Rhodes  
Linda Rhodes, TRMC  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne Olson, City Attorney