

## ORDINANCE #965

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 OF LAKE WORTH, TEXAS:**

### SECTION 1.

Section 4.303(5) "Conditions of Permit" of 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 to read as follows:

(5) Garage sale permits shall only be issued for properties that are in a single-family residential zoning district or properties that are being used for single-family detached dwellings regardless of the zoning on the property.

### SECTION 2.

Section 4.303(15) "Conditions of Permit" of Article 4.300 "Garage Sales" of Chapter 4 of the Revised Code of Ordinances of the City of Lake Worth, Texas (2004), as amended, shall be added to read as follows:

(15) Permits shall be issued to charitable, religious, educational, fraternal, governmental, or nonprofit organizations where the property does not meet the qualifications in Section 4.303(5), only if the following conditions are met:

(A) A maximum of two garage sale permits per year will be issued per nonprofit organization;

(B) A maximum of two garage sale permits per year will be issued at the same nonsingle-family residential location; and

(C) The display area for the garage sale shall not exceed 2,000 square feet.

### **SECTION 3.**

Section 4.306(1) "Charitable, Religious, Educational, Fraternal, Governmental or Nonprofit Organizations" of 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 to read as follows:

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

(1) These organizations may only conduct a garage sale on a property that does not meet the requirements of Section 4.303(5) if all of the conditions in Section 4.303(15) are met.

### **SECTION 4.**

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 5.**

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 6.**

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 7.**

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, whither 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 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 14<sup>th</sup> day of June 2011.**

APPROVED:

  
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Walter Bowen, Mayor

ATTEST:

  
  
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Linda Rhodes, TRMC/CMC  
City Secretary