

CITY OF SEGUIN

ORDINANCE NO. _____

STATE OF TEXAS

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS
AMENDING THE CODE OF ORDINANCES, CHAPTER 78- SECONDHAND GOODS,
ARTICLE II, GARAGE AND ESTATE SALES, SECTION 22-551, LICENSED ESTATE
SALES, AND APPENDIX F- FEE SCHEDULE; REMOVING THE PERMIT AND FEE
REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Seguin City Council regulates garage and estate sales within the city limits, setting limits on frequency, signage, and hours of operation; and

WHEREAS, the existing ordinances require residents to obtain a permit in person from the City's Development Services Center and pay a fee of \$5.00 prior to holding a garage or estate sale; and

WHEREAS, the requirement for a permit is an inconvenience to the residents and creates additional workload for City staff, whereby staff resources would be better utilized assisting customers with building permits and inspections; and

WHEREAS, the regulations for garage and estate sales will continue to be enforced without the requirement for residents to obtain a permit for the sale.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas

SECTION ONE. Chapter 78, Secondhand Goods, Article II, Garage and Estate Sales, of the Seguin Code of Ordinances is amended as follows (underlining indicates added text, ~~striketrough~~ indicates deleted text):

Sec. 78-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable or nonprofit organization means any organization qualifying as nonprofit under section 501(c) of the Federal Income Tax Code or the state Nonprofit Corporation Act.

Estate sale means a type of garage sale, yard sale or auction, other than a licensed professional estate sale, conducted from or, on a residential premises (single-family, duplex, or apartment), in any residential zone for the purpose of disposing of personal property owned by a person who is recently deceased, or one who must dispose of personal property to facilitate a move.

Garage/estate sale operator means any person ~~with a permit issued by the building inspection department to~~ that operates a garage or estate sale.

Garage sales means all general sales, open or advertised to the public, conducted from or on a residential premises (single-family, duplex or apartment), in any residential zone for the purpose of disposing of tangible personal property. Such sales include situations in which more than five specific items of tangible personal property are to be sold.

Personal property means property which is owned, utilized and maintained by a person or members of his residence and acquired in the normal course of living in or maintaining a residence. Merchandise purchased for resale at a garage sale or obtained by consignment for sale at a garage sale is prohibited.

Residence means any single-family structure or multifamily complex which may be owned, rented or leased.

Sec. 78-27. Violations; penalties.

Any person violating a requirement of this article shall be subject to the penalties set forth in section 1-14.

Sec. 78-28. Exceptions.

Any church, charitable or nonprofit organization may hold a maximum of 12 garage sales per year, provided:

- (1) The church or organization does not hold more than one garage sale per month.
- (2) The sale must be conducted on the property of the organization or on commercial property, with the approval of the owner.
- ~~(3) A member of the church or organization, authorized to represent it, must register with the department of building inspection. No fee will be charged for registration.~~
- ~~(3)~~(4) None of the net earnings of a garage sale shall inure to a shareholder or other individual.

Sec. 78-29. Sale of food items.

- (a) ~~Food items shall not be sold under authority of a garage or estate sale permit.~~ A permit for the sale of food items may be obtained from the health department.
- (b) All sales of food items at a garage or estate sale shall be subject to section 22-26 et seq.

Sec. 78-30. Signs.

- (a) All signage advertising garage and estate sales and shall be subject to the following requirements:
 - (1) All garage and estate sale signage shall not exceed nine square feet each in surface area.
 - (2) Garage and estate sale signage shall be limited to two on-premises signs and two off-premises signs for a maximum of four signs. "On-premises signs" shall means signs located on the property where the sale is taking place. Off-premises signage shall not be located on any private property without the written consent of the property owner and must include the address and date(s) of the sale.
 - (3) The publicly held property between the private property line and the street curb or driving surface of the property where the sale is being conducted may be used for garage and estate sale signs in accordance with requirements for number, size and location, otherwise off-premises signs may not be placed in public right-of-way.
 - (4) No garage or estate sale sign shall be attached to any utility pole, street sign or light, or any public sign or pole. No garage or estate sale sign shall be placed in public right-of-way.
 - (5) No garage or estate sale sign shall be exhibited more than one day prior to the garage or estate sale and shall be removed by 8:00 p.m. on the last day of the sale.
 - ~~(6) No garage or estate sale sign may be displayed without first obtaining a permit.~~

~~(6)(7)~~ Garage and estate sale signs must be staked firmly in the ground. Any damage to public property as a result of the sign installation shall be the sole responsibility of the ~~permit holder~~ garage/estate sale operator.

- (b) A person who violates any provision of this subsection shall be subject to a fine not to exceed \$50.00 per day, per offense.

Sec. 78-31. Hours of operation; duration.

An applicant ~~having a valid permit~~ may operate a garage sale between the hours of 8:00 a.m. and 6:00 p.m. Each sale shall not exceed two consecutive days.

Sec. 78-32. Display of sale items.

Personal property for sale at a garage or estate sale shall be exhibited or displayed on the private property where the residence is located, not closer than five feet to the front or side property lines, and cannot be placed in the public right-of-way.

~~**Secs. 78-33—78-45. Reserved.**~~

Sec. 78-33. Maximum number.

There shall not be more than two garage or estate sales by the same property owner or tenant at the same location per calendar year.

~~**Secs. 78-34—78-45. Reserved.**~~

SECTION TWO. Chapter 78, Secondhand Goods, Article II, Garage and Estate Sales, Division 2. Permit, of the Seguin Code of Ordinances is repealed in its entirety:

~~***DIVISION 2. PERMIT***~~

~~**Sec. 78-46. Required.**~~

~~It shall be unlawful for any person to operate or participate in the operation of a garage or estate sale without first obtaining the proper permit from the department of building inspection.~~

~~**Sec. 78-47. Application for a permit.**~~

- ~~(a) An application for a garage or estate sale operator's permit shall be made upon forms provided by the department of building inspection.~~
- ~~(b) The application will contain all information necessary to fully advise the director of building inspection of the dates, location (street address), hours of operation of the garage or estate sale and any other information that may reasonably be required by the director.~~
- ~~(c) Only the owner or lessee of the residential property upon which the garage sale is being conducted, or their authorized agent, may obtain such permit.~~
- ~~(d) [Reserved.]~~

~~(c) By making application for such permit, accepting the permit and conducting such sale, the owner or lessee of the property to whom such permit is granted authorizes any code enforcement officer to enter upon the property for the purpose of determining that such sale is being conducted in accordance with this article.~~

~~Sec. 78-48. Maximum number.~~

~~There shall not be more than two garage or estate sales by the same property owner or tenant at the same location per calendar year.~~

~~Sec. 78-49. Permits issued in violation.~~

~~Any garage or estate sale permit issued in violation of any section of this article shall be absolutely void, and no rights whatsoever shall accrue.~~

~~Sec. 78-50. Zoning ordinance applicability.~~

~~All permits issued pursuant to this division shall be subject to the provisions of this article, as well as the zoning ordinance in appendix B to this Code.~~

~~Sec. 78-51. Fee.~~

~~Under this division, no permit shall be issued unless the applicant has paid the building inspection department a fee as established by the city council by resolution and set forth in appendix C to this Code.~~

~~Sec. 78-52. Term.~~

~~All permits issued under this division shall continue in full force from the date specified on the permit. Each sale shall not exceed two consecutive days.~~

~~Sec. 78-53. Contents; display.~~

~~(a) Each permit issued under this division shall bear the street address of the residence where the sale will be located, the dates and hours when the sale will be held and any other information deemed necessary by the department of building inspection.~~

~~(b) The permit must be clearly displayed and visible for a distance of six feet from the curbline or nearest edge of the paved portion of the street or right-of-way.~~

SECTION THREE. Chapter 22, Businesses, Article IX, Licensed Estate Sales, Section 22-551, Licensed Estate Sales- Registration and permit required, of the Seguin Code of Ordinances is repealed:

~~Sec. 22-551. Registration and permit required.~~

- ~~(a) Any business or person conducting licensed estate sales within the corporate limits of the city is required to register annually with the city.~~
- ~~(b) The owner or principal may register a licensed estate sales business through the city's building inspections office by completion of an application form, paying the fee set forth in appendix C, and providing proof of current sales tax permit for the business.~~
- ~~(c) In addition to registration, each licensed estate sale must apply for a permit from the department of building inspections prior to conducting a licensed estate sale. The fee for this permit shall be set forth in appendix C.~~
- ~~(d) The permit application will contain all information necessary to fully advise the director of building inspection of the dates, location (street address), hours of operation of the licensed estate sale~~

SECTION FOUR. Appendix C- Fee Schedule, Chapter 22, Businesses, Article IX, Licensed Estate Sales, of the Seguin Code of Ordinances is hereby amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Article IX. Licensed Estate Sales		
	Annual Registration	50.00
	Sale permit fee per week	5.00

SECTION FIVE. Appendix C- Fee Schedule, Chapter 78, Second Hand Goods, is hereby repealed:

Chapter 78. Secondhand Goods			
Article II. Garage Sales			
(a)	Permit fees:		
	(1)	Operator	5.00

SECTION SIX. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION SEVEN. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on the first reading this 15th day of March, 2022.

PASSED AND APPROVED AND ADOPTED on the second reading this 5th day of April, 2022.

DONNA DODGEN

Mayor

ATTEST:

Naomi Manski

City Secretary