

ORDINANCE NO. 263

AN ORDINANCE OF THE CITY OF SOUTHMAYD, GRAYSON COUNTY, TEXAS, ESTABLISHING REGULATIONS FOR CONDUCTING GARAGE SALES, YARD SALES, PATIO SALES AND ALL OTHER ON-SITE SALES AND PROVIDING A PENALTY FOR VIOLATIONS.

WHEREAS garage sales, patio sales, lawn sales and like occasional sales have become very popular in the City of Southmayd; and

WHEREAS it has become clear that unrestricted occasional sales may lead to cluttered streets and increased traffic in residential neighborhoods inside the City of Southmayd; and

WHEREAS this Ordinance is intended to regulate garage sales, patio sales, lawn sales, and like occasional sales in the City of Southmayd.

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

Section 1. DEFINITIONS

As used in this section, the following terms shall have the respective meanings ascribed to them:

- (1) Occasional Sales - Any sale of tangible personal property at retail, including, but not limited to , garage sales, patio sales, yard sales and all other on-site sales as herein provided by a person who does not hold himself out as engaged in or does not habitually engage in the business of selling such tangible personal property at retail.
- (2) Retail Sales - All retail sales, except occasional sales, as that term is herein defined.

Section 2. LOCATIONS AND CONDITIONS OF CONDUCTING SALES

Occasional sales, including garage sales, patio sales and yard sales, are hereby permitted provided that:

- (1) The number of such sales shall not exceed three (3) during any twelve (12) month period;
- (2) Such occasional sales are not conducted by any person or group of persons holding themselves out as engaged in or who do in fact habitually engage in the business of selling such tangible personal property at retail;

- (3) The sale shall be confined to the garage, patio and yard on such premises;
- (4) No new merchandise (i.e., merchandise acquired solely for the purpose of resale) shall be sold at such occasional sale; and
- (5) The duration of each such sale shall not exceed three (3) consecutive calendar days.
- (6) The tangible personal property shall be sold only on the premises of owner or lessee of the property where the sale is conducted and said owner or lessee must be the legal owner of such tangible personal property at the time of such sale; except that any three (3) persons, each of whom must be a resident of the City of Southmayd, may combine their property for sale at a single garage sale.

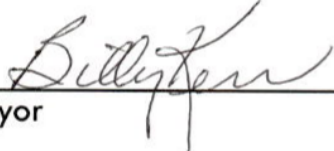
Section 3. REGISTRATION

Any individual desiring to conduct an occasional sale shall, at least forty-eight (48) hours prior to the sale, file with the city secretary a written statement of intent to conduct an occasional sale. Such statement shall set forth the name, age and address of the registrant and shall contain a statement that the provisions of this section have been read by the registrant and that he/she agrees to comply with all the provisions contained therein, and all other ordinances and regulations of the city. Such statement shall further contain the address and location of the proposed site where the occasional sale is to be conducted, the proposed dates and times of the sale and the dates of all previous occasional sales conducted by the registrant within the last preceding twelve (12) month period. The registration fee shall be Five dollars (\$5.00).

Section 4. PENALTY

Any person, corporation or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). The violation thereof shall be deemed a separate offense, and shall be punished accordingly.

PASSED and APPROVED this 22 day of MAY, 2000.



Mayor

Attest:



City Secretary