

ORDINANCE NO. 14,967

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, REPEALING CHAPTER 82 "SECONDHAND GOODS," ARTICLE IV "GARAGE SALES," SECTION 82-202 "PERMITS," SECTION 82-203 "APPLICATIONS" AND SECTION 82-205 "REVOCATION AND REFUSAL OF PERMIT" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; AMENDING CHAPTER 82 "SECONDHAND GOODS," ARTICLE IV "GARAGE SALES" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED SECTION 82-202 "GENERAL"; AMENDING CHAPTER 82 "SECONDHAND GOODS," ARTICLE IV "GARAGE SALES," SECTION 82-204 "PERSONS AND SALES EXCEPTED" AND SECTION 82-207 "PENALTY," OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; TO REMOVE THE PERMIT REQUIREMENT FOR GARAGE SALES WITHIN THE CITY LIMITS; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That Chapter 82 "Secondhand Goods," Article IV "Garage Sales," Section 82-202 "Permits" of the Code of Ordinances, Baytown, Texas, is hereby repealed in its entirety.

Section 2: That Chapter 82 "Secondhand Goods," Article IV "Garage Sales" of the Code of Ordinances, Baytown, Texas, is hereby amended to add a new section to be numbered and entitled Section 82-202 "General," which section shall read as follows:

CHAPTER 82. SECONDHAND GOODS

DIVISION IV. GARAGE SALES

Sec. 82-202. General.

(a) *Garage sale event.*

- (1) A garage sale shall be allowed at one location only once within a six-month period for a maximum of either:
 - a. Three consecutive calendar days, or
 - b. Two calendar days within an eight-day period.

- (2) A person who is conducting a lawful garage sale shall be allowed to erect a maximum of seven signs advertising the garage sale; provided that each such sign meets the requirements specified in subsection (b) of this section.

(b) *Garage sale signs.*

- (1) No garage sale sign shall remain in a public place for a period longer than four (4) calendar days. Signs may be erected one (1) calendar day before the date of the garage sale and must be removed on the last day of the garage sale. In computing time under this subsection, no days shall be excluded.
- (2) In addition to the requirements specified in this article, garage sale signs, which may be located within the rights-of-way along city streets, must comply with all of the requirements of sections 118-138 and 122-3, except for the length of time for which a sign may be displayed, which shall be governed by this section.

Section 3: That Chapter 82 "Secondhand Goods," Article IV "Garage Sales," Section 82-203 "Applications" of the Code of Ordinances, Baytown, Texas, is hereby repealed in its entirety.

Section 4: That Chapter 82 "Secondhand Goods," Article IV "Garage Sales," Section 82-204 "Persons and sales excepted" of the Code of Ordinances, Baytown, Texas, is hereby amended to read as follows:

CHAPTER 82. SECONDHAND GOODS

DIVISION IV. GARAGE SALES

Sec. 82-204. Persons and sales excepted.

- (a) The provisions of this article shall not apply to or affect the following persons or sales:
 - (1) Persons selling personal property or goods pursuant to an order or process of a court of competent jurisdiction;
 - (2) Persons acting in accordance with their powers and duties as public officials;
 - (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which do not exceed five in number; or
 - (4) Persons conducting a garage sale on property, which is:
 - a. Used for commercial purposes and not located in an SFE, SF1, SF2, MF1, MF2, MF3, UN, NSC, LC or ACE zoning district; or

- b. Located in an MU, GC, LI, HI zoning district and is not used for residential purposes.

Section 5: That Chapter 82 "Secondhand Goods," Article IV "Garage Sales," Section 82-205 "Revocation and refusal of permit" of the Code of Ordinances, Baytown, Texas, is hereby repealed in its entirety.

Section 6: That Chapter 82 "Secondhand Goods," Article IV "Garage Sales" Section 82-207 "Penalty" of the Code of Ordinances, Baytown, Texas, is hereby amended to read as follows:

CHAPTER 82. SECONDHAND GOODS

DIVISION IV. GARAGE SALES

Sec. 82-207. Penalty.

- (a) Any person violating this article shall upon conviction be punished as provided in section 1-14.
- (b) If any individual is convicted of an offense under this article, such individual may not conduct a garage sale for a period of one year after such conviction.

Section 7: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency; and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 8: If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or the set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances; and to this end, all provisions of this ordinance are declared to be severable.

Section 9: Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding FIVE HUNDRED AND NO/100 DOLLARS (\$500.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies, such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 10: This ordinance shall take effect from and after ten (10) days from its passage by the City Council. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Baytown at least twice within ten (10) days after passage of this ordinance.

INTRODUCED, READ, and PASSED by the affirmative vote of the City Council of the City of Baytown, this the 9th day of December, 2021.


BRANDON CAPETILLO, Mayor

ATTEST:


ANGELA JACKSON, City Clerk



APPROVED AS TO FORM:


KAREN L. HORNER, City Attorney