

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN CHANGING DESIGNATED ZONED AREAS FOR ALLOWING GARAGE SALES TO RESIDENTIAL AREAS; CHANGING LOCATION OF PERMITTING PROCESS FROM CITY SECRETARY'S OFFICE TO BUILDING AND INSPECTIONS DIVISION; MAKING OTHER MINOR ADMINISTRATIVE CHANGES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

SECTION I. That Chapter 15, Article III is hereby amended as follows:

ARTICLE III. GARAGE SALES

Sec. 15-71. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

Sec. 15-72. Permitted in residential areas.

~~Occasional or~~ Garage sales will be permitted in ~~the R-1 (single-family) through R-3 (multi-family) districts and in other districts~~ where primary use of property is residential. (Code 1963, Ch. 3, art. 18, § 1 [Ord. No. 74-56, § 1, 11-25-74])

Sec. 15-73. Conditions under which permitted.

~~Occasional or~~ Garage sales are permitted under the following conditions:

- (1) No person shall have a ~~an occasional or~~ garage sale within the limits of the city without first obtaining a permit ~~therefor~~.
- (2) Any person desiring to have a ~~an occasional or~~ garage sale shall make application to the building and inspections division ~~city secretary's office~~ for permit. Such application shall state the name of the person who is having the sale, the address of such person, the location of the sale, and the dates of the sale. A copy of such permit shall be posted in a conspicuous place during the time and at the place where the sale is being held.
- (3) The building and ~~development~~ inspections ~~department~~ ~~division~~ shall charge and collect before the issuance of any permit a fee of five dollars (\$5.00).
- (4) Only the sale of tangible personal property at retail, by a person who does not hold himself out as engaging, nor does habitually engage, in the business of selling such

tangible personal property at retail, shall constitute a garage ~~or occasional~~ sale under this article.

- (5) There shall not be more than two (2) sales at the same address ~~by the same person~~ during any calendar year ~~twelve-month period, or on the same premises~~.
 - (6) All sales shall be confined to the yard property, garage or patio of the premises.
 - (7) No merchandise acquired solely for the purpose of resale shall be sold.
 - (8) The duration of any sale shall not exceed three (3) consecutive calendar days.
 - (9) Sales by churches, charities and fraternal organizations for the purpose of raising funds may be held on property other than that owned by the organization and tangible personal property donated by members or others may be sold.
- (Code 1963, Ch. 3, art. 18, § 2 [Ord. No. 74-56, § 1, 11-25-74]; Ord. No. 92-67, § II, 9-8-92)

SECTION II: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION III: That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION IV: That should any section or part of any section or paragraph of the ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION V: That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2014, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

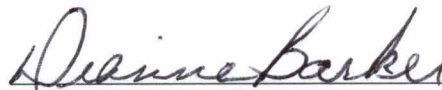
APPROVED



Scott Cosper, MAYOR




ATTEST:



Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:



Kathryn H. Davis, CITY ATTORNEY

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

Amend Chapter 15, Garage Sales

ORIGINATING DEPARTMENT

City Attorney

BACKGROUND INFORMATION

Chapter 15, Art. III, Sec. 15-73 provides conditions/regulations on permitting for garage sales. This article has been amended three times in the last 40 years, with the most recent update being completed in 1992, which increased the cost of garage sale permits. Over the past 20 years, responsibilities of city departments have changed making updates to this code prudent.

DISCUSSION/CONCLUSION

The suggested minor changes to Article III are to facilitate consistency with the process of obtaining a permit to hold a garage sale and to update language for clarity on the regulations. The code currently states that an application to hold a garage sale is made to the City Secretary, but the Building and Development Division collects the \$5.00 fee and issues the permit. This amendment changes that process, adds clarifying language, allows the citizen to make application, pay the fee, and obtain a permit all in one location.

FISCAL IMPACT

There is no fiscal impact with this change.

RECOMMENDATION

Staff recommends adoption of this code amendment.