

ORDINANCE 2011-106

AN ORDINANCE OF THE CITY OF BELLS, TEXAS, ADOPTING GARAGE/YARD/OCCASIONAL SALE REGULATIONS; REPEALING ALL PREVIOUS ORDINANCES RELATING TO GARAGE SALES; PROVIDING FOR A PENALTY FOR EACH INSTANCE OF VIOLATION OF THE ORDINANCE; PROVIDING A REPEAL AND SEVERANCE CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bells desires to develop a viable urban community including decent housing, a suitable living environment, expanding economic opportunities, and to provide for the protection of the health, safety, and convenience of its citizens; and;

WHEREAS, for the protection of its citizens, there is a need for Garage/Yard/Occasional Sale Regulations within the City of Bells; now and therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLS THAT:

SECTION 1: Definitions

Garage/Yard /Occasional sale means offering for sale, any personal and/or household items and property belonging to or in the possession of the person conducting the sale.

Continuous Sales shall be defined as the selling or offering for sale by any person which lasts for more than four (4) consecutive days or includes two (2) or more weekends within any thirty-day period.

SECTION 2: Garage / Occasional Sales

- (a) Before conducting a Garage/Yard /Occasional sales, the person conducting the sale must register the intention of a Garage/Yard/Occasional sale at the Bells City Hall and provide name of the person conducting the Garage/Yard/Occasional sale; the address or location of the Garage/Yard/Occasional sale; and the date of the Garage/Yard/Occasional sale. As each Garage/Yard/Occasional sale is registered with the Bells City Hall, it will be documented to adequately keep track of the number of Garage/Yard/Occasional sales at each address.
- (b) Except as provided in (c) below, no more than three Garage/Yard/Occasional sales shall be conducted at the same address or location in any calendar year.
- (c) No Garage/Yard/Occasional sale shall exceed seventy-two consecutive hours in duration, and at least four business days shall elapse between consecutive Garage/Yard/Occasional sales by the same seller or location within the City of Bells.
- (d) No more than three Garage/Yard/Occasional sales shall be conducted at the same apartment complex or Condominium complex within a calendar year, and said Garage/Yard/Occasional sale shall be approved and sponsored by the owner, the management company, or the condominium association of the complex.

- (e) Merchandise and display racks, table and shelves shall be removed from the Garage/Yard/Occasional sale area within 48 hours after the Garage/Yard/Occasional sale. Sale items covered with tarp(s) are not considered removed from sale area.

SECTION 3: Penalty Provision

Any person, firm or corporations violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not exceeding two thousand dollars (\$2,000.00) for violations of all provisions that govern fire safety, public health, and sanitation, and not exceeding five hundred dollars (\$500.00) for all other violations, provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each and every day any such violation continues shall constitute a separate offense punishable hereunder.

SECTION 4: Repeal Clause

All parts of any existing ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 5: Savings Clause

In the event, it is declared that the any sections, paragraphs, sentences, clauses, and/or phrases of the ordinance be unconstitutional or invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

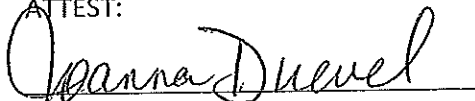
SECTION 6: Effective Date

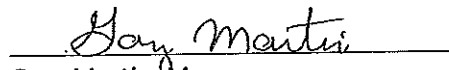
This ordinance shall be in effective upon the posting and/or publication of its caption as required by Law and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED AND APPROVED, by the City Council of the City of Bells

On this the 7, day of June, 2011

ATTEST:


Joanna Duevel, City Secretary


Gary Martin, Mayor