



ORDINANCE NO. 3773

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CHAPTER 26 "BUSINESSES" OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH BY ADDING ARTICLE IX "GARAGE SALES" REGARDING THE REGULATION OF GARAGE SALES WITHIN THE CITY; REPEALING ARTICLE II "GARAGE SALES" OF CHAPTER 58 "SALES" AND SECTION 62-18 "GARAGE SALES AND GARAGE SALE SIGNS" OF THE CODE OF ORDINANCES; AMENDING CHAPTER 62 "SIGNS, ADVERTISING, MERCHANDISE SALE AND DISPLAY" SECTION 62-30 "DEFINITIONS" BY DELETING THE DEFINITIONS FOR "GARAGE SALE" AND "GARAGE SALE SIGN"; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmers Branch finds it to be in the public interest and necessary for the preservation of public health and safety within the City of Farmers Branch to amend the Code of Ordinances to adopt regulations setting forth minimum standards relating to security measures to be taken in relation to the development and use of certain multi-family residential complexes within the City's corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. Chapter 26 "Businesses" of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by adding Article IX "Garage Sales" to read as follows:

ARTICLE IX. – GARAGE SALES

Sec. 26-600. – Definitions.

Code Official means the director of the department charged with enforcement of this article or such director's authorized designee.

Garage sale means the sale of personal and/or household property belonging to or in the possession of the person conducting the sale on property owned or leased by such person and developed with a single family attached or detached dwelling unit and includes "yard sale," "patio sale," "sample sale," "rummage sale," "estate sale," or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

Owner means any person claiming, or in whom is vested, the ownership, dominion or title of real or personal property, including, but not limited to:

- (1) Holder of fee simple title;
- (2) Holder of life estate;
- (3) Holder of a leasehold estate for an initial term of five years or more;
- (4) A buyer in possession, or having right of possession under a contract for deed;
- (5) A mortgagee, receiver, executor, tenant or trustee in possession or control, or having right of possession or control, of real or tangible property; and
- (6) Any agent who is responsible for managing, leasing or operating the property.

Person means an individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, social or fraternal organization, or any other group or combination thereof acting as a legal entity, and including any trustee, assignee, executor, or other representative.

Premises means any parcel, lot or tract of land, including any structure, building, landscaping or vegetation, or improvement located thereon.

Property means:

- (1) any real property and any fixtures or improvements thereon;
and
- (2) tangible personal property of any kind.

Sec. 26-601. – Registration required.

- (a) It shall be unlawful for any person to conduct, or allow another to conduct, a garage sale without first registering the sale with the Code Official as provided in this section.
- (b) A garage sale must be registered with the Code Official not later than 24 hours prior to the commencement of the garage sale using a form provided by the Code Official which shall require, as a minimum, the following information be provided by the registrant:

- (1) The name, address, and primary contact phone number of the person conducting the garage sale;
- (2) The physical address of the premises where the garage sale will be conducted; and
- (3) The date(s) on which the garage sale will be conducted.

The Code Official is authorized to provide for registration of garage sales using an on-line form completed on the City's internet website.

- (c) Proof of registration of a garage sale must be posted in a conspicuous place on the premises where the sale is being conducted for the duration of the sale.

Sec. 26-602. – Garage sale duration.

It shall be unlawful for any garage sale to be conducted for more than three (3) consecutive days.

Sec. 26-603. – Garage sale frequency.

It shall be unlawful for the owner of any premises to conduct and/or allow the conduct of more than two (2) garage sales on the same premises in the same calendar year.

Sec. 26-604. – Garage sale signage.

It shall be unlawful for any person to install, display, or use one or more signs advertising a garage sale that is:

- (a) larger than 3 square feet in effective area;
- (b) installed on public property or in any public right-of-way;
- (c) installed on private property without the consent of that property's owner or occupant; or
- (d) closer than ten feet (10') to any public road.

Sec. 26-605. – Garage sale conclusion.

- (a) It shall be unlawful for any person to fail to remove all unsold items from public view at the conclusion of a garage sale.

- (b) It shall be unlawful for any person to fail to remove all garage sale signs from public view at the conclusion of the garage sale.
- (c) It shall be a defense to a violation of Sec. 26-605(a) that the unsold items were properly placed on the property for purposes of being disposed of as trash, bulk waste, and/or recyclable materials in compliance with Article II and/or Article III of Chapter 66 of this Code.

Sec. 26-606. – Additional prohibitions.

- (a) No property acquired solely for the purpose of resale shall be sold at a garage sale.
- (b) Garage sales are not intended to and shall not be used facilitate the operation of businesses out of dwelling units in areas zoned for residential use.

SECTION 2. The following provisions of the Code of Ordinances of the City of Farmers Branch, Texas, are hereby repealed:

- A. Article II “Garage Sales” of Chapter 58 “Sales”; and
- B. Section 62-18 “Garage Sales and Garage Sale Signs.”

SECTION 3. Chapter 62 “Signs, Advertising, Merchandise Sale And Display” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by amending Section 62-30 “Definitions” to delete the definitions for the phrases “Garage Sale” and “Garage Sale Signs.”

SECTION 4. All provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1-14 of the Code of Ordinances.

SECTION 8. This ordinance shall take effect immediately following its passage and publication in accordance with the provisions of the charter and state law.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 15th DAY OF NOVEMBER 2022.

ATTEST:

APPROVED:

Stacy Henderson, City Secretary

David Merritt, Mayor Pro Tem

APPROVED AS TO FORM

Peter G. Smith, City Attorney
(kbl:11/9/2022:132213)