

Open Air/ Garage/ Yard Sale Ordinance

**STATE OF TEXAS/ COUNTY OF ANDERSON
CITY OF FRANKSTON**

In City Council

09-10-2013

revised 03-08-16

ORDINANCE

An Ordinance Defining and Regulating “Open Air Sales/ Garage Sales/ Yard Sales” within the City of Frankston, Anderson County Texas.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON
That the following provisions are adopted as a governing ordinance of the City of Frankston,

Ord. No. 091213
Revised 030816

OPEN AIR SALES/ GARAGE SALES/ YARD SALES

SECTION 1: DEFINITIONS.

As used in this ordinance, the terms “Open Air Sale” shall mean the sale of any new or used household articles, household goods, or other tangible new or secondhand articles, merchandise or goods to the public at large at any specific business location, vacant/private lot or other non-residential location both indoors and outdoors, within the Municipal boundaries of the City of Frankston.

As used in this ordinance, the terms “Garage Sale/ Yard Sale” shall mean the sale of any new or used household articles, household goods, or other tangible new or secondhand articles, merchandise or goods to the public at large at any specific residential location both indoors and outdoors, within the Municipal boundaries of the City of Frankston.

SECTION 2: PERMIT REQUIRED; LIMITATIONS.

It shall be unlawful for any person to conduct an open air sale, garage sale or yard sale within the City of Frankston without first obtaining a permit therefore from the City of Frankston in compliance with the provisions of this Article. Any such permits and any such open air, garage or yard sales shall be subject to the following limitations:

(a) The City of Frankston may issue no more than two (2) open air, garage or yard sale permits per year per residential dwelling unit, private lot or business location at a specific numbered legal address, unless the open air sales permit is directly related to the sale of produce in conjunction with participation in the Frankston Farmers Market to wit there shall be no limitations on the number of permits which may be issued in a calendar year.

(b) The City of Frankston may issue open air, garage or yard sale permits only to the owner of record or tenant of record of the residential property or residential unit or business location upon which such open air, garage or yard sale is to take place; In the event that the open air sale is to be conducted on City of Frankston property, the permit may be issued to the approved applicant at the discretion of the City of Frankston.

(c) A permit issued hereunder shall authorize an open air, garage or yard sale to take place for no more than three (3) consecutive days and only during the hours of 8:00 a.m. through 4:00 p.m.; Additionally, the permit as relating to open air sales relating to the Farmers Market, shall be issued for the dates and times adopted for the normal operational hours of the Farmers Market.

(d) A permit issued pursuant hereto shall specifically state the name of the holder of such permit, the residential location, business location or other location of the permitted open air, garage or yard sale and the dates for which such sale is permitted;

(e) No person shall offer for sale at any open air, garage or yard sale any articles, merchandise or goods which have been purchased for resale or articles for which such person is acting as a selling agent;

(f) During the hours of such open air, garage or yard sale, a permit issued as required hereunder shall be made available for inspection upon request by any City of Frankston police officer or any representative of the City Council for the City of Frankston;

(g) The conduct of the open air, garage or yard sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.

SECTION 3: PERMIT APPLICATION.

The application for any open air, garage or yard sale permit shall be made by the owner of record of the residence or property, or by the legal tenant of a specified residential rental unit or business at or upon which such sale is to take place and shall be made at least 24 hours in advance of such proposed sale and shall set forth the following information: If application is in relation to the Farmers Market, said application shall be submitted by the person in charge of the

sale of the produce.

- (a) the full name of the applicant and all other owners of record of the property at or upon which such open air, garage or yard sale is to take place;
- (b) the address at which the open air, garage or yard sale will be held and also the address at which the applicant resides and a telephone number at which the applicant may be contacted;
- (c) a brief description of the household articles, household goods, merchandise or other tangible property to be sold at such open air, garage or yard sale;
- (d) the proposed dates and hours of such sale.

Such application shall be accompanied by a \$5.00 permit fee to the City of Frankston which fee shall be fully refundable in the event of the denial of any permit required by this article.

SECTION 4: OPEN AIR/ GARAGE/ YARD SALE CANCELLATION; POSTPONEMENT.

In the event that the holder of an open air, garage or yard sale permit elects not to conduct such sale on any of the dates permitted, due to inclement weather or any other reason, such permit holder shall be entitled to conduct such sale on some further date after notice to and approval of the City of Frankston.

SECTION 5: OPEN AIR/ GARAGE/ YARD SALE SIGNS.

It shall be the obligation of the holder of an open air or yard sale permit to remove any and all publicly posted notices of such sale by twelve (12) noon on the date immediately following the last day of such sale as permitted by the City. Such sign for which a sign permit shall not be required, shall not exceed 2 feet wide and 2 feet long and shall not be affixed to any trees, poles or public property and shall not be placed in such a manner as to obstruct the view of pedestrian or vehicular traffic.

SECTION 6: ENFORCEMENT.

This "open air/ garage/ yard sale" ordinance shall be primarily enforced by the City of Frankston Police Department. Enforcement for violation of this Ordinance shall be by criminal complaint or by non-criminal disposition as hereunder provided.

SECTION 7: PENALTIES.

(1) Criminal Disposition: Upon a criminal complaint, any person who violates any provision of this Ordinance shall be subject to punishment by a fine of up to one hundred (\$100.00) dollars per offense, for each day or part of a day during which the violation is committed, as set forth in the following schedule:

- a. First Offense: Twenty-Five (\$25.00) Dollars
- b. Second Offense: Fifty (\$50.00) Dollars
- c. Third and Subsequent Offenses: One Hundred (\$100.00) Dollars

(2) Noncriminal Disposition: Any person who violates any provision of this ordinance may be penalized by a noncriminal disposition. A Police Officer or agent of the City of Frankston enforcing this ordinance shall issue a "Notice to Appear" in Court. The penalty for each violation shall be twenty-five dollars (\$25.00) for each day during which the violation is committed, continued, or permitted.

This Ordinance shall take effect upon its passage by the City Council of the City of Frankston in accordance with the laws of the State of Texas.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 8th day of March, 2016.



SHARYN HARRISON, MAYOR

ATTEST:



JAN HAMILTON

CITY SECRETARY

file

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SECTION 2: PERMIT REQUIRED; LIMITATIONS.

It shall be unlawful for any person to conduct an open air sale, garage sale or yard sale within the City of Frankston without first obtaining a permit therefore from the City of Frankston in compliance with the provisions of this Article. Any such permits and any such open air, garage or yard sales shall be subject to the following limitations:

- (a) The City of Frankston may issue no more than two (2) open air, garage or yard sale permits per year per residential dwelling unit, private lot or business location at a specific numbered legal address, unless the open air sales permit is directly related to the sale of produce in conjunction with participation in the Frankston Farmers Market to wit there shall be no limitations on the number of permits which may be issued in a calendar year.
- (b) The City of Frankston may issue open air, garage or yard sale permits only to the owner of record or tenant of record of the residential property or residential unit or business location upon which such open air, garage or yard sale is to take place; In the event that the open air sale is to be conducted on City of Frankston property, the permit may be issued to the approved applicant at the discretion of the City of Frankston.
- (c) A permit issued hereunder shall authorize an open air, garage or yard sale to take place for no more than three (3) consecutive days and only during the hours of 8:00 a.m. through 4:00 p.m.; Additionally, the permit as relating to open air sales relating to the Farmers Market, shall be issued for the dates and times adopted for the normal operational hours of the Farmers Market.
- (d) A permit issued pursuant hereto shall specifically state the name of the holder of such permit, the residential location, business location or other location of the permitted open air, garage or yard sale and the dates for which such sale is permitted;
- (e) No person shall offer for sale at any open air, garage or yard sale any articles, merchandise or goods which have been purchased for resale or articles for which such person is acting as a selling agent;
- (f) During the hours of such open air, garage or yard sale, a permit issued as required hereunder shall be made available for inspection upon request by any City of Frankston police officer or any representative of the City Council for the City of Frankston;
- (g) The conduct of the open air, garage or yard sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.

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SECTION 7: PENALTIES.

(1) **Criminal Disposition:** Upon a criminal complaint, any person who violates any provision of this Ordinance shall be subject to punishment by a fine of up to one hundred (\$100.00) dollars per offense, for each day or part of a day during which the violation is committed, as set forth in the following schedule:

- a. **First Offense:** Twenty-Five (\$25.00) Dollars
- b. **Second Offense:** Fifty (\$50.00) Dollars
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(2) **Noncriminal Disposition:** Any person who violates any provision of this ordinance may be penalized by a noncriminal disposition. A Police Officer or agent of the City of Frankston enforcing this ordinance shall issue a "Notice to Appear" in Court. The penalty for each violation shall be twenty-five dollars (\$25.00) for each day during which the violation is committed, continued, or permitted.

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PASSED, APPROVED, and ADOPTED by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 8th day of March, 2016.

SHARYN HARRISON, MAYOR

ATTEST:

JAN HAMILTON

CITY SECRETARY

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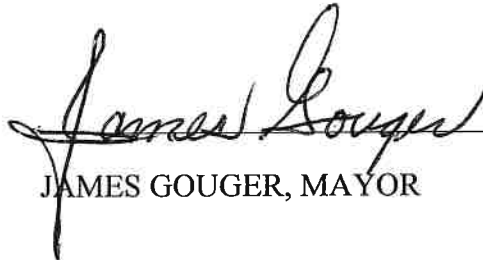
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This Ordinance shall take effect upon its passage by the City Council of the City of Frankston in accordance with the laws of the State of Texas.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Frankston, Texas, at a regular meeting held on this the 10th day of September, 2013.



JAMES GOUGER, MAYOR

ATTEST:



JAN HAMILTON

CITY SECRETARY