

CITY OF WELLS TEXAS
GARAGE SALE ORDINANCE NO. 2024-9

I. Purpose

The purpose of this Ordinance is to provide reasonable and necessary regulations designed to reduce traffic congestion along residential streets and in the public right-of-way, minimize the noise and commotions that accompany most garage sales, and ensure that those persons operating retail businesses collect and remit the appropriate sales taxes to the City and State, thereby promoting the public health, safety and general welfare.

I. Definitions

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the City shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

- City:** The City of City of Wells.
- Garage Sale:** The sale of anything of value on city property in designated area not considered a retail business establishment licensed to do business in the City of Wells and/or the State of Texas. For purposes of this Ordinance, the term includes and is synonymous with "estate sale", "patio sale", "rummage sale", "yard sale", "auctions", and "clearance sale".
- Person:** includes any individual, consignment seller or seller, and/or groups responsible for the sale, the occupier and/or owner of the premises on which the sale is conducted, and/or any person conducting or participating in a sale on the premises.
- Premises:** includes a zoned property lot, and other public right-of-way.
- Consignment:** the sale of personal property pursuant to an agreement between the owner of personal property and the seller to sell the owner's property to a third party for an agreed upon price and fee.
- Waiver of Liability:** The City of Wells is not responsible for garage sale items or accidents that occur during the garage sale event. Proper signs will be displayed on city property.

III. Garage Sale Requirements

A. Conditions for Garage Sale

1. A person conducting a garage sale must first obtain permission from the City to use property owned by the City of Wells.
 - a. A garage sale shall be confined to the premises and no more than Five (5) feet from any property boundary line of the premises.
 - b. Only tangible personal property shall be sold by the legal owner of such tangible personal property at the time of a garage sale.
 - c. There shall not be more than one (1) garage sale at the same premises.
 - d. The duration of a garage sale shall not exceed ten (10) consecutive hours and shall not extend over more than two (3) consecutive calendar days.
 - e. A garage sale shall not commence prior to 7:00 a.m. and must conclude no later than 7:00 p.m. per day.
 - f. A garage sale shall not be conducted in a manner that constitutes a public nuisance by emitting unreasonably loud noises, generating foul odors, or creating dangerous levels of vehicular or pedestrian traffic.
 - g. All signs promoting the garage sale shall not be displayed for more than three (3) consecutive days.
 - h. There shall be a notation on the sign of the date of installation of the sign.
 - i. All garage sale advertisement signs must be properly disposed of within four (4) hours after the garage sale ends.
 - j. Parking for the garage sale may only be in designated areas. The City Hall parking lot should be utilized. Do not park on the grass, do not park on private property and do not block any roadway.

B. Garage Sale Permit Application and Requirements

- a. A person desiring to have a garage sale shall make an application with the City for a permit.
- b. The City shall provide a standard application form for a garage sale permit to include the name and address of the person conducting the garage sale, hours of operation, and date of the garage sale.

- c. Applications must be submitted two (2) days prior to the start date of the garage sale.
- d. No fee for a permit is required but the permit must be obtained prior to the garage sale.
- e. A garage sale permit must be available anytime it is requested during the garage sale.
- f. No permit shall be issued if the applicant has been cited in the past 12 months of the application date for violation of this Ordinance.
- g. No permit shall be issued if three (3) garage sales at the same premises have been conducted during any one calendar year.
- h. The City's designer shall have the authority to deny an application or revoke an issued garage sales permit for failure to meet the standards for issuance.
- i. An Applicant denied a garage sales permit may appeal the denial to the City Mayor.

IV. Offense and Penalties

A. Violation

A person who violates this Ordinance commits an offense. A person violating any provision of this Ordinance is subject to prosecution for criminal violations as well as suit for injunctive relief.

B. Compliance

A person issued a citation for any nonconforming sale shall have a maximum of one (1) business day for compliance without penalty.

C. Criminal and Civil Penalties

- (1) **Criminal Prosecution** A person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

- (2) **Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to, the following:


- a. injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- b. a civil penalty up to \$500.00 a day when it is shown that the defendant was notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- c. other available relief.

Passed and Approved on this 12th day of August 2024.



Mayor, City of Wells

ATTEST:



Secretary, City of Wells