

**CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2021-019**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS AMENDING CHAPTERS 22 AND 12 OF THE CITY OF WATAUGA, TEXAS CODE OF ORDINANCES; AMENDING RULES AND REGULATIONS FOR OCCASIONAL/GARAGE AND ESTATE SALES; AMENDING FEES ASSOCIATED THEREWITH; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 51.072 of the Texas Local Government Code, the City of Watauga has the full power of local self-government; and

WHEREAS, City staff has conducted a review and has recommended revisions to the rules and regulations for the conduct of occasional/garage and estate sales in the City of Watauga; and

WHEREAS, the City Council finds the adoption of the staff recommendation will provide for the good government, peace and order of the City; and

WHEREAS, the City Council now desires to adopt such staff recommendation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas as follows:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted herein for all purposes.

II.

The City of Watauga Code of Ordinances is hereby amended by deleting Article VII of Chapter 22 of the Code of Ordinances and substituting therefore a new Article VII of Chapter 22 to provide as follows:

“City of Watauga Code of Ordinances

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Chapter 22 – LICENSES, PERMITS AND BUSINESS REGULATIONS

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ARTICLE VII. – OCCASIONAL/GARAGE AND ESTATE SALES

Sec. 22-276. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Estate sale means the sale of tangible personal property at a residential property for the purpose of disposing of a substantial portion of such personal property located at the premises.

Occasional sales means the sale of tangible personal property at a residential property, including, but not limited to, garage sales, patio sales, yard sales and all other on-site sales, and excluding estate sales.

Personal property means property which is owned, utilized, or maintained by members of a residence and is acquired in the normal course of living in or maintaining a residence, excluding land and buildings.

Sec. 22-277. - Penalty.

Any person failing to comply with the requirements of this article, or who acts in violation hereof, commits an offense and shall be subject to a penalty as outlined in section 1-7.

Sec. 22-278. – Permit.

- (a) *Required.* No person may conduct an occasional sale or estate sale unless a permit authorizing such sale is issued by the city.
- (b) *Application.* Any person desiring to conduct an occasional sale or estate sale shall, not less than one business day prior to the sale, file with the city an application of intent to conduct an occasional sale or estate sale. Such application shall be accompanied by a fee in the amount specified in the fee schedule in chapter 12. The application shall set forth the name and address of the applicant, shall confirm the applicant is eighteen (18) years of age or older and shall contain a statement that the provisions of this article have been read by the applicant and that the applicant agrees to comply with all provisions

contained therein and all other applicable ordinances and regulations. Such application shall further contain the address and location of the proposed site where the occasional or estate sale is to be conducted and the proposed dates and times of the sale.

- (c) *Fees.* Permit fees for occasional sales are set forth in the fee schedule found in section 12-22(b)(1). Permit fees for estate sales are set forth in the fee schedule found in section 12-22(b)(2).
- (d) *Issuance.* The city shall assign a permit number to all approved occasional or estate sales. The copy of the permit application for the occasional sale or estate sale with the permit number written prominently on the application shall serve as the permit.

Sec. 22-279. – Reserved.

Sec. 22-280. - Location; conditions of operation.

The following regulations apply to the conduct of occasional and estate sales, as applicable:

- (1) The number of occasional sales shall not exceed four during any calendar year (January 1 to December 31) for any residence.
- (2) The number of estate sales shall not exceed two during any calendar year (January 1 to December 31) for any residence.

The total number of occasional and estate sales shall not exceed four during any calendar year (January 1 to December 31) for any residence.
- (3) Occasional sales shall not be conducted by any person or group of persons holding themselves out as engaged in or who do in fact engage in the business of selling tangible personal property at occasional sales, estate sales or similar events.
- (4) Tangible personal property shall be sold only on the premises of the owner or lessee of the property where the sale is conducted.
- (5) An occasional sale shall be confined to the garage, patio and yard on the premises specified in the permit.
- (6) An estate sale shall mostly be held inside the residential structure on the premises specified in the permit.
- (7) The sale of unused merchandise acquired for the purpose of resale is prohibited.
- (8) Consignment sales are prohibited.
- (9) The duration of any occasional or estate sale shall not exceed four calendar days.
- (10) At all times in which an occasional sale is conducted, the permit containing the permit number shall be posted in a prominent place where individuals entering the residential property can readily observe such permit.
- (11) At all times in which an estate sale is conducted, the permit containing the permit number shall be posted at the entry to the residence where individuals entering the residence can readily observe such permit.

Sec. 22-281. - Signs.

The City shall not supply signage for occasional sales or estate sales. Signage, if any, shall comply with Chapter 111 of the city's land development code."

III.

The City of Watauga Code of Ordinances is hereby amended by deleting Subsection 12-22(b) of Chapter 12 of the Code of Ordinances and substituting therefor a new Subsection 12-22(b) of Chapter 12 to provide as follows:

"City of Watauga Code of Ordinances

. . . .

Chapter 12 – FEE SCHEDULE

. . . .

Sec. 12-22. - Chapter 22, Licenses, permits and business regulations.

. . . .

(b) *Occasional and estate sales.*

- (1) *Permit.* The occasional sale permit fee shall be \$5.00 per application.
- (2) *Permit.* The estate sale permit fee shall be \$20.00 per application."

IV.

Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances or Ordinances are hereby repealed.

V.

Severability. If any section, sub-section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

VI.

Penalty. Any person who violates, or any person who causes or allows another person to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty provision

found in section 1-7. Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

VII.


Effective Date. This Ordinance shall become effective April 1, 2021, upon application of law and in accordance with Sections 3.11 and 3.13 of the Charter of the City of Watauga, Texas.

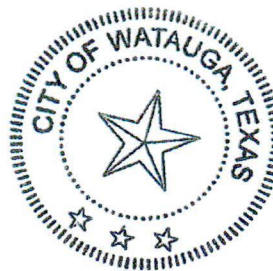
PASSED, APPROVED AND ADOPTED by the City Council of the City of Watauga, Texas this, the 22nd day of March, 2021.

APPROVED:



ARTHUR L. MINER, MAYOR

ATTEST:


ANDREA GARDNER, TRMC
CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:


GEORGE HYDE, CITY ATTORNEY
Russell Rodriguez Hyde Bullock LLP