

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 99-5

AN ORDINANCE OF THE CITY OF HAWK COVE, TEXAS, REGULATING GARAGE SALES; PROVIDING FOR AN OFFENSE AND A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hawk Cove finds that the number of garage or home sales being held, without permit, and unlimited in scope of duration, have a negative impact on property marketability and traffic congestion in residentially zoned areas; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to require permits for garage and home sales and to limit the number and duration of such sales; and

WHEREAS, the City Council recognizes that the regulation of garage or home sales is within the police power of the City of Hawk Cove.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HAWK COVE, TEXAS, THAT:

SECTION 1

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

The City Council for the City of Hawk Cove hereby adopts the following ordinance entitled "Garage Sales" which shall read as follows:

"GARAGE OR HOME SALES

- A. *Definition:*** For purposes of this article, "garage or home sale" shall mean to refer to the sale of personal property on the same lot as a residential dwelling within a residential zoning district.

- B. *Permit:*** Prior to the commencement date of any garage or home sale the person desiring to engage in the sale shall obtain from the Utility Clerk or City Secretary a permit, in the amount of \$5.00, for such sale. Any person desiring a permit under this article shall make application for such permit, setting forth the location, time and date of said sale, the name and address of the person holding said sale and the type of goods, wares and merchandise to be sold.
- C. *Number, duration of sales:*** four (4) garage or home sales may be held per year per household covered by the permit application. No other such sales may be held at that location during that year, which year consists of 365 days. Each sale may be held from Thursday through Sunday and no more than four consecutive days in duration. If the sale continues for more than one day, the days must be consecutive. No more than two permits shall be issued for any one premise during said year.
- D. *Signs:*** Signs or notices posted in regard to any garage or home sale for which a permit is issued under the provisions of this ordinance shall be posted on the premises at which said sale is held and shall be so located as not to constitute an impairment to or obstruction of traffic.
- The permittee shall be entitled to post one additional sign off- premises for the purpose of notifying the public of the date, time and location of the sale.**
- E. *Offense and Penalty:*** A person commits an offense if the person fails to comply with a provision of this ordinance. An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.00, each and every day this ordinance is violated shall constitute a separate offense."

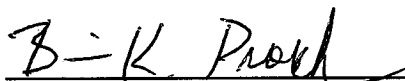
SECTION 3

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4

This ordinance shall become effective from and after the date of its passage, approval and adoption.

REVISED AND APPROVED AND ADOPTED THIS 9TH DAY OF JULY, 2018,



Brian Prock, MAYOR

ATTEST:

Patricia Pendergraft, CITY SECRETARY