

AN ORDINANCE **9 8 1 8 4**

INCREASING THE GARAGE SALE PERMIT FEE FROM \$4.00 TO \$15.00 FOR EACH PERMIT SOLD; INCREASING THE NUMBER OF GARAGE SALES PER RESIDENCE PER CALENDAR YEAR FROM TWO SALES PER YEAR TO THREE SALES PER YEAR; CODIFYING THE MAXIMUM FINE OF FIFTY DOLLARS (\$50) FOR THE FIRST TWO VIOLATIONS AND FIVE HUNDRED (\$500) FOR EACH SUBSEQUENT VIOLATION, CHANGING REFERENCES FROM BUILDING INSPECTIONS TO CODE COMPLIANCE, AND AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

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WHEREAS, the enforcement responsibility for Chapter 16, Article XII of the City Code has fallen to the Code Compliance Department although the permit sales accountability and revenues are given to the Department of Development Services (formerly Building Inspections); and

WHEREAS, the Code Compliance Department has found 31% (395 of 1,293) of the garage sales inspected were operating without a permit; and

WHEREAS, an intensified enforcement effort by the Code Compliance Department is necessary to enforce the existing code provisions regarding garage sales; and

WHEREAS, to offset increased costs associated with enforcement, the garage sale permit fee and number of garage sales allowed within a calendar year needs to be increased; and

WHEREAS, Ordinance number 67681, adopted August 4, 1988, set out penalties for violation of the regulations regarding garage sales, but such penalties were not codified; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The garage sale permit fee hereby is changed from \$4.00 to \$15.00 for each permit sold.

SECTION 2. The number of garage sales allowed per residence per calendar year hereby is increased from two to three.

SECTION 3. All enforcement responsibility as well as permit sales accountability and revenues concerning garage sales hereby are transferred from the Department of Development Services (formerly Building Inspections) and to the Department of Code Compliance.

SECTION 4. Chapter 16, Article XII, of the City Code of the City of San Antonio hereby is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

Sec. 16-292. Definitions.

As used in this article the following words and terms shall have the meanings ascribed to them in this section:

(c) *Garage sale operator.* Any person with a permit issued by the ~~building inspections~~ code compliance department to operate a garage sale.

Sec. 16-296. Garage sale operator's permit.

It shall be unlawful for any person to operate or participate in the operation of a garage sale without first obtaining the proper permit from the director of ~~building inspections~~ code compliance.

Sec. 16-298. Maximum number of garage sales.

The department of ~~building inspections~~ code compliance shall issue one (1) permit for each garage sale. Each residence is allowed ~~two (2)~~ three (3) garage sales per calendar year per location not to exceed one (1) garage sale per quarter.

Sec. 16-301. Application for a permit.

(a) An application for a garage sale operator's permit shall be made upon forms provided by the director of ~~building inspections~~ code compliance.

(b) The application will contain all information necessary to fully advise the director of ~~building inspections~~ code compliance of the date(s), location (street address), hours of operation of the garage sale and any other information that may be reasonably required by the director.

(d) Before such permit shall be issued the applicant shall provide proof of address (driver's license, utility bills or other identification) and any other pertinent information as may be reasonably required by the director of ~~building inspections~~ code compliance. Upon verification and compliance with provisions of this article, and payment of the proper fee, the applicant will be issued a permit for a garage sale by the department of ~~building inspections~~ code compliance.

Sec. 16-302. Permit number and garage sale information.

(a) Each permit issued shall bear the street address of the residence where the sale will be located, the date(s) and hours when the garage sale will be

held and any other information deemed necessary by the director of building inspections code compliance.

Sec. 16-303. Removal of signs advertising garage sales.

A garage sale operator shall remove any advertising sign upon expiration of the garage sale permit. ~~Violators of this section are subject to a fine not to exceed fifty dollars (\$50.00) for each day past the deadline for removing signs.~~

Sec. 16-304. Fee.

No permit shall be issued unless the applicant has first paid the director of building inspections code compliance a garage sale operator's fee of ~~four dollars (\$4.00)~~ fifteen dollars (\$15.00) for each permit obtained in person and ~~four dollars and fifty cents (\$4.50)~~ fifteen dollars and fifty cents (\$15.50) for each permit issued by mail.

Sec. 16-308. Exception for churches, charitable and nonprofit organizations.

Any church, charitable or nonprofit organization may hold a maximum of twelve (12) garage sales per year, provided that:

(c) A member of the church or organization, authorized to represent it, must register with the department of building inspections code compliance. No fee will be charged for registration.

Sec. 16-309. Penalties for Violation.

(a) It shall be unlawful for any person to operate, participate in or recklessly to allow to be operated upon property owned or controlled by that person a garage sale in a manner not in compliance with the provisions of this Article. Each day a violation is committed or permitted to continue shall constitute a separate offence.

(b) Unless otherwise specified, each violation of any provision of this Article shall be punishable by a fine not to exceed fifty dollars (\$50.00) for the first two convictions and not to exceed five hundred dollars (\$500.00) for each conviction thereafter.

(c) Failure of a garage sale operator to remove any advertising sign upon expiration of the garage sale permit shall be punishable by a fine not to exceed fifty dollars (\$50.00) for each day past the deadline for removing signs.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6 No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

SECTION 7. It is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Texas Revised Civil Statutes Annotated as amended Title 5, Chapter 551, Government Code.

SECTION 8. The City Clerk is directed to publish notice of this ordinance in accordance with Section 17 of the City Charter.

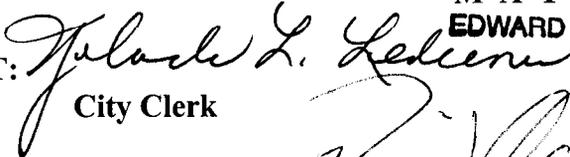
SECTION 9. The publishers of the City Code are authorized to amend said Codes to reflect the changes adopted herein.

SECTION 10. This ordinance shall become effective five days from publication but in no event before October 1, 2003.

PASSED AND APPROVED this 18th day of September 2003.



**M A Y O R
EDWARD D. GARZA**

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney