

COFFEE CITY, TEXAS

HENDERSON COUNTY, TEXAS

ORDINANCE # 2012-1105-001 – Amended

An Ordinance providing for the policies and procedures for the operation of Flea Markets, Resale, Pop Ups, Garage sales, Rummage sales and Swap meets or any other like business in the City of Coffee City.

Be it ordained by the City Council of Coffee City, Texas, County of Henderson, State of Texas, this date, February 6, 2023 as follows:

REGULATION OF FLEA MARKETS, RESALE & POPUP SHOPS.

- A. **DEFINITIONS.** As used in this ordinance, the following terms shall have the following meaning, unless the context clearly indicates that a different meaning is intended:
- a. **Flea Market:** a market, indoors or out of doors, where new or used items are sold from individual locations, and/or with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books, used magazines, cloths, sports equipment and fishing items.
 - b. **Resale:** The sale of a thing previously bought.
 - c. **Pop Up Shops:** A store that opens suddenly and exists for a short amount of time.
 - d. **Seller:** a person, firm or corporation selling items or offering items for sale at a flea market, Resale, Popup shop, or providing location for same.
 - e. **City:** Area within the incorporated boundaries of Coffee City, Texas.
- B. **PERMIT REQUIRED.** No person, firm or corporation shall operate the business of renting space or allocation space to flea market, resale or popup sellers without first obtaining a permit and presenting their Tax Identification Number therefore from Coffee City. Applications for permit shall be made to the City on forms to be provided by the City. Only one permit shall be required for each flea market, resale or popup, and the individual flea market, resale or popup sellers shall not be required to obtain a permit under this section. The fee for such permit shall be twenty-five (\$25.00) Dollars per day plus twenty-five (\$25.00) Dollars per seller. Coffee City may restrict the permit for use on certain dates and times.
- C. **INFORMATION TO BE FILED.** The information to be filed with Coffee City, pursuant to this ordinance, shall be as follows:
- a. Name of person, firm, group, corporation, association, or organization conducting said sale.

- b. Name of owner of the property with legal description as filed of record in Henderson County, on which said sale is to be conducted, and consent of owner if applicant is other than the owner.
 - c. Address at which sale is to be conducted.
 - d. Number of Days of sale.
 - e. Date of sale(s).
 - f. Relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting said sale and the date or dates of such sale.
 - g. Whether or not applicant has been issued any other vendor's license or permits by any local, state or federal agency.
 - h. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.
- D. **RECORDS TO BE KEPT BY PERMITEE.** Each person required by this ordinance to obtain a permit shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise offered for sales by that seller. This information must be kept of record for one year and yielded for review to the Coffee City Police Department if necessary.
- E. **MORE THAN ONE MARKET.** Any person, firm or corporation renting or allocating space to flea market seller in more than one place of business shall be required to obtain a permit for each place of business, provided that one permit shall be adequate for locations that are on the same lot, adjacent lots or lots separated only by an alley.
- F. **UNLAWFUL TRANSACTIONS.** No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.
- G. **PURCHASES FROM CHILDREN.** No flea market seller shall purchase any used household item, antique or used article whatsoever from any person under the age of eighteen years, unless such person is accompanied by the person's parent or guardian.
- H. **HOURS/DURATION.** Flea markets may remain open for business between the hours of 6:00 a.m. and 8:00 p.m., for a maximum of three days, unless otherwise specified on the permit by the city at the time of issuance.
- I. **PENALTY.** In addition to the suspension or revocation of a permit issued under this section, any person who shall violate any provision of the Ordinance or any regulation, rule or order made hereunder shall be subject to a penalty of Five Hundred Dollars per occurrence. Penalty will be enforced by filing of lien on property where violation occurred. Lien will be filed in favor of Coffee City, Texas. Penalty plus court costs, attorney fees necessary for filing and executing of judgment of said lien will be assessed.

GARAGE SALES, RUMMAGE SALES & SWAPMEETS

A. Definitions.

- a. Garage Sales: A sale of miscellaneous household good, often held in the garage or front yard of someone's house.
- b. Rummage Sale: A sale of miscellaneous secondhand articles, typically held in order to raise money for a charity or a special event.

- c. Swap meets: A gathering at which enthusiasts or collectors trade or exchange items of common interest.

B. FREQUENCY OF SALES; OWNERSHIP OF MERCHANDISE.

- a. Sales and similar merchandise sales may be held no more than three times per year at any residence, not more than three consecutive days in that year. Coffee Cit may authorize addition sales and/or sale days if warranted by unusual circumstances. All goods offered for sale shall be household goods or person possessions from the residence where the sale is being held or, in the case of a croup sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.
- b. Any sales and similar merchandise sales by nonprofit, philanthropic, or civic organizations must be approved by Coffee City, and may be held no more than twice per year for not more than a total of six days in that year. Coffee City may authorize addition sales and/or sale days if warranted by unusual circumstances. In no case shall any sales become outlets for wholesale or retail commercial sales.
- c. Permit will be issued at no charge for each garage sale. Permit must be displayed while conduction sale, posting total days of sale, address of sale and name of parties owning property where sale occurs. Any signage must have permit number clearly indicated on from left corner.

- C. HOURS.** Sales shall be conducted between 6:00 a.m. and 8:00 p.m. Each sale shall last no longer than three consecutive days.

D. SIGNS.

- a. Sale signs may not have an area more than six sq. ft. with a maximum of two faces. Sale signs shall identify the location of the sale and must be located at least five feet from the street line or nearest lot line.
- b. No sale sign may be located on utility poles, traffic control devices, or on property or the adjoining right-of-way of property the owner of which has not given explicit permission for its location.
- c. No Sale sign shall be displayed before three days before the sale or one day following the sale.
- d. No more than one Sale sign may be located at the sale site and no more than two Sale signed may be located off the sit, except that two signs are permitted on corner lots, one facing each street.

- E. PENALTY.** Any person conducting a garage sale, rummage sale or swap meet without permit will be accessed a fine of fifty dollars (\$50.00) per day. Any signage left over two (2) days past day of sale will first be notified to be removed by warning. Should warning fail to remove signage, then person conduction sale will forgo any further permit for additional sales for one year. Coffee City reserves the right to withhold permits based on past performance of those conduction previous permitted sales.

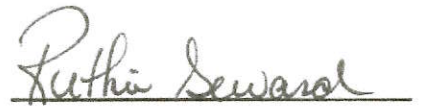
EFFECTIVE THIS DAY OF MARCH 6TH, 2023.



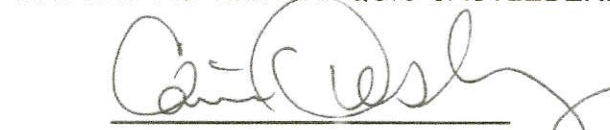
MAYOR- JEFF BLACKSTONE



MAYOR PRO-TEM MARQUIS CASTLEBERRY



ALDERMAN-RUTHIE SEWARD



ALDERMAN- CARRIE OUSLEY



ALDERMAN- KEITH SKENDER



ALDERMAN-OLLIE HARMON



CITY SECRETARY- MARY MCDONALD