

COFFEE CITY, TEXAS                   §  
                                                         §  
HENDERSON COUNTY, TEXAS       §

ORDINANCE 20121105-001

Flea Markets and Garage Sales

Regulation of Flea Markets

Garage Sales

Be it ordained by the City Council of Coffee City, Texas, County of Henderson, State of Texas, this date, November 5, 2012 as follows:

REGULATION OF FLEA MARKETS.

A. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) 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, clothes, sports equipment and fishing items.
- (2) Flea market seller: a person, firm or corporation selling items or offering items for sale at a flea market, or providing location for same.
- (3) Market: a place where goods are sold to the public.
- (4) 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 allocating space to flea market sellers without first obtaining a permit 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, and the individual flea market 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:

- (1) Name of person, firm, group, corporation, association, or organization conducting said sale.
- (2) 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.
- (3) Address at which sale is to be conducted.
- (4) Number of days of sale.
- (5) Date of sale(s).
- (6) 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.
- (7) Whether or not applicant has been issued any other vendor's license or permits by any local, state or federal agency.
- (8) 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 sale by that seller. This information must be kept of record for one year and yielded for review to Coffee City Police Department if necessary.

E. MORE THAN ONE MARKET. Any person, firm or corporation renting or allocating space to flea market sellers 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 (18) years, unless such person is accompanied by the persons 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 (3) days, unless otherwise specified on the permit by the City at 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 this Ordinance or any regulation, rule or order made hereunder shall be subject to a penalty of Five Hundred (\$500.00) 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.

##### A. FREQUENCY OF SALES; OWNERSHIP OF MERCHANDISE.

- (1) Garage sales, yard sales and similar merchandise sales may be held no more than twice per year at any residence, and for a total of not more than six (6) days in that year. Coffee City may authorize additional sales and/or sale days if warranted by unusual circumstances. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.

- (2) Any garage sales, yard 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 (6) days in that year. Coffee City may authorize additional sales and/or sale days if warranted by unusual circumstances. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (3) Permit will be issued at no charge for each garage sale. Permit must be displayed while conducting 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 front left corner.

B. HOURS. Garage sales shall be conducted between 6:00 a.m. and 8:00 p.m. Each sale shall last no longer than four (4) consecutive days.

C. SIGNS.

- a. Garage sale signs may not have an area more than six (6) sq. ft. with a maximum of two (2) faces. Garage sale signs shall identify the location of the sale and must be located at least five (5) feet from the street line or nearest lot line.
- b. No garage 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 garage sale sign shall be displayed before three (3) days before the sale or one (1) day following the sale.
- d. No more than one (1) garage sale sign may be located at the sale site and no more than two (2) garage sale signs may be located off the site, except that two (2) signs are permitted on corner lots, one facing each street.

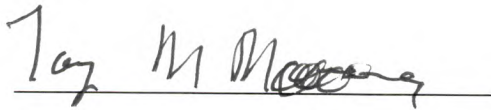
D. DEFINITIONS. The following definitions are applicable to this Section:

- a. Garage Sale. All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled rummage, lawn, yard, porch, room, backyard, patio, or garage sale.

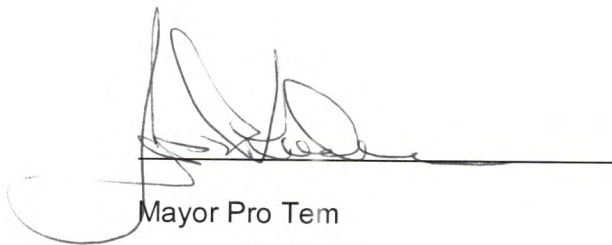
- b. Personal Property. Property which is owned, utilized and maintained and acquired in the normal course of living in or maintaining a residence. It does not include merchandise that was purchased for resale or obtained on consignment.

E. PENALTY. Any person conducting a Garage Sale without permit will be assessed a fine of twenty dollars (\$20.00) 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 conducting 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 conducting previous permitted sales.

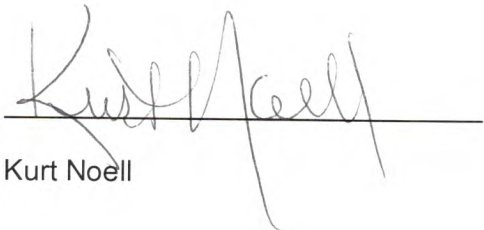
EFFECTIVE THIS DAY OF NOVEMBER 5<sup>th</sup>, 2012.



Mayor



Mayor Pro Tem



Kurt Noell



City Secretary