

**CITY OF OAK RIDGE**  
**KAUFMAN COUNTY, TEXAS**

**ORDINANCE 5-11**  
**GARAGE SALES**

**AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS,  
ADOPTING REGULATIONS REGARDING GARAGE SALES;  
ESTABLISHING DEFINITIONS; ESTABLISHING REQUIREMENTS  
AND REGULATIONS; PROVIDING FOR REGISTRATION;  
ESTABLISHING A PENALTY; PROVIDING A SEVERABILITY  
CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING  
FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.**

**WHEREAS**, Section 51.001 of the Texas Local Government Code authorizes a municipality to adopt ordinances for the good government, peace or order of the municipality; and

**WHEREAS**, the City Council of the City of Oak Ridge, Texas, has determined that the following regulation is necessary in order to promote the good government, peace or order of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF OAK RIDGE, TEXAS, THAT:**

**SECTION I.**  
**FINDINGS INCORPORATED**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION II.**  
**ADOPTION**

**1. Definitions.**

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

***Calendar year*** means that period of time from January 1 through December 31 of any year.

***Chief building official*** means the official appointed by the administration or City Council and charged with the responsibility of enforcing this article.

**Dwelling** means any building, or portion thereof, designed or used exclusively for residential occupancy or which is occupied, controlled or used by any person as defined in this section.

**Garage sale** means any sale of goods, wares and merchandise in or on any dwelling or private residential premises or in or on any commercial premises other than one zoned therefore and for which a current valid commercial store license has been issued.

**Person** means any person, individually, or any group of persons collectively or any association organized for benevolent, charitable, religious or cultural purposes not for business or profit.

## **2. Signs:**

- A. Registered Location. All signs or notices posted in regard to any garage sale shall be so located so as not to constitute an impairment to, or obstruction of, traffic.
- B. Prohibited Location. Signs or notices under this Ordinance shall in no event be affixed to, or located upon, any public property, right-of-way or easement, utility pole, sidewalk or other public way.
- C. When Posted; Size. Signs or notices under this Ordinance shall be posted only for that period of time during which the garage sale is held and shall not be larger in area than two feet by three feet.

## **3. Requirement.**

No garage sale shall be conducted within the corporate limits of the City, as said boundaries now exist or as said boundaries shall be hereafter altered, without registering such garage sale with the City.

## **4. Registration.**

Any person desiring to conduct a garage sale under this Ordinance shall register same with the City Secretary, 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.

## **5. Compliance with Fire and Safety Codes.**

All garage sales must be conducted in full compliance with all terms and conditions of the fire and safety codes of the state as said fire and safety codes have been adopted by the City.

**6. Number Per Year.**

No more than three garage sales per calendar year shall be held on any one premise or by any person per calendar year as those terms are defined in this Ordinance.

**7. Duration.**

No garage sale shall extend for any period of time in excess of seven (7) consecutive calendar days.

**SECTION III.**  
**PENALTY CLAUSE**

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$500.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

**SECTION IV.**  
**SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION V.**  
**REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION VI.**  
**EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Oak Ridge, Texas, on this the 28<sup>th</sup> day of July, 2011.

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Roy W. Perkins, Mayor  
City of Oak Ridge

ATTEST:

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Jan Shedd, City Secretary  
City of Oak Ridge