

Ordinance 132

AN ORDINANCE OF THE TOWN OF INDIAN LAKE, TEXAS REPEALING ORDINANCE No 89 AND ANY AMENDMENTS THERETO, AND ANY PARTS OF ORDINANCES WHICH WOULD BR IN CONFLICT WITH THIS ORDIANCE.

AN ORDINANCE TO ADOPTING AND SETTING UP A STANDARD POLICY IN THE TOWN OF INDIAN LAKE, TEXAS, ESTABLISHING THE PROCEDURE FOR GARAGE SALE PERMITS, NUMBER OF DAYS FOR SALE, NUMBER OF GARAGE SALES PERMITTED IN A YEAR, COST OF PERMIT AND AMOUNT OF FINE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE TOWN OF INDIAN LAKE, TEXAS, THAT:

SECTION 1. DEFINITIONS

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

Charitable purpose means philanthropic, religious, or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or disabled person; the benefit of a patriotic or veterans; association or organization; the benefit of any educational institution. The term “charitable purpose” shall not be construed to include the direct benefit of the individual holding sale.

Garage/porch/yard sale (sales) means sale or an effort for the sale of miscellaneous items to the general public, upon property not otherwise being used for commercial purposes.

Occupant means either the owner-occupant of the premises whereon such sale is to be conducted, or the tenant of the owner, provided such tenant is actually residing upon such premises, and dependent members of the immediate family such owner-occupant or tenant.

SECTION 2. PERMIT REQUIRED

No Person shall conduct a sale within the Town without first filing with the city secretary or designee an application for a permit for the sale. A resident or an Executor of an estate must request a permit for a garage/porch/yard sale, at no cost, at the Town Office, with \$10.00 refundable deposit. Only residents or Executors of an estate in the Town of Indian Lake will be allowed permits. (1) One Permit per address.

Charitable organizations must apply for a permit.

SECTION 3. LENGTH AND TIME OF HOLDING SALE

- a. You will be allowed two (2) consecutive days for a regular garage sale, three (3) or four (4) days for moving or an estate sale due to death.
- b. In the event that the person who is issued a permit does not hold the sale on the days which the sale was originally permitted, paperwork may be returned to the Town Office the first working day after the originally permitted sale date and reschedule the sale for a date not more than 60 days after the originally permitted dates.

- c. Sale hours of operation will be from 7:30 a.m. to 5:00 p.m.
- d. There shall be a waiting period of one sale every one hundred twenty days (120) before your next sale.

SECTION 4. RESTRICTONS ON CONDUCT OF SALE

- a. No permit shall be issued under this article to the person who holds himself out to be in the business of selling used property.
- b. The sale of any food item, whether hot or cold, packaged, prepackaged or instant, is prohibited.

SECTION 5. SIGNS

All signs must be provided by the seller. No signs shall be placed on utility poles or stop signs. Signs may be displayed 24 hours prior to the actual sale event and must be removed prior to 8:00 p.m. on the last day of the permitted sale. The address of the sale must be on each sign.

Signs must be removed in order to claim a refund. Your deposit of ten \$10.00 dollars will be returned to you only if the above rules have been observed.

SECTION 6. VIOLATION, PENALTIES, SAVINGS CLAUSE

If any section, paragraph, subdivision, clause, phrase, or provision of the ordinance shall be adjudged or invalid if held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of provisions thereof, other than the part so decided to be invalid or unconstitutional.

Any person violating any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00. Each day that a violation occurs shall constitute a separate offense; provided, however, that if the violation relates to public health or sanitation, the maximum penalty shall be \$2,000.00 for each offense, unless state law requires a lesser penalty or permits a higher penalty.

SECTION 7. EFFECTIVE DATE

This ordinance shall become effective upon its adoption, approval, and publication of its descriptive caption.

PASSES AND APPROVED ON THIS _____ DAY OF _____ 2023.

 James Chambers, Mayor
 Town of Indian Lake, Texas

ATTEST:

 Amy Lopez
 City Secretary