

**Office of the City Manager**

City of Richland Hills, Texas

# Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Eric Strong, City Manager  
Date: April 15, 2014  
Subject: Code Enforcement Ordinance Update 1270-14

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## **Council Action Requested:**

Consideration of Ordinance 1270-14 amending the Code of Ordinances by revising the regulations for Garage Sales.

## **Background Information:**

As the City Council is aware, we have been working on updating various Ordinances that our Code Enforcement Division needs to more effectively enforce various issues we come across. This was discussed at the last meeting and referred back to Staff for a few clean-up items.

This ordinance modifies several provisions of the existing garage sale ordinance. It is no longer required to apply for a garage sale at least 24 hours in advance. Churches are now limited to the same number of garage sales as commercial entities, and we no longer restrict garage sales to one per block per weekend.

**Board/Citizen Input:** N/A

**Financial Impact:** N/A

**Staff Contacts:** Eric Strong  
City Manager  
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**Attachments:** Ordinance1270-14

**ORDINANCE NO. 1270-14**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 58, "OFFENSES AND MISCELLANEOUS PROVISIONS" BY REVISING REGULATIONS FOR GARAGE SALES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Richland Hills, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council has previously adopted regulations related to garage sales within the City; and

**WHEREAS**, the City Council of the City of Richland Hills, Texas, desires to amend and clarify these provisions; and

**WHEREAS**, the City Council of the City of Richland Hills, Texas, has determined that the adoption of the amendments herein is in the best interest of the public health, safety and general welfare and therefore deems it advisable to enact this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS:**

**SECTION 1.**

The Code of Ordinances, City of Richland Hills, is hereby revised by amending section 58-88 of Article III "Garage Sales" of Chapter 58 to read as follows:

**"Sec. 58-88. Number of sales allowed per year.**

*Single-family and two-family residential property.* The owner or lessor of any single-family residential or two-family residential lot in the city, upon obtaining the permit required by section 58-89, and subject to the other restrictions of this article and other ordinances of the city, may display, offer for sale, and sell, used personal property, by conducting a garage sale, patio sale, lawn sale or similar sale, as many as four times in any calendar year."

**SECTION 2.**

The Code of Ordinances, City of Richland Hills, is hereby revised by amending section 58-89 of Article III "Garage Sales" of Chapter 58 to read as follows:

**“Sec. 58-89. Permit required.**

No person shall display, offer to sell or sell such personal property in the city without first procuring a permit from the city for each sale, at a cost as provided in appendix A, before the beginning of the display offering to sell or selling of such used personal property. Such permit shall be posted upon the sale premises during the sale.”

**SECTION 3.**

The Code of Ordinances, City of Richland Hills, is hereby revised by amending section 58-90 of Article III “Garage Sales” of Chapter 58 to read as follows:

**“Sec. 58-90. No Limitation on number of sales per block at one time.**

Multiple garage sales on the same street at the same time are allowed as long as each selling location has been issued a permit.”

**SECTION 4.**

The Code of Ordinances, City of Richland Hills, is hereby revised by amending section 58-92 of Article III “Garage Sales” of Chapter 58 to read as follows:

**“Sec. 58-92. Commercial garage sales permitted twice each year.**

It shall be a violation of this article for any church, business, or any commercial enterprise which to conduct a garage sale, patio sale, lawn sale or similar sale in the city, more than twice in any calendar year, except to the extent, if any, expressly permitted otherwise by other ordinance of the city.”

**SECTION 5.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Richland Hills, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 6.**

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, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8.**

All rights and remedies of the City of Richland Hills, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Richland Hills which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 9.**

The City Secretary of the City of Richland Hills is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 10.**

The City Secretary of the City of Richland Hills is directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City of Richland Hills, Texas, as required by Section 52.011 of the Texas Local Government Code.

**SECTION 11.**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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THE HONORABLE BILL AGAN, MAYOR

ATTEST:

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LINDA CANTU, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

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BESTY ELAM, CITY ATTORNEY