

ARTICLE 4.10 GARAGE SALES

Sec. 4.10.001 Definitions

The following terms used in this article shall be defined as follows:

Garage sale. An occasional sale, exchange, or barter to the general public, on properties with a residential use, for the purpose of disposing of surplus personal property. The term includes, but is not limited to, all sales entitled “garage,” “lawn,” “yard,” “room,” “estate,” “backyard,” “patio,” “rummage” and “neighborhood.” The term also includes sales authorized by [section 4.10.003](#)(10) and [section 4.10.006](#).

Right-of-way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the town has an interest.

Signs. Includes only those signs, issued by the town, for purposes of advertising a garage sale.

Property owners association. A designated representative of the owners of property in a subdivision, condominium complex, or other property and may be referred to as a “homeowners association,” “neighborhood association,” “community association,” “civic association,” “civic club,” “association,” “committee,” or similar term. The membership of the association consists of the owners/tenants of property within the subdivision, condominium complex, or other residential property.

(Ordinance 07-093, sec. 2, adopted 11/13/07)

Sec. 4.10.002 Permit required

No person, firm, nonprofit, or corporation shall advertise, operate, or participate in a garage sale within the limits of the town without first obtaining a garage sale permit. The fee for a garage sale permit shall be \$10.00. (Ordinance 07-093, sec. 3, adopted 11/13/07)

Sec. 4.10.003 Conditions of permit

The following regulations apply in connection with the conduct and operation of a garage sale:

- (1) Prior to holding or conducting a garage sale, a garage sale permit must be obtained in person at development services. Only individuals who are residents of the town may apply for a garage sale permit.

- (2) A garage sale permit, if issued, will be issued by the building official of the town or his/her designee(s).
- (3) A garage sale permit must be obtained by an adult occupant of the property where the garage sale is to be conducted or their designated adult representative (herein referred to as the occupant). Proof of the ownership or occupancy of such property may be verified by the town through the Collin or Denton County Appraisal Districts, by a copy of a deed, by a copy of a rental/lease agreement, or by water account information.
- (4) A garage sale permit shall be issued by property address, not applicant name.
- (5) A garage sale permit may only be issued for properties with a residential use, except for a sale authorized by [section 4.10.006](#).
- (6) A garage sale permit may be issued no more than three (3) times per calendar year for the same premises (the maximum number of garage sales), excluding community garage sales. At least thirty (30) days must elapse between garage sales occurring on the same property.
- (7) A garage sale permit shall be valid for up to three (3) consecutive calendar days. On each such day, a garage sale may commence not earlier than thirty (30) minutes following sunrise and shall end not later than thirty (30) minutes prior to sunset.
- (8) A current garage sale permit issued for the property must be posted on the property where the sale is conducted at all times while the garage sale is being conducted, and must be displayed in a conspicuous location.
- (9) No more than three (3) families may combine their property for sale at a single garage sale.
- (10) A property owners association shall be permitted to have a community garage sale and in connection therewith shall abide by and be subject to the provisions set forth in [sections 4.10.002](#) and [4.10.003](#) of this article. For purpose of determining the number of garage sales conducted annually on a property, the holding of a community garage sale shall not be considered a garage sale conducted on an individual residential property which is subject to the jurisdiction of the association. Except as otherwise provided for in this article, all community garage sales shall be subject to the same terms and conditions applicable to a garage sale for an individual residential property including, without limitation, that no more than three (3) community garage sales may occur each calendar year.

(11) Garage sale items may be displayed for sale only in the following areas: residential yard including the front or back yard, garage, patio area, under a carport covering, driveway, or inside a residence.

(12) Garage sale items must be placed at least ten (10) feet from the back of the curb and at least five (5) feet from each side property line. Garage sale items shall not be located within the public right-of-way.

(13) Garage sale items including, but not limited to: items for sale, displays, tables, racks, tarps, and boxes must be removed by the occupant from the sale area by 8:00 a.m. the day following the last day of the sale. Items are strictly prohibited from remaining in the sale area or in the yard of the property.

(Ordinance 07-093, sec. 4, adopted 11/13/07)

Sec. 4.10.004 Signs

All signs to be located in the town or its ETJ for garage sales shall be in conformance with [section 3.14.009\(t\)](#) of this code, as amended, and the following regulations:

(1) The town will issue five (5) off-premises signs for a garage sale. Signs for garage sales conducted within the town may be used in connection with the garage sale for which a garage sale permit was received. Signs for garage sales located in the ETJ shall only be valid for the dates the signs are issued for. All other off-premises signs related to a garage sale are strictly prohibited.

(2) All garage sale signs must be posted using a wood or metal stake. All other posting methods are strictly prohibited.

(3) Garage sale signs shall not be placed, erected or installed any earlier than 8:00 a.m. the day of the sale. All garage sale signs must be removed by the occupant by 8:00 a.m. on the day following the last day of the garage sale.

(Ordinance 07-093, sec. 5, adopted 11/13/07)

 **Sec. 4.10.005 Cancellations/inclement weather**

The following regulations pertain to the cancellation of a garage sale:

(1) Subject to subsection (2) of this section, if inclement weather occurs on any part of three days of a scheduled garage sale, resulting in cancellation of the garage sale in its entirety each such day, the garage sale shall not count toward the maximum number of garage sales permitted within one calendar year.

(2) If the conditions of subsection (1) of this section apply, the occupant must contact development services within three (3) business days following cancellation due to inclement weather to reschedule the date of the garage sale. If the occupant fails to do so, the garage sale shall be counted toward the maximum number of garage sales allowed per calendar year.

(3) Garage sales will only be rescheduled due to inclement weather. (No exceptions.)

(4) Permit fees will not be refunded under any circumstances.

(Ordinance 07-093, sec. 6, adopted 11/13/07)

Sec. 4.10.006 Charitable, religious, educational, fraternal, governmental or nonprofit organizations

The following regulations shall apply to charitable, religious, educational, fraternal, governmental, or nonprofit organizations (together, nonprofit organizations):

(1) Nonprofit organizations may only conduct a garage sale on the nonprofit organization's property or other properties with written permission regardless of zoning or land use.

(2) If a nonprofit organization desires to conduct a garage sale on property not its own the nonprofit organization must present to the town a letter from the owner of the property authorizing the nonprofit organization to conduct a sale on the property. The letter must include the property address, the name of the nonprofit organization sponsoring the garage sale and the dates the garage sale is to take place and must be signed by the property owner.

(3) The fee for the garage sale permit will be applied as in [section 4.10.002](#).

(Ordinance 07-093, sec. 7, adopted 11/13/07)

(4) A nonprofit organization is permitted to conduct a maximum of twelve (12) garage sales per calendar year. (Ordinance 15-39 adopted 6/23/15)

(5) The number of families participating in a garage sale sponsored by a nonprofit organization is not restricted. (Ordinance 07-093, sec. 7, adopted 11/13/07)

Sec. 4.10.007 Penalty

Any person, firm, corporation or business entity violating this article, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation

under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the town from filing suit to enjoin the violation. The town retains all legal rights and remedies available to it pursuant to local, state and federal law. (Ordinance 07-093, sec. 8, adopted 11/13/07)