

ORDINANCE NO. O-12-729

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS, ESTABLISHING REGULATIONS FOR OUTDOOR AND GARAGE SALES; ESTABLISHING PERMIT REQUIREMENTS; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Ferris, Texas (“City”), located in Ellis County, Texas, is a Type A General Law Municipality under the laws of the State of Texas, and possesses the power of local self-government under Chapter 51 of the Texas Local Government Code; and

WHEREAS, the City Council, pursuant to section 215.031 of the Texas Local Government Code, as amended, has the power and authority to license, tax, suppress, prevent, or otherwise regulate outdoor sales; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS, THAT:

Section 1. All the above premises are hereby found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, new regulations for outdoor and garage sales are hereby adopted, to read as follows:

“OUTDOOR AND GARAGE SALES”

Section 1

That no person, firm, partnership, corporation, or organization shall hold or maintain any garage sale, porch sale, sidewalk sale, outdoor rummage sale or yard sale without first having applied for and having actually obtained a written permit for the same from the office of the City Manager.

Section 2

That the permit must be issued by the City Secretary or any authorized City employee prior to the first date of sale authorized by the permit. The permit shall be on a form prepared by the City. The permit shall be based upon information furnished by the applicant(s), shall contain the name of the applicant(s), the address at which the sale is to be held, phone number of the applicant(s), use of property, type of sale, and the date or dates of the sale.

Section 3

That no person, firm, corporation, partnership, or organization shall hold such a sale regulated hereunder more than three times during a calendar year. No sale shall be conducted at the same property address more than three times during a calendar year.

Section 4

That a permit shall be valid for a period of time not to exceed two consecutive calendar days at a time.

Section 5

That permit fee of \$10.00 shall be charged and paid by the applicant(s) for each sale.

Section 6

Any person, firm, partnership, corporation, or organization which violates any provision on this ordinance shall upon conviction be subject to a fine of up to two hundred dollars (\$200.00). Each day of violation shall constitute a separate offense.

Section 7

That this ordinance shall take effect and be in full force from and after the date of its passage and publication in accordance with applicable law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Ferris, Texas, on this 2nd day of April, 2012.

APPROVED:

Richard M. Barrett, Mayor

ATTEST:

Patricia Bradley, City Secretary