

ORDINANCE NO. 2015-02

AN ORDINANCE AMENDING CHAPTER 5.30, GARAGE/YARD SALES IN TITLE 5 BY MODIFYING THE REGULATIONS FOR GARAGE/YARD SALES TO ALLOW EXTENDED SALES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING OPEN MEETINGS, SEVERABILITY AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Uvalde, Texas (herein the “City”), currently regulates garage and/or yard sales and signage for such sales;

Whereas, information was brought to the City Council’s attention that due to the immediacy or volume with estate sales or moving sales, the current duration of the term being a maximum of two (2) days may not be sufficient; and

Whereas, the City Council desires to recognize those few situations may require additional time and revise the regulations to allow the City staff to authorize variations if supported with property documentation;

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

Section 1. Findings of Fact. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment to Chapter 5.30, Uvalde Municipal Code of Ordinances. Chapter 5.30, Garage/Yard Sales, Section 5.30.050, Term of Permit, Uvalde Municipal Code of Ordinances is amended to read as follows:

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5.30.050 – Term of Permit.

A. Each garage/yard sale shall not exceed two consecutive days, between the hours of 7:00 a.m. and 6:00 p.m.

B. Only officially authorized garage/yard sale permits issued by the city may be used to operate a garage/yard sale.

C. The city manager or his designee shall have the authority upon a determination of good cause to extend the duration of a garage sale for not more than eight (8) days total which may be used in increments as directed by the city manager/designee.

D. For purposes of this section only, "good cause" includes estate or moving sales with appropriate documentation supporting the nature of the immediacy or volume of items to be sold.

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Section 3. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting parkland 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 4. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

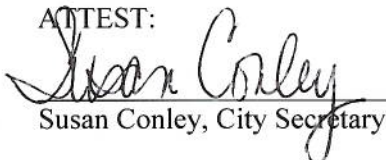
PASSED AND APPROVED on this the 10th day of March, 2015.

The City of Uvalde, Texas



Don McLaughlin, Jr., Mayor

ATTEST:



Susan Conley, City Secretary