

Ordinance 6-98

AN ORDINANCE DEFINING CASUAL SALES, REGULATING GARAGE SALES AND OTHER SUCH CASUAL SALES, REQUIRING THAT THE SAID CASUAL SALES BE REGISTERED, AMENDING ALL ORDINANCE IN CONFLICT HEREWITH, SETTING THE PENALTY FOR THE VIOLATION OF THE ORDINANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Nash, Texas has enacted a comprehensive zoning ordinance, regulating activities of the Citizens of the City in certain areas; and

WHEREAS, the City Council finds that casual sales of merchandise are being conducted, under the title letter of garage sales, patio sales, and the like; and

WHEREAS, the City Council finds that casual sales of merchandise, and the attendant non-conforming use of property, and the extra problems of traffic congestion, is reasonable, provided the said sales are infrequent, and held in areas where the streets allow for the increased traffic and parking; and

WHEREAS, some of the citizens are continually holding sales, and are conducting an ongoing business of selling merchandise, rather than conducting casual sales, all in violation of the letter and the spirit of the casual sales and these sales are in violation of the ordinances of the city, and the sales tax laws of the State of Texas, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NASH, TEXAS

I.

The preamble of this ordinance is incorporated herein and made a part hereof.

II.

“Casual Sales” shall include garage sales, patio sales, rummage sales and all such sales of merchandise wherein items are displayed for sale, and the sales are held in other than established businesses. Casual sales shall include sales of new or used clothes, appliances, furniture, or other merchandise.

III.

This ordinance shall not apply to sales of merchandise by organized and established business enterprises, complying with all the zoning, taxation and other laws of the City of Nash, Texas and the State of Texas.

IV.

No person shall conduct or shall there be conducted at any address or residence, more than three (3) casual sales in any twelve (12) month period. No person shall conduct more than one (1) casual sales in any thirty (30) day period. No casual sale shall last more than three (3) consecutive calendar days.

V.

Any person who wishes to conduct a casual sale shall first procure a permit from the City Secretary, by registering their name, the times and dates of the sale, and the address of the sale.