

9-15-10

ORDINANCE NO. 28021

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.217, 51A-1.105, and 51A-4.217; providing a fee and permit requirements for accessory occasional sales (garage sales); providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, has given the required notices and has held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subparagraph (E), "Additional Provisions," of Paragraph (5), "Occasional Sales (Garage Sales)," of Subsection (b), "Specific Accessory Uses," of Section 51-4.217, "Accessory Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding new Item (viii) to read as follows:

"(viii) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x)."

SECTION 2. That Section 51A-1.105, "Fees," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding new Subsection (x) to read as follows:

“(x) Fee and permit for accessory occasional sales (garage sales).

(1) An application for an occasional sale permit will not be processed until the fee has been paid.

(2) The applicant shall pay the fee to the director of code compliance. The director of code compliance shall deposit fees received in the official city depository not later than the next business day following receipt of the fees.

(3) No refund of a fee may be made.

(4) The fee for an occasional sale permit is \$15.00.

(5) A person may not operate an occasional sale without a valid permit issued by the director of code compliance. Only the owner or lessee of the property where the occasional sale is being conducted may obtain a permit. The applicant shall provide proof (driver's license, utility bills, or other proof) that the applicant is the owner or lessee of the property.

(6) The application for an occasional sale permit must be on a form provided by the director and must contain the dates, location, hours of operation of the occasional sale, and any other information that may be reasonably required by the director of code compliance.

(7) The director of code compliance shall deny the application for an occasional sale permit if the director of code compliance determines that:

(A) the applicant has not paid the required fee;

(B) the applicant made a false statement of material fact in the application;

(C) the applicant has been given two or more citations for violating the provisions of this subsection or Section 51A-4.217(b)(9) within 12 months before submitting an application; or

(D) the occasional sale would not meet the requirements of this subsection or of Section 51A-4.217(b)(9).

(8) The applicant may appeal the denial of an application for an occasional sale permit to the permit and license appeal board in accordance with Section 2-96 of the Dallas City Code.

(9) By making an application for an occasional sale permit, accepting the permit, and conducting the sale, the permit holder authorizes any code enforcement officer to enter the property to determine that the occasional sale is being conducted in compliance with this chapter.

(10) Permits are only valid for the dates specified on the application. If inclement weather prevents the occasional sale, the director of code compliance may, in his sole discretion, issue a replacement permit at no cost to the applicant. The applicant must request the replacement permit within one week after the date of the cancelled occasional sale. No more than one replacement permit shall be issued per calendar year per address."

SECTION 3. That Subparagraph (E), "Additional Provisions," of Paragraph (9), "Occasional Sales (Garage Sales)," of Subsection (b), "Specific Accessory Uses," of Section 51A-4.217, "Accessory Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding new Item (ix) to read as follows:

"(ix) A person commits an offense if he operates an occasional sale without a valid permit under Section 51A-1.105(x)."

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed SEP 22 2010