

Memorandum



CITY OF DALLAS

DATE December 7, 2012

Honorable Members of the Quality of Life & Government Services Committee:

TO Angela Hunt (Chair), Sandy Greyson (Vice Chair), Mónica R. Alonzo, Dwaine Caraway,
Carolyn R. Davis

SUBJECT Occasional Sales (Garage Sales) Ordinance Update

On Monday, December 10, 2012 the committee will be updated on the Occasional Sales (Garage Sales) Ordinance. Briefing materials are attached for your review.

If you have any questions, or require additional information, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata

Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel Solis, Administrative Judge

A.C. Gonzalez, First Assistant City Manager
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Stephanie Cooper, Assistant to the City Manager



Occasional Sales (Garage Sales) Ordinance Update



Presented to the Quality of Life &
Government Services Committee
December 10, 2012



Purpose

- ❑ To review proposed ordinance on occasional sales, commonly referred to as garage sales
- ❑ Discuss requirements, permit and enforcement activity

Proposed Updates To Ordinance

- Allow sales on approved surfaces (i.e. driveways) in addition to inside enclosed structures (i.e. garages)
- Allow up to 5 signs at remote locations advertising sale
 - Must be on private property
 - Must have permission of property owners
 - Must be removed within 24 hours following sale
 - Signs are not permitted in medians, or on trees or light poles
- No permit is required to hold a sale on the first Saturday in April

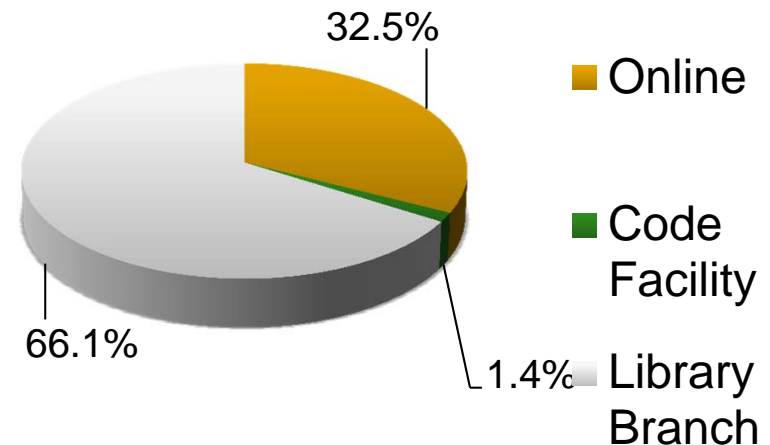
Garage Sale Requirements

- Long-standing requirements in place regarding garage sales include:
 - Residents are allowed two garage sales during any 12 month period
 - The sale must be inside a building, garage or patio of the premise
 - The sale of new merchandise is prohibited
 - The duration of the sale cannot be more than 3 consecutive calendar days
 - No more than 1 sign is allowed on the lot where the sale is taking place; other signs at any other locations (off-premise signs) are prohibited
- Effective September 22, 2010, a \$15 permit is required to hold a garage sale

Permit Activity

- Permit counts:
 - FY10-11: 12,430 permits
 - FY11-12: 15,435 permits
- Permitting locations:
 - On-line at www.dallascityhall.com
 - 27 Dallas Public Library Branches
 - 2 Code Compliance locations:
 - 3112 Canton
 - 7901 Goforth Road

**Percentage of Permits
Obtained by Location
FY 11-12**



Permit Activity

FY11-12	# of Permits	Percentage
October	1,839	12%
November	1,308	8%
December	354	2%
January	682	4%
February	585	4%
March	1,334	9%
April	1,552	10%
May	1,805	12%
June	1,900	13%
July	1,430	9%
August	1,301	8%
September	1,345	9%

Enforcement Activity

- Service request counts for garage sales
 - Includes both calls reported by residents through 311 and cases identified proactively by Code

Description	FY 08-09	FY 09-10	FY 10-11	FY 11-12
Garage Sale Concern Service Requests	2,010	2,017	2,273	2,094

- On average during this timeframe, garage sale service requests were 1.3% of the total service request volume for Code Compliance

Enforcement Activity

- 2,094 garage sale service requests (SRs) created in FY 11-12
 - Approximately 60% of the cases were identified proactively by Code Compliance staff
 - The remainder were reported by residents through 311

City Service Area	Count of Garage Sale SRs
Central	196
Northeast	245
Southeast	266
Southwest	566
Northwest	727
North Central	74
South Central	20

Enforcement Activity

- In FY 11-12, 330 notices of violation and 32 criminal citations were issued for illegal garage sales
 - Types of violations include:
No permit, exceeded 2 sales per year, selling in open space, selling new items, etc.

City Service Area	# of NOVs	# of Citations
Central	49	4
Northeast	6	12
Southeast	52	10
Southwest	208	2
Northwest	9	2
North Central	4	2
South Central	2	0

Next Steps

- Finalize a draft ordinance for Council Agenda
- Incorporate changes into public education efforts in advance of Spring 2013

ORDINANCE NO. _____

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-4.217, 51A-7.305, 51A-7.306, and 51A-7.402; providing for occasional sales to be permitted on an approved surface; providing that signs advertising an occasional sale may be located at remote locations with the permission of the owner of the remote location; waiving the requirement for a permit for an occasional sale on the first Saturday in April of each year; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have 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) 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 to read as follows:

“(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4) [the patio of the premises].

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

(v) A person shall not conduct more than two occasional sales at a premise during any 12-month period.

(vi) A person shall not place more than one sign, not to exceed two square feet in effective area, upon the lot where the sale is taking place. Up to five signs, not to exceed two square feet in effective area each, are permitted [Any other signs] at [any] locations remote from the sale property with the permission of the owner of the remote location. Signs advertising an occasional sale are not permitted in medians or on trees or light poles. All signs advertising an occasional sale must be removed within 24 hours after expiration of the permit issued under Section 51A-1.105(x).

(vii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.

(viii) No permit is required to operate an occasional sale on the first Saturday in April of each year. The director may designate an alternate date due to inclement weather.

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

SECTION 2. That Subparagraph (E) 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 to read as follows:

“(E) Additional provisions:

(i) A person shall sell tangible personal property only on the premises of the owner or lessee of the premises where the sale is conducted, and the owner or lessee must be the legal owner of the tangible personal property at the time of the sale.

(ii) The sale must be inside the building or garage, or on an approved surface as described in Section 51A-4.301(d)(4) [the patio of the premises].

(iii) A person shall not sell, offer, or advertise for sale merchandise made, produced, or acquired solely for the purpose of resale at an occasional sale.

(iv) A person shall not conduct an occasional sale for a duration of more than three consecutive calendar days.

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(vii) The area restrictions in Subsection (a)(3) do not apply to this use.

(viii) Any advertisement of an occasional sale or of an item being offered for sale at an occasional sale must contain the street address at which the sale will occur and the date(s) on which the sale will occur.

(ix) No permit is required to operate an occasional sale on the first Saturday in April of each year. The director may designate an alternate date due to inclement weather.

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

SECTION 3. That Subsection (a) of Section 51A-7.305, “Attached Signs,” of Division 51A-7.300, “Provisions for Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) Except as otherwise permitted under Sections 51-4.213(25) or (26), 51-4.217(b)(5), [in Chapter 51, or under Section] 51A-4.206(1) or (3), and 51A-4.217(b)(9) [in this chapter], all attached signs must be premise signs or convey a noncommercial message.”

SECTION 4. That Subsection (a) of Section 51A-7.306, “Detached Non-Premise Signs Prohibited Generally,” of Division 51A-7.300, “Provisions for Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(a) No person may erect or maintain a detached non-premise sign in the city. It is a defense to prosecution under this subsection that the sign:

- (1) is a non[-]conforming use;
- (2) is a special purpose sign, movement control sign, protective sign, or vehicular sign as defined in this article;
- (3) is a sign that contains primarily a political message for which a permit is not required under Section 51A-7.602;
- (4) is in a special provision sign district or planned development district and expressly authorized by and in full compliance with the ordinances establishing and amending that district;
- (5) was lawfully relocated pursuant to Section 51A-7.307; [øø]
- (6) is expressly authorized by and in full compliance with a valid order of the court or board of adjustment; or
- (7) is a sign advertising an occasional sale (garage sale) pursuant to Sections 51-4.217(b)(5) or 51A-4.217(b)(9).”

SECTION 5. That Subsection (c) of Section 51A-7.402, “General Provisions Applicable to Signs in Non-Business Zoning Districts,” of Division 51A-7.400, “Provisions for Non-Business Zoning Districts,” of Article VII, “Sign Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(c) Except as otherwise permitted under Sections 51-4.213(25) or (26), 51-4.217(b)(5), [in Chapter 51, or under Section] 51A-4.206(1) or (3), and 51A-4.217(b)(9) [in this chapter], an occupant in non-business zoning districts may erect only signs that convey a noncommercial message, special purpose signs, and premise signs, which include movement control signs and protective signs.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. 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 8. 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.

SECTION 9. 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 _____