

**ORDINANCE NUMBER 2006-12-02**

**AN ORDINANCE OF THE CITY OF WESTON, TEXAS, AMENDING ORDINANCE NO. 2002-02-01, GOVERNING THE PLACEMENT, CONSTRUCTION AND MAINTENANCE OF SIGNS; PROVIDING FOR REGULATIONS GOVERNING YARD SALE SIGNS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council has previously adopted Ordinance No. 2002-02-01 governing the placement, construction and maintenance of signs; and

**WHEREAS**, the City Council now desires to amend said ordinance to adopt regulations governing yard sale signs; and

**WHEREAS**, the purpose of regulating yard sale signs is to reduce visual clutter and alleviate traffic hazards; and

**WHEREAS**, the City Council has determined that the regulations contained herein are in the best interest of the public health, safety and general welfare.

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

**SECTION 1.** That the Section entitled "Definitions" is hereby amended by adding a new definition, which shall read as follows:

**YARD SALE SIGN:** A temporary sign advertising an event located at a residential place or location to which members of the public, at any time, may purchase identifiable or tangible personal property, other than a sales activity operated in conjunction with a regularly licensed commercial or retail operation. Also included in this definition are garage sales, patio sales, rummage sales, estate sales or any other similar sales.

**SECTION 2.** That the Section entitled "General Provisions" is hereby amended by adding a new Subsection U, which shall read as follows:

U. **YARD SALE SIGN:** The following regulations shall apply to yard sale signs:

1. Every person, group of persons, or organization desiring to erect a sign notifying the public of a yard sale shall first obtain a yard sale sign permit. The yard sale sign permit must be made available at the residence upon request by the City Code Enforcement Officer.
2. The yard sale sign permit application shall be available at the Office of the City Secretary and shall require the following information:
  - a. Name of the applicant;
  - b. Physical address of the yard sale; and
  - c. Date(s) of the yard sale.

No fee shall be required for a yard sale sign permit.

3. An individual address shall only be permitted three yard sale sign permits per calendar year. No permit issued pursuant to the provisions of this section shall be transferred.
4. Each yard sale shall be no more than three consecutive days.
5. Yard sale signs shall not be installed or displayed sooner than five days prior to the specified

sales period and shall be removed at the end of the sales period.

6. Any yard sale sign placed in contravention to this section will be removed and the violator subject to criminal citation.

**SECTION 3. CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 4. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5. PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6. RIGHTS AND REMEDIES**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinances governing signs that 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 7. PUBLICATION CLAUSE**

The City Secretary of the City of Weston is directed to publish the caption and penalty clause of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

**SECTION 8. EFFECTIVE CLAUSE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED** this the 12<sup>th</sup> day of December 2006.

Patti Harrington  
Patti Harrington, Mayor

ATTEST:  
Susan M Coffey  
Susan M Coffey, City Secretary

