

Agenda Item Details

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| Meeting | Dec 14, 2021 - Bryan City Council Second Regular Meeting |
| Category | 7. Statutory (Automatic Approval) Agenda - This agenda consists of items previously approved by Council action such as adoption of items that are part of an approved budget or capital improvement projects, first and only readings of ordinances, interlocal agreements, or action that is required by law or delegated to the City Manager. Items may be removed from the statutory agenda for separate consideration at the request of two Councilmembers. |
| Subject | O. First and only reading of an ordinance of the City of Bryan, Texas, amending Chapter 18, Businesses, Section 18-22, Garage Sale Rules and Regulations, of the City of Bryan Code of Ordinances, by removing permit and fee requirements for garage sales and making formatting changes of a non-substantive nature |
| Type | Action (Statutory) |
| Preferred Date | Dec 14, 2021 |
| Absolute Date | Dec 14, 2021 |
| Fiscal Impact | No |
| Budgeted | No |
| Goals | Quality of Life |

Summary:

In April 1984, the City of Bryan adopted permit and fee requirements for citizens to conduct garage sales. The standards are now found in Code of Ordinances Section 18-22(a).

Sec. 18-22. - Garage sale rules and regulations.

(a) Permit required. No person shall conduct a garage sale within the city limits without first obtaining a permit from the inspection services division. A fee for such permit shall be established by resolution of the city council and is on file in the city secretary's office. The permit shall be prominently displayed on the premises during the hours of the sale.

The standards were a response to a citizen's concerns about perpetual garage sales being conducted in a Bryan neighborhood in the early 1980s. In addition to the permit and fee requirements, Bryan's Code of Ordinances regulates garage sales in several ways:

- One (1) garage sale is allowed on a property every four (4) months.
- Each sale can be up to three (3) days in length.

- Only used or discarded items of personal property may be offered for sale.
- Placing signs off premises from the location of the sale or in the public rights-of-way is prohibited.
- A garage sale must not create a disturbance or become a nuisance in the neighborhood.

Staff proposes to remove the permit and fee requirement for garage sales to free up permit center staff resources and save citizens the time and effort of having to obtain the permit.

Staff Analysis and Recommendation:

In April 1984, the City's fee for a garage sale permit was set by City Council with the adoption of the permit requirement at \$3. Citizens wishing to conduct a garage sale must visit the Development Services Department Permit Center offices at the Municipal Office Building in downtown Bryan, to pick up the printed permit to display during the sale as required by the ordinance. Citizens must obtain a garage sale permit in person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Depending on customer traffic in the Development Service Department office, customers may spend between 5 and 15 minutes in the office to obtain a required permit.

In 2019, the City issued 1,727 garage sale permits. Between October 2020 and October 2021, 1,311 permits were issued. On average, the City issues approximately five (5) garage sale permits per work day. Each permit takes approximately 5 minutes to process and includes printing the permit for display as well as a cash or credit card transaction.

At least half of the revenue the City derives from garage sale permits is spent on the administrative process of issuing permits at the City's permit center alone. While it is difficult to put the exact cost on the City's efforts towards garage sale permits, the process includes reconciling daily cash receipts with the credit card settlement or deposit slip and reconciling transaction with the bank monthly. In addition, up to \$0.09 of each \$3 permit is due in credit card fees.

The City's Code Enforcement Department has not had complaints of too frequent garage sales during the last seven (7) years. Code Enforcement staff is proactive in removing garage sales advertising signs unlawfully placed in the public rights-of-way, for example on utility poles or at intersections, or that were not removed once a sale concluded. If the permit and fee requirement are removed, holding garage sales more frequently than once every four months will remain a citable violation of the City's code.

A quick survey of Texas cities shows some cities require permits while others do not. The City of College Station has almost identical garage sale regulations to the City of Bryan, with the exception that College Station does not require citizens to first obtain a permit for a fee.

Based on all of these considerations, staff recommends approving the proposed ordinance to amend Chapter 18, Businesses, Section 18-22, Garage sale rules and regulations, of the City of Bryan Code of Ordinances, by removing permit and fee requirements for garage sales.

- Garage sale permit requirements are a hassle for residents who wish to hold garage sales and who have to take time out of their day to obtain the permit in person from the City's Development Services Department in Downtown Bryan.
- Garage sale permit requirements put a strain on City resources that could be better utilized in assisting customers with building permits and inspections.

- The City's Code Enforcement Department has not had complaints of too frequent garage sales during the last seven (7) years.
- There appears to be no apparent benefit to the City or its citizens by requiring garage sale permits and fees.
- The \$3 garage sale permit fee does not appear to cover the cost associated with administering the permit and fee requirements.
- Removing the permit and fee requirement will not change the frequency by which garage sales are allowed.
- Even without a permit requirement, the City will still have avenues to police garage sale standards and cite and/or prosecute violators.

Options:

1. approve ordinance text amendment, as recommended by staff;
2. approve ordinance text amendment with modifications (which may require City Council consideration at a future City Council meeting); or
3. not approve this ordinance amendment at this time and provide direction to staff.

Attachments:

1. Bryan Code of Ordinances Chapter 18, Article II, Garage Sales; and
2. excerpts from various City Council meeting minutes from 1983-84; and
3. garage sale permit report for 2019-2021; and
4. draft ordinance.

[ORD_Ch 18 garage sale permits.pdf \(669 KB\)](#)