

# City of Livingston Garage Sale Rules and Regulations - Per City Ordinance A-799

**Garage Sale:** This means any casual sale of personal property, open to the public, conducted by individuals or organizations, on residential property, and commonly called garage sales, yard sales, estate sales, rummage sales, porch sales, lawn sales, family sales, group family sales, white elephant sales, flea market sales, attic sales, occasional sales, patio sales, plant sales, sample sales or other similar sales.

**Permit Required:** Before a garage sale may be held, a permit must be obtained from the City of Livingston Community Development Department, in City Hall located at 200 W. Church St., Livingston, Texas 77351. (936) 327-4311. A Garage Sale Permit Application must be completed, reviewed by the Community Development staff, and if approved, a \$5.00 permit fee paid. Any garage sale conducted without a permit must shut down within 1 hour of being told to do so by a Code Enforcement Officer or City Police Officer.

**City Residence Required:** Permits will only be issued to residents of the City of Livingston. Residence may be shown by (a) showing a government issued photo I.D. card showing an address in the City, (b) a City utility bill in the name of the Applicant, (c) a voter registration card, or (d) other proof of City residence acceptable to the Community Development Department.

**Permitted Location:** The Applicant for a Permit must (a) be the owner of the location where the sale will be held, or (b) be a bona fide tenant residing at that location, or (c) have the written permission of the owner of the property for the Sale to be held at that location.

**Frequency of Sales:** No person may hold, nor may a sale be held at any address or location, more than 2 times each calendar year. Each sale must be at least 6 months apart.

**Dates and Times of Sales:** Sales may be held on three consecutive days (72 hours), on Thursday - Saturday, or Friday - Sunday. Times of sales are 7:00 AM to 7:00 PM. Setup may begin no sooner than 12:00 noon of the day before the sale. All items must be removed by 12:00 midnight of the last date of the sale.

**Signs:** **NO** signs advertising the sale are allowed anywhere but at the location of the sale, and then only 2 signs are permitted, and not over 4 square feet each. **NO** signs may be posted on public rights of way or utility poles. Signs may only be placed 3 days prior to the permitted sale date, and must be removed at the end of the sale. Signs placed not in compliance with these rules will be removed by City personnel.

**Website Listing:** The City may, at its option, create a calendar of upcoming permitted garage sales on the City's website. Only permitted sales will be listed.

**Display of Permit:** The Garage Sale Permit issued by the Community Development Department must be on display during the Sale. Upon request, the Permit must be shown to a City Code Enforcement Officer or a Livingston Police Officer.

**Charitable and Nonprofit Organizations:** Charitable and nonprofit organizations must still obtain a permit, but no fee will be collected. However, such organizations may hold up to 12 garage sales each calendar year, but no more often than once each month. To qualify, such organization must show proof of its IRS 501(c) tax-exempt status, or proof of organization as a nonprofit entity under the Texas Business Organizations Code.

**Sales Tax:** The Texas Comptroller of Public Accounts has rules and regulations concerning the collection of sales tax at garage sales. You may be responsible for collection of sales tax. Please ask the Community Development Department for a copy of the Comptroller's latest publication regarding sales taxes and garage sales.

**Variances:** A variance from any rule or regulation may be granted by the City Manager, in the event of hardship or special circumstances, but not just for convenience. The decision to grant or deny any such request for variance is at the sole discretion of the City Manager.

**Cancellation of Sale:** If a permitted sale is cancelled due to weather conditions or unforeseen circumstances, the permit holder may receive a substitute permit for a rescheduled date of sale to be held within 60 days of the original permitted date. If a decision to cancel the sale is made, the permit holder must notify the Community Development Department of such cancellation before the sale begins. If no notification is made, no substitute permit may be issued, and the original sale date and location will count as a sale under the 2 sales per year limit for the location and applicant.

**Penalties:** The permitting and conduct of garage sales is governed by City Ordinance A-799. A violation of any part of the Ordinance may subject you to receiving a citation in Livingston Municipal Court, and could be punishable by a fine up to \$500.00.

**More Information:** This summary of rules and regulations is a condensed synopsis and highlights of the provisions of the City's Garage Sale Ordinance No. A-799. This is not meant to advise an Applicant of all details of the Ordinance. Please ask the Community Development Department for a complete copy of the Garage Sale Ordinance for complete details and provisions of the Ordinance.