



Outdoor Table Sales at Senior Centers

Potential revisions to the City Code
relating to flea markets and/or garage sales

Presented by the Office of the City Attorney



Existing Code Provisions

- Flea Markets are defined in sec. 20.02.374 and have stringent requirements. (sec. 20.10.430)
- Garage Sales are defined in sec. 20.02.414. They are not subject to the stringent requirements for flea markets, but can only be held three times a year on the same lot and only used household items can be sold at a garage sale. sec. 20.10.750.



Flea Markets

- Flea Markets are defined as:
 - A commercial activity conducted by multiple retail operators that is open to the general public, and composed of stalls, stands or spaces.
 - Excludes shopping centers, individual retail operations or sales conducted by a non-profit or charitable organization.



Flea Markets (cont.)

- Flea Markets must comply with the requirements in sec. 20.10.430, such as:
 - Minimum parking requirements
 - Paved surface; fenced area
 - Covered garbage containers; sanitary facilities
- Flea Markets can only operate on property with commercial zoning.
- Flea Market vendors must have a City-issued permit under sec. 5.30.010.



Garage Sales

- Garage sales are defined as:
 - The selling of used articles (disposal of used household items) on the premises of a single or two-family dwelling.
- Garage sales are allowed in R, A, A-0, R-F, PMD, SD, and several other non-commercial zones.
- No City-issued permit is required for a garage sale.



City Senior Centers

- Father Martinez, 9311 Alameda R-F
- Hilos de Plata, 4451 Delta R5
- Memorial, 1800 Bryan R3-H
- Wellington Chew, 4430 Maxwell A2
- Polly Harris, 650 Wallenberg R3
- Eastside, 3200 Fierro R4
- South El Paso, 600 S. Ochoa A3
- San Juan, 5701 Tamburo R5-SP
- Grandview, 3134 Jefferson R4



Optimum Solution

Re-define Garage Sale

- Expand the definition of garage sales to include sales at appropriate facilities in non-commercial zoning areas that have adequate off street parking.
- Expand the number of times in which a garage sale can be held in these facilities—perhaps up to six times a year.



Re-defining Garage Sale

- Amend sec. 20.02.414 to redefine garage sale to include the selling of used articles on the premises of appropriate public facilities that are not zoned commercial for purposes associated with a not-for-profit entity.
- Add a definition for these facilities that will include governmental and other appropriate public facilities with off street parking.



Re-defining Garage Sale

- Amend Title 20 to impose appropriate requirements for the conduct of this type of garage sale, such as:
 - Adequate off-street parking.
 - Conducted on paved surfaces.
 - Garbage containers/access to sanitary facilities.
 - Adequate pedestrian walkways and other fire and assembly safety requirements.



Re-defining Garage Sale

- Amend Title 20 and clarify sec. 5.30.010 to require the entity authorizing the sale to properly allow and supervise the vendors, rather than a requirement that garage sale vendors obtain a City-issued license.
- Add a requirement that vendors must utilize the proceeds of these sales for a not-for-profit purpose (such a requirement will be consistent with a municipal purpose for using City facilities and in keeping with the nature of residential type uses).



Re-defining Garage Sale

- Amend sec. 13.20.040 C 10 relating to selling merchandise on or near the right-of-way, to expand the exception for yard or garage sales in that ordinance, to include sales on the governmental and other appropriate public facilities.



Other Options

- Consider changing the zoning of one or more Senior Centers to commercial zoning.
 - May not be feasible or an appropriate type of re-zoning.
 - Senior center facilities may not meet the fencing or other requirements that are imposed on flea markets.
 - Would allow more expansive sales, such as food sales, that may not be appropriate for these locations.



Other Options

- Revise the Code to allow flea markets for certain facilities in residential, apartment and farm ranch zoning.
 - Would require more extensive code amendments.
 - May be too broad and have unintended consequences.
 - Would not solve the fencing issue for some of the senior centers.



Steps to Achieve the Solution

- Choose the desired solution.
- Obtain Council/staff determinations:
 - How many sales will be allowed per year?
 - Will sales be limited to used household items?
 - What are the necessary health and safety requirements for the conduct of a sale [parking, sanitation, pedestrian and fire safety, etc.]?
 - Will vendors be required to acquire a city license under sec. 5.30.010?



Steps to Achieve the Solution

- City Attorney's Office to draft language for the appropriate Code amendments.
- City Manager to assign the responsible department to submit the proposed ordinance amending Title 20 to the DCC and the City Plan Commission.
- Ordinances to come forward to the City Council for adoption, along with a declaration of the municipal purpose for holding these sales at Senior Centers.