

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Manager - Quality of Life Services

AGENDA DATE: June 29, 2010 Introduction
July 20, 2010 Public Hearing

CONTACT PERSON NAME AND PHONE NUMBER: Deborah Hamlyn, Deputy City Manager for Quality of Life Services (915) 541-4686

DISTRICT(S) AFFECTED: ALL

SUBJECT:

AN ORDINANCE TO AMEND TITLE 20 (ZONING), CHAPTERS 20.02 (GENERAL PROVISIONS AND DEFINITIONS) AND 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTIONS 20.02.414 AND 20.10.750 REGARDING YARD, GARAGE OR RUMMAGE SALES TO INCLUDE OUTDOOR SALES CONDUCTED IN CITY PARKS AND AT PLACES OF PUBLIC ASSEMBLY; TO ESTABLISH REQUIREMENTS FOR SUCH SALES; AND TO ADD SECTION 20.02.719 TO DEFINE PLACE OF PUBLIC ASSEMBLY; THE PENALTY BEING AS PROVIDED IN SECTION 20.24.020 OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:

Amendments to the zoning code, Titles 20.02.414 and 20.10.750, have been proposed to allow limited garage/rummage/yard sales at places of public assembly.

PRIOR COUNCIL ACTION:

March 9, 2010, Council directed the Legal Department to draft ordinances that authorize outdoor rummage sales at senior centers.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Planning Commission unanimously approved 06/17/10

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 20 (ZONING), CHAPTERS 20.02 (GENERAL PROVISIONS AND DEFINITIONS) AND 20.10 (SUPPLEMENTAL USE REGULATIONS), SECTIONS 20.02.414 AND 20.10.750 REGARDING YARD, GARAGE OR RUMMAGE SALES TO INCLUDE OUTDOOR SALES CONDUCTED IN CITY PARKS AND AT PLACES OF PUBLIC ASSEMBLY; TO ESTABLISH REQUIREMENTS FOR SUCH SALES; AND TO ADD SECTION 20.02.719 TO DEFINE PLACE OF PUBLIC ASSEMBLY; THE PENALTY BEING AS PROVIDED IN SECTION 20.24.020 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Section 20.02.414 (Garage sale) of the El Paso City Code, is amended to read as follows:

20.02.414 Garage sale.

“Garage sale (yard, rummage sale)” means the selling of used articles on the premises of a single-family or two-family dwelling, and on the premises of a place of public assembly and at city parks and recreational areas managed by the Parks and Recreation Department.

Section 2. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.750 (Yard or garage sales) of the El Paso City Code, is amended to read as follows:

20.10.750 Yard, garage or rummage sales.

- A. Yard sale, garage sale or rummage sale shall be allowed outdoors for disposal of used household items during the daylight hours, provided that such sales are not held more frequently than three times a calendar year on the same lot of a single-family or two family dwelling, or not held more frequently than six times a calendar year at places of public assembly or at city parks and recreational areas managed by the Parks and Recreation Department, and each time is conducted for no more than two days at a time.

- B. Outdoor rummage sales at places of public assembly and at city parks and recreational areas managed by the Parks and Recreation Department may also include items created and sold by or on behalf of an artist, artisan or crafter.
- C. Outdoor rummage sales at places of public assembly and at facilities managed by the Parks and Recreation Department shall comply with the following:
 - 1. Provide off-street parking consisting of one vendor off-street parking space and one customer off-street parking space per table/space. Each off-street parking space shall meet the minimum requirements of Chapter 20.14 (Off-Street Parking and Loading Regulations) of this title;
 - 2. Provide access to the facilities on the property for the disposal of garbage and use of sanitary facilities by all vendors and customers;
 - 3. Provide a ten-foot pedestrian walkway between each row of vendor tables/spaces; and
 - 4. Provide a ten-foot wide access route for emergency services to and within the site area.
- D. No person shall conduct or be a vendor at a yard, garage or rummage sale on the property of a place of public assembly, or at city parks and recreational areas managed by the Parks and Recreation Department, without first obtaining the authorization, permission or a permit from the property owner or managing entity.

Section 3. That Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), of the El Paso City Code, is amended to add section 20.02.719 (Place of Public Assembly), to read as follows:

20.02.719. Place of public assembly.

“Place of public assembly” shall mean any public or private college, university, school, library, museum, religious institution, community recreational facility, public recreational facility, or other similar public facility.

Section 4. Except as herein amended, Title 20 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of July 2010.

(signatures follow on the next page)

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Deborah Hamlyn
Deputy City Manager

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

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(signatures follow on the next page)

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CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

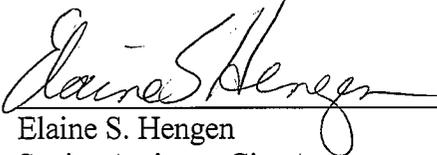
Richarda Duffy Momsen
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APPROVED AS TO CONTENT:



Deborah Hamlyn
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