

CHAPTER 114: SECOND HAND GOODS

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SWAP SHOPS

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF. The Chief of Police for the city or his or her designated representative.

HOLD NOTICE. Notification by the Chief that a shop owner or operator may not sell, trade, transfer or dispose of property identified as potentially stolen.

PURCHASE TRANSACTION. The purchase by a shop owner or operator of property from the owner of the property.

SALVAGE USE. The extraction or isolation of one or more component parts of an item of property for later use. This includes, but is not limited to, the melting, pulverizing, compacting or similar alteration of an item of precious metal.

SELLER. The person in a purchase transaction who is affirming the legal right of ownership and the right to sign over title to property offered for sale or trade.

SWAP SHOP. Any business, other than a pawnbroker, pawnshop or other business licensed under the Texas Pawnshop Act, Tex. Fin. Code, Chapter 371, that purchases regulated property for resale or salvage use.

(`97 Code, § 7-196) (Ord. 1989-D, passed 3-28-89; Am. Ord. 1993-L, passed 8-24-93)

§ 114.02 FORM OF RECORDS.

(A) A swap shop owner or operator shall at the time of the purchase transaction record the transaction in a legible manner in a sequentially numbered detachable ticket approved by the Chief. Each transaction shall be recorded on a separate ticket.

(B) The following information shall be recorded on each ticket:

(1) The name and address of the shop;

(2) The name and address of the seller and a purchase transaction;

(3) The name and number from that person's driver's license, military identification, state identification or other acceptable means of identification;

(4) The date of the transaction; and

(5) The complete description of the property purchased including, but not limited to, the type of property, brand name, any serial number, identifying number or initials inscribed in or attached to the property and any other identifying marks or features of the property.

(C) The shop owner or operator shall maintain on file the information required by this section for not less than one year from the date of the transaction.

(`97 Code, § 7-197) (Ord. 1989-D, passed 3-28-89)

§ 114.03 AVAILABILITY OF RECORDS.

The swap shop owner or operator shall make the records available to the Chief, and the Chief may require copies of the records to be furnished to the city.
(`97 Code, § 7-198) (Ord. 1989-D, passed 3-28-89)

§ 114.04 PURCHASE TRANSACTION PROCEDURE.

After each purchase transaction, the swap shop owner or operator shall:

(A) Segregate the purchase property and attach to the property or container in which the property is held a tag with an identification number from which the seller's name and the date of the purchase transaction can be ascertained;

(B) Retain possession of the purchase property at the shop within and withhold the property from resale, trade or salvage use for 30 working days; and

(C) Make the purchase property available for inspection at the shop by any police officer during regular business hours while the property is in the shop owner or operator's possession.
(`97 Code, § 7-199) (Ord. 1989-D, passed 3-28-89)

§ 114.05 DEALING WITH MINORS.

The swap shop owner or operator may not enter into a purchase transaction with a person under the age of 18 years.
(`97 Code, § 7-200) (Ord. 1989-D, passed 3-28-89)

§ 114.06 HOLD NOTICE.

(A) When a police officer has reasonable cause to believe that the property acquired by the swap shop owner or operator is stolen, the Chief may place a hold notice upon the property.

(B) All property upon which a hold notice has been placed must be held by the shop owner or operator in the shop for 60 days unless released sooner by the Chief. After 60 days with no disposition of the property by the Chief, the hold is automatically released and the shop owner or operator may dispose of the property.
(`97 Code, § 7-201) (Ord. 1989-D, passed 3-28-89)

§ 114.07 HOURS OF OPERATION.

It shall be lawful to operate a buy/sell/swap shop between the hours of 8:00 a.m. and 8:00 p.m. seven days per week.

(`97 Code, § 7-202) (Ord. 1989-D, passed 3-28-89; Am. Ord. 1990-E, passed 9-11-90) Penalty, see § 10.99

§ 114.08 APPLICATION TO EXISTING ESTABLISHMENTS.

Any shop made the subject matter of this subchapter shall comply with all of the terms of this subchapter.

(`97 Code, § 7-203) (Ord. 1989-D, passed 3-28-89)

GARAGE OR SIMILAR SALES**§ 114.20 DEFINITION.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE OR HOME SALE. The sale of personal property on the same lot that contains a residential dwelling within a residential zoning district.

LOCATION. The street address of the dwelling, whether that dwelling be a single-family, two-family or multiple dwelling, as those terms are defined by the code. A permit issued to a particular location shall be applicable to that location in its entirety regardless of the number of living units. For example, a permit issued to a multiple dwelling shall be applicable to the street address for the dwelling; that a multiple dwelling has multiple living units shall not extend the number of permits beyond three issued per year per location.

(`97 Code, § 7-221) (Ord. 1985-J, passed 10-22-85; Am. Ord. 1996-G, passed 10-8-96)

§ 114.21 APPLICABILITY.

All garage or home sales are subject to this subchapter regardless of whether the sales are conducted inside or outside.

(`97 Code, § 7-222) (Ord. 1985-J, passed 10-22-85)

§ 114.22 PERMIT; FEE.

(A) Prior to the commencement date of any garage or home sale, the person desiring to engage in the sale shall obtain from the city a permit for the sale. Any person desiring a permit under this subchapter shall make application for the permit to the City Secretary, setting forth the location, time and date of the sale, the name and address of the person holding the sale and the type of goods, wares and merchandise to be sold.

(B) No permit shall be issued in violation of this subchapter.

(C) At the time application is made for the permit, a nonrefundable fee as established by the City Council from time to time shall be paid by the applicant to the City Secretary.
(`97 Code, § 7-223) (Ord. 1985-J, passed 10-22-85; Am. Ord. 1996-G, passed 10-8-96; Am. Ord. 2002-M, passed 11-12-02)

§ 114.23 NUMBER, DURATION OF SALES.

Four garage or home sales may be held per year at the location covered by the application for a permit under this subchapter. No other such sales shall be held at that location during that year, which year consists of 365 days. Each sale may be held for no more than three consecutive days in duration. If the sale continues for more than one day, the days must be consecutive. No more than four permits shall be issued for any one location during the year. In the event that inclement weather (such as, rain, snow or ice) forces the cancellation of a planned garage or home sale, the unused days allowed by the permit may be carried over and used during the same time period immediately following the period for which the permit was issued.

(`97 Code, § 7-224) (Ord. 1985-J, passed 10-22-85; Am. Ord. 1996-G, passed 10-8-96; Am. Ord. 2000-G, passed 6-13-00; Am. Ord. 2002-M, passed 11-12-02)

§ 114.24 SIGNS.

All signs or notices posted in regard to any garage or home sale for which a permit is issued under the provisions of this subchapter shall be posted at the location at which the sale is held and shall be located so as not to constitute an impairment to or obstruction of traffic. It shall be illegal to erect or affix a sign in the right-of-way (the area from the curb to the sidewalk), in the median (the area that is in the middle of any street), on trees, public fences and/or buildings or utility/telephone poles. The permittee shall be entitled to post one additional sign off-premises for the purpose of notifying the public of the date, time and location of the sale.

(`97 Code, § 7-225) (Ord. 1985-J, passed 10-22-85; Am. Ord. 1996-G, passed 10-8-96; Am. Ord. 2000-G, passed 6-13-00)

Cross-reference:

Signs, see Ch. 152

