

ORDINANCE NO. 04-00 3

**CITY OF PIONEER VILLAGE
ORDINANCE PERTAINING TO YARD SALES
AND THE APPLICATION FOR A YARD SALE**

WHEREAS, the City government has the duty to maintain the safety and cleanliness of the City; and

WHEREAS, sales of personal property from the homes of city residents have in the past resulted in unsightly signs being put up and left throughout the City and cars stopping at such sales have caused a traffic hazard; and

WHEREAS, the sale of personal property should not be a regular or frequent occurrence in the residential areas of the City;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PIONEER VILLAGE AS FOLLOWS:

I. DEFINITIONS: The following definitions shall apply to all sections of this ordinance.

(A) *Yard sales* shall mean and include all sales entitled “garage sales, lawn sale, attic sale, rummage sale, or yard sale,” or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

(B) *Goods* are meant to include any goods, warehouse merchandise or other property capable of being the object of the sale regulated hereunder.

(C) *Person* shall mean and include individuals, partnerships, voluntary associations, and corporations.

II. SALES

(A) It shall be unlawful for any person to conduct a yard sale within the City without first filing with the Clerk of the City the information hereinafter specified and obtaining from such Clerk

a permit to do so, to be known as a yard sale permit and issued without charge.

(B) Such permit shall be issued to any one location only two (2) times within a twelve-month period and no such permit shall be issued for more than three (3) consecutive calendar days. Each permit issued under this section must be prominently displayed on the premises upon which the yard sale is conducted through the entire period of the permit sale.

(C) If a **previous** permit for a yard sale on the same day has been issued for any home closer than three homes on either side of the street, or around the corner to the proposed site of the yard sale, the second permit will be denied for that date, and instead must be issued for a different date.

(D) The information to be filed with the City of Pioneer Village, pursuant to this section shall be as follows:

1. Name of person, firm group, corporation, association or organization conducting said sale.
2. Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than the owner.
3. Location at which sale is to be conducted.
4. Number of days of sale.
5. Date, and nature of any past sale.
6. Relationship or connection applicant may have had with any other person, firm, group, corporation, association, or organization conducting said sale and the date or dates of such sale.

(E) The provisions of this section shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent

jurisdiction.

2. Persons acting in accordance with their powers and duties as public officials.
3. Any person selling or advertising or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five (5) in number.

III. PARKING

(A) All persons **attending conducting** such sales shall be responsible for informing all customers that park only on the side of the street where the yard sale is located, and not block any driveways. or potential customers to move their vehicle if such vehicle is impeding the flow of traffic on the street.

(B) No more than two vehicles at a time may park on the street directly in front of the yard sale, and may park only on the same side of the street as the yard sale.

IV. PENALTIES

(A) Except as otherwise provided, any person violating or failing to comply with any provision of this article, upon conviction thereof, shall be fined not less than twenty dollars (\$20.00) nor more than two hundred fifty dollars (\$250.00) for each offense.

(B) Each day's violation or **each** noncompliance shall constitute a separate offense.

(C) Any persons violating this ordinance may also be found guilty of a civil offense. The civil fine shall be not less than twenty dollars (\$20.00) nor more than two hundred fifty dollars (\$250.00). The civil fine shall be paid directly to the City of Pioneer Village. If the fine is not paid within thirty (30) days of notification, then the City may recover said fine in a civil action in a court of proper jurisdiction.

(D) The City may also obtain injunctions or abatement orders to insure compliance with this

Ordinance or pursue administrative remedies when appropriate, including injunctions and abatement proceedings.

(E) Any automobile parked in violation of this ordinance may be towed, with the owner or driver liable for said expense. and the owner or driver shall be subject to the same penalty as the person conducting the yard sale.

V. REPEAL PROVISION

All ordinances or parts of ordinances in conflict with any part of this ordinance are hereby repealed.

VI. EFFECTIVE DATE

This ordinance shall become effective the 19 day of April, 2004.

Given first reading at a meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on March 2, 2004. Given second reading voted upon and Regular at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on April 6, 2004.

Votes for 6

Votes against 0

Not Voting 0

Gary W. Hatcher
Gary W. Hatcher, Mayor

Attest:


Tonya S. Hall
Tonya S. Hall, City Clerk

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This ordinance establishes a requirement to obtain a permit to hold a yard sale within the city limits. It requires certain information be provide to obtain the permit, regulates parking at a Yard Sale, and provides criminal and civil penalties for violation of the ordinance.

This summary prepared and certified by:



PATRICK B. McCLURE
City Attorney
City of Pioneer Village

Date: 04/06/04