

*Garage
Sales*

ORDINANCE NO. 3 - 2000

AN ORDINANCE OF THE CITY OF WORTHINGTON, KENTUCKY, REGULATING GARAGE SALES, YARD SALES, MOVING SALES AND OTHER CASUAL SALES; DEFINING WHAT TYPE OF CASUAL SALES ARE REGULATED OR OTHERWISE PROHIBITED HEREIN; REQUIRING EACH PERSON SO CONDUCTING A REGULATED SALE TO OBTAIN A LICENSE FROM THE CITY CLERK IN ORDER TO DO SO; DEFINING THE INFORMATION WHICH MUST BE FILED WITH THE CITY CLERK; EXEMPTING CERTAIN ORGANIZATIONS AND TYPES OF SALE FROM THIS ORDINANCE; ESTABLISHING A FEE FOR THE ISSUANCE OF A LICENSE; SETTING FORTH THAT NO SIGNS ADVERTISING A SALE SHALL BE IN EXCESS OF 18 INCHES BY 24 INCHES NOR SHALL ANY SIGN BE PLACED ON PUBLIC RIGHT-OF-WAY IN ANY MANNER; PROVIDING WHAT INFORMATION MUST APPEAR ON THE FACE OF ANY SIGN AND PROVIDING FOR A LIMITATION ON THE TIME PERIOD FOR WHICH ANY SIGN MAY REMAIN POSTED; ESTABLISHING A PENALTY FOR VIOLATION OF THIS ORDINANCE THE ORDINANCE; AND OTHER MATTERS.

WHEREAS, the City Council of the City of Worthington, Kentucky, deems it to be in the best interest of the citizens of the City of Worthington, Kentucky, to regulate so-called "garage sales" or other sales falling within this general category;

NOW BE IT ORDAINED by the City Council of the City of Worthington, Kentucky, as follows:

SECTION 1: It shall be unlawful for any person, firm or corporation, unless specifically exempted elsewhere herein to vend, sell, dispose or display any goods, wares, merchandise, produce or vegetables on any public walk, street, alley or on any private property anywhere within the City without having first obtained a license from the City Clerk for that purpose and having paid a license fee therefor, as hereinafter provided.

SECTION 2: Application for license to vend, sell, dispose or display merchandise,

goods, wares, produce or vegetables shall be made in writing to the City Clerk. The application shall contain the name of the applicant, if an individual, the names of partners, if a partnership, or the names of the principal officers, if a corporation, and shall include the location of the place or places where such merchandise, goods wares, produce or vegetables are to be so displayed and sold. The license fee to be charged for such application shall be \$1.00 and said license shall be valid for no more than four (4) days, with the dates of applicability to be set forth on the license issued by the City. The Clerk shall also assign a permit number and keep an index of same.

The application to be filed by the applicant shall, at a minimum, include the name of the applicant, the address of the applicant, the name of the owner of and address of the property on which the sale is to be conducted, the number of days the sale is to be conducted.

SECTION 3: No street or alley shall be blocked by any merchandise offered for sale hereunder, and no such sale shall be operated in any manner which would cause a nuisance or create a fire hazard.

SECTION 4: Signs advertising a sale shall not be larger than 18 inches by 24 inches, and shall be fully and completely legible.

Further, no signs shall be placed on public right-of-way including, but not limited to, telephone poles, street- signs, traffic signs and other fixed positions on right-of-way nor placed on any type of holding device and stuck in the ground on public right-of-way. Placing signs on public right-of-way shall also be a violation of this Ordinance punishable under Section 7.

SECTION 5: No sign advertising any sale regulated hereunder may remain posted for more than two (2) consecutive days prior to the date of sale, nor for more than two (2) consecutive days after the date of sale. All signs advertising any sale regulated hereunder shall

plainly state the date of the sale, the name(s) of the person(s) conducting the sale, the address of the sale, and the permit number

SECTION 6: The Chief of Police shall make or cause to be made sufficient inspection to insure the compliance with the provisions of this Ordinance and other applicable provisions of the City Ordinances by the personnel conducting such sales.

SECTION 7: Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$5.00 nor more than \$25.00 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 8: The provisions of this Ordinance shall not apply to nor affect the following persons or sales: (a) persons selling goods pursuant to an order or process of a court of competent jurisdiction; (b) persons acting in accordance with their powers and duties as public officials; (c) any person selling or advertising for sale an item or items of personal property which are specifically named or described in an advertisement and which separate items do not exceed five (5) in number.

SECTION 9: The City Clerk is hereby authorized to waive the license fee otherwise payable herein if the City Clerk determines the purpose of the sale is to raise funds for an organization which is charitable or civic in nature. In that event, the City Clerk may exempt the applicant from the frequency limitations contained herein and set the number of consecutive days the sale shall be authorized.

However, in any event, said charitable or civic organization must still apply for and receive a license subject to the exemptions mentioned herein which may be granted by the City Clerk after a determination is made of the nature of the applicant.

SECTION 10: That all ordinances in conflict herewith are specifically hereby

repealed to the extent of said conflict only.

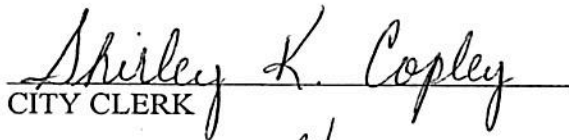
SECTION 11: That each section and each sentence of this ordinance is enacted separately and the invalidity and/or unconstitutionality of any one particular sentence and/or section shall not affect the validity and/or constitutionality of any other sentence and/or section.

SECTION 12: After its passage, approval and publication according to law, the effective date of this Ordinance shall be _____.



MAYOR, CITY OF WORTHINGTON, KENTUCKY

ATTEST:



CITY CLERK

FIRST READING: March 13, 2000

SECOND READING: April 10, 2000

PUBLISHED: April, 20, 2000