

**CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 2009-08**

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-02 TO PROVIDE FOR CODE
ENFORCEMENT OF THE REGULATIONS FOR CONDUCTING GARAGE SALES
WITHIN THE CITY LIMITS OF OAK GROVE, KENTUCKY**

WHEREAS, the City of Oak Grove has determined that it is in the best interest of Residents and Business owners to incorporate guidelines for garage sales within the incorporated areas of Oak Grove; and

WHEREAS, the City Council wishes to amend the subject ordinance in order to provide for enforcement by the Code Enforcement Board, and to expand the provisions for the display of yard sale signs within the city;

NOW THEREFORE, be it ordained by the City of Oak Grove, Kentucky.

SECTION I – DEFINITION

As used in this ordinance, the following terms and any derivatives shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- 1.) "GARAGE SALE" as used in this chapter refers to a sale from a residence or residential property of personal property. A yard, patio, rummage or driveway sale is included within the definition of "GARAGE SALE." The term "GARAGE SALE" does not include the mere incidental sale of one or two items of personal property when such sale is not part of a general sale of a number of items of personal property.
- 2.) "ADDRESS" The number or other designation assigned to a housing structure. Shall not include designations assigned to individual residential units within structures containing more than one housing unit.
- 3.) "MERCHANDISE OFFERED FOR SALE" The personal belongings of the person(s) so offering, excluding items bought solely for the purpose of resale. For purposes of this subchapter, it shall be presumed that items purchased within six (6) months of the date of application for permit shall have purchased item(s) for the sole purpose of resale.
- 4.) "PERSON" Any individual or groups of individuals residing in a residential dwelling unit.

SECTION II - PERMIT REQUIRED; CONDITIONS; POSTING OF PERMIT

- 1.) It shall be unlawful for any person to conduct, operate, or permit to be operated in the city any yard sale, sidewalk sale, rummage sale or garage sale for any purpose unless a permit has been first obtained from the City Clerk/Treasurer/Tax Collector. All permits shall be granted for two (2) days only, unless otherwise specifically stated therein. Any person to whom a permit has been issued under this section that abuses any condition set out in the permit or violates any limitations set forth therein shall subject the permit to immediate revocation.
- 2.) The permit required by this ordinance shall be prominently displayed at the location of the sale.
- 3.) It is expressly declared to be a purpose of this ordinance to limit yard sales, garage sales, or any type of rummage sales to four (4) sales per year, per premises.
- 4.) No person(s) conducting a yard sale shall place merchandise offered for sale within, upon or over any public right-of-way

SECTION III – SIGNAGE

- 1) One sign of not more than four (4) square feet shall be permitted to be displayed on the property of the residence where a garage sale is being conducted pursuant to a permit issued under this chapter. Such signs shall be displayed only during the times of the sales as delineated on the permit. Any additional signs will only be displayed on private property only with the express consent of that property owner, in an amount no greater than one (1) sign per property, and will be of a size of not more than four (4) square feet. In no case shall the sign be placed on the public right-of-way. No sign shall be displayed for a period longer than twenty-four (24) hours following the conclusion of the yard sale.

SECTION IV – COMPLIANCE REQUIRED

- 1.) The conduct of general retail sales or commercial activities in residential areas is, except as is otherwise expressly authorized under this ordinance, prohibited. Garage sales are permitted only insofar as they are conducted consistent with the limitations set forth herein.
- 2.) Garage sales shall be conducted in compliance with all laws, ordinances, rules, and regulations not in conflict herewith; however, no occupational license shall be required.

SECTION V – PENALTY

- 1.) Any person who conducts or aids in conducting any garage sale not in accordance with the provisions of this chapter shall be held in violation of this Code of Ordinance and shall be guilty of violation and may be fined not less than twenty-five (25) dollars per occurrence. Each day that a violation continues or exists shall constitute a separate offense.
- 2.) All enforcement of this ordinance shall be handled by the Code Enforcement Officer. Any violations shall be submitted to the Code Enforcement Board. The Code Enforcement Officer is authorized to remove any signs that remain displayed for a period longer than twenty-four (24) hours following the conclusion of the subject yard sale.


SECTION VI – UNCONSTITUTIONALITY

Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be void or unconstitutional, the remaining ordinance shall remain in full force and effect.

Approved on First Reading this 21st day of July, 2009.

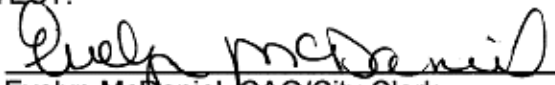
Approved on Second Reading this 4th day of August, 2009.

APPROVED:



Dan Potter, Mayor
City of Oak Grove, KY

ATTEST:



Evelyn McDaniel, CAO/City Clerk
City of Oak Grove, KY

PUBLISHED: In full in the Kentucky New Era this 13th day of August, 2009.