

City of Lakeview Heights
385 Circle Drive
Morehead, Kentucky 40351

Ordinance Number:	35	Adopted:	July 2, 2019

AN ORDINANCE RELATING TO YARD SALES

Be it ordained by the City of Lakeview Heights, Kentucky as follows:

Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivation shall have the meaning given herein.

1. "Yard/Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential or nonresidential zone, as define by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage" sale.
2. "Personal property", shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purposed for resale or obtained on consignment.

Section 1. Each residence of the city is limited to two yard sales per year. This is in addition to any city sponsored yard sales.

Section 2. It shall be unlawful for any person to sell or offer for sale, under authority granted by this Ordinance, property other than personal property.

Section 3. No yard/garage sale shall be conducted unless and until the individuals desiring to conduct such sale obtains a permit therefore from a city official. Members of more than one residence may join in obtaining a permit for yard/garage sale to be conducted at the residence of one of them. If members of more than one residence joins in requesting a permit, then such permit shall be considered as having issued for each and all such residences.

Section 4. The applicant or applicants for a yard/garage sale permit shall file a written application with the city of Lakeview Heights at least three (3) days in advance of the proposed sale setting forth the following information.

- (a) Full name and address of applicant or applicants.
- (b) The location at which the proposed yard/garage sale it to be held.
- (c) The date or dates upon which the sale will be held.
- (d) The date or dates of any other yard/garage sales by the same applicant or applicants within the current calendar year.
- (e) A statement that the property to be sold was owned by the applicant as his own personal property and was neither acquired nor consigned for the purpose of resale.

- (f) A statement that the applicant will fully comply with this and all other applicable ordinances and laws.

Upon the applicant complying with the terms of this ordinance, a city official shall issue a permit.

Section 5. If a yard/sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions, and documentation is provided by the permit holder to this effect, a city official shall void the usage of the permit.

Section 6. Sale should be limited in time to no more than 7:00 A.M. to 6:00 P.M. on (2) consecutive days.

Section 7. Personal property offered for sale may be displayed, within the residence, in a garage, carport and/or in front, side or rear yard, but only in such areas. Any permit in possession of the holder or holders of a yard/garage sale shall be posted on the premises in a visible place so as to be seen by the public, or any city official.

Section 8. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence. Only the following specified signs may be displayed in relation to a pending yard/garage sale:

- a. Two signs permitted. Two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence or nonresidential site where the yard/garage sale is being conducted.
- b. Directional signs. Two (2) signs of not more than two (2) square feet each are permitted.

Signs must be removed at the close of the yard/garage sale activities.

Section 9. Any resident(s) violating any provision of this Ordinance shall be subject to a penalty of up to twenty-five dollars (\$25) for each offense, up to two (2) offenses. Each subsequent offense shall be subject to a penalty of one hundred and fifty dollars (\$150).

All Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance will be in full force upon adoption and publication.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKEVIEW HEIGHTS, KENTUCKY, this

First Reading:	June 6, 2019
Second Reading:	July 2, 2019

City of Lakeview Heights

ATTEST:

Sam Mason, Mayor

Jennifer Bolt, City Clerk