

1st Reading 5-21-97

Ordinance# 303-97

2nd Reading 6-17-97

ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF MT. STERLING, KENTUCKY, that:

1. No person or persons or corporate entity shall conduct in excess of four (4) yard sales or rummage sales within any calendar year.

2. A permit to conduct any yard sale, at a charge of \$1.00, shall be obtained from the City Clerk prior to a yard sale taking place.

3. At the conclusion of any yard sale or rummage sale, all signs advertising said sale shall be removed and all items placed for sale and all display items shall be removed as well.

This ordinance shall become effective upon second reading and publication.

Penalty: See Section 10.99

Bert May
MAYOR

Klaus W. Baste
ATTEST

6/17/97
DATE

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code, or in any ordinance of the city, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, and no specific penalty is provided therefor, and state law does not provide otherwise, the violation of any such provision of this code or ordinance shall be a misdemeanor punishable, by a fine of up to \$500 or imprisonment for up to 12 months, or both, in the discretion of the judge hearing the case. Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this code or any ordinance shall continue shall constitute a separate offense. ('82 Code, § 1-9)

(B) No provision of this code designating the duties of any city officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this code for a failure to perform such duty, unless the intention of the City Council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. ('82 Code, § 1-10)

(C) In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may proceed under both; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. ('82 Code, § 1-11)

Statutory reference:

Fine amount for ordinance violations authorized by state law, see KRS 83A.065 and 534.040

REQUEST TO THE MT. STERLING CITY COUNCIL TO CONSIDER REGULATING YARD SALES

I would like to request of the city council to address the problem of yard sales being held in the city that are run as as if they were an on-going business concern.

I am not talking about citizens who, a couple of times a year, hold a yard sale. I am talking about those who have a yard sale all the time, many leaving their stands up throughout the week.

I have seen several residential streets around town, many populated mostly with elderly and young couples with small children, become commercial enterprises on weekends, creating a hazard and nuisance for these people. They also make our neighborhoods unsightly. These are usually run by the same individuals, week in and week out. Maysville Avenue has become one such street.

I am not in opposition of residents having an occasional yard sale. It is a time for people to rid themselves of accumulated belongings no longer needed, a time to socialize, and a time to make some extra money off of items no longer useful. I myself am looking forward to having such a sale. But only once for a day or two.

My concern is for the on-going yard sales run as a small business that continually disrupt home life, make the streets unsafe, and pay no taxes in doing so.

I respectfully request the city council consider and act on legislation that would limit and control the number of yard sales individuals or groups have, and how they are operated. Among items that might be considered are:

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- The number of times a year individuals or groups may conduct yard sales.
- The number of consecutive days a yard sale may be conducted.
- The placement of advertising signs.
- Hours of operations.
- Clean-up afterwards