

ORDINANCE NO. 2 -2024

AN ORDINANCE OF THE CITY OF BELLEFONTE, KENTUCKY, LIMITING, RESTRICTING, AND REGULATING YARD SALES, ESTATE SALES, MOVING SALES, AND ANY AND ALL OTHER SALES OF PERSONAL PROPERTY WITHIN THE CITY OF BELLEFONTE, SETTING PARAMETERS FOR SAID SALES WHEN THEY ARE PERMITTED, PROVIDING FOR FINES AND CITATIONS AND TOWING OF CARS WHICH VIOLATE RULES AND REGULATIONS REGARDING PARKING, AND OTHER MATTERS.

WHEREAS, the City of Bellefonte Kentucky has considered the practice of the sale of personal property within the city;

WHEREAS, the city commission has received complaints regarding the blocking of city streets, blocking of driveways, and parking on resident's yard by patrons of said sales; and

WHEREAS, it is the desire of the city commission to, at this time, regulate and restrict the time and timing of said sales and the parameters of said sales rather than eliminating said sales entirely.

NOW THEREFORE LET IT BE ORDAINED by the city commission of the City of Bellefonte 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 Treasurer for that purpose and having paid a license fee therefore, 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 Treasurer.

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 \$50.00 and said license shall be valid for no more than two (2) consecutive days, with the dates of applicability to be set forth on the license issued by the City.

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, whether or not any prior sales during the past twelve (12) months have been conducted by either the applicant, the owner of the property or any past sales in that twelve (12) months conducted at the address listed on the application.

Additionally, said application shall contain such other information as the Mayor shall deem necessary and relevant.

Further, the application filed herein shall be in the form of a sworn or affirmed statement duly notarized verifying the information contained on the application is true and correct.

SECTION 3: No license shall be issued for use at any location within the City of Bellefonte any more frequently than one (1) time per every twelve (12) month period. No such license shall be issued for more than two (2) consecutive days for each sale. Each license issued under this Ordinance must be prominently displayed on the premises upon which such sale is conducted throughout the entire period of the licensed sale. The license shall be requested at least seven (7) days before the start of the sale. Failure to request the license more than seven (7) days before the sale shall prohibit the clerk from issuing the license.

SECTION 4: No merchandise shall be offered for sale except that same be within or immediately adjacent to the home at which such merchandise is being sold.

SECTION 5: Signs advertising a sale shall not be larger than 18 inches by 24 inches and

shall be fully and completely legible. All signs advertising the sale shall be removed within two (2) hours of the conclusion of the sale. The failure to remove the signs within two (2) hours of the conclusion of the sale shall be a Class B misdemeanor and any person so offending shall be cited to Greenup District Court by the Bellefonte Police.

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 class B misdemeanor and the offender cited to court.

SECTION 6: The Chief of Police shall make or cause to be made sufficient inspection to ensure 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 guilty of a Class B misdemeanor and fined not more than 250 nor more than 500 for each offense and a separate offense shall be deemed committed on each day during which a violation occurs or continues, unless a specific penalty is otherwise set forth.

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 Treasurer is hereby authorized to waive the license fee otherwise payable herein if the City Clerk Treasurer 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 Treasurer 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 an receive a license subject to the exemptions mentioned herein which may be granted by the City Clerk Treasurer after a determination is made of the nature of the applicant.

SECTION 10: It is acknowledged by the city commission that the city does not have right of ways adjacent to public roads. It shall be the responsibility of whomever obtains the permit to ensure that adequate parking is available for the sale. If parking should spill over onto the city streets, then it shall be the responsibility of the individual and/or corporation who obtained the permit to provide a staff person, who will be present on the streets adjacent to the home at all times, to instruct patrons on which side of the road to park. Under no circumstances shall cars be permitted to park on both sides of the street. Further, the permittee shall under no circumstances permit any patron to park on private property or in the driveway of any resident or to block the driveway of any resident.

SECTION 11: Any person blocking the roadway, parking on private property, or blocking a resident's driveway, including the driver and/or the owner of the vehicle so offending, shall be subject to a fine of \$100.00 if paid at the City Building within five (5) days of the issuance of the citation. If the \$100.00 fine is not paid within five (5) days of the issuance of the citation, then the offender shall be cited to the Greenup District Court with a fine of \$250.00 plus court cost.

The Police Department of the City of Bellefonte, Kentucky, is authorized to call for a towing company to remove any vehicle which is parked upon private property, or which blocks the driveway of a resident, or which causes an obstruction of traffic such that an emergency vehicle could not pass through the city street unimpeded.

The vehicle shall not be returned to the owner by the tow company until the owner pays for the towing charges and storage fees, whatever they may be, and pays the ticketed fine to the city for violation of this Ordinance.

The fine shall be paid to the towing company, if the vehicle was towed, and the towing company

shall remit the fine to the city.

SECTION 12: Should any permittee fail to abide by this Ordinance in regards to Section 10, then that permittee shall be prohibited from applying for a permit and shall not be issued a permit to conduct additional sales within the city of Bellefonte, for one (1) calendar year from the date of the conviction. The failure of a permit holder to have a staff member present in regard to parking as required by Section 10, shall be Class B misdemeanor and the permittee shall be cited to Greenup District Court for failure to abide by this Ordinance. The permittee shall also be required to pay court cost and whatever fine is imposed by the Greenup District Court.

SECTION 13: That all Ordinances in conflict herewith are specifically hereby repealed to the extent of said conflict only.

SECTION 14: That each section and each sentence of this Ordinance is enacted separately in 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 15: That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.



MAYOR, CITY OF BELLEFONTE, KENTUCKY

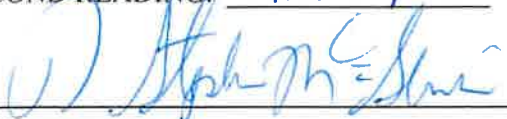
ATTEST:



CITY CLERK

FIRST READING: APRIL 22, 2024

SECOND READING: MAY 28, 2024



PREPARED BY:
CITY ATTORNEY, R. STEPHEN MCGINNIS