

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2020-07**

**AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, AMENDING
CHAPTER 111 OF THE CITY OF WALTON CODE OF ORDINANCES,
SECTIONS 111.01 THRU 111.99 THEREIN, IN ORDER TO MODIFY THE
REGULATIONS FOR GARAGE AND YARD SALES IN THE CITY.**

WHEREAS, Chapter 111 of the Walton City Code of Ordinances regulates the conduct of garage and yard sales in the City and requires a permit for each sale; and

WHEREAS, the City Council of the City of Walton, Kentucky now wishes to delete the requirement for a permit for garage and yard sales and otherwise modify the regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WALTON, KENTUCKY AS FOLLOWS:**

SECTION ONE

Chapter 111 of the City of Walton Code of Ordinances are hereby amended as follows:

CHAPTER 111: GARAGE AND YARD SALES

Section:

- 111.01 **No** Permit required
- 111.02 Time and location; restrictions
- 111.03 Number of **garage or yard sales at permits issued to** residences during year
- 111.04 Displays of property
- 111.05 Temporary signs
- 111.06 General retail sales or commercial activities prohibited
- 111.99 Penalty

§ 111.01 **NO PERMIT REQUIRED.**

(A) No garage or yard sale may be conducted within the city without a **Notice [permit]** having been first issued for that sale **to [by]** the City Clerk **at least 24 hours in advance.**

[(B) There shall be no cost for obtaining the permit.]

§ 111.02 **TIME AND LOCATION; RESTRICTIONS.**

(A) The **Notice [permit]** shall set forth and restrict the time and location of the garage **or yard** sale.

(B) No sales **[or permits]** will be permitted **[or issued]** for a Sunday.

(C) One **garage or yard sale [permit]** shall be limited to two (2) consecutive days, and no garage or yard sale may be conducted other than during daylight hours.

§ 111.03 **NUMBER OF GARAGE OR YARD SALES AT PERMITS ISSUED TO RESIDENCES DURING YEAR.**

No more than **a total of ten (10) days of garage and/or yard sales may be conducted at [two permits may be issued to]** one (1) residence and/or household during any calendar year.

§ 111.04 DISPLAYS OF PROPERTY.

Displays of property offered for sale in front yards, driveways, or elsewhere are prohibited unless covered by **the Notice required in Section 111.01, above [a permit].**

§ 111.05 TEMPORARY SIGNS.

One (1) temporary sign shall be permitted to be displayed on the property of the residence where a garage **or yard** sale is being conducted. The sign shall be displayed only during the times of the sale as delineated on the **Notice required in Section 111.01, above [permit].** Temporary directional signs may be erected by the permittee during the time set forth in the **Notice [permit]** and shall be removed immediately upon the expiration of the time allowed for the sale as set forth in the **Notice [permit].**

§ 111.06 GENERAL RETAIL SALES OR COMMERCIAL ACTIVITIES PROHIBITED.

The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under this chapter, prohibited. Garage sales or yard sales are permitted only insofar as they are conducted consistent with the limitations set forth herein.

§ 111.99 PENALTY.

(A) **Any violation of this Chapter shall be classified as a civil offense.** Any person or entity who violates this chapter shall **be given a warning by a representative of the City for the first offense, [upon conviction thereof,] and for any violation thereafter shall be issued a Citation by the City Code Enforcement Officer and be fined an amount of ten (\$10) dollars [not less than fifteen dollars (\$15.00) nor more than twenty-five dollars (\$25.00)]** per violation.

(B) Citations for violations **shall [may]** be paid **or contested within seven (7) days of issuance. [prior to a Court hearing, and if prepaid within five business days of issuance, the fine may be prepaid at fifteen dollars (\$15.00) per occurrence and thereafter may be prepaid at twenty-five dollars (\$25.00) per occurrence. Prepaid]** Fines shall be paid to the City Clerk at City Hall, 40 North Main Street, Walton, Kentucky.

(C) Citations for violations may be contested and a hearing requested before the Code Enforcement Board pursuant to Sections 34.47(F) or 34.71(F) of the Walton Code of Ordinances according to the instructions on the Citation.

SECTION TWO

After amendment, Chapter 111 shall read as follows:

CHAPTER 111: GARAGE AND YARD SALES

Section:

- 111.01 No Permit required
- 111.02 Time and location; restrictions
- 111.03 Number of garage or yard sales at residences during year
- 111.04 Displays of property
- 111.05 Temporary signs
- 111.06 General retail sales or commercial activities prohibited
- 111.99 Penalty

§ 111.01 NO PERMIT REQUIRED.

No garage or yard sale may be conducted within the city without a Notice having been first issued for that sale to the City Clerk at least 24 hours in advance.

§ 111.02 TIME AND LOCATION; RESTRICTIONS.

(A) The Notice shall set forth and restrict the time and location of the garage or yard sale.

(B) No sales will be permitted for a Sunday.

(C) One garage or yard sale shall be limited to two (2) consecutive days, and no garage or yard sale may be conducted other than during daylight hours.

§ 111.03 NUMBER OF GARAGE OR YARD SALES AT RESIDENCES DURING YEAR.

No more than a total of ten (10) days of garage and/or yard sales may be conducted at one (1) residence and/or household during any calendar year.

§ 111.04 DISPLAYS OF PROPERTY.

Displays of property offered for sale in front yards, driveways, or elsewhere are prohibited unless covered by the Notice required in Section 111.01, above.

§ 111.05 TEMPORARY SIGNS.

One (1) temporary sign shall be permitted to be displayed on the property of the residence where a garage or yard sale is being conducted. The sign shall be displayed only during the times of the sale as delineated on the Notice required in Section 111.01, above. Temporary directional signs may be erected by the permittee during the time set forth in the Notice and shall be removed immediately upon the expiration of the time allowed for the sale as set forth in the Notice.

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The conduct of general retail sales or commercial activities in residential areas is, except as otherwise expressly authorized under this chapter, prohibited. Garage sales or yard sales are permitted only insofar as they are conducted consistent with the limitations set forth herein.

§ 111.99 PENALTY.

(A) Any violation of this Chapter shall be classified as a civil offense. Any person or entity who violates this chapter shall be given a warning by a representative of the City for the first offense, and for any violation thereafter shall be issued a Citation by the City Code Enforcement Officer and be fined an amount of ten (\$10) dollars per violation.

(B) Citations for violations shall be paid or contested within seven (7) days of issuance. Fines shall be paid to the City Clerk at City Hall, 40 North Main Street, Walton, Kentucky.

(C) Citations for violations may be contested and a hearing requested before the Code Enforcement Board pursuant to Sections 34.47(F) or 34.71(F) of the Walton Code of Ordinances according to the instructions on the Citation.

SECTION THREE

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

SECTION FOUR

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

SECTION FIVE

If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION SIX

This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 17 DAY OF JUNE, 2020.

PASSED AND APPROVED ON SECOND READING BY 6 OF 6 MEMBERS OF CITY COUNCIL ON THE 14 DAY OF JULY, 2020.

APPROVED:



GABRIEL D. BROWN, MAYOR

ATTEST:



SHARON L. STEVENSON, CITY CLERK/FINANCE

DATE OF PUBLICATION: JULY 23, 2020