

**CITY OF INDIAN HILLS
ORDINANCE NO. 1, SERIES 2019**

**AN ORDINANCE AMENDING INDIAN HILLS CODIFIED ORDINANCE CHAPTER 5.20 (ORDINANCE 09-01) PROVIDING
FOR CHANGES TO ESTATE SALES AND GARAGE SALES**

WHEREAS, it is the desire of the Indian Hills City Council, and in the best interest of the City of Indian Hills, Kentucky, to utilize the authority granted in KRS 83A.060(3) to amend city ordinances and further to ensure compliance with ordinances in force within the City of Indian Hills, and

WHEREAS, City of Indian Hills Codified Ordinance Chapter 5.20.010 (Ordinance 09-01) should be amended to reflect changes made to the Garage and Estate Sales ordinance of Indian Hills and those specific sections amended are to be herewith set out in full.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF INDIAN HILLS:

SECTION 1. City of Indian Hills Codified Ordinance Chapter 5.20.010 (Ord. No. 09-01) is hereby amended to reflect changes made to the Garage and Estate Sales ordinance of Indian Hills. The specific section amended is herewith set out in full.

5.20.010 Definitions

“Estate Sale” – An estate sale is a sale or auction, other than an auction conducted by an individual licensed pursuant to KRS Chapter 330, to dispose of a substantial portion of the household materials in a residence or on a residential property at the time of sale. An ~~[estate sale] auction~~ may be conducted by the owner ~~[of or resident]~~ of ~~[the] real or personal~~ property within the City of Indian Hills who did not acquire such real or personal property for resale, ~~or by a second party who is familiar with the conduct of such proposal, whether compensated or not~~. ~~[Any sale which involves auctioning of materials, is by definition, an estate sale.]~~ The display of items to be for sale, i.e. for pre-sale inspection, is defined as part of the sale, and must occur within the bounds of the sale permit.

“Garage Sale” – A garage sale is a sale, other than an auction conducted by an individual licensed pursuant to KRS Chapter 330, to dispose of a very limited portion of the household materials in a residence or on a residential property at the time of the sale, which are no longer needed or wanted, and is conducted by the resident of the property. “Garage Sale” as used herein includes the terms garage sale, yard sale, lawn sale, driveway sale, household sale, moving sale, barn sale, rummage sale, or any similar casual sale of tangible personal property. The term “Garage Sale” does not include the mere incidental sale of one or two items of personal property when such sale is conducted on an appointment only, one at a time basis with potential buyers. The display of items to be for sale, i.e. for pre-sale inspection, is defined as part of the sale, and must occur within the bounds of the sale permit. The term “Garage Sale” includes sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other non-profit organizations if such sale is held on the organization’s premises.

SECTION 2. Severability. The provisions of this ordinance shall be considered severable. If any provisions of this ordinance is found to be invalid, that finding shall not necessarily invalidate the entire ordinance.

SECTION 3. Effective Date. This ordinance shall become effective after passage, approval publication as required by law.

First Reading: January 17, 2019

Second Reading: 2/21/2019

Passed and Approved: 2/21/2019

ENTERED THIS 21st DAY OF February, 2019.

Introduced by: Councillor Dunbar

Attest:

Chip Hancock, Mayor

Donna M. Sinkhorn, City Clerk

<u>Council</u>	<u>Yea</u>	<u>Nay</u>
<u>Mr. Doheny</u>	√	___
<u>Ms. Dunbar</u>	√	___
<u>Mr. Garlove</u>	√	___
<u>Ms. George</u>	√	___
<u>Mr. Giesel</u>	√	___
<u>Ms. Lindsay</u>	√	___
<u>Ms. Matton</u>	√	___
<u>Mr. Ulmer</u>	√	___
<u>Ms. Zinniel</u>	√	___

**CITY OF INDIAN HILLS
CERTIFIED SUMMARY
ORDINANCE NO. 1, SERIES 2019**

**AN ORDINANCE AMENDING INDIAN HILLS CODIFIED ORDINANCE CHAPTER 5.20 (ORDINANCE 09-01)
PROVIDING FOR CHANGES TO ESTATE SALES AND GARAGE SALES**

I hereby certify that the foregoing ordinance provides for an amendment to City of Indian Hills Code of Ordinances, Garage and Estate Sales, Section 5.20.010.

The amendment to City of Indian Hills Ordinance Section 5.20.010, Garage and Estate Sales, provides that individuals licensed pursuant to KRS Chapter 330, pertaining to Auctions and Auction House Operators, shall not be regulated by Indian Hills Ordinance, Section 5.20, Garage and Estate Sales, and further provides that a resident, non-owner of real or personal property in the City of Indian Hills shall not conduct an auction of real or personal property within the City of Indian Hills pursuant to KRS 330.040 (1) (b).

The complete text of said ordinance may be read at the office of the City of Indian Hills City Clerk, 3905 Brownsboro Road, Indian Hills, Kentucky, 40207.

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Counsel, City of Indian Hills