

**ORDINANCE 2004-11**

AN ORDINANCE REGULATING OFF-SITE SALE OF MOTOR VEHICLES WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY; PROVIDING DEFINITIONS, REQUIREMENTS, PERMIT APPLICATIONS AND APPEALS; AND PROVIDING FOR A REPEALER CLAUSE, SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, motor vehicle dealers may desire to conduct "tent sales" or temporary sales of motor vehicles off-site from its regular business location; and

WHEREAS, the General Assembly has enacted House Bill 219 requiring local governing bodies to enact an enabling Ordinance before these "off-site" sales will be permitted by the Commonwealth of Kentucky; and

WHEREAS, this Ordinance is for the economic good of the citizens of the City of Russellville, Kentucky;

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

**I. DEFINITIONS.**

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DISPLAY.** The placement of motor vehicles by a licensed motor vehicle dealer for the specific purpose of sale or advertising at a location that is not its established place of business for more than 24 hours but not to exceed the time limits otherwise provided in this Ordinance. Nothing in this chapter shall be deemed to prohibit a licensed motor vehicle dealer from off-site warehousing, storing, parking or driving a demonstrator vehicle in the normal course of business.

**LICENSED MOTOR VEHICLE DEALER.** Dealers, manufacturers, factory branches, distributors and distributor branches as those terms are defined in KRS 190.010 and, where applicable who hold a license from the State of Kentucky.

**TEMPORARY SALE OR DISPLAY.** The conducting or holding of a sale or display of motor vehicles not to exceed seven days if held outdoors and not to exceed 14 days if held indoors; but

shall not otherwise preclude the following activities which do not require a permit under this Ordinance:

- (1) A display or sale of motor vehicles by a motor vehicle dealer trade association and its participating members for which a permit is issued by the State of Kentucky;
- (2) A display of less than three motor vehicles for advertising purposes at one location, or as part of the licensee's sponsorship of a charitable or other public event;
- (3) A manufacturer's sponsored display or sale of motor vehicles for its participating dealers within the City of Russellville, as defined by the United States Department of Commerce, Bureau of Census and shown in Kentucky Commerce Cabinet 1987 Kentucky Economic Statistics, or update editions thereof, except that the participating dealers, to include participating dealers not licensed in Kentucky, shall individually secure the permit required by this chapter; or
- (4) Trade shows and similar major public events that have achieved regional or national prestige and that contribute substantially to the economy of the community and state.

## **II. PERMIT REQUIRED.**

No person, corporation or other business entity other than a licensed motor vehicle dealer or a new vehicle manufacturer, as defined in KRS 190.010, shall conduct, hold, or otherwise participate in a temporary sale or display of motor vehicles at a location other than in the established place of business as specified in the licensed motor vehicles dealer's State license without first obtaining a temporary sale or display permit from the Clerk of the City of Russellville. No person, corporation or other business entity other than a Kentucky licensed motor vehicle dealer shall be entitled to receive a temporary sale or display permit under this section except as otherwise provided in this chapter.

## **III. REQUIREMENTS FOR TEMPORARY SALE OR DISPLAY.**

All permits shall be submitted 14 days prior to the temporary sale or display and shall be granted or refused within three working days after submission of a complete application

and shall expire, unless revoked or suspended, at the end of the permit period. The application shall include:

- (A) The name and address of the licensed motor vehicle dealer(s) holding or conducting the temporary sale or display;
- (B) The location, by street address, of the temporary sale or display;
- (C) Certification from the Zoning Official that the location is properly zoned for such temporary sale or display; and
- (D) A copy of the State license of the dealer(s) conducting the temporary sale or display, if appropriate.
- (E) The name of the person, corporation or other business entity sponsoring the temporary sale or display if different from the applicant for the permit.

**IV. PERMIT FEE.**

The permit fee for each temporary sale or display shall be \$50 for each participating dealer, payable at the time of application.

**V. APPEALS.**

The applicant(s) will be notified of the granting or rejecting of the permit, and if the application is rejected, the reason or reasons for rejection, and the applicant(s) will be notified of his/her right to appeal the rejection to the City Council and such appeal shall be made prior to the scheduled temporary sale or display.

**VI. TEMPORARY SALE/DISPLAY; POSTING PERMIT.**

The temporary sale or display shall be advertised as temporary in nature and shall consist of a representative sampling of the inventory of each participating licensee. The temporary sale or display permit shall be conspicuously posted at the location of the sale or display.

**VII: SEVERABILITY.**

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Ordinance shall continue in full force and effect.

**VIII: REPEALER CLAUSE.**

Any and all parts of Ordinances now in effect which conflict with Ordinance are hereby repealed.

**IX: EFFECTIVE DATE.**

This Ordinance shall become effective upon publication.

**FIRST READING** conducted the 7<sup>th</sup> day of September, 2004.


**SECOND READING** and passage by roll call vote this the 21<sup>st</sup> day of September, 2004.

Ayes: Barrett, Ken; Bell, Patricia; Hankins, Jean; Jones, Russell; Sweatt, Marie; Wren, Howard.

Nays: none

Abstaining: none

Absent: none

  
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SHIRLEE YASSNEY, MAYOR

ATTEST:

  
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BOB RIGGS, CITY CLERK