

Be it remembered that a regular meeting of the Long Beach Planning Commission of the City of Long Beach, Mississippi, was begun at 6:00 o'clock p.m., Thursday, the 13th day of September 2012, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said meeting.

There was present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Tony Vancourt, Gretchen Loftus, George Casey, Ron Robertson, Tonda Yandell, Randy Fischer and Minutes Clerk Veronica Howard.

Commissioner Jim Heinzl was absent the meeting.

The meeting was called to order, there being a quorum present and sufficient to transact the business of this meeting, the following proceedings were had and done.

Commissioner Yandell made motion seconded by Commissioner Robertson and unanimously carried to approve the August 23, 2012 regular meeting minutes as submitted.

It came for consideration under Unfinished Business the Proposed Yard Sale Ordinance, tabled from August 23, 2012 Public Hearing.

Commissioner Yandell made motion seconded by Commissioner Loftus and unanimously carried recommending amending Zoning Ordinance 344, Article IX to read as follows:

SECTION 916. YARD SALES

916.1 DEFINITIONS

As used in this article, the term "yard sale" shall mean the sale of any new or used household articles, or household goods to the public at large at any specific residential location, both indoors and outdoors, in all zoning districts.

916.2 PERMITS REQUIRED; LIMITATIONS

It shall be unlawful for any person to conduct a yard sale within the City without first obtaining a permit therefore from the Long Beach Building/Code/Permit Department in compliance with the provisions of this ordinance. Any such permits and any such yard sales shall be subject to the following limitations:

916.2.1 The Long Beach Building/Code/Permit Department may issue no more than one (1) yard sale permit per quarter, per residential dwelling unit at a specific numbered legal address;

916.2.2 The Long Beach building department may issue yard sale permits only to the owner of record or tenant of record of the residential property or residential unit upon which such yard sale is to take place;

916.2.3 A permit issued hereunder shall authorize a yard sale to take place for no more than three (3) consecutive days and only during daylight hours;

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916.2.4 A permit issued pursuant hereto shall specifically state the name of the holder of such permit, the residential location of the permitted yard sale and the dates for which such yard sale is permitted.

916.2.5 No person shall offer for sale at any yard sale any articles, merchandise or goods which have been purchased for resale or articles for which such person is acting as a selling agent;

916.2.6 During the hours of such yard sale, a permit issued as required hereunder shall be made available for inspection upon request by and City of Long Beach Police Officer or any representative of the Long Beach Building/Code/Permit Department;

916.2.7 The conduct of the yard sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.

916.2.8 A sale may be conducted by a single person, multiple persons, churches, social, civic or charitable organizations. All items to be sold must originate as the legal property of the applicant, other persons participating in the sale or members of the organizations.

916.2.9 All sold and unsold yard sale merchandise remaining on the permitted site at the conclusion of the sale must be removed therefrom immediately.

916.3 PERMIT APPLICATION

The application for any yard sale permit shall be made by the owner of record of the residence or by the legal tenant of a specified residential rental unit, at or upon which such yard sale it to take place and shall be made at least 24 hours in advance of such proposed yard sale and shall set forth the following information:

916.3.1 The full name of the applicant and all other owners of record of the residential property at or upon which such yard sale it to take place;

916.3.2 The address at which the yard sale will be held and also the address at which the applicant resides and a telephone number at which the applicant may be contacted;

916.3.3 A brief description of the household article, and household goods to be sold a such yard sale;

916.3.4 The proposed dates and hours of such sale.

916.3.5 There shall be no charge for the permit.

916.4 YARD SALE CANCELLATION; POSTPONEMENT

In the event that the holder of a yard sale permit elects not to conduct such yard sale on any of the dates permitted, due to inclement weather or any other reason, such permit holder shall be entitled to conduct such sale on some further date after notice to and approval of the Long Beach Building/Code/Permit Department.

916.5 YARD SALE SIGNS

No more than two signs may be places upon the permitted property. Signs and handbills cannot be placed on utility poles, public property including rights-of-way, nor may signs be placed on private property which is not the permitted site. Handbills may be posted on private bulletin boards or inside places of business with the consent of the owner. A sign is limited to four (4) square feet or less and shall not be illuminated or animated. A sign may not be displayed more than forty-eight (48) hours prior to the commencement date of the sale and must be removed immediately following the conclusion of the sale.

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916.6 ENFORCEMENT

This "yard sale" shall be primarily enforced by the City of Long Beach Police Department and alternatively by the Long Beach Building/Code/Permit Department. Enforcement for violations of this ordinance shall be criminal complaint or by non-criminal disposition as hereunder provided.

916.7 PENALTIES

Criminal Disposition: any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by fine and/or imprisonment not to exceed the limits provided by the laws of the State of Mississippi. Each day such violation continues shall be deemed a separate offense and punishable as such.

It came for consideration under Unfinished Business the Long Beach Unified Development Ordinance and Zoning Map.

Worksession(s) were scheduled as follows:

- Tuesday, September 18, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall.
- Wednesday, September 19, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall.
- Thursday, September 20, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall.
- Friday, September 21, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall.
- Wednesday, September 26, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall;
- Thursday, September 27, 2012; 5:30 p.m.; 201 Jeff Davis Avenue; City Hall – to discuss the Long Beach Unified Development Ordinance, Long Beach Zoning Map and Agenda Items.

There being no further business to come before the Planning Commission at this time Commissioner Yandell made motion seconded by Commissioner Vancourt and unanimously carried to adjourn the meeting until the next regularly scheduled meeting in due course.

APPROVED:

Chairman, Frank Olaivar

Date: _____

ATTEST:

Veronica Howard, Minutes Clerk