

ORDINANCE NO. 594

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 344, AS AMENDED, ENTITLED THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI BY ADDING SECTION 916 GOVERNING YARD SALES WITHIN THE CITY OF LONG BEACH, AND FOR RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare that it is necessary and proper to adopt the following ordinance governing and relating to yard sales within the city limits of the City of Long Beach, Mississippi; now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, that Ordinance No. 344, as amended, entitled The Zoning Ordinance of the City of Long Beach, Mississippi is hereby amended by addition of the following Section 916 governing yard sales within the City of Long Beach, 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;

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 of any outdoor yard sale event must be removed there from immediately and properly stored at the conclusion of the sale.

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 placed 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.

916.6 ENFORCEMENT

This "yard sale" ordinance 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.

916.8 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 and general ordinances of the City. Each day such violation continues shall be deemed a separate offense and punishable as such.

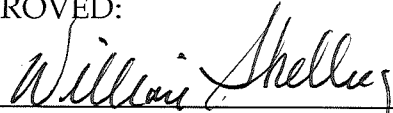
The above and foregoing Ordinance No. 594 was introduced in writing by Alderman Anderson who moved its adoption. Alderman Couvillon seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted Aye
Alderman Gary Ponthieux	voted Aye
Alderman Kaye Couvillon	voted Aye
Alderman Carolyn Anderson	voted Aye
Alderman Leonard Carrubba, Sr.	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Ronnie Hammons, Jr.	voted Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said

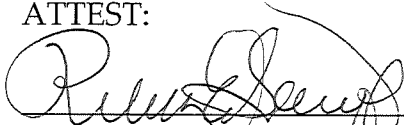
Ordinance Number 594 adopted and approved this, the 15th day of January, 2013.

APPROVED:



WILLIAM SKELLIE, JR., MAYOR

ATTEST:



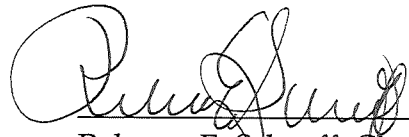
REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #594 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 15th day of January, 2013, as the same appears of record in Ordinance Book #8, pages 79-82 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 16th day of January 2013.



Rebecca E. Schruff, City Clerk

(SEAL)