

**TOWN OF ALBANY
PUBLIC HEARING NOTICE**

Date: MARCH 13, 2023

Location: 29816 S. Montpelier Ave, Albany LA 70711

Time: 5:30 p.m.

Posted: February 15, 2023

Discussion or inquires for the following:

- A new ordinance for the following:
 - Garage sales within the town
 - Home-Based Businesses within the town

ARTICLE II – BUSINESS AND BUSINESS REGULATIONS

Sec. 10-29 – Garage Sales.

Definitions:

Garage or yard sale. The sale of any personal property, which sale is conducted on or about the premises of a private residence, by any resident of a neighborhood, one of whom must be the occupant of the premises and which sale is open to the public. Church groups and other charitable organizations may be permitted to hold garage or yard sales in other locations besides a private residence.

Personal property. Property which is utilized, owned and maintained by an individual or by members of a residence and acquired in the normal course of living in or maintaining a residence.

10-29.1 – No business license required.

Garage or yard sales shall not be required to procure a business license.

10-29.2 – Number of sales

No person, group, charitable organization, or residence shall hold more than three garage or yard sales within the town during a calendar year.

10-29.3 – Hours of operation

Garage or yard sales shall only be held between the hours of seven am and six pm.

10-29.4 – Number of days.

Garage or yard sales shall not exceed three consecutive days.

10-29.5 – Signs.

Garage or yard sale signs are only permitted on private property. One non-illuminated sign not exceeding six square feet in area may be permitted at the address where the garage or yard sale is being conducted. Said sign shall pertain to the garage or yard sale. In addition, one non-illuminated sign no exceeding six square feet in area may be permitted at the neighborhood or subdivision entrance for directional purposes. Signs shall in no way obstruct the vision of vehicle traffic. Said signs shall be permitted for the three day period and shall be removed immediately upon conclusion of the garage or yard sale.

10-29.6 – Illegal signs, disposition.

- (a) Signs found within the city which are unlawfully posted on commercial or private property without permission and signs posted longer than the three day allowance shall be removed.
- (b) Signs found within the city which are unlawfully posted on utility poles, regulatory signs or posts, or are placed on sidewalks, in the right of way, or any other area not allowed by this article, are hereby declared a nuisance to public safety, as they detract from the driving public's attention to vehicle and pedestrian traffic. Police officers, the building official or any other designated official, may summarily remove signs as evidence of unlawful activity in preparation for prosecution. If no prosecutorial actions are taken, the signs may be destroyed.

10-29.7 – Owner presumption.

In the enforcement of this ordinance, it shall be a presumption that an address or telephone number listed on any garage sale sign shall be that of the individual(s) responsible for posting the sign. In addition, any sign directing the public by way of arrows or other direction symbols or phrases to a particular residence shall be presumed to have been erected by the owner(s) or occupants(s) of said residence.

10-29.8 – Penalty.

Whoever violates any provision of this article shall be fined not more than \$500.00 or imprisoned for not more than 10 days, or both, at the direction of the court magistrate (judge).

ARTICLE II – BUSINESS AND BUSINESS REGULATIONS

Sec. 10-30 – Home Occupation Permitted (Home Business)

Home occupations will be permitted in dwelling with the following provisions and limitations: A home occupation is defined as an accessory use of a residential structure for any gainful occupation or profession which:

10-30.1 - Is engaged only by a member of the family occupying the premises. Only one person not resident of the household may be employed in the business to be conducted at the premises.

10-30.2 - Is in respect to the residential site, conducted entirely within the dwelling.

10-30.3 - Does not occupy more than 20 percent of the gross floor area of the dwelling.

10-30.4 - Does not require any special entrance into the structure.

10-30.5 - Has no exterior evidence of the accessory use, except for a non-illuminated sign no larger than two square feet in in area.

10-30-.6 - Mechanical equipment, air conditioning and heating used, shall be only that normally used in, or found in, a single family dwelling.

10-30-.7 - No home occupation shall be permitted which creates a need for more than 2 (two) parking spaces at any given time in addition to the required spaces for the dwelling unit.

10-30.8 - Any activity resulting in traffic, noise, light, fumes and odors to such an extent that it is noticeable that the property is being used for nonresidential purposes, shall not constitute a home occupation.

In general, the following uses will be allowed as a home occupation; custom dress making, millinery, tailoring, sewing of custom apparel and custom home furnishing, laundering and ironing, fines arts studio, offices for professionals, child day care with no more than three children and in accordance with state laws and regulations, tutoring with not more than four students simultaneously, and in general such other activities that do not conflict with other sections of this ordinance.

10-30.9 - A home occupation permit will be issued by the building official for any home occupation meeting these guidelines. If any variance is required, it will be issued by the board of aldermen after receiving a recommendation from the zoning board.

10-30.10 - No home occupation shall be permitted in any accessory structure