

ORDINANCE NO. 389

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SUBSECTION (n) OF SECTION 6 OF ORDINANCE NO. 364, THE TREE PRESERVATION AND PROTECTION ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, SO AS TO REMOVE COMMERCIAL PROPERTIES FROM THE EXCEPTIONS PROVISIONS FOR PERMIT REQUIREMENTS FOR CUTTING OR REMOVING LIVE OAK OR MAGNOLIA TREES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMENT OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Amendment.

Subsection (n) of Section 6 of Ordinance No. 364, The Tree Preservation and Protection Ordinance of the City of Long Beach, Mississippi, shall be, and said Subsection (n) of Section 6 of said Ordinance No. 364 is, amended to read as follows:

"(n) These provisions shall not apply to:

(a) The removal of trees from horticultural properties such as farms, nurseries, or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to imminent development of the land.

(b) The removal of trees on public rights-of-way conducted by or on behalf of a Federal, State, County, Municipal, or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-ways.

(c) The removal of a tree which has become or threatens to become a danger to human life or property."

SECTION 2. Effective Date.

For good cause shown, and the public health and safety being intent and purpose of said Ordinance No. 364 and of this Ordinance, and the immediate preservation of order and public welfare so requiring it, this Ordinance shall take effect and be in full force from and after its adoption, the same nevertheless to be published and enrolled as required by law.


The above and foregoing Ordinance No. 389 was introduced in writing by Alderman Walker who moved its adoption. Alderman Lawless seconded the motion to adopt the said Ordinance; and after discussion, the question being put to a roll call vote, the result was as follows:

Alderman Sal Giuffria	voted	<u>Nay</u>
Alderman Miriam Graves	voted	<u>absent</u> and not voting
Alderman Mike Lawless	voted	<u>Yea</u>
Alderman Donald Logan	voted	<u>Yea</u>
Alderman Wayne O'Neal	voted	<u>Yea</u>
Alderman Michael Rutledge	voted	<u>Yea</u>
Alderman Fred Walker	voted	<u>Yea</u>

The motion having received the affirmative vote of a majority of the Aldermen present, the Mayor declared the motion carried and said Ordinance No. 389 adopted this 2nd day of August, 1988.

APPROVED:

ATTEST:


Jeritza A. Pell, City Clerk

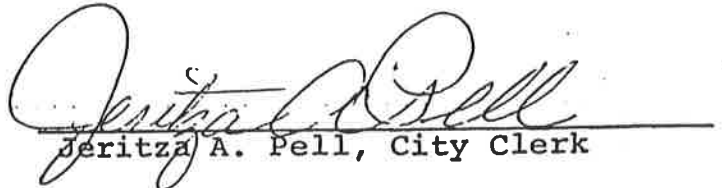

Glenn W. Mitchell, Mayor

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Jeritza A. Pell, 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 Ordinance #389 of the City of Long Beach adopted by the Mayor and Board of Aldermen at a regular meeting duly convened and held on Tuesday August 16, 1988 as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 18th day of August, 1988.


Jeritza A. Pell, City Clerk

(SEAL)