

ORDINANCE NO. 415

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADOPTING AS AND FOR THE FIRE PREVENTION CODE OF SAID CITY THE STANDARD FIRE PREVENTION CODE - 1991 EDITION, AND THE APPENDICES THERETO PROMULGATED BY THE SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC., PROVIDING REGULATIONS FOR PROTECTION OF LIFE AND PROPERTY FROM HAZARDS OF FIRE AND EXPLOSIONS, REPEALING ALL ORDINANCES IN CONFLICT HERewith, PRESCRIBING PENALTIES FOR ANY VIOLATION OF THE PROVISIONS HEREOF, AND FOR RELATED PURPOSES.

WHEREAS it is the desire of the City of Long Beach, Mississippi, to adopt, in all respects, the various Standard Codes relating to amusement devices, building, fire prevention, gas, grading, housing, mechanical, plumbing and swimming pools and

WHEREAS the adoption of these Codes is done to facilitate proper inspection activities by the City of Long Beach, Mississippi, relating to construction and to maintenance of buildings within the corporate limits of the City and relating to public safety, health and general welfare. Now therefore,

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

SECTION 1. SHORT TITLE

This Ordinance, and the Standard Fire Prevention Code, 1991 Edition, and appendices thereto, developed by the Southern Building Code Congress International, Inc., hereby adopted shall be known as and may be cited as "The Long Beach Fire Prevention Code".

SECTION 2. ADOPTION OF CODE

Pursuant to the provisions of MCA Section 21-19-25, and the general public health, safety and welfare so requiring, the Standard Fire Prevention Code - 1991 Edition, and the appendices thereto, and all amendments thereto, and the whole thereof, promulgated and developed by the Southern Building Code Congress International, Inc., of Birmingham, Alabama, shall be, and the same is hereby, adopted as The Standard Fire Prevention Code of the City of Long Beach, Mississippi. The aforesaid Standard Fire

Prevention Code hereby adopted was presented in printed pamphlet form to the Board of Aldermen of the City, at a regular meeting duly convened and held on Tuesday, the 3rd day of December, 1991, and is now on file and remains on file in the office of the City Clerk of the City at the City Hall in the City of Long Beach, Mississippi.

SECTION 3. AMENDMENTS TO CODE -- APPEALS

Until such time as the Mayor and Board of Aldermen shall have appointed members to the Board of Adjustment and Appeals as provided by The Standard Fire Prevention Code herein adopted in Section 2, above, all appeals from decisions of the Fire Official shall be heard by the Mayor and Board of Aldermen.

SECTION 4. FIRE OFFICIAL

The "Fire Official" designated in this Code shall be the Chief of the Fire Department of the City of Long Beach, Mississippi, acting in his own proper person or by and through the Assistant Fire Chief, or such other person as may from time to time be designated by resolution of the Mayor and Board of Aldermen spread upon its minutes.

SECTION 5. NOTICE OF ADOPTION OF THE CODE

As provided by MCA Section 21-19-25, neither this Ordinance nor The Standard Fire Prevention Code hereby adopted shall be published in full, but notice of the adoption thereof shall be given by the City Clerk as provided in said statute.

SECTION 6. CERTIFICATION OF CODE

The Mayor and City Clerk of the City of Long Beach, Mississippi, are hereby authorized and directed to certify to The Standard Fire Prevention Code -1991 Edition hereby adopted as provided by law.

SECTION 7. CAPTIONS

Captions and catch phrases of this Ordinance and of The Standard Fire Prevention Code hereby adopted are intended solely for easy reference and reading, and such captions or catch phrases shall not be construed to change or alter the meaning of any such section or subsection.

SECTION 8. REPEAL

Ordinance Number 394 of the City of Long Beach, Mississippi, pertaining to fire prevention codes, and all other ordinances of said City in conflict with the provisions of this Ordinance and of The Standard Fire Prevention Code hereby adopted are hereby repealed, and Sections 7-15 through 7-22 of Article II, Fire Prevention Code, of the Code of Ordinances of the City of Long Beach, Mississippi, are hereby repealed and amended to conform with the provisions of this Ordinance.

SECTION 9. PENALTIES

Any person who shall violate any provision of this ordinance or of The Standard Fire Prevention Code - 1991 Edition, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentenced to pay a fine of not more than \$1,000.00, or to be imprisoned for a term of not more than ninety (90) days, or both. Each day any violation shall continue shall be deemed a separate offense and upon conviction, shall be punishable as such separate offense.

SECTION 10. SAVINGS CLAUSE

Notwithstanding the provisions of Section 8, above, it is further provided that nothing in this Ordinance or in the provisions of The Standard Fire Prevention Code hereby adopted shall affect any offense or any act committed or done, or any penalty or forfeiture incurred, or any litigation pending, before the effective date of this ordinance.

SECTION 11. SEPARABILITY

The sections of this ordinance and the provisions hereunder are deemed separate and independent of each other, and if any section, sub-section, clause, phrase or portion of this ordinance, or the application thereof, be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance.

SECTION 12. EFFECTIVE DATE

It being necessary and in the best interests of the public health, safety and welfare, and to provide continuing regulations

for the protection of life and property from the hazards of fire and explosions within the City of Long Beach, Mississippi; and the immediate preservation of order and the public health, safety and welfare requiring it, this Ordinance shall take effect and be in force from and after its adoption; but notice shall nevertheless be given as provided in Section 4, above, and this Ordinance shall be enrolled in the Ordinance Book of the City as by law provided.

The above and foregoing Ordinance NO. 415 was introduced in writing by Alderman Logan, who moved it adoption. Alderman Giuffria seconded the motion to adopt said Ordinance; and after discussion, no member of the Board having requested that the Ordinance be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Ken Collins	voted	<u>Aye</u>
Alderman Sal Giuffria	voted	<u>Aye</u>
Alderman Miriam Graves	voted	<u>Aye</u>
Alderman Donnie Hammons	voted	<u>Absent, Not Voting</u>
Alderman Donald Logan	voted	<u>Aye</u>
Alderman Pat Maxwell	voted	<u>Aye</u>
Alderman Wayne O'Neal	voted	<u>Abstain</u>

The motion having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance No. 415 adopted this the 3rd day of December, 1991.

APPROVED:


GLENN F. RISHEL, JR., MAYOR

ATTEST:


REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruuff, 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 No. 415 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, December 3, 1991 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 4th day of December, 1991.


Rebecca E. Schruuff, City Clerk

(SEAL)