

There came on for consideration at a duly constituted meeting of the Mayor and Members of the Board of Aldermen of the City of Long Beach, Mississippi, held on the 4th day of August, 2015, the following Ordinance:

ORDINANCE NO. 611

**AN ORDINANCE PROHIBITING AND REGULATING SLABS AND PILINGS
IN THE CITY OF LONG BEACH**

WHEREAS, Mississippi Code Annotated Sections 21-19-1, 21-19-11 and 23-13-1, empower municipalities to require owners of property to maintain and keep up their property in a manner so as not to be a hazard to the public health, safety, and welfare of the community, to write ordinances to implement those powers granted to municipalities, and to enforce said ordinances and take appropriate action including, but not limited to, imposing fines; and

WHEREAS, Mississippi Code Annotated Sections 21-8-1, *et seq.* empower the governing authorities to write, adopt, and enforce ordinances for the use and benefit of the City of Long Beach; and

WHEREAS, protection of the health, safety and welfare of the citizens of the City of Long Beach requires that the City enact provisions to bring all properties within such City into compliance with regulations on slabs and pilings, and other objectionable, unsightly, or unsanitary matters; and

WHEREAS, keeping the City free of slabs and pilings, and other objectionable, unsightly or unsanitary matter will improve the quality of life of the citizens of the City of Long Beach and improve and protect the public health and safety by improving the aesthetics of the City, by deterring crime through increased visibility, cleanliness and access, and by assisting in stimulating economic development and improvement in property values; and

WHEREAS, the public health, safety, and welfare of the citizens of the City of Long Beach will further and likewise be served by keeping the City free of slabs, and/or pilings which otherwise are dilapidated, destroyed, damaged, not adequately maintained, in disrepair, and pose general threats to the public health, safety, and welfare of the citizens of the City of Long Beach, or that otherwise constitute fire hazards; and

WHEREAS, keeping the City of Long Beach free of slabs and pilings will promote the safety, development and beautification of the City; and

WHEREAS, additional enforcement measures are needed to enforce the City's ordinances and to abate the nuisances and threats to public health, safety, and welfare described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI THAT:

Section 1. FINDINGS. The Board of Aldermen of the City of Long Beach hereby finds that the recitals in the preamble of this ordinance are true.

Section 2. NUISANCE DECLARED. Old, pre-used slabs and/or pilings; and other objectionable, unsightly or unsanitary matter are hereby declared to be a nuisance. Any slab, piling, or property that is in a state of dilapidation, deterioration, damage, decay, or disrepair, is of faulty or insufficient construction, is open to intrusion, abandoned, damaged by fire, storm, hurricane, or neglect to the extent as not to provide shelter, is extremely unsound, in danger of collapse or failure, constitutes a fire hazard, causes flooding or drainage problems, violates any flood prevention ordinance, and/or violates the City's adopted building codes, and that constitute a threat to the public health, safety and welfare are hereby declared to be a nuisance. No person shall allow, erect, contrive, cause, continue, maintain or permit any such, slab, piling, and/or nuisance outside, on, or in any property within the City.

Section 3. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings, unless context clearly indicates that a different meaning is intended:

A. "Developed Property" shall mean any premises that have been improved by the installation of a building, home, or other physical improvements, including, but not limited to, streets, utilities, etc.

B. "Owner" shall mean any person or other entity who owns the premises, real property, or physical premises.

C. "Person" shall include and be applicable to any individual person, firm, partnership, corporation, association, and business entity.

D. "Premises" shall include all real property within the City of Long Beach, Mississippi.

E. "Person in charge" shall mean the owner, lessee, occupant, or person who has real or apparent authority to act on behalf of the premises or the agent in charge of or responsible for the premises.

F. "Slab" shall mean any concrete or masonry (block or brick) foundation (including wooden piers or pilings) or pavement which is old (constructed prior to August 29, 2005) and pre-used (previously served as the foundation for a structure). This definition of slab shall not include concrete or masonry driveways, concrete or masonry sidewalks, concrete or masonry patios, concrete or masonry retaining walls or concrete or masonry parking pads.

G. "Structure" shall mean any object constructed or installed by a person including, but not limited to, buildings, towers, smoke stacks, windmills, and flag poles.

H. "Undeveloped Property" shall mean any premises that have never been improved by the installation of a building, home, or other structural improvements.

I. "Vacant Property" shall mean any premises that at any time within the twenty (20) years preceding the adoption of this ordinance had improvements, such as a building, home, or other structural improvements, and whose building(s), home(s), or other structural improvement(s) are no longer existing or standing. For the purposes of this ordinance, any premises that within the twenty (20) years preceding the adoption of this ordinance had improvements such as a building, home, or other structural improvement and only has a foundational slab of such building, home, or other structural improvement remaining, shall be considered "Vacant Property."

Section 4. DEVELOPED PROPERTY AND VACANT PROPERTY; DUTIES OF OWNER, OCCUPANT, OR PERSON(S) IN CHARGE. The owner, occupant, or person(s) in charge of Developed Property and Vacant Property shall keep such premises free of old, pre-used and uncovered slabs and/or pilings. Every person in charge who shall allow any such slabs, pilings, or property in such a state shall be deemed in violation of this Ordinance. This section shall not apply to undeveloped property.

Section 5. PROVISIONS APPLYING TO PERSONS IN CHARGE REGARDING POSSIBLE VIOLATIONS. Upon discovery and inspection by the City of Long Beach Code Enforcement Office of any premises or property conditions in violation of Section 4 *supra.*, the inspector of the City of Long Beach Code Enforcement Office, or a city official appointed by such office, shall give Notice to owner, occupant, or person(s) in charge of the Developed Property and Vacant Property of the apparent violation. Such notice shall provide either by personal service upon the owner, occupant, or person(s) in charge of the Developed Property and Vacant Property, or by U.S. registered mail to the owner of record of said property according to the most recent tax assessment rolls of the City of Long Beach, and shall inform such person that based upon inspection by the City of Long Beach Code Enforcement Office there exists slab, pilings and/or other objectionable, unsightly, or unsanitary matter on the above described property, that violate the City's adopted building codes such that the property is a nuisance in violation of City of Long Beach Ordinance. The owner, occupant, or person(s) in charge of the Developed Property and Vacant Property shall have 30 days from service of such Notice, or if mail, 30 days from the date of mailing of such Notice to abate the nuisance. In the event that the Code Enforcement Office, after that thirty (30) day period provided above, find and determine that the premises have not

been so fully abated of all violations, the owner, occupant, or person(s) in charge may be charged with a misdemeanor under this ordinance, with each day upon which a nuisance continues thereafter deemed a separate misdemeanor violation.

Section 6. VIOLATION. Any person violating any provision of this ordinance may be charged with a misdemeanor and upon conviction thereof, shall be guilty of a misdemeanor and may be punished by a fine therefore in an amount not to exceed the maximum allowed by Mississippi law. Notice of such a misdemeanor charge shall comply with the notice requirements of Mississippi law. The procedure for such a misdemeanor charge shall be as with other misdemeanors. The City of Long Beach Municipal Court shall have original jurisdiction over said misdemeanor trial. Upon any conviction of a misdemeanor under this ordinance, the owner, occupant, or person(s) found guilty of that violation shall be compelled to abate the nuisance within thirty (30) days, and subject to a fine of not more than \$500.00, or both.

Section 7. PENALTY FOR FAILURE TO COMPLY WITH AN ORDER FROM THE MUNICIPAL JUDGE OF THE CITY OF LONG BEACH.

If the nuisance is not abated within 30 days after the Order by the Municipal Court of City of Long Beach compelling same, the City of Long Beach may proceed to abate the nuisance and will levy the cost to the property's tax for the coming year.

Section 8. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 9. OTHER REMEDIES. The provisions for remedying violations of this ordinance are in addition to other applicable remedies at law, including but not limited to an action in court for an injunction.

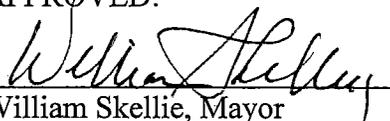
Section 10. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after the date of passage. It shall be published according to law and shall be spread on the minutes of the Long Beach Board of Aldermen.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Alderman Parker, seconded by Alderman Griffin and the question being put to a roll call vote by the Mayor, the result was as follows:

| | | |
|-----------------------------------|-------|-----|
| Alderman Bernie Parker | voted | Aye |
| Alderman Gary J. Ponthieux | voted | Aye |
| Alderman Kelly Griffith | voted | Aye |
| Alderman Alan Young | voted | Aye |
| Alderman Leonard G. Carrubba, Sr. | voted | Aye |
| Alderman Mark E. Lishen | voted | Aye |
| Alderman Ronnie Hammons, Jr. | voted | Aye |

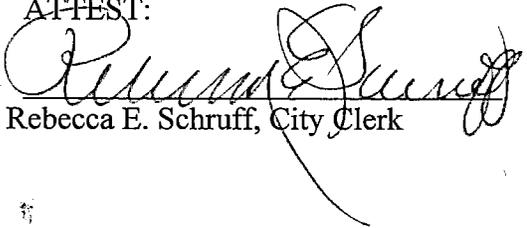
The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the Ordinance adopted and approved this 4th day of August, 2015.

APPROVED:



 William Skellie, Mayor

ATTEST:



 Rebecca E. Schruoff, City Clerk

CERTIFICATE
STATE OF MISSISSIPPI
COUNTY OF HARRISON

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 #611 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 4th day of August, 2015, as the same appears of record in Ordinance Book #8, pages 371-376 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 4th day of August, 2015.


Rebecca E. Schruff, City Clerk

