

ORDINANCE NO. 545

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SECTION 30(A) OF ORDINANCE NO. 230 OF THE CITY OF LONG BEACH, AS PREVIOUSLY AMENDED TO ESTABLISH ONE FEE PER HOUSING UNIT AS THE SPECIAL HIGH DENSITY WATER & SEWER TAPPING FEE PER HOUSING UNIT IN HIGH DENSITY DEVELOPMENTS, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body" of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do hereby find, determine and declare as follows:

That prior to landfall of Hurricane Katrina, the Governing Body established a Special High Density Water & Sewer Tapping Fee per Housing Unit, providing a fee schedule for water and sewer tapping fees for high density developments, as defined by said ordinance, within the City; and

That Hurricane Katrina destroyed and/or substantially damaged many residential dwellings in the Municipality; and

That there presently exists within the Municipal a dire need for additional affordable housing; and

That various developers have expressed an interest in constructing developments of affordable housing within the City, which developments as proposed fall within the category of high density developments as defined by Ordinance No. 230, as amended; and

That at least two developers have initiated steps to rebuild apartment complexes destroyed by Hurricane Katrina, which complexes also fall within the category of high density developments as defined by Ordinance No. 230; and

That the present schedule of Special High Density Water & Sewer Tapping Fees heretofore adopted by the Governing Body for high density developments has discouraged the development of affordable housing within the City, at a time when there is a dire need of additional affordable housing; and

The Governing Body desires to establish water and sewer tapping fees for developments defined as high density developments by Ordinance No. 230, which will encourage construction of much needed affordable housing within the Municipality; and

It is in the best interest of the City and its citizens to amend Section 30A of Ordinance No. 230, as Amended, which section establishes the Special High Density Water & Sewer Tapping Fee per Housing Unit in high density developments and same should be amended to fix the Special High Density Water & Sewer Tapping Fee for "High Density Developments" at \$839.00 per housing unit, and eliminate the escalating scale of such fees.

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

SECTION 1. Amendment of Section 30A, entitled, "Tapping Fees for High Density Developments, of Ordinance No. 230, as Amended.

Section 30A of Ordinance No. 230, as Amended, of the City of Long Beach, be, and the same is hereby amended in its entirety to read as follows:

"Section 30A. Tapping Fees for High Density Developments. For multiple family housing developments of any type including but not necessarily limited to apartments, condominiums, townhomes, hotels, motels, mobile home parks, and the like where the

net number of independent family dwelling units on the site exceeds a density of 5 housing units per acre, the water and sewer tapping fees as established elsewhere will not apply. This applies whether the premises will remain under common ownership, or if individual housing units within the development will be sold independently. For these developments, the Developer of the project shall pay in lieu of any other tapping fees Special High Density Water and Sewer Tapping Fee. The amount of this fee is

established as follows:

Housing Units per Acre	Special High Density Water & Sewer Tapping Fee per Housing Unit
5 or greater	\$839

This Special High Density Water and Sewer Tapping Fee shall be paid by the developer of the development upon City's approval of construction plans, but prior to beginning any construction upon the site. If developer proposes to construct the development in steps or phases, the Special Water and Sewer Tapping Fee shall be based upon the total number of units proposed for the entire development, and shall be paid prior to beginning construction on any phase. In the event that construction of an subsequent phase has not commenced within one year following payment of the Special High Density Tapping Fee, the amount of the Special High Density Tapping Fee for the new phase(s) will be adjusted upwards or downwards in conformance with the then-current Special High Density Tapping Fee, with credit applied for the amount of fee which was previously paid. However, no reimbursement will be made of fees paid for future phases based upon representations that the development will not be constructed."

SECTION 2. Severability, Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application and to that end, the provisions of this ordinance are hereby declared to be severable.

SECTION 3. Captions.

The captions and catch phrases to each section or subsection of this Ordinance are intended

solely for easy reading and reference; and such captions and/or catch phrases shall not be construed or interpreted to alter or change the meaning of any provision in any such section or subsection.

SECTION 4. Effective Date.


The City of Long Beach, Mississippi, having heretofore entered into an Interlocal Cooperation Agreement with and the creation of the Harrison County Wastewater Management District and in order to protect the public health and safety of the community and the users of services furnished by the Combined Waterworks and Sewer Department of said City, and in order to comply with clean water standards and rules and regulations of the Environmental Protection Agency of the United States of America concerning the use of water and treatment of wastes as set out in 40 CFR 35.3140 and other applicable regulations, this ordinance shall take effect and be in full force from and after its adoption; all for the immediate preservation of order and of the public health and safety; nevertheless notice of the adoption of this ordinance shall be given and the same enrolled in the Ordinance Book as provided by law.

The above and foregoing Ordinance No. 545 was introduced in writing by Alderman Bennett, who moved its adoption. Alderman McNary seconded the motion to adopt the Ordinance, and after discussion, the question being put to a roll call the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles Boggs	voted Aye
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Mark Lishen	voted Aye
Alderman Joseph McNary	voted Aye

The motion having received the affirmative vote of a majority of the aldermen present, the Mayor declared the motion carried, and Ordinance No. 545 adopted, this 18th day of September, 2007.

APPROVED:


 William Skelle, Jr., Mayor

ATTEST:


 Rebecca E. Schruoff, City Clerk

C E R T I F I C A T E

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruiff, 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 #545 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 18th day of September, 2007, as the same appears of record in Ordinance Book #7, pages 287-290 inclusive, 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 September, 2007.

(SEAL)


Rebecca E. Schruiff, City Clerk