

ORDINANCE NO. 551

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SECTION 8 OF ORDINANCE NUMBER 363, TO INCREASE THE MINIMUM FEES TO BE CHARGED AND COLLECTED FOR COLLECTION AND DISPOSAL OF ASHES, GARBAGE, RUBBISH, TRASH AND WASTES, PROVIDING FOR THE EXEMPTION FROM CITY SOLID WASTE CHARGES FOR COMMERCIAL CUSTOMERS WHO HAVE CONTRACTS WITH PRIVATE SOLID WASTE COLLECTION CONTRACTORS, ESTABLISHING A FLAT MONTHLY FEE FOR DELINQUENT ACCOUNTS, AND FOR RELATED PURPOSES.

WHEREAS, the City of Long Beach, Mississippi, by contract with the Harrison County Utility Authority, provides for the collection, recycling and disposal of solid waste including garbage, ashes, rubbish, refuse and other debris accumulating from commercial establishments, apartments and residences within the corporate limits of the City; and

WHEREAS, the Mayor and Board of Aldermen of the City do now find that the costs of solid waste collection, recycling and disposal have now increased and that those increased costs do now require that the solid waste fee presently assessed and charged by the City be increased and that such increase is necessary for the general health, welfare, safety and convenience of the citizens of the City of Long Beach and to pay the costs of providing such waste collection and disposal services; and

WHEREAS, certain commercial establishments within the City of Long Beach have executed separate private contracts with licensed solid waste collection and disposal companies and should not be required to pay charges to the City of Long Beach for such services not provided by the City. Now therefore,

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

SECTION 1. That Section 8, entitled "Minimum fees, rates, taxes." of Ordinance No. 363, is hereby amended to read as follows:

"Section 8. Minimum fees, rates, taxes.

(a) Residences. All persons residing in any residence, single rooms having or allowing kitchen or food preparation and serving facilities, and all other types of abodes, residences and residential units, except as hereinafter provided, located within the City are hereby assessed, charged and required to pay a minimum fee of \$12.00 per dwelling unit per calendar month on or before the 10th day of each month following the effective date of this Ordinance for the Municipal Collection Service herein established.

(b) Apartment Houses. All persons owning or leasing duplexes, triplexes, and apartment houses having four (4) or fewer housing units located within the corporate limits of the City of Long Beach are hereby assessed, charged and required to pay a minimum fee of \$12.00 per livable housing unit per calendar month on or before the 10th day of each month, (whether the housing unit is physically occupied or not), following the effective date of this Ordinance for the Municipal Collection Service herein established. Such fee will be charged to the owner thereof when such building is served by only one water meter. Garbage containers shall be grouped in a location accessible to the garbage truck.

Apartment complexes having more than four living units will not be serviced under the municipal solid waste collection contract. The owners of these apartment complexes must individually contract with a licensed solid waste collection and disposal service, and may apply for an exemption from municipal solid waste charges, as provided hereinafter.

(c) Mobile Home Parks. The owners of mobile home parks, having a plot of ground upon which two (2) or more mobile homes intended for the dwelling or sleeping of humans are located, shall be charged and billed for solid waste collection service in the same manner in which owners of apartment buildings are billed as set forth in the preceding subsection (b), such fee to be based upon the number of livable housing units present on the site, whether those units are physically occupied or not. The limitation as to four (4) living units will not apply in the case of mobile home parks. Placement of garbage containers shall conform with the rules and regulations adopted by the Harrison County Utility Authority.

(d) Business and Commercial Property.

Municipal solid waste collection and disposal service will be provided to any business or commercial establishment which generates not more than five (5) containers of 35 gallons capacity not more than 60 pounds in weight, per twice weekly pickup. The owners of any business which generate more solid waste than said five (5) containers of 35

gallons capacity not more than 60 pounds in weight, per twice weekly pickup shall individually contract with a licensed solid waste collection and disposal service, and may apply for an exemption from municipal solid waste charges, as provided for hereinafter.

Unless exempted as provided for in this ordinance, each and every commercial establishment, including hotel, restaurant, retail outlet and other business and institution shall be assessed, charged and required to pay a minimum fee of \$12.00 per calendar month, as a solid waste collection fee. The time and manner of billing and the enforcement of payment of the solid waste collection rates herein shall be as set forth in subparagraph (e), below. Delinquent payment or failure to pay such commercial solid waste collection fees shall result in the same penalty and require the same procedure for reinstatement as that provided by subparagraph (g) below.

All rubbish which accumulates from commercial establishments, such as boxes, cartons and crates, shall be collapsed before storing in rubbish containers and all boxes, cartons and crates which have not been so collapsed prior to the arrival of the removal trucks shall be left by said trucks.

(e) Billing. The above levied fees shall be charged and collected by and through the Utility Department of the City of Long Beach by adding said charges of \$12.00, or the applicable charges set forth in sub-sections (a), (b), (c) and (d), as the case may be, to each and every monthly utility bill issued by the City on and after January 1, 2008, for so long as such water and/or sewage customer may remain on the utility books of the City, unless the particular customer has applied for, qualified for, been issued and holds an exemption from charges pursuant to the terms and provisions of this ordinance. Such fees so billed shall be paid to the Utility Department. Except as otherwise provided in this Ordinance for any individual or firm being granted and holding an exemption pursuant to the terms and provisions of this ordinance, each person in the City is required to use the service made available herein, and shall be responsible for fees assessed and charged whether such

service is used or not.

In the event there should be any person or entity who or which has an accumulation of solid waste and who or which falls within any of the classifications set forth in subparagraphs (a), (b), (c) or (d), above, but who or which is receiving no utility service in his, her or its name from the City, such person or entity shall nevertheless be charged the said \$12.00 fee to be billed through the Utility Department of the City.

All sums collected under this ordinance as solid waste collection and disposal fees shall be paid into the General Fund of the City.

(f) Advance Payments. Any customer receiving garbage service from the City of Long Beach may deposit funds with the City as a prepayment of future charges. Prepayments will be credited to the customer's account, but will not entitle customer to any price discount, and all future billings will be applied at rates which are in effect at the time the billings are made, and not at the rate which is in effect at the time when the prepayment is placed on deposit.

(g) Delinquencies. Every account shall be due and payable on or before the 10th day of the month following issuance of the statement for same, and if not paid by such time, shall be delinquent. A late charge of \$10.00 per month shall be added to every delinquent account until same is paid. In addition to its other remedies herein, the City may resort to legal proceedings for the collection of delinquent accounts, together with its costs and attorneys fees.

(h) Taxes. Having entered into the Local Cooperation Agreement with the Harrison County Utility Authority, and being obligated to pay its share of the expenses thereof, the Governing Body of the City shall be, and is hereby authorized to levy taxes to pay the expenses of the collection services hereby established in the event the fees collected as above set out are insufficient to make up such payments."

SECTION 2. There is hereby added to Ordinance No. 363, the following section:

“SECTION 8A. Service by Private Solid Waste Collection Services.

Any customer classified under this ordinance as an apartment house, mobile home park, or business and commercial property, shall have the option of declining solid waste collection service by the City of Long Beach, provided such customer executes a written contract with a licensed solid waste collection service, which shall remove all solid waste from the customer’s property at a frequency of not less than once per week.

To remain exempt from city solid waste collection charges under this ordinance, each customer desiring to decline service must submit a copy of his, her or its current solid waste disposal contract to the city water and sewer billing office, not later than July 1 of each year. The period of service specified in the contract must extend at least through July 1 of the following year. Newly established business may claim an exemption from city solid waste collection charges for the remainder of the year until the next July 1 deadline, upon submission of evidence of the date when the business was licensed by the City of Long Beach, together with a copy of his, her or its solid waste collection contract.

All business and commercial establishments qualifying as provided for herein shall be exempted from the payment of solid waste fees to the City of Long Beach, and shall remain exempt unless and until the customer requests that city service be provided, or until the customer fails to submit the required evidence of continued qualification.”

SECTION 3. Validity. Should any portion of this Ordinance be declared invalid, such action shall not affect the validity of the remaining portion thereof.

SECTION 4. Effective Date.

The City of Long Beach, Mississippi, having heretofore entered into an Interlocal Cooperation Agreement with the Harrison County Utility Authority and in order to protect the public health and safety of the community and the users of services furnished by the City, 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. 551 was introduced in writing by Alderman Holder who moved its adoption. Alderman Burton seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Absent, Not Voting
Alderman Allen D. Holder	voted Aye
Alderman Mark E. Lishen	voted Aye
Alderman Joseph McNary	voted Aye

The question having received the affirmative vote of a majority of the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance adopted and approved this the 4th day of December, 2007.

APPROVED:

BILLY SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK

CERTIFICATE

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH**

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 #551 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 December, 2007, as the same appears of record in Ordinance Book #7, pages 326-332, 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 December, 2007.

(SEAL)

Rebecca E. Schruff, City Clerk