

ORDINANCE NO. 586

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADDING A CLASSIFICATION AND DEFINITION OF HIGH DENSITY MULTIPLE DWELLING UNIT DEVELOPMENTS UNDER THE CITY'S WATER AND SEWER USER CHARGE SYSTEM AND ESTABLISHING A POLICY REGARDING HOW TO MEASURE WATER CONSUMPTION FOR SUCH HIGH DENSITY MULTIPLE DWELLING UNIT CUSTOMERS, AND OTHER RELATED PURPOSES.

WHEREAS, the Mayor and Board of Alderman of the City of Long Beach (the "Governing Authorities") took up for consideration the matter of adding a classification and definition of high density multiple dwelling unit developments under the city's water and sewer system and establishing a policy regarding how to measure and charge water consumption for such high density multiple dwelling unit customers; and

WHEREAS, after due investigation and consideration, it has been determined that in the case of high density multiple dwelling unit developments economies are experienced in the volume of water consumed at such locations over time, and based on such average measured use at such developments over time and the significant economies in quantities of water used at such developments, that it is reasonable to add an additional classification to the City's water rate system to acknowledge and reflect the volume quantity savings at such high density multiple dwelling unit developments and fairly charge such high density multiple dwelling unit development customers for the water and sewer services actually used; and

WHEREAS, it has been determined, based upon such due investigation and consideration that a minimum charge based on an assumed use of 4000 gallons per unit, per month for high density multiple dwelling units, being defined as those multiple dwelling units which exceed in the aggregate 300 units billed to a single meter or meters to the same property and location is reasonable and is directly related to recognizable water usage for such facilities; and

WHEREAS, a minimum charge based on an assumed use of 4000 gallons per unit, per month for high density multiple dwelling units, being defined as those multiple dwelling units which exceed in the aggregate 300 units billed to a single meter or meters to the same property and location, has been reviewed and approved by the

Engineer for the City; and

WHEREAS a minimum charge based on an assumed use of 4000 gallons per unit, per month for high density multiple dwelling units, being defined as those multiple dwelling units which exceed in the aggregate 300 units billed to a single meter or meters to the same property and location will promote the conservation of water and sewer and is the best interest of the City and its citizens; and

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach do now find that it is in the best interest of the City and its citizens to amend Subparagraph (f) of Section 26 of Ordinance 230, as previously amended to change the existing policy regarding how domestic water consumption is measured within high density multiple dwelling unit developments.

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

SECTION 1: Subparagraph (1) of Subsection(f) of Section 26 of said Ordinance No. 230 of the City of Long Beach, as previously amended by Ordinance 390, Ordinance 430 and Ordinance 479 of the City of Long Beach, is hereby further amended to read as follows:

“(f) Multiple Dwelling Units:

(1) Definition: “Multiple Dwelling Units” shall be defined as motels, hotels, apartments, mobile home parks, or other multiple housing developments where two or more housing units are under common ownership upon a single site whether rented to transients or on a permanent basis. Also included within this definition are condominium housing units which are sold to individual unit owners, but which are a part of a private condominium development where all driveways providing access to the units and utility mains serving the units are within common areas owned jointly by a condominium association or other management arrangement, and are not dedicated to the public or otherwise accepted by the City for maintenance.

“High Density Multiple Dwelling Units” shall be defined as those multiple dwelling units as defined herein above which include 300 or more individual housing units served through the same meter or

meters billed on one or more accounts and at a single location

SECTION 2. Subparagraph (4) of Subsection(f) of Section 26 of said Ordinance No. 230 of the City of Long Beach, as previously amended by Ordinance 390, Ordinance 430 and Ordinance 479 of the City of Long Beach, is hereby further amended to read as follows:

(4) Water Rate and Minimum Charge:

(A) For all multiple dwelling unit accounts, the water charge shall be at the same user charge rate for water service as provided for in subsection (c), but with a minimum monthly charge based upon the minimum consumption for the respective meter sizes as provided for in subsection (e), or a minimum amount of 8,333 gallons per dwelling unit served through that meter, whichever is greater. The minimum charges shall be applicable whether the units are actually occupied or not.

(B) For all high density multiple dwelling unit accounts, the water charge shall be at the same user charge rate for water service as provided for in subsection (c), but with a minimum monthly charge based upon the minimum consumption for the respective meter sizes as provided for in subsection (e), or a minimum amount of 4,000 gallons per dwelling unit served through that meter, whichever is greater.

Section 3. 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 4. Effective Date. This ordinance shall take effect and be in full force from and after thirty days after its adoption and publication as required by law.

The above and foregoing Ordinance No. 586 was introduced in writing by Alderman Parker who moved its adoption. Alderman Carrubba 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 Bernie Parker            | voted Aye                |
| Alderman Gary J. Ponthieux        | voted Aye                |
| Alderman Kaye H. Couvillon        | voted Aye                |
| Alderman Carolyn Anderson         | voted Absent, Not Voting |
| Alderman Leonard G. Carrubba, Sr. | voted Aye                |
| Alderman Mark E. Lishen           | voted Aye                |
| Alderman Ronnie Hammons, Jr.      | voted Absent, Not Voting |

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 586 adopted and approved this, the 18<sup>th</sup> day of October, 2011.

APPROVED:

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William Skellie, Jr., Mayor

ATTEST:

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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 #586 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 18<sup>th</sup> day of October, 2011, as the same appears of record in Ordinance Book #8, pages 19-23 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 18<sup>th</sup> day of October, 2011.

(SEAL)

Rebecca E. Schruff, City Clerk