

ORDINANCE NUMBER 587

AN ORDINANCE TO REQUIRE AND REGULATE THE
CONSTRUCTION AND MAINTENANCE OF PUBLIC
SIDEWALKS IN THE CITY OF LONG BEACH, MISSISSIPPI

WHEREAS, the Mayor and Board of Aldermen have determined that sidewalks provide an important and safe method of transportation; and

WHEREAS, the Mayor and Board of Aldermen have recognized that sidewalks are a necessary component of public transportation and public infrastructure; and

WHEREAS, sidewalks promote a healthier community by encouraging exercise and reducing pollution effects from vehicles; and

WHEREAS, the presence of sidewalks may ease traffic conditions within the city and also create a greater aesthetic appeal.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Long Beach Mississippi as follows:

SECTION 1. RECITALS

The foregoing recitals are true and correct, and included herein.

SECTION 2. STATEMENT OF PURPOSE AND INTENT

2.1 Purpose

The purpose of this ordinance is to promote the health, safety and general welfare of the City, and to promote the following goals:

- .1 Enhancing the safety of pedestrian access, movement, and protection for the physically able, physically challenged, children or seniors (or variously-able) within the community;
- .2 Ensuring that ADA guidelines are met for all sidewalk or pathway installations;
- .3 Providing for building of attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental, and historical features of developing neighborhoods;
- .4 Ensuring that all construction actively implements the building of sidewalks.

2.2: Definitions

Crosswalk: any portion of a roadway distinctly indicated for pedestrian crossing by lines or other surface markings or by a change in surface material.

Driveway: a paved or unpaved area intended to provide ingress and egress from a public

or private right-of-way to public or private premises, including an off-street parking area.

Infrastructure: facilities and services needed to sustain all land-use activities; infrastructure includes, but is not limited to, water and sewer lines and other utilities, streets, roads, communications, and public facilities such as fire stations, parks and schools.

Pathway: a designated walking and/or biking area, physically separated from motor vehicle traffic that can be either within the road right-of-way or within an independent right-of-way. Multi-use pathways include bicycle paths, rail-trails or other facilities built for bicycle and pedestrian traffic.

Planning Commission: the City of Long Beach Planning Commission

Sidewalk: a hard-surface, all-weather area designed for the convenience of pedestrian access, which is normally located immediately within the public right-of-way.

SECTION 3: PERMIT REQUIREMENT AND INSTALLATION

3.1. Within all new single-family residential subdivision developments and commercial subdivision developments, sidewalks installation shall be required prior to the issuance of a Certificate of Occupancy for each individual lot. Prior to acceptance of infrastructure facilities of final subdivision plats by the City, all required sidewalks and other public infrastructure improvements shall be completed by the developer. Developments shall provide sidewalk connection to adjacent, undeveloped property or properties. If an existing sidewalk connection exists on an adjacent development, Developments shall connect to that and any adjacent, existing sidewalk.

3.2 For all other new, non-single family residential or non-agricultural zoned development projects or construction improvements equating to 50% or more of the appraised taxable value of the property, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a Certificate of Occupancy. Developments shall provide sidewalk connection to adjacent, undeveloped property or properties and along all sides adjacent to public rights of way. If an existing sidewalk connection exists on an adjacent development, Developments shall connect to that existing sidewalk.

3.3 For all new buildings and new roadway infrastructure developed by the City the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a Certificate of Occupancy. For all improvements to municipal buildings, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a Certificate of

Occupancy.

3.4 The City will maintain a line item in the City's budget and that budget shall be dedicated to the installation of sidewalks conforming to the standards and requirements of this ordinance and in conjunction with the City improvements to arterial, major, and collector streets as defined by the comprehensive plan and as defined by the to be developed comprehensive sidewalk plan. These sidewalks shall be constructed in conjunction with the roadway improvements where this budget amount and existing right-of-way allow. For City improvements to arterial, major, and collector streets as defined by the comprehensive plan where non-conforming sidewalks currently exist, the installation of sidewalks conforming to the standards and requirements of this ordinance shall be required prior to a final inspection where this budget amount and existing right-of-way allow.

SECTION 4: STANDARDS AND REQUIREMENTS

4.1. Sidewalk Requirements

1. Sidewalks shall be required within the right-of-way on both sides of all new public or private streets located within the City. Sidewalks shall be required within the right-of-way along the frontage of existing public or private streets located within the City to allow for adequate internal and external connectivity. If sidewalks are not able to be located within the right-of-way, appropriate easements will be provided.
2. Provisions for sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of the plans submitted for obtaining a building construction permit. For all non-single family residential developments and non-agricultural zoned developments, a separated, continuous sidewalk shall be provided from right-of-way to primary entranceway(s) which will address adequate interior pedestrian connectivity.
3. Sidewalks shall be at least four (4) feet in width, with at least eight (8) feet of vertical clearance in the sidewalk path. Wider walks, to a maximum of eight (8) feet, may be required by the City of Long Beach along thoroughfares in commercial, industrial, or multi-family areas due to anticipated traffic and the development of the area.
4. The construction of all sidewalks and the materials and components parts thereof shall be subject to the acceptance of the City of Long Beach Building Department and shall meet all standards and requirements set forth in the Americans with Disabilities Act of 1990 and the City of Long Beach's sidewalk specifications and details in effect at the time of construction. Asphalt

and slick-surfaced sidewalks are prohibited.

5. All sidewalks shall include, either within the corner or within the curb area immediately adjacent thereto, ramps allowing access to the sidewalk and street by variously-able person as per ADA requirements. Existing curb and gutter

may require removal to provide a smooth transition to the street crosswalk.

6. Unless otherwise specified by the Planning Commission, a landscape strip of at least two feet width between the sidewalk and the edge of the road or back edge of the curb shall be required for all sidewalks to help keep all pedestrian ways free and clear of obstructions and to further provide a safe pedestrian-friendly environment.

7. Exceptions to this ordinance shall be made where required by federal law or federally mandated recommendations or requirements.

8. In such cases where sidewalk construction is not practical due to topographical or other hardship issues unique to the property location or development, or for other good cause shown, a developer may be granted a variance to this requirement upon application to the Planning Commission.

SECTION 5: OBSTRUCTIONS

The owner and/or occupant of every lot or premises adjoining any street shall clear and keep all sidewalks or multi-use paths adjoining such lot or premises from any owner created obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation, or other items. The owner and/or occupant shall also keep clear the area which is located directly over the sidewalk, up to a height of 8 feet, in a manner which will allow reasonable travel without interference from obstructions as defined above.

SECTION 6: REPAIR AND MAINTENANCE

Upon acceptance by the City of Long Beach after final plat, issuance of a Certificate of Occupancy or by final inspection, the City shall be responsible for the repair and maintenance of sidewalks and multi-use paths located adjacent to public streets and rights-of-way. The expense of repairing any sidewalk shall be incurred by the City. It shall be the responsibility of the property owner to have sidewalks evaluated by City staff prior to any action which may result in damage or removal by an owner, renter or contractor during work done at a property. Sidewalks that are damaged or removed by direct action shall be repaired/replaced by property owner at the expense of the property owner unless prior evaluation has been made by the City as to the

condition of the sidewalk. The evaluation shall determine whether the sidewalk condition warrants repair or reconstruction.

SECTION 7: ENFORCEMENT

The City of Long Beach Building Department, at the direction of the Mayor and Board of Aldermen, shall have the responsibility of enforcing this article. The laying of all sidewalks and the materials and component parts thereof shall be subject to the occurrence of the City of Long Beach Building Department and are not deemed completed until approval by the City of Long Beach Building Department and accepted by the Board of Aldermen.

SECTION 8: PENALTY

Violations of this Ordinance shall constitute a misdemeanor, punishable by a fine of up to \$1,000.00 per occurrence, and shall be enforced through the municipal court. The Court may order the violation to be corrected within a specified time period, after which time violations may be considered continuing and a daily fine may be implemented until the violation is corrected.

SECTION 9: APPEAL PROCESS

Any action or decision of the Building Official or Planning Commission may be appealed to the Mayor and Board of Aldermen as otherwise allowed by law.

SECTION 10. INVALIDATION/SEVERABILITY

The requirements and provisions of this Ordinance are severable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

SECTION 11. CONFLICTS

All Ordinances, parts of Ordinances or Resolutions of the Mayor and Board of Aldermen of the City of Long Beach that conflict with the provisions of this Ordinance shall be hereby repealed, to the extent of such conflict only.

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption.

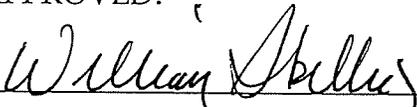
The City Clerk is directed to post and to publish the Ordinance as required by law.

The above and foregoing Ordinance No. 587 was introduced in writing by Alderman Carrubba who moved its adoption. Alderman Parker 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 J. Anderson	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Absent, Not Voting
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 in the said Ordinance Number 587 adopted and approved this the 20th day of December, 2011.

APPROVED:



 WILLIAM 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 #587 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 20th day of December, 2011, as the same appears of record in Ordinance Book #8, pages 24-30 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 20th December, 2011.

(SEAL)


Rebecca E. Schruff, City Clerk