

**CODE OF ORDINANCES**  
CITY OF  
**LONG BEACH, MISSISSIPPI**

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GENERAL ORDINANCES OF THE CITY

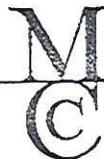
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Adopted, July 16, 1974  
Effective, August 20, 1974

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Published by Order of the Mayor and Board of Aldermen

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MUNICIPAL CODE CORPORATION

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Tallahassee, Florida

1974

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Municipal Code Corporation  
Tallahassee, Florida

OFFICIALS  
of the  
CITY OF LONG BEACH  
AT THE TIME OF THIS CODIFICATION

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W. D. Simmons  
*Mayor*

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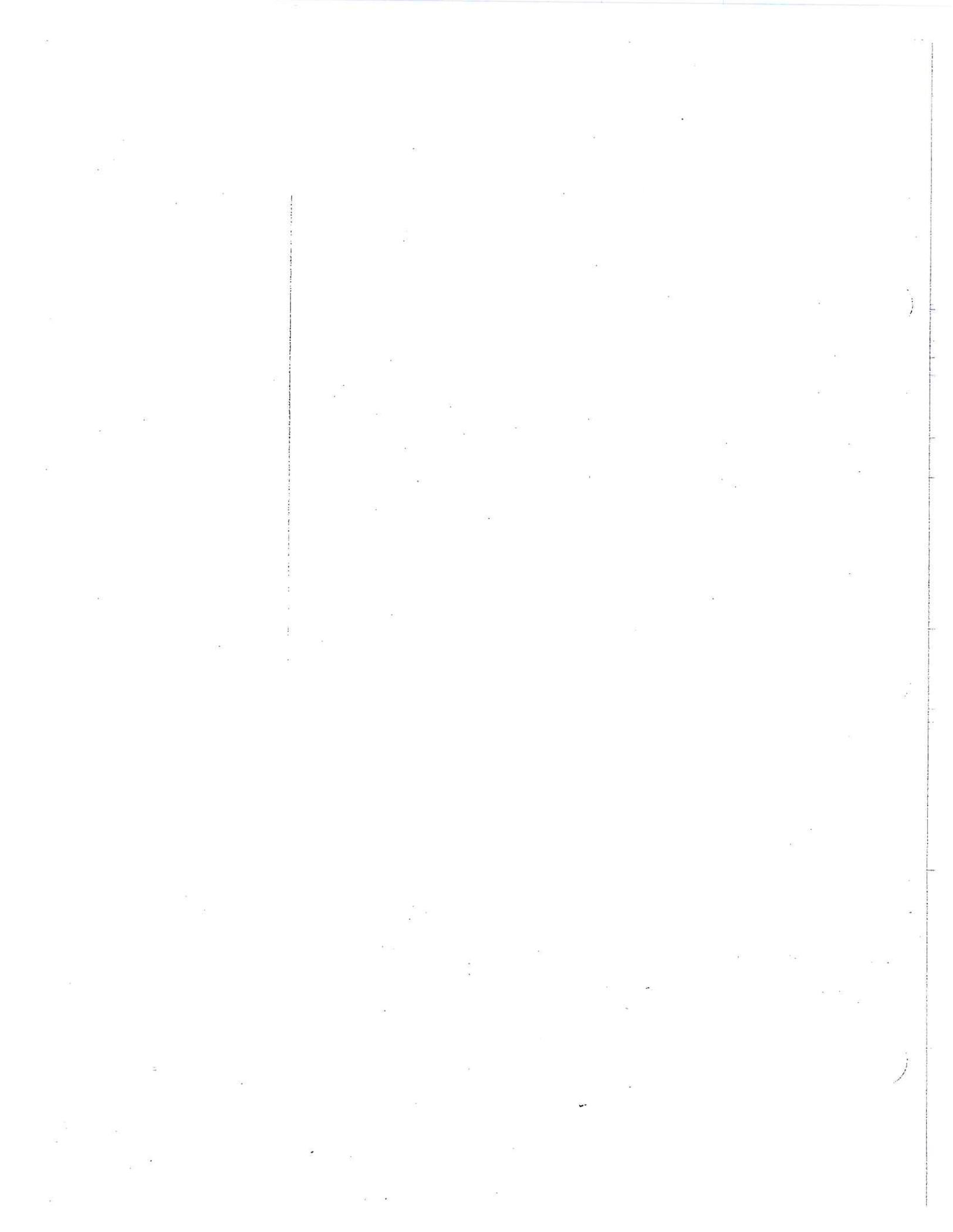
Sam Maxwell  
Jimmy Moran  
Bob Richards  
Jimmy Saverese  
Sal Giuffria  
*Aldermen*

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George Howard  
*City Clerk*

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Harold DeMetz  
*City Attorney*



### *Index*

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by city officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

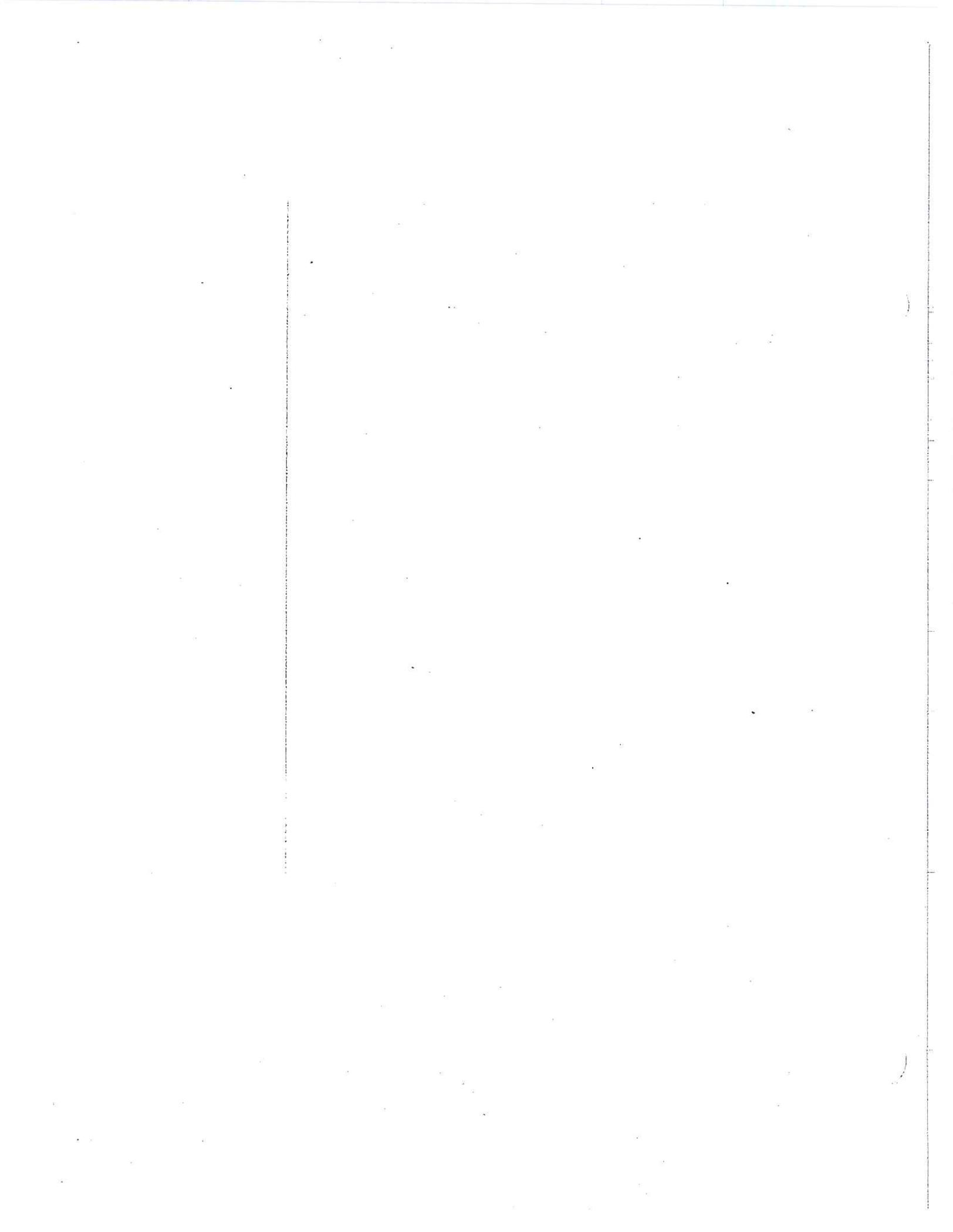
### *Acknowledgments*

The publication of this Code was under direct supervision of George R. Langford, President and Robert D. Ussery, Vice President, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to all city officers and employees for their cooperation and interest during the preparation of this Code. It is hoped that their efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

August 1974

MUNICIPAL CODE CORPORATION  
Tallahassee, Florida



## PREFACE

This volume contains the Code of Ordinances of the City of Long Beach, Mississippi. The Code is a revision and codification of all ordinances of a general and permanent nature that were deemed advisable to be included.

This Code is an entirely new codification and, as expressed in the Adopting Ordinance, supersedes all general and permanent ordinances not included herein or expressly saved from repeal by the Adopting Ordinance. Only ordinances of a general and permanent nature prescribed for and affecting the public as a whole are included herein. Special ordinances dealing with only a portion of the inhabitants of the City rather than all of them, relating to special purposes, such as ordinances levying special assessments, providing for bond issues, paving, vacating and opening specified streets, etc., are not included.

### *Organization; Numbering System*

As will be noted, the chapters have been arranged in alphabetical order and the various sections within each chapter have been appropriately catchlined to facilitate usage. Attention is directed to the footnotes which tie related sections of the Code together and which also refer to relevant provisions of general state law. The source of each section is indicated by the history note appearing at the end thereof in parentheses. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code.

The numbering system used in the Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the eighth section of Chapter 2 is 2-8. New sections can be inserted in their proper places, simply by using the decimal system for amendments. Thus, if new material consisting of three sections that would logically come

between Sections 4-4 and 4-5 is to be added, the new sections would be numbered 4-4.1, 4-4.2, 4-4.3. Sections have been reserved at the end of articles and divisions to provide for future expansion.

New chapters may be included by the addition of a fractional number after the chapter number. As an example, if the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12½. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way, or in the case of articles, may be placed at the end of the chapter embracing the subject and in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

#### *Looseleaf Supplement Service*

A special feature of this Code to which the attention of the user is directed is the innovation of the looseleaf form of binding and supplemental servicing for the Code. With this new looseleaf system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to the holders of the Code with instructions for inserting the new pages and deleting the obsolete pages. Each such subsequent amendment, when incorporated into this Code, will be cited as a part thereof as provided in Section 4 of the Adopting Ordinance.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them, and in addition, that all deleted pages be saved and filed for purposes of historical reference.

ORDINANCE NO. 296

*An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Long Beach, Mississippi; Establishing the Same; Providing for the Repeal of Certain Ordinances not Included Therein, Except as herein Expressly Provided; Providing for the Manner of Amending such Code of Ordinances; Providing a Penalty for Violating said Code or other Ordinance; and Providing When this Ordinance Shall Become Effective.*

*Be It Ordained by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi:*

Section 1. That this ordinance, consisting of Chapters 1 to 17, each inclusive, is hereby adopted and enacted as the "Code of Ordinances, City of Long Beach, Mississippi," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances duly enacted on or before September 4, 1973,\* to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect on and after the 20th day of August, 1974 and all ordinances of a general and permanent nature enacted on final passage on or before September 4, 1973,\* and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

Section 3. That the repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part of an ordinance which has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the mayor and board of aldermen to make the same a part thereof, shall be deemed to be incorporated into

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\*Note—Ordinance No. 297, adopted August 6, 1974, amended this ordinance by changing this date from June 1, 1974 to September 4, 1973.

such Code, so that reference to the "Code of Ordinances, City of Long Beach, Mississippi," shall be understood and intended to include such additions and amendments.

Section 5. That a copy of such Code, certified to by the mayor and city clerk shall be on file at the time of the adoption of such Code and shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the city clerk may consider most expedient. It shall be the express duty of the city clerk or someone authorized by him to insert in their designated places all amendments or ordinances which indicate the intention of the mayor and board of aldermen to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed. This copy of such Code shall be available to all persons desiring to examine the same and shall be considered the official Code of Ordinances of the City.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 8 of this ordinance and Section 1-9 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty is provided in another section of such Code, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That it shall be unlawful for any person, firm or corporation to change or alter, by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Long Beach to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 8 of this ordinance and Section 1-9 of such Code.

Section 8. That whenever in such Code hereby adopted or in this ordinance or any ordinance of the City, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor,

where no specific penalty is provided therefor, the violation of any such provision of said Code or ordinance shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or both. Every day any violation of this Code or any such ordinance shall continue shall constitute a separate offense.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. That this ordinance shall be in force and take effect the 20th day of August, 1974.

PASSED AND APPROVED this 16th day of July, 1974.

APPROVED: W. D. Simmons  
Mayor

(SEAL)

ATTEST: Geo. G. Howard  
City Clerk

#### CERTIFICATE

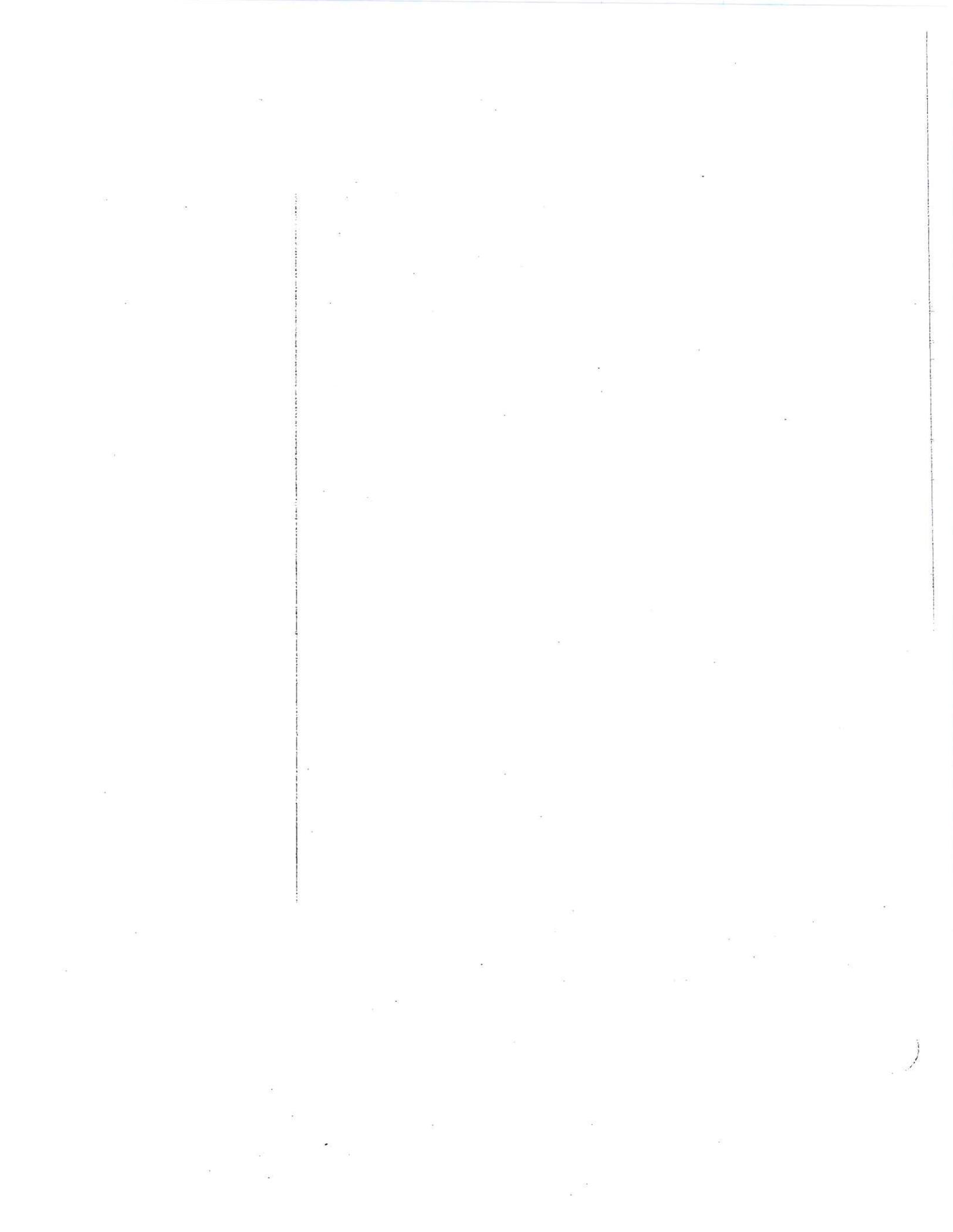
State of Mississippi  
County of Harrison

I, Geo. G. Howard, the undersigned 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 adopted by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi at a meeting duly convened and held at the City Hall in said City on July 16, 1974 as the same appears of record in my office.

Given under my hand and the official seal of my office this the 17th day of July, 1974.

/s/ Geo. G. Howard  
City Clerk

(SEAL)



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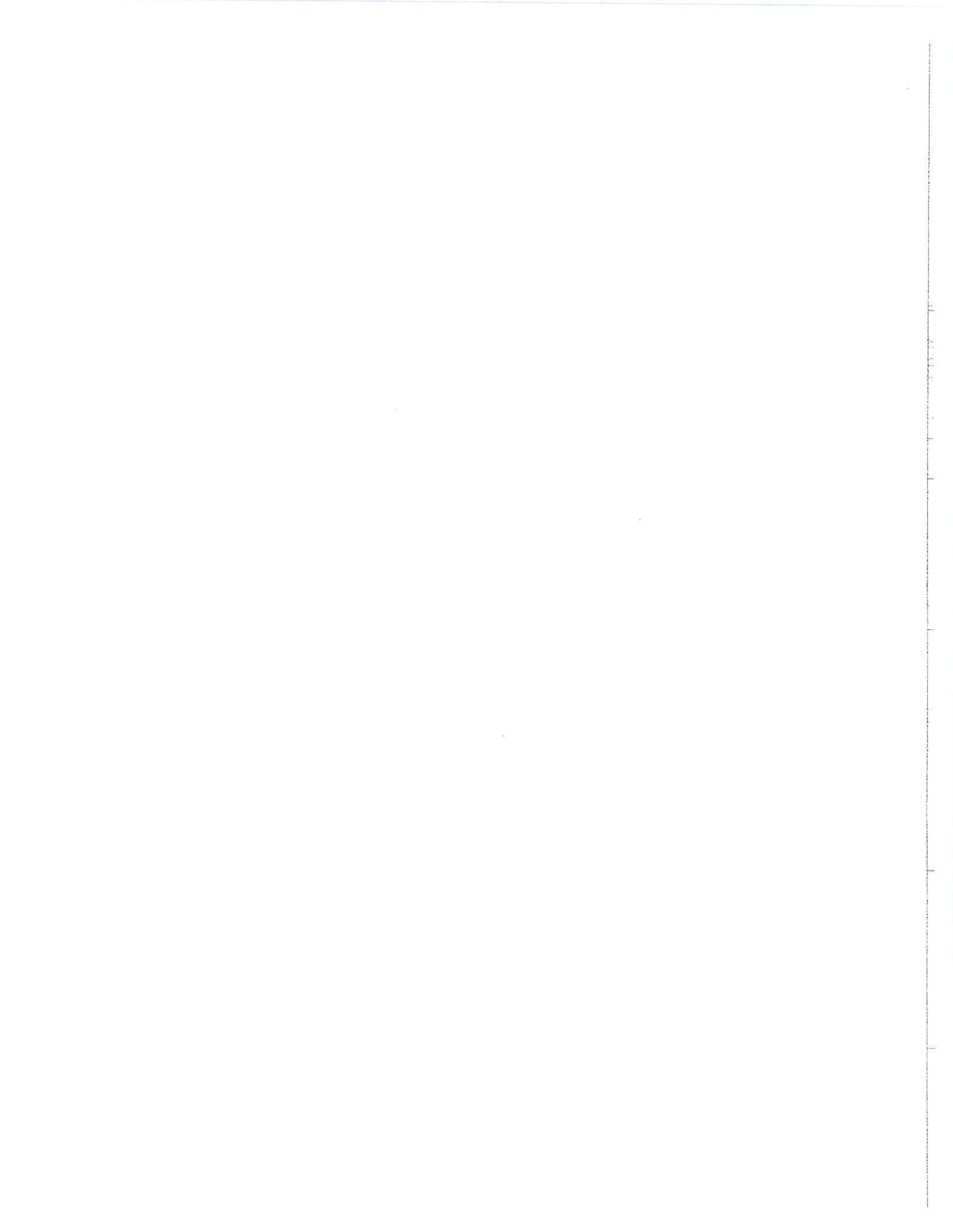
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CODE



## CODE OF ORDINANCES

### Chapter 1

## GENERAL PROVISIONS

#### Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters shall constitute and be designated as the "Code of Ordinances, City of Long Beach, Mississippi," and may be so cited. Such chapters may also be cited as the "Long Beach Code."

State law reference—Authority of city to codify ordinances and adopt such codification, Miss. Code Ann. 1942, § 3374-76.

#### Sec. 1-2. Definitions and interpretation.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the mayor and board of aldermen:

*Board, board of aldermen.* The term "board" or "board of aldermen" shall mean the Mayor and Board of Aldermen of the City of Long Beach, Mississippi.

*City.* The words "the city" or "this city" shall mean the City of Long Beach, Mississippi.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day is Sunday or a legal holiday that day shall be excluded.

*County.* The words "the county" or "this county" shall mean the County of Harrison, Mississippi.

*Delegation of authority.* Whenever a provision requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision designate otherwise.

*Gender.* Words importing the masculine gender shall include the feminine and neuter.

*Joint authority.* All words giving joint authority to three (3) or more persons shall be construed as giving such authority to a majority of such persons.

*Month.* The word "month" shall mean a calendar month, unless otherwise expressed.

*Number.* Words used in the singular include the plural and the plural includes the singular number.

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Or, and.* "Or" may be read "and," and "and" may be read "or" if the sense requires it.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

*Person.* The word "person" shall include a corporation, firm, partnership, joint venture, estate, trust, association, organization and any other group acting as a unit, as well as an individual.

*Personal property* includes every species of property except real property, as herein defined.

*Preceding, following.* The words "preceding" and "following" shall mean next before and next after, respectively.

*Property.* The word "property" shall include real and personal property.

*Real property* shall include every estate, interest or right in lands, tenements and hereditaments.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curblin and the adjacent property line intended for the use of pedestrians, excluding parkways.

*Signature or subscription* includes a mark when the person cannot write.

*State.* The words "the state" or "this state" shall mean the State of Mississippi.

*Street.* The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.

*Tenant, occupant.* The word "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Writing, written.* The words "writing" and "written" shall include printing and any other mode of representing words and letters.

*Year.* The word "year" shall mean a calendar year.

State law reference—Definitions of terms used in statutes, Miss. Code Ann. 1942, §§ 673—708.

### **Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

### **Sec. 1-4. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the

issuance of any bonds of the city or any evidence of the city's indebtedness;

- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for city officers and employees;
- (3) Any ordinance annexing territory to the city or excluding territory as a part of the city;
- (4) Any ordinance granting any franchise, permit or other right;
- (5) Any ordinance calling or otherwise relating to any election;
- (6) Any ordinance providing for local improvements;
- (7) Ordinance No. 247, being the zoning ordinance set out in Appendix A of this Code, or amendments thereto, or ordinances zoning or rezoning specific property;
- (8) Ordinance No. 231, being the subdivision ordinance set out in Appendix B of this Code, or amendments thereto;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**Sec. 1-5. Code does not affect prior offenses, rights, etc.**

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

**Sec. 1-6. Amendments to Code.**

(a) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Code of Ordinances, City

of Long Beach, Mississippi, is hereby amended to read as follows: . . . .” The new provisions shall then be set out in full as desired.

(b) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: “That the Code of Ordinances, City of Long Beach, Mississippi, is hereby amended by adding a section which reads as follows: . . . .” The new section shall then be set out in full as desired.

(c) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

#### **Sec. 1-7. Supplementation of Code.**

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of aldermen. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (Inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

#### **Sec. 1-8. Altering Code.**

It shall be unlawful for any person to change or alter, by additions or deletions, any part or portion of this Code or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

#### **Sec. 1-9. General penalty; continuing violations.**

Wherever in this Code or in any ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation

of any such provision of this Code or ordinance of the city shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Each day that any violation of this Code or other ordinance shall continue shall constitute a separate offense.

In addition to the penalties provided for above, any condition existing in violation of any provision of this Code or any other ordinance shall be deemed a public nuisance and may be abated by the city as provided by law.

State law references—Authority to impose penalties as prescribed above, Miss. Code Ann. 1942, § 3374-137; authority to prevent, remove and abate nuisances, Miss. Code Ann. 1942, § 3374-116.

#### **Sec. 1-10. Working prisoners; credit against fine.**

(a) Persons imprisoned for the violation of city ordinances may be required to work upon the streets, avenues and alleys of the city under the direction of the street commissioner.

(b) Where such prisoner is engaged in working out a fine assessed against him, he shall receive a credit against said fine at the rate of three dollars (\$3.00) per day worked.

(c) The street commissioner shall file a report with the city jailer of each prisoner working out a fine, and the latter shall credit the result of such labor to the fine assessed against such prisoner as the same appears upon his jail docket. (Rev. Ords. 1926, Ch. XVII)

State law reference—Credit against fines, Miss. Code Ann. 1942, § 7906.

#### **Sec. 1-11. Remission of fines and annulment of penalties.**

The mayor shall have the power to remit fines and forfeitures, and to vacate and annul penalties of all kinds, for offenses against the ordinances of the city, by and with the consent of the board of aldermen; but a fine or penalty shall not be remitted or annulled unless the reasons therefor

are entered on the minutes by the clerk, together with and as part of the order so doing.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3374-94.

**Sec. 1-12. Severability of parts of Code.**

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the board without the incorporation in this Code of any such invalid phrase, clause, sentence, paragraph or section.

**Sec. 1-13. City boundaries.**

The territory embraced within the boundary lines of the city shall constitute and embrace the territory as follows:

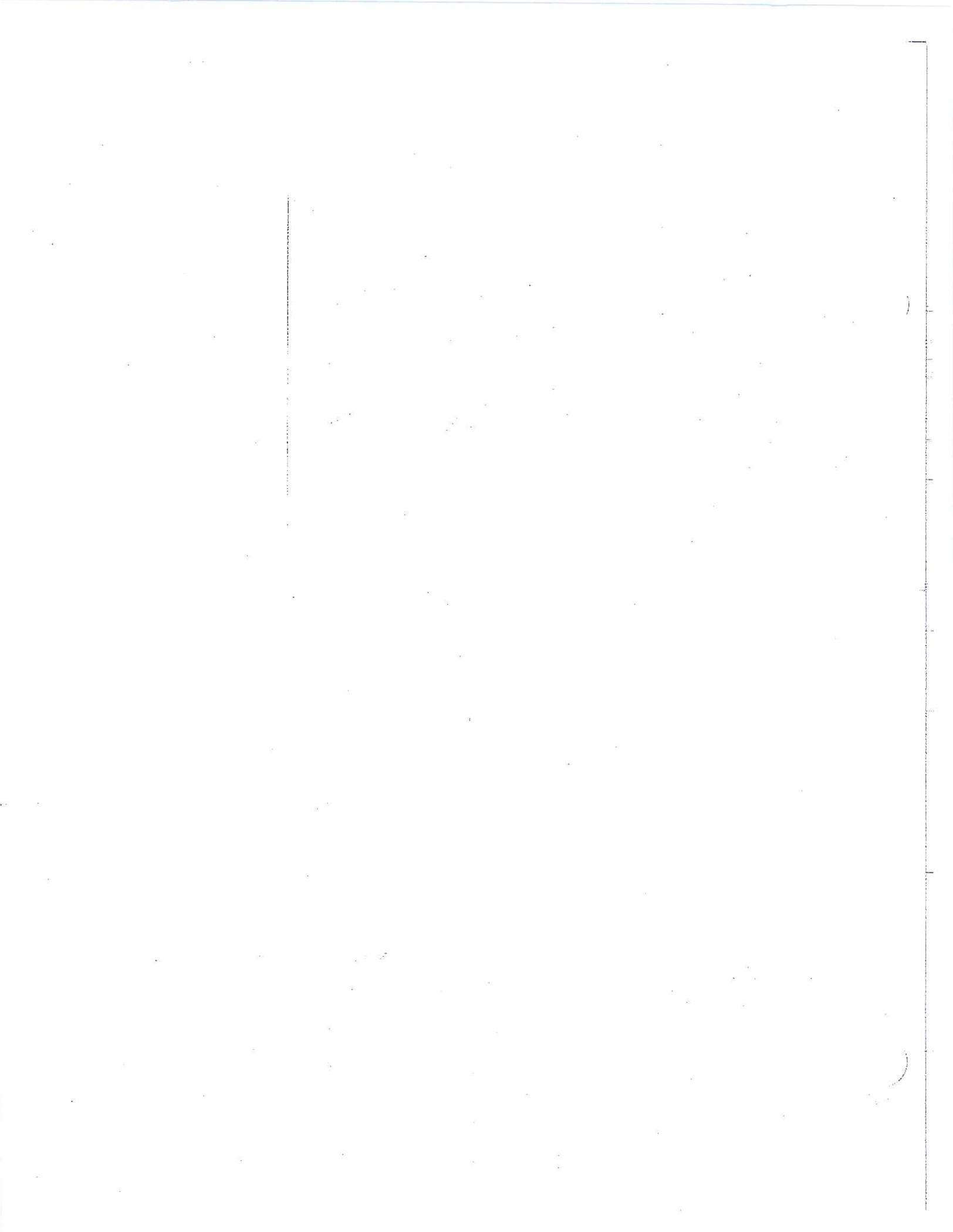
Beginning at a point 5,000 feet south, 28 degrees east of the southeast corner of Lot #7, of the Godchalk's Survey, being the southwest corner of the corporate limits of the City of Gulfport; thence westerly 5,000 feet from the shoreline of the Mississippi Sound or Gulf of Mexico to where the eastern line of Section 21, Township 8 South, Range 12 West, known and designated as the eastern boundary line of Section 21, Township 8 South, Range 12 West, if regularly surveyed in government sections, townships and ranges, and known and designated as the eastern boundary line of supervisor's district #3, of Harrison County, Mississippi, if said eastern line of said supervisor's district were extended south; thence in an easterly direction 2,600 feet; thence in an easterly direction 2,600 feet from the north margin of the right-of-way of the Louisville and Nashville R.R. Company to the western corporate limits of the City of Gulfport; thence in a southerly direction along the western corporate limits of

GENERAL PROVISIONS

§ 1-13

the City of Gulfport to a point of beginning, being the southeastern corner of the present corporate limits of the City of Long Beach, which said boundary lines constitute the boundary lines of said corporation of the City of Long Beach, Harrison County, Mississippi, and the territory included within said lines is hereby declared to be within the corporate limits of the City of Long Beach, and to constitute the territory of the city. (Ord. No. 141, § 2)

[The next page is 59]



Chapter 2

ADMINISTRATION\*

- Art. I. In General, §§ 2-1-2-15  
Art. II. Mayor and Board of Aldermen, §§ 2-16-2-34  
Art. III. City Clerk, Tax Collector and Tax Assessor, §§ 2-35-2-49  
Art. IV. Planning Commission, §§ 2-50-2-62

ARTICLE I. IN GENERAL

Secs. 2-1-2-15. Reserved.

ARTICLE II. MAYOR AND BOARD  
OF ALDERMEN

Sec. 2-16. To manage and direct all city business.

The mayor and board of aldermen shall manage, transact and direct all the business of the city as provided by the laws of the state. (Ord. No. 176, § 1, 4-6-48)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3374-114.

Sec. 2-17. Five aldermen elected at large.

The city shall have five (5) aldermen each of whom shall be elected from the city at large. (Ord. No. 176, §§ 1, 2, 4-6-48)

State law reference—Number of aldermen and authority to provide for their election at large, Miss. Code Ann. 1942, § 3374-36.

Sec. 2-18. Time and place of regular meetings.

Regular meetings of the mayor and board of aldermen shall be held on the first and third Tuesday of each month

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\*Cross references—Police, Ch. 10; library board of trustees, § 11-16 et seq.; zoning board of appeals, App. A, Art. XI.

State law reference—Municipalities generally, Miss. Code Ann. 1942, § 3374-01 et seq.

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at 7:00 p.m. at the City Hall. (Ord. No. 244, § 1, 12-28-65; Ord. No. 263, § 1, 9-17-68; Ord. No. 303, § 1, 6-3-75; Ord. No. 305, § 1, 9-4-75)

State law reference—Regular meetings of board, Miss. Code Ann. 1942, § 3374-43.

#### **Sec. 2-19. Recessed meetings.**

The mayor and board of aldermen may recess any regular meeting from time to time to convene on a day fixed by an order of the mayor and board of aldermen entered upon its minutes and may transact any business coming before it for consideration. (Ord. No. 244, § 1, 12-28-65; Ord. No. 263, § 1, 9-17-68)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3374-43.

#### **Sec. 2-20. Special meetings.**

The mayor and board of aldermen may hold special meetings in accord with the laws of the state. (Ord. No. 244, § 2, 12-28-65)

State law reference—Special meetings, Miss. Code Ann. 1942, § 3374-44.

#### **Sec. 2-21. Salary and expense allowance of mayor.**

The annual salary of the mayor of the City of Long Beach, Mississippi, shall be, and the same hereby is, fixed and established in the sum of twelve thousand dollars (\$12,000.00), and shall be paid monthly in equal installments out of the proper municipal fund or funds, the same to be included in the annual budget. The expenses of such office shall be allowed in addition to such salary upon approval of the board of aldermen. (Ord. No. 246, § 2, 5-3-66; Ord. No. 257, § 1, 8-24-67; Ord. No. 299, §§ 3, 4, 8-13-74)

#### **Sec. 2-22. Salaries of aldermen.**

The salaries of the aldermen of the city shall be two thousand four hundred dollars (\$2,400.00) per annum for each alderman. Such salaries shall be paid in monthly installments of two hundred dollars (\$200.00) each out of the

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general fund of the city and shall be included in the annual budget of the city. (Ord. No. 255, § 1, 8-15-67)

**Sec. 2-23. General duties of mayor.**

The mayor shall preside at all meetings of the board of aldermen, and in case there shall be an equal division, he shall give the deciding vote. He shall have the superintending control of all of the officers and affairs of the City of Long Beach, Mississippi, and shall take care that the laws and ordinances are executed; and he shall have power to veto, in writing, giving his reasons therefor, any measure passed by the board of aldermen, but a measure vetoed may be adopted notwithstanding, if two-thirds of the aldermen vote therefor. In addition thereto, the mayor shall have such other duties as may be prescribed by the Constitution and laws of the State of Mississippi, as now or hereafter amended, applicable to code charter municipalities of which the City of Long Beach, Mississippi, is one. (Ord. No. 246, § 1, 5-3-66; Ord. No. 299, §§ 1, 4, 8-13-74)

State law reference—General duties of mayor, Miss. Code Ann. 1942, § 3374-40 et seq.

**Sec. 2-24. Violations of emergency orders of mayor.**

Pursuant to the provisions of section 8610-55 of the Mississippi Code of 1942, Annotated and Recompiled, it is hereby declared that any person violating the provisions of orders issued by the mayor, who is the chief administrative officer of the city, during a proclaimed civil emergency within the corporate limits of the city, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. (Ord. No. 265, § 1, 8-27-69)

**Sec. 2-25. Office hours of the mayor.**

The mayor shall have an office in the city hall, and shall have regular office hours each day, except Saturdays, Sundays and legal holidays, beginning at 8:00 a.m. and ending at Supp. No. 1

5:00 p.m. The mayor shall efficiently and economically execute and administer the duties of his office and devote as much of his time to the business of the city as shall be necessary to accomplish that result, whether at his office aforesaid or at such other place as the duties of such office and the business of the city may require. (Ord. No. 299, § 2, 8-13-74)

Editor's note—Section 2 of Ord. No. 299 did not specifically amend the Code, hence inclusion herein as § 2-25 was at the discretion of editors.

**Secs. 2-26—2-34. Reserved.**

### **ARTICLE III. CITY CLERK, TAX COLLECTOR AND TAX ASSESSOR\***

#### **Sec. 2-35. Offices made appointive.**

The offices of the city clerk, city tax collector and city tax assessor shall be and the same are hereby made appointive by the mayor and board of aldermen. (Ord. No. 187, § 1, 1-16-51; Ord. No. 188, § 1, 3-20-51; Ord. No. 252, § 1, 5-16-67)

State law reference—Authority to make above offices appointive, Miss. Code Ann. 1942, § 3374-35.

#### **Sec. 2-36. Offices combined.**

The offices of the city clerk, city tax collector and city tax assessor are hereby combined by the mayor and board of aldermen, so that one (1) officer shall hold all three (3) offices. (Ord. No. 188, § 2, 3-20-51; Ord. No. 252, § 1, 5-16-67)

State law reference—Authority to combine above offices, Miss. Code Ann. 1942, § 3374-35.

#### **Sec. 2-37. To be qualified elector.**

The city clerk, tax collector and tax assessor shall be a qualified elector of the city. (Ord. No. 187, § 2, 1-16-51; Ord. No. 188, § 3, 3-20-51; Ord. No. 252, § 2, 5-16-67)

\*Cross reference—Taxation, Ch. 14.  
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**Sec. 2-38. Oath and bond.**

Before entering into the discharge of his duties, the city clerk, tax collector and tax assessor shall take the oath of office prescribed by law and enter into bond, for the faithful performance of his duties, in the amount of five thousand dollars (\$5,000.00). The premium on such bond shall be paid from the proper fund of the municipal treasury. (Ord. No. 188, § 3, 3-20-51; Ord. No. 252, § 4, 5-16-67)

State law references—Authority to require bond, Miss. Code Ann. 1942, § 3374-37; duty to take oath and execute required bond, Miss. Code Ann. 1942, § 3374-95.

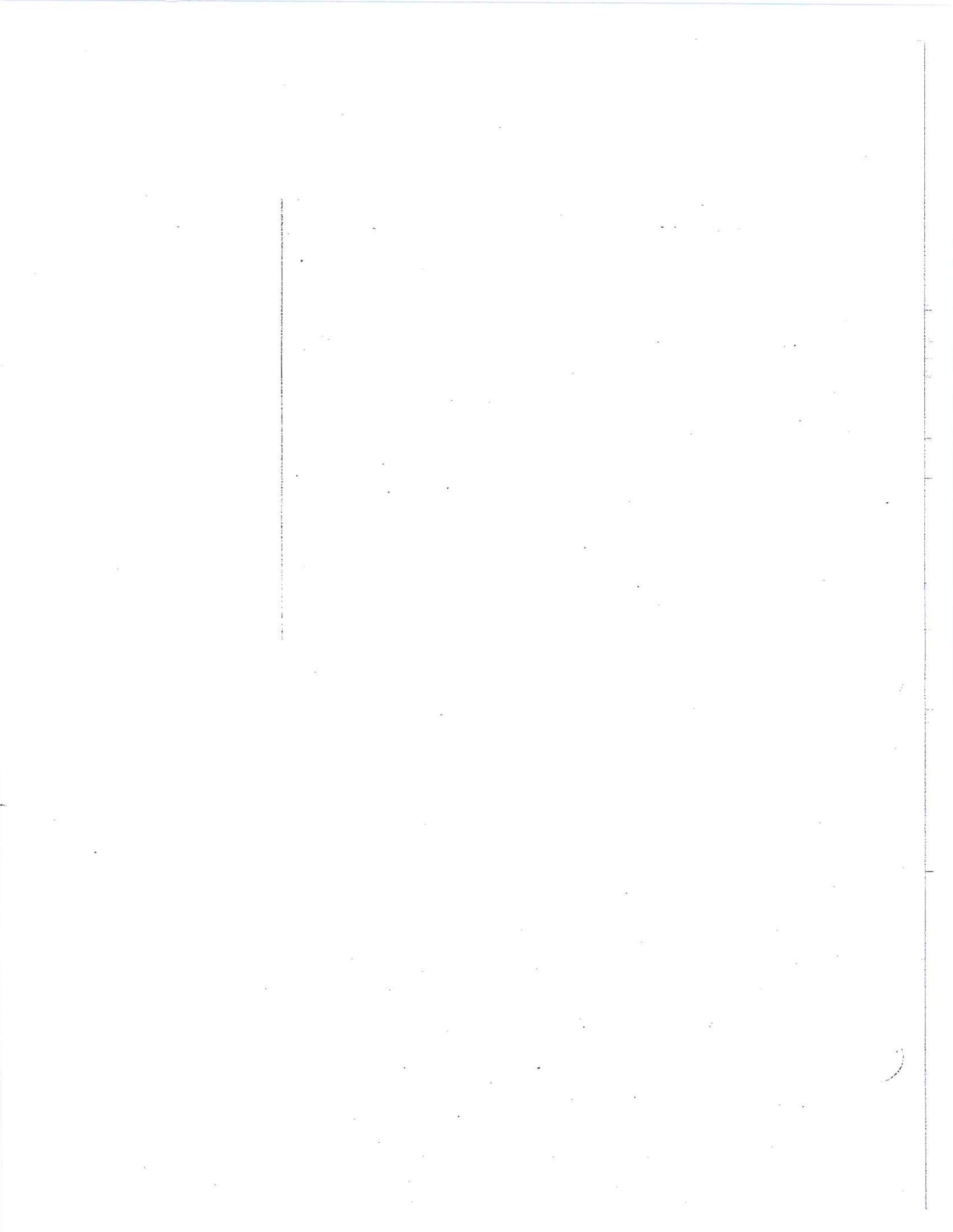
**Sec. 2-39. Statutory powers and duties.**

The person appointed as city clerk, tax collector and tax assessor by the mayor and board of aldermen shall have all the rights, privileges, duties and powers as prescribed by applicable laws of the state pertaining to such offices. (Ord. No. 252, § 2, 5-16-67)

**Secs. 2-40—2-49. Reserved.****ARTICLE IV. PLANNING COMMISSION\*****Sec. 2-50. Created; composition; appointment of members.**

(a) There is hereby created a planning commission of the city. Such commission shall be composed of seven (7)

\*Cross reference—Planning commission action required on application for mobile home park license, § 8-44.  
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members, all of whom shall be residents of the city and shall be nominated by the mayor and confirmed by the board of aldermen. Such members shall be appointed solely with reference to their fitness and without reference to party affiliation.

(b) In addition to the appointed members, the mayor and the city engineer shall be ex officio members of the planning commission. (Ord. No. 220, § 1, 5-1-62)

State law reference—Authority to create planning commission, Miss. Code Ann. 1942, § 2890.5.

#### **Sec. 2-51. Terms of members.**

The term of office of each member appointed to the planning commission shall be for three (3) years, or until his successor shall qualify and take office, except that, of the initial appointments, three (3) commissioners shall be appointed for one (1) year, two (2) commissioners shall be appointed for two (2) years and two (2) commissioners shall be appointed for three (3) years. (Ord. No. 220, § 1, 5-1-62)

#### **Sec. 2-52. Members to serve without compensation.**

The appointed members of the planning commission shall serve without compensation and the mayor and city engineer shall receive no compensation for their work on the planning commission, other than the fixed salary of their office. (Ord. No. 220, § 1, 5-1-62)

State law reference—Planning commission to serve without pay, Miss. Code Ann. 1942, § 2890.5.

#### **Sec. 2-53. Removal of members; filling of vacancies.**

Members of the planning commission may be removed by the mayor or by the board of aldermen only for inefficiency, neglect of duty or malefaction in office. Vacancies on the commission occurring otherwise than through the expiration of a term of office shall be filled only for the unexpired term by the mayor with the confirmation of the board of aldermen. (Ord. No. 220, § 1, 5-1-62)

**Sec. 2-54. Quorum.**

Five (5) members of the planning commission shall constitute a quorum for the transaction of business; provided, however, that no action shall be taken which is binding upon the commission unless concurred in by not less than a majority of all members comprising the commission. (Ord. No. 220, § 2, 5-1-62)

**Sec. 2-55. Election and terms of officers.**

The planning commission shall elect a chairman, a vice-chairman and a secretary and may create and fill such other offices as it may deem necessary. The term of the chairman, vice-chairman and secretary shall be one (1) year with eligibility for reelection. (Ord. No. 220, § 3, 5-1-62)

**Sec. 2-56. Meetings; rules; records.**

The planning commission shall hold at least one (1) regular meeting each month. The planning commission shall adopt rules for the transaction of business and shall keep a permanent record of its regulations, transactions, findings and determinations, which record shall be a public record. (Ord. No. 220, § 3, 5-1-62)

**Sec. 2-57. General powers.**

In conducting its work, the planning commission may consider and investigate any subject matter tending to the development and betterment of the city, including, but not limited to, building codes and a housing code, and may make such recommendations as it may deem advisable concerning the adoption thereof to the mayor and board of aldermen. The planning commission may make or cause to be made surveys, studies, maps and plans in the conduct of its activities. (Ord. No. 220, § 5, 5-1-62)

Cross references—Building code, § 6-16 et seq.; housing code, § 6-29 et seq.

**Sec. 2-58. Employment of staff; authority to incur expenses.**

The planning commission shall have the power and authority to employ planners, engineers, attorneys, clerks

and other help deemed necessary within the limits of the appropriation fixed by the mayor and board of aldermen. The salary and compensation of such employees shall be fixed by the planning commission with the approval of the mayor and board of aldermen and shall be paid out of the city treasury as are the salaries of other officers and employees. The planning commission may incur necessary expenses within the limits of its appropriation to carry out its purposes and responsibilities. (Ord. No. 220, § 4, 5-1-62)

**Sec. 2-59. Commission action required prior to final board action on location or design of public buildings, streets, parks, etc.**

Before final action is taken by the mayor and board of aldermen on the location or design of any public building, statue, memorial, park, boulevard, street, alley, playground, public grounds, bridge or change in any location of any street or alley, such question shall be submitted to the planning commission for investigation and report. (Ord. No. 220, § 5, 5-1-62)

**Sec. 2-60. Powers and duties with respect to comprehensive plan.**

(a) The planning commission shall have the power and duty to prepare and recommend to the mayor and board of aldermen, for adoption, a comprehensive plan for the physical development of the city.

(b) In the preparation of the comprehensive plan, the planning commission shall make or cause to be made careful and comprehensive surveys and studies of present conditions and future growth of the city, with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for

traffic, the promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement and wise and efficient expenditure of public funds.

(c) In the preparation of the comprehensive plan, the planning commission may, from time to time, prepare and recommend to the mayor and board of aldermen, for adoption, a part or parts thereof, which part or parts shall cover one (1) or more major geographical division of the city or one (1) or more major element of the comprehensive plan. The planning commission may, from time to time, recommend extending, amending or changing any portion of the comprehensive plan. (Ord. No. 220, §§ 5, 6, 5-1-62)

**Sec. 2-61. Powers and duties relative to subdivisions and dedications; prerequisites to recording plats and dedications.**

The planning commission may prepare and recommend to the mayor and board of aldermen, for adoption, rules and regulations governing the subdivision of land within the corporate limits of the city. All plans, plats or replats of land laid out in two (2) or more lots, plats or parcels, streets, alleys or other ways intended to be dedicated to public use within the corporate limits of the city shall first be submitted to the planning commission for its recommendations. The planning commission shall, with the help of appropriate city officials, check the proposed dedications or subdivisions of land to insure compliance with the rules and regulations governing subdivisions of land and with other elements of the comprehensive plan for the city. The disapproval of any such plan, plat or replat by the mayor and board of aldermen shall be deemed a refusal of the dedications shown thereon. No plat or replat of a subdivision of land, or dedications of a street or alley or other easement, shall be entitled to record unless it bears the signature of the mayor, attested by the city clerk, certifying the approval of and acceptance thereof by the mayor and board of aldermen. (Ord. No. 220, § 7, 5-1-62)

Cross reference—Subdivision regulations, App. B.

**Sec. 2-62. Powers and duties relative to zoning.**

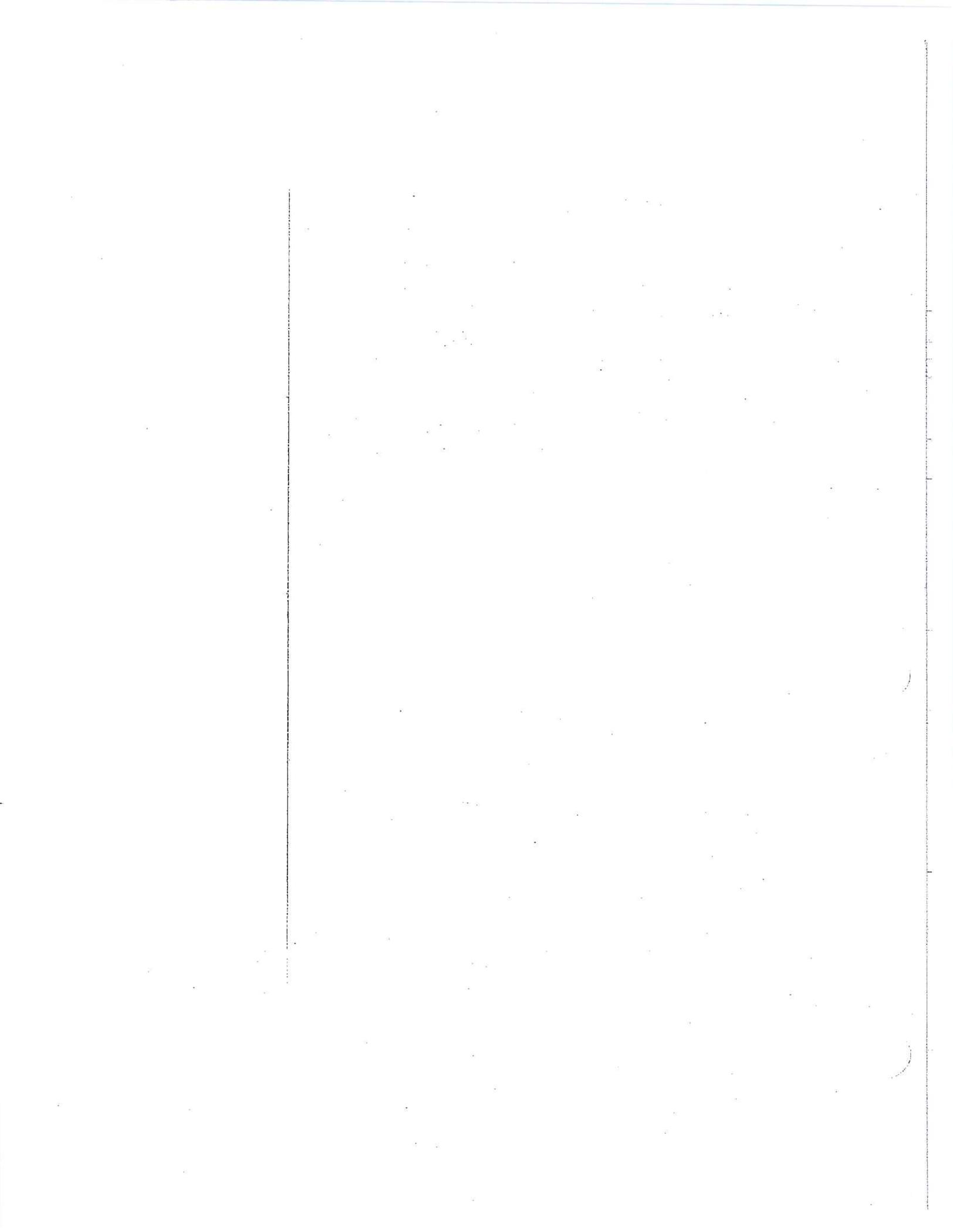
(a) The planning commission shall also act as the zoning commission and shall have the power to prepare and recommend to the mayor and board of aldermen, for adoption, a zoning plan to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, density of population and the location and use of buildings, structures and land for trade, industry, residences and other purposes.

(b) The planning commission may recommend the division of the city into districts of such number, size and area as may be deemed best suited to carry out the zoning plan. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one (1) district may differ from those in other districts.

(c) Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. No. 220, §§ 8-10, 5-1-62)

Cross reference—Zoning ordinance, App. A.

State law reference—Zoning, Miss. Code Ann. 1942, § 3590 et seq.



Chapter 3

**ALCOHOLIC BEVERAGES\***

**Sec. 3-1. Sale, delivery or storage near church, school, funeral home or library.**

It shall be unlawful for any person to sell, give, barter, deliver or store intoxicating liquor within four hundred (400) feet of any church, school, kindergarten, funeral home or library in the city, but within an area zoned commercial or classified as a resort area, such minimum distance shall not be less than one hundred (100) feet. No beer, wine or other alcoholic beverage shall be sold, furnished or delivered for consumption on the premises within two hundred (200) feet of any such church, school, kindergarten, funeral home or library. (Ord. No. 254, § 1, 8-1-67)

Cross reference—Public libraries, Ch. 11.

**Sec. 3-2. Package store sales prohibited during certain hours and on certain days.**

It shall be unlawful for any holder of a package retailer's permit under the state Local Option Alcoholic Beverage Control Law to sell, give away, deliver or barter any alcoholic beverage between the hours of 10:00 p.m. and 10:00 a.m., or on any Sunday, Christmas Day or election day; provided, however, that on any election day after the polls have officially closed, package stores may be reopened so as to allow licensed package retailers to sell, deliver or barter any alcoholic beverage in the city after such closing of the polls and until the hour of 10:00 p.m. on such election day. (Ord. No. 254, § 2, 8-1-67; Ord. No. 285, § 1, 11-7-72)

Editor's note—The above section was approved by the state tax commission on October 24, 1972.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 10265-32(c).

\*Cross references—Driving while intoxicated, § 15-225; package and on-premises sale of alcohol permitted in C-1 and less restrictive zoning districts, App. A, § 705 et seq.; privilege tax on beer and wine, § 14-17.

State law references—Local Option Alcoholic Beverage Control Law, Miss. Code Ann. 1942, § 10265-01 et seq.; intoxicating liquors, Miss. Code Ann. 1942, § 2612 et seq.

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**Sec. 3-3. Permitted hours for on-premises sales.**

On-premises permittees or clubs located within those areas in the city classified as resort areas under the provisions of the state Local Option Alcoholic Beverage Control Law may make sales of alcoholic beverages at the permitted locations between the hours of 10:00 a.m. each day and 2:00 a.m. the following day, except that no sales or deliveries of alcoholic beverages shall be made to any persons between the hours of 2:00 a.m. and 12:00 noon on Sundays or between the hours of 2:00 a.m. and 6:00 p.m. on election days. It shall be unlawful for any person to sell, give away, furnish or deliver any alcoholic beverage for consumption on the premises except as herein permitted. (Ord. No. 254, § 2, 8-1-67; Ord. No. 256, § 1, 9-5-67)

State law reference—On-premises retailer's permit, Miss. Code Ann. 1942, § 10265-19(a)(3).

**Sec. 3-4. Sale or delivery to minors.**

(a) Persons who have attained the age of eighteen (18) years may purchase and consume beer at all legal establishments offering beer for sale, or offering beer for sale and consumption.

(b) It shall be unlawful for any person to sell, give, or otherwise furnish any beer to any minor under the age of eighteen (18) years; or to sell, give, or otherwise furnish wine or other intoxicating drink to any person under the age of twenty-one (21) years. (Ord. No. 254, § 3, 8-1-67; Ord. No. 301, § 1, 4-1-75)

Cross references—General offenses relating to minors, § 9-26 et seq.; misrepresentation of age by minor for purpose of procuring alcoholic beverages, § 9-34.

[The next page is 169]

Chapter 4

**ANIMALS AND FOWL\***

Art. I. In General, §§ 4-1-4-14

Art. II. Dogs, §§ 4-15-4-28

Div. 1. Generally, §§ 4-15-4-22

Div. 2. Dogs Running at Large, §§ 4-23-4-28

**ARTICLE I. IN GENERAL**

**Sec. 4-1. Keeping of livestock and fowl generally.**

(a) No person shall raise, have or keep any fowl, livestock or other animals, excepting dogs, cats, birds and other household pets, within the city and within three hundred (300) feet of the residence of any other person who shall complain, in writing, to the mayor and board of aldermen regarding the same.

(b) The premises on which any fowl, livestock or other animals, excepting dogs, cats, birds and other household pets, are raised, had or kept within the corporate limits of the city shall be kept in a clean and sanitary condition so as to prevent offensive odors and offensive sights in connection therewith.

(c) This section shall be enforced only upon a written complaint, filed with the mayor and board of aldermen, by some resident citizen residing on premises within three hundred (300) feet from where any such acts occur, setting out in detail the name of the person, location of the premises and type of violation, including what fowl, livestock or animals are being raised, kept or maintained.

(d) Upon the filing of a written complaint regarding any act set out in this section, it shall be the duty of the city clerk to give written notice to the person against whom the

\*Cross references—Restrictions on pets in mobile home parks, § 8-35; application of traffic regulations to persons riding animals or driving animal-drawn vehicles, § 15-25; dogs and other pets not to run at large in recreational vehicle campgrounds, App. A, § 710.14.

complaint is filed, to cause such act to cease, and in the event such person so notified does not cease, within five (5) days, to continue such act, such person shall then be in violation of this section and the proper official shall make proper charges regarding such violation. (Ord. No. 194, §§ 2-5, 2-3-53)

**Sec. 4-2. Keeping of swine prohibited.**

It shall be unlawful for any person to keep any swine of any kind within the city. (Ord. No. 194, § 1, 2-3-53)

**Sec. 4-3. Livestock running at large.**

(a) It shall be unlawful for any person to permit any cattle, horses, mules, sheep, goats, bulls, cows or other like animals owned or kept by him to run at large within the corporate limits of the city.

(b) Any animal found running at large in violation of subsection (a) above may be impounded and disposed of in the same manner and following the same procedure as is prescribed by Article II, Division 2 of this chapter. (Ord. No. 172, 1-1-46)

State law reference—Authority to prohibit animals running at large and impound same, Miss. Code Ann. 1942, § 3374-153.

**Sec. 4-4. Fowl running at large.**

It shall be unlawful for any person owning or having under his control any domestic fowl or poultry, such as chickens, turkeys, ducks, geese, guineas, or any other such fowl, to permit or allow the same to run at large upon the premises of another person, or upon the streets, alleys or other public places of the city. All such fowl or poultry shall be confined in a safe enclosure upon the premises or lands belonging to, or under the control of, the owner or keeper of such fowl or poultry. (Ord. No. 142, § 1, 4-7-31)

**Secs. 4-5—4-14. Reserved.**

## ARTICLE II. DOGS

## DIVISION 1. GENERALLY

**Sec. 4-15. Definitions.**

As used in this article, unless the context otherwise indicates, the following definitions shall apply:

*At large.* The term "at large" shall mean off the premises of the owner, and not under the control of the owner or a member of the owner's family, either by leash, cord, chain or otherwise.

*Dog.* The word "dog" shall mean both male and female.

*Owner.* The word "owner" shall mean any person owning, keeping or harboring a dog.

*Permit.* The word "permit" shall mean to allow by tacit consent, or by not hindering, or to take no steps to prevent, and includes the voluntary, careless or negligent action or omission of those having, keeping, harboring or owning a dog or dogs.

*Vicious dog.* The term "vicious dog" shall include, but is not limited to, any dog known to have attacked, bitten or otherwise injured any human being. (Ord. No. 213, § 2, 8-2-60; Ord. No. 259, § 1, 2-6-68)

**Sec. 4-16. Vicious dogs to be restrained.**

It shall be unlawful for any person to possess, own or keep within the corporate limits of the city any vicious dog, unless the same is properly restrained within the enclosure of such owner or keeper. (Ord. No. 213, § 2, 8-2-60)

**Sec. 4-17. Barking dogs.**

It shall be unlawful for any person to possess, own or keep within the corporate limits of the city any dog which yells, whines, howls or barks excessively so as to disturb the peace of any family or inhabitant of the city. (Ord. No. 213, § 1, 8-2-60)

**Secs. 4-18—4-22. Reserved.**

**DIVISION 2. DOGS RUNNING AT LARGE**

**Sec. 4-23. Prohibited.**

It shall be unlawful for any owner of any dog to permit such dog to run at large within the corporate limits of the city. (Ord. No. 259, § 2, 2-6-68)

State law reference—Authority to prohibit animals running at large, Miss. Code Ann. 1942, § 3374-153.

**Sec. 4-24. Impoundment or destruction.**

It shall be the duty of every police officer of the city, or the poundmaster or other person designated by the mayor and board of aldermen, to apprehend any dog found running at large contrary to the provisions of section 4-23 and to impound such dog in the city pound or some other suitable place. In the event no such suitable place is available, such dog may be removed to any private animal hospital or animal shelter that will take possession of such dog under such agreement as may be made with the mayor and board of aldermen. Notwithstanding the above provisions, any dog found running at large and not having proper identification indicating that such dog has been vaccinated for rabies, and any dog noticeably infected with rabies, hydrophobia or other dangerous disease, and any dog displaying fierce, dangerous or vicious propensities, which cannot be safely taken up and impounded, may be slain by any policeman; provided, however, that no dog which can be safely taken up and impounded (except vicious or infected dogs herein mentioned) shall be slain or destroyed without first giving the notice prescribed in section 4-26. (Ord. No. 259, § 3, 2-6-68)

State law reference—Authority to impound or destroy animals running at large, Miss. Code Ann. 1942, § 3374-153.

**Sec. 4-25. Impoundment registry.**

The poundmaster, or other designated person authorized by the mayor and board of aldermen, upon receiving any dog under this division, shall make a complete registry,

entering the breed, color, markings and sex of each dog, and, if known, the serial number of vaccination against rabies and the year in which such dog was vaccinated. (Ord. No. 259, § 3, 2-6-68)

**Sec. 4-26. Notice of impoundment.**

Not later than five (5) days after the impounding of any dog, the owner shall be notified, or if the owner of the dog is unknown, five (5) days' notice shall be published that such dog, if unclaimed, will be sold to discharge the costs and expenses incurred for impounding and maintaining such dog. Such notice shall be given by publication thereof one (1) time in some newspaper published and having a general circulation in the city, if there is one. If no such newspaper is published in the city, then such notice shall be given for the required time by publication in some newspaper having a general circulation in the city. In addition, a copy of such notice shall be posted in three (3) public places in the city, one (1) of which places shall be at the City Hall, and a copy of such notice shall be delivered to the county sheriff. The notice so published and posted may be in substantially the following form:

TO: (Give Name and address of owner if known) (or) TO  
WHOM IT MAY CONCERN

You are hereby notified that the following described dog (giving description of dog) is now impounded at (giving location where dog is impounded) and the amount due by reason of such impounding is the sum of \$\_\_\_\_ per day, plus the costs of impounding and of this notice.

You are hereby further notified that unless the said dog is redeemed within five (5) days of the date of this notice by the payment of the costs of impounding and maintaining such dog and the costs hereof, I will offer for sale and will sell at public sale to the highest and best bidder for cash the aforesaid dog at \_\_\_\_\_ o'clock \_\_\_\_ m. (the hour of sale to be between the hours of 11 o'clock a.m. and 4 o'clock P.M. Central Standard Time or Daylight Time when in effect) on the \_\_\_\_\_ day of \_\_\_\_\_ at the following

place: (where dog is impounded or such other place as may be designated by the mayor and board of aldermen) to discharge the aforesaid costs and penalties.

In the event said dog is not redeemed and no person shall offer to purchase the same, the said dog will be otherwise disposed of as provided by Chapter 4 of the Code of Ordinances, City of Long Beach, Mississippi.

Witness may signature this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Poundmaster

(Ord. No. 259, § 4, 2-6-68)

**Sec. 4-27. Impoundment charges.**

The following charges are hereby established to help defray the expenses of enforcing the provisions of this division:

- (1) For impounding any dog, \$5.00.
- (2) For maintaining any dog, \$1.00 per day.
- (3) For giving notice of impoundment, \$12.00.

Such charges, when collected, shall be paid into the general fund of the city. (Ord. No. 259, § 3, 2-6-68)

**Sec. 4-28. Redemption, sale or other disposition when impounded.**

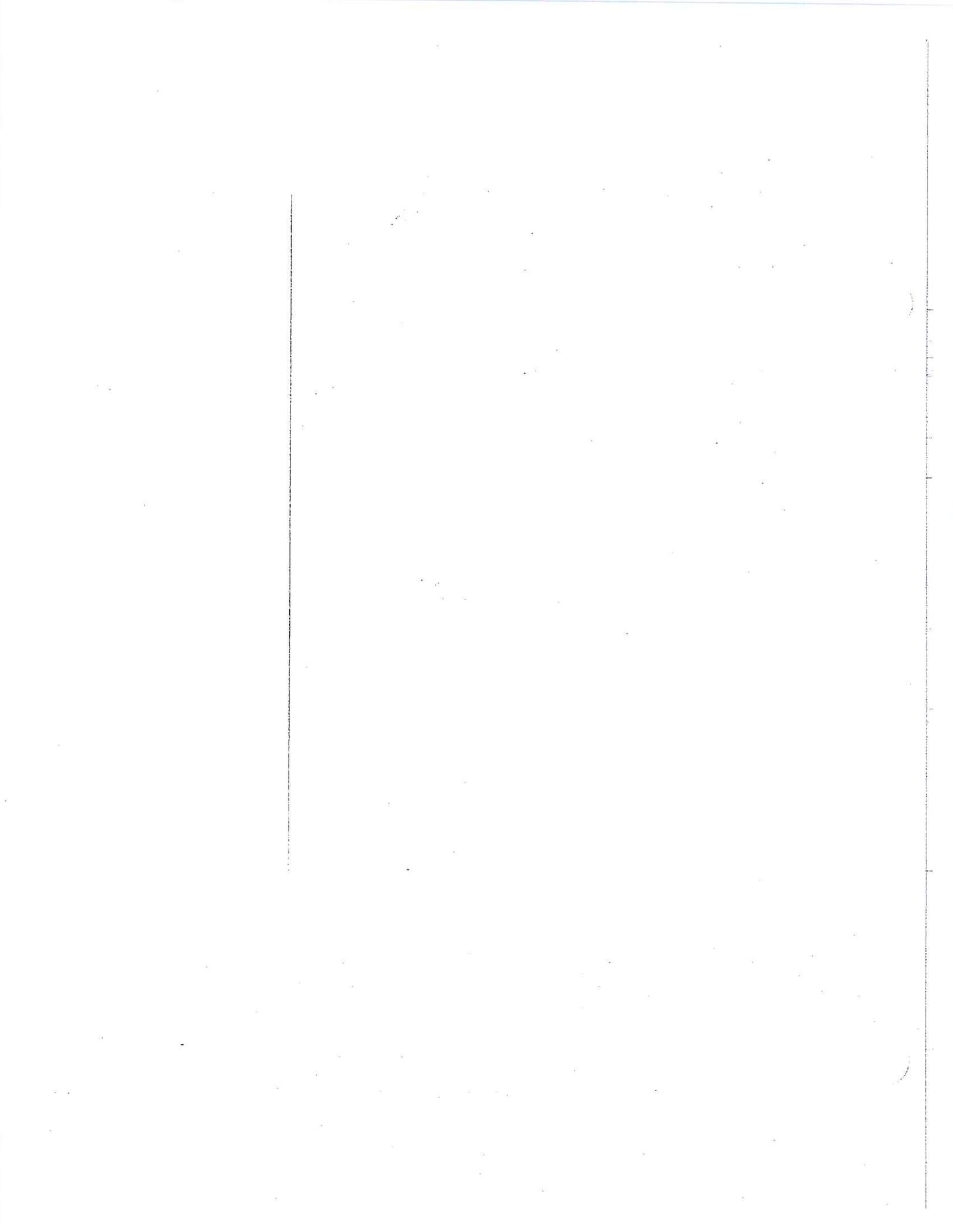
(a) Any dog impounded under this division may be redeemed by the owner thereof, at any time prior to the expiration of five (5) days after the notice provided for in section 4-26 is given in the prescribed manner, by payment of the charges prescribed in section 4-27. Payment of such charges shall not relieve such owner from prosecution and punishment for violating section 4-23.

(b) If a dog has not been redeemed within the time specified in subsection (a) above, it shall be sold by the poundmaster at the time and place specified in the notice provided for in section 4-26.

(c) If at the expiration of the time specified in subsection (a) above, a dog shall not have been redeemed or sold as provided in this section, it may be destroyed.

(d) Any dog which appears to be suffering from rabies or affected with hydrophobia or other dangerous disease shall not be released under this section, but may be forthwith destroyed.

(e) Whenever any hospital or reputable institution of learning shall apply to the city clerk for permission to use, for research purposes in the study of prevention of disease or the betterment of mankind, any impounded dog remaining unclaimed or unsold, after the expiration of the time specified in subsection (a), the city clerk shall request the poundmaster to surrender such dog to such hospital or institution and it shall be so surrendered. (Ord. No. 259, §§ 4-6, 2-6-68)



Chapter 5

**ARRESTS\***

**Sec. 5-1. Who may make.**

Arrests for crimes and offenses against the state law, this Code and other ordinances of the city may be made by the mayor, any person acting as sheriff or his deputy, any constable, any policeman or police officer of the city, and any private person. (Rev. Ords. 1926, Ch. II, §§ 2, 3)

Cross reference—Arrests by auxiliary police officers, § 10-22.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2467.

**Sec. 5-2. May be made at any time or place.**

Arrests for offenses committed or to prevent a breach of the peace or the commission of a crime may be made at any time or place. (Rev. Ords. 1926, Ch. II, § 8)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2469.

**Sec. 5-3. With warrant.**

In all cases other than when arrest without warrant may be made, when it is proposed to arrest a person for violating any provision of this Code or other city ordinance, it shall be the duty of the officer, before making the arrest, to procure a warrant therefor; provided, that where the appearance of offenders can be had without arrest, no warrant need be issued. (Rev. Ords. 1926, Ch. II, § 2)

**Sec. 5-4. Without warrant.**

(a) An officer or private person may arrest any person without warrant, for an indictable offense committed, or a breach of the peace threatened or attempted in his presence; or when a person has committed a felony, though not in his presence; or when a felony has been committed, and he has reasonable ground to suspect and believe the person proposed to be arrested to have committed it; or on a

\*Cross references—Police, Ch. 10; arrests for traffic violations, § 15-40 et seq.

charge, made upon reasonable cause, of the commission of a felony by the party proposed to be arrested. In all cases of arrests without warrant, the person making such arrest must inform the accused of the object and cause of the arrest, except when he is in the actual commission of the offense or is arrested on pursuit.

(b) Any law enforcement officer may arrest any person on a misdemeanor charge without having a warrant in his possession when a warrant is in fact outstanding for that person's arrest and the officer has knowledge, through official channels, that the warrant is outstanding for that person's arrest. In all such cases, the officer making the arrest must inform such person at the time of the arrest the object and cause therefor. If the person arrested so requests, the warrant shall be shown to him as soon as practicable. (Rev. Ords. 1926, Ch. II, §§ 1, 9)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2470.

#### **Sec. 5-5. Right of entry.**

To make an arrest as provided for in this chapter, any officer or private person, after notice of his office and object, if admittance is refused, may break open a window or outer door of any dwelling or other house in which he believes the offender may be found. (Rev. Ords. 1926, Ch. II, § 5)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2471.

#### **Sec. 5-6. Refusing to assist officer.**

Any person who, having been summoned or commanded by any policeman or other city officer to assist such officer in making an arrest, neglects or refuses to obey such summons or command, shall be guilty of a misdemeanor. (Rev. Ords. 1926, Ch. II, § 7)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2468.

#### **Sec. 5-7. Arrested person to be delivered to proper officer.**

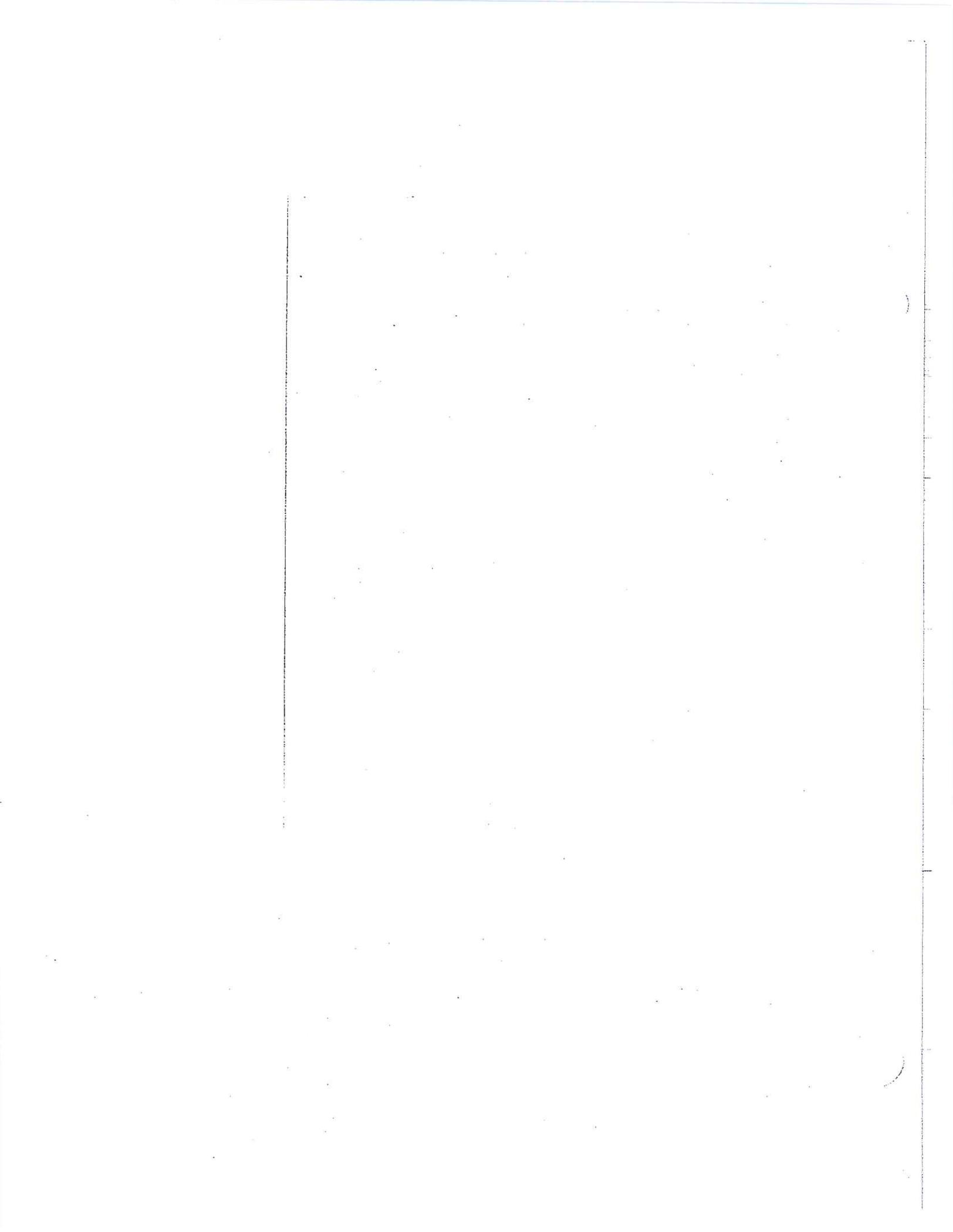
Every person making an arrest within the limits of the city shall deliver the person arrested to the proper officer without unnecessary delay. (Rev. Ords. 1926, Ch. II, § 4)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2473.

**Sec. 5-8. Escape after arrest.**

It shall be unlawful for any person, after arrest by any person authorized by the laws of this state or the ordinances of the city to make arrests, to escape, or attempt to escape by any means whatever from the custody of such person, or from the city jail, the city jail yard, the City Hall, or any other place of lawful confinement or detention, either before or after conviction. (Rev. Ords. 1926, Ch. II, § 10)

State law reference—Escapes, Miss. Code Ann. 1942, § 2130 et seq.



Chapter 6

**BUILDINGS AND BUILDING REGULATIONS\***

- Art. I. In General, §§ 6-1-6-15
- Art. II. Building Code, §§ 6-16-6-28
- Art. III. Housing Code, §§ 6-29-6-40
- Art. IV. Plumbing Code, §§ 6-41-6-52
- Art. V. Gas Code, §§ 6-53-6-75
- Art. VI. Electrical Code, §§ 6-76-6-127
  - Div. 1. Generally, §§ 6-76-6-97
  - Div. 2. Electrical Contractor's License, §§ 6-98-6-112
  - Div. 3. Work Permits, §§ 6-113-6-122
  - Div. 4. Inspection and Approval of New Work, §§ 6-123-6-127

**ARTICLE I. IN GENERAL**

**Sec. 6-1. Second fire district established.**

There is hereby created within the city a second fire district, which shall encompass and include all that area within the city classified and delineated as a C-1, Restricted Commercial District by Ordinance No. 247, the zoning ordinance of the city, and the official zoning map thereby adopted, which ordinance as the same may be from time to time changed, modified or amended, and official zoning map, together with all notations, references and other things shown thereon, are hereby expressly referred to in aid of and as a part of this section creating and delineating such second fire district. (Ord. No. 277, § 5, 7-20-71)

Cross reference—Zoning ordinance, App. A.

State law reference—Authority to establish fire limits, Miss. Code Ann. 1942, § 3374-140.

**Secs. 6-2-6-15. Reserved.**

\*Cross references—Fire prevention and protection, Ch. 7; mobile homes and mobile home parks, Ch. 8; use of mobile homes by contractors at construction sites, § 8-6; special permission required for constructing signs, buildings or other structures on U.S. Highway No. 90, § 13-19; water, sewers and sewage disposal, Ch. 17; zoning, App. A; subdivision regulations, App. B.

Supp. No. 2

**ARTICLE II. BUILDING CODE****Sec. 6-16. Adopted.**

Pursuant to the provisions of section 3374-80, Mississippi Code Annotated, 1942, as amended, and the general public health, safety and welfare so requiring it, the Southern Standard Building Code developed by the Southern Building Code Congress, being particularly the 1973 edition thereof and the appendices thereto, and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, shall be and the same are hereby adopted as the building code within and for the city, as fully as though set out at length herein. Such building code was presented in printed pamphlet form to the mayor and board of aldermen at a regular meeting duly convened and held on Tuesday, the 4th day of September, 1973, and has been and is now on file in the office of the city clerk. (Ord. No. 277, § 1, 7-20-71; Ord. No. 288, § 1, 9-4-73)

*Cross references*—Recommendations of planning commission relative to building code, § 2-57; building official may act as zoning enforcement officer, App. A, § 1001; requirements of zoning ordinance as to building permits, App. A, §§ 1002, 1003.

**Sec. 6-17. Amendments.**

The building code adopted by this article is hereby amended in the following respects:

*Section 201.2.* The definition of "habitable room," as contained in section 201.2, is hereby amended by adding to such definition the following: "The minimum elevation of any floor containing one or more habitable rooms shall be 12.5 feet above mean sea level." (Ord. No. 277, § 2, 7-20-71)

**Sec. 6-18. Appeals.**

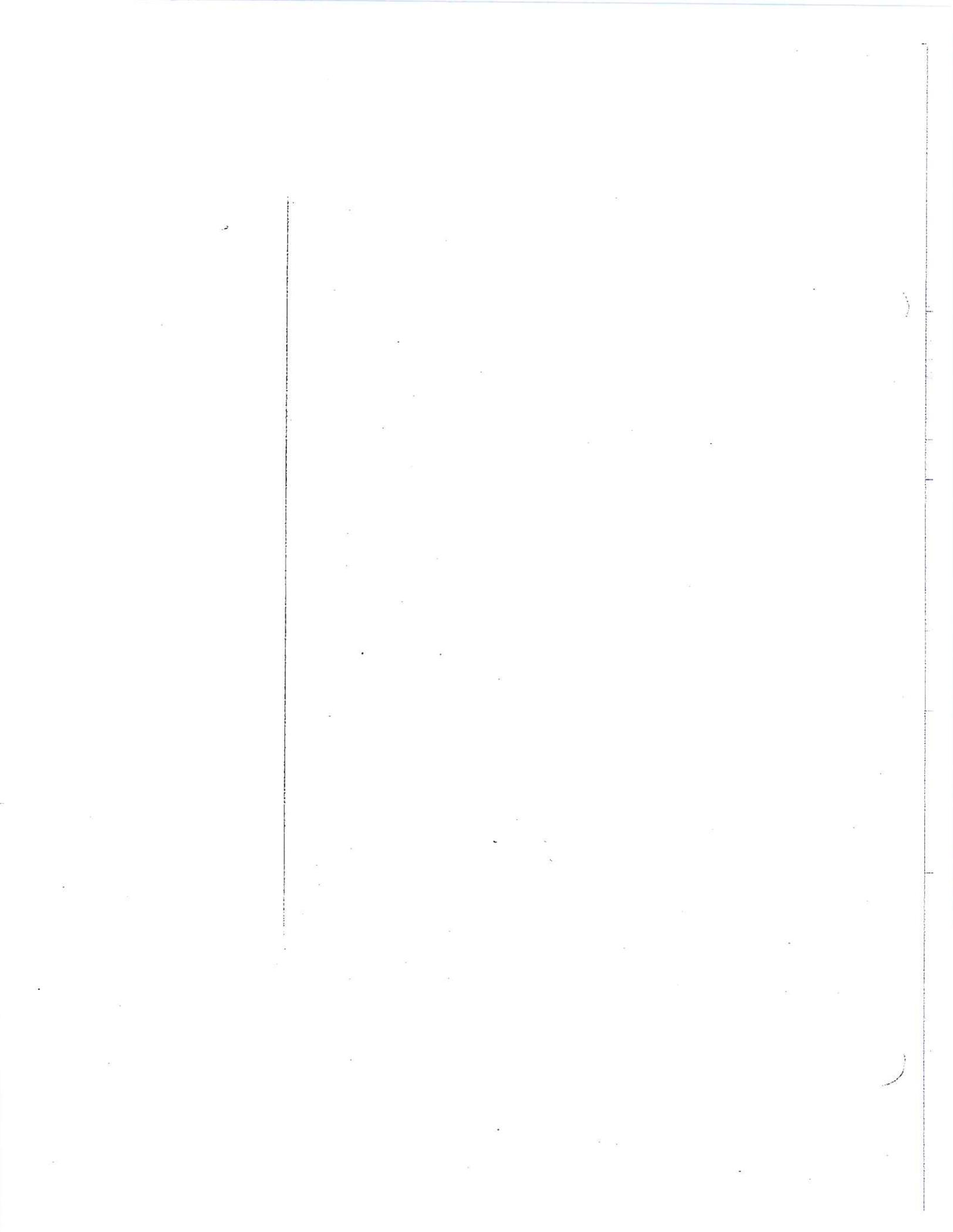
As provided for in section 111 of the building code adopted by this article, appeals from any decision of the building official shall be heard by the board of adjustments and appeals. (Ord. No. 288, § 3, 9-4-73)

Supp. No. 2

**Sec. 6-19. Contractor license fee.**

Any person, corporation, partnership or joint venture engaged in any manner in the business of construction, repairs, alteration, remodeling, destruction or moving of any structure in the City of Long Beach, Mississippi, shall, before commencing such business, purchase a contractor's license from the city clerk at the city hall in Long Beach, Mississippi. Said license shall cost twenty-five dollars (\$25.00), and is valid for a period of twelve (12) months from date of issue. (Ord. No. 302, § 1, 9-4-75)

**Secs. 6-20—6-28. Reserved.**



**ARTICLE III. HOUSING CODE****Sec. 6-29. Adopted.**

Pursant to the provisions of section 3374-80, Mississippi Code Annotated, 1942, as amended, and the general public health, safety and welfare of the city and of its inhabitants so requiring it, the Southern Standard Housing Code developed by the Southern Building Code Congress, being particularly the 1973 edition thereof and the whole thereof, save and except such portions as may hereinafter be amended, shall be and the same is hereby adopted as and for the housing code in and for the city as fully as though set out at length herein. Such code has been presented in printed pamphlet form to the mayor and board of aldermen at a regular meeting duly convened and held on Tuesday, the 4th day of September, 1973, and has been and is now on file in the office of the city clerk. (Ord. No. 267, § 1, 10-7-69; Ord. No. 289, § 1, 9-4-73)

Cross reference—Recommendations of planning commission relative to housing code, § 2-57 et seq.

**Sec. 6-30. Appeals.**

Until such time as the mayor and board of aldermen shall have appointed the members of the housing board of adjustments and appeals provided for in section 106 of the housing code adopted by this article, appeals from any decision of the building official shall be heard by the mayor and board of aldermen. (Ord. No. 267, § 3, 10-7-69)

**Secs. 6-31—6-40. Reserved.****ARTICLE IV. PLUMBING CODE****Sec. 6-41. Adopted.**

Pursuant to the provisions of section 3374-80, Mississippi Code Annotated, 1942, as amended, and the general public health, safety and welfare so requiring it, the Southern Standard Plumbing Code developed by the Southern

Building Code Congress, being particularly the 1971 edition thereof, as revised, amended, modified and changed by the 1973 revision to the 1971 edition thereof, save and except such portions as are hereafter deleted, modified or amended, shall be and the same are hereby adopted as and for the plumbing code within and for the city, as fully as though set out at length therein. Such plumbing code was presented in printed pamphlet form to the mayor and board of aldermen at a regular meeting duly convened and held on Tuesday, the 4th day of September, 1973, and is now on file in the office of the city clerk. (Ord. No. 278, § 1, 7-20-71; Ord. No. 286A, § 1, 9-4-73)

Cross reference—Water, sewers and sewage disposal, Ch. 17.

#### **Sec. 6-42. Appeals.**

Appeals from any decision of any officer of the city made pursuant to the plumbing code adopted by this article shall be heard by the mayor and board of aldermen. (Ord. No. 278, § 4, 7-20-71)

#### **Secs. 6-43—6-52. Reserved.**

### **ARTICLE V. GAS CODE**

#### **Sec. 6-53. Title.**

This article shall be known and may be cited as the Gas Code of the City of Long Beach.

#### **Sec. 6-54. Office of gas inspector created; appointment and compensation of inspector.**

To provide for the administration and enforcement of this article, the office of gas inspector is hereby created. Such inspector, and such assistants as may be necessary in the proper performance of the duties of the office, shall be appointed by the mayor and board of aldermen and the compensation for such office shall be determined at the time of appointment. (Ord. No. 279, § 5, 7-20-71)

**Sec. 6-55. Enforcement of article; gas inspector's right of entry.**

The gas inspector is authorized and directed to enforce all of the provisions of this article, and, upon presentation of proper credentials, he may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of this article. (Ord. No. 279, § 6, 7-20-71)

**Sec. 6-56. Gas inspector to cooperate with health department, fire department, etc.**

It shall be the duty of the gas inspector to confer from time to time with representatives of the local health department, the local fire department and the gas company, and otherwise obtain from proper sources all helpful information and advice, presenting the same to the appropriate officials from time to time for their consideration. (Ord. No. 279, § 6, 7-20-71)

**Sec. 6-57. Appeals from decisions of gas inspector.**

Appeals from any decision of the gas inspector made under this article shall be heard by the mayor and board of aldermen. (Ord. No. 279, § 12, 7-20-71)

**Sec. 6-58. Southern Standard Gas Code adopted.**

Pursuant to the provisions of section 3374-80, Mississippi Code Annotated, 1942, as amended, and the general public health, safety and welfare so requiring it, the Southern Standard Gas Code developed by the Southern Building Code Congress, being particularly the 1973 edition thereof and the whole thereof, save and except such portions as are hereafter deleted, modified or amended, shall be and the same is hereby adopted as a part of the gas code within and for the city as fully as though set out at length herein. Such gas code was presented in printed pamphlet form to the mayor and board of aldermen at a regular meeting duly convened and held on Tuesday, the 4th day of September, 1973, and is now on file in the office of the city clerk. (Ord. No. 279, § 1, 7-20-71; Ord. No. 287, § 1, 9-4-73)

**Sec. 6-59. Gas fitter's license and bond.**

(a) No person shall engage in or work at the installation, extension or alteration of consumer's gas piping or gas appliances, until such person has secured a license so to do and executed and delivered to the city clerk a good and sufficient bond in the sum of one thousand dollars (\$1,000.00), with corporate surety, conditioned for the faithful performance of all such work entered upon or contracted for, in strict accordance and compliance with the provisions of this article. Such bond shall expire on the first day of January next following its approval by the city clerk, and thereafter on the first day of January of each year a new bond, in form and substance as herein required, shall be given by such person to cover all such work as shall be done during such year.

(b) Upon approval of the bond provided for above, the person desiring to do such work shall secure from the city clerk a nontransferable license, which shall run until the first day of January next succeeding its issuance, unless sooner revoked. The person obtaining a license shall pay an annual license fee of fifty dollars (\$50.00) to the city clerk; provided, however, any license obtained after the first day of July of any year shall be computed at the rate of one-half ( $\frac{1}{2}$ ) of the annual fee.

(c) Nothing contained in this section shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering or repairing consumer's piping on his own premises, or as requiring a license or a bond from an individual doing such work on his own premises; provided, however, all such work must be done in conformity with all other provisions of this article, including those relating to permits, inspections and fees. (Ord. No. 279, § 4, 7-20-71)

**Sec. 6-60. Conversion of existing piping to natural gas.**

Notwithstanding any provision in this article or the code adopted by this article to the contrary, a consumer's piping installed prior to the adoption of this article (July 20, 1971)

to supply other than natural gas may be converted to natural gas, if the gas inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of this article. (Ord. No. 279, § 3, 7-20-71)

#### **Sec. 6-61. Work permits.**

No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas, without first obtaining a permit to do such work from the city clerk. Permits are not required for setting or connecting other gas appliances, or for the repair of leaks in house piping. The gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove or repair its service lines, mains or other facilities, or for work having to do with its own gas system. (Ord. No. 279, § 7, 7-20-71)

#### **Sec. 6-62. Inspection of work—Generally.**

(a) A rough piping inspection shall be made after all new piping authorized by a permit issued under this article has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.

(b) A final piping inspection shall be made after all piping authorized by a permit issued under this article has been installed and after all portions thereof which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been attached thereto. This inspection shall include a pressure test, at which time piping shall stand an air pressure equal to not less than the pressure of a column of mercury six (6) inches in height, and the piping shall hold this air pressure for a period of at least ten (10) minutes without any perceptible drop. A mercury column gauge shall be used for

the test. All tools, apparatus, labor and assistance necessary for the tests shall be furnished by the installer of such piping. (Ord. No. 279, § 8, 7-20-71)

**Sec. 6-63. Same—Fees.**

The fees for the inspections required by section 6-62 shall be as follows:

- (1) For inspection of consumer's gas piping at one location (including both rough and final piping inspections), \$1.50 for one to four outlets inclusive, and \$0.50 for each additional outlet.
- (2) For inspecting conversion burners, floor furnaces, boilers or central heating plants, \$1.50 for each unit.
- (3) For inspecting vented wall furnaces and water heaters, \$1.00 shall be charged for each unit.
- (4) If the inspector is called back, after correction of defects is noted, an additional fee of \$1.00 shall be charged for each such return inspection.

Such fees shall be paid by the person to whom the permit is issued under this article. (Ord. No. 279, § 10, 7-20-71)

**Sec. 6-64. Approval of work.**

The gas inspector shall issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued under this article, if after inspection it is found that such work complies with the provisions of this article. A duplicate of each certificate issued covering consumer's gas piping shall be delivered to the gas company and used as its authority to render gas service. No such service shall be rendered until the gas inspector has issued such certificate of approval; provided that, when temporary use of gas is desired prior to final completion and approval of the work, the gas inspector may issue a permit for such use, for a period not to exceed sixty (60) days, provided the consumer's gas piping to be used is given a test equal to that required by this article for a final piping inspection. (Ord. No. 279, §§ 7, 9, 7-20-71)

**Sec. 6-65. Disconnecting unapproved or defective piping, fixtures or appliances.**

The gas inspector is authorized to disconnect any gas piping, fixture or appliance for which a certificate of approval is required but has not been issued with respect to the same, or which, upon inspection, shall be found defective or in such a condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture or appliance disconnected, which notice shall state that the same has been disconnected by the gas inspector, together with the reason or reasons therefor, and it shall be unlawful for any person to remove such notice or reconnect such gas piping, fixture or appliance without authorization by the gas inspector, and such gas piping, fixture or appliance shall not be put in service or used until the gas inspector has attached his certificate of approval in lieu of his prior disconnection notice. (Ord. No. 279, § 6, 7-20-71)

**Secs. 6-66—6-75. Reserved.**

**ARTICLE VI. ELECTRICAL CODE\*****DIVISION 1. GENERALLY****Sec. 6-76. Title.**

This article shall be known and may be cited as the Electrical Code of the City of Long Beach.

**Sec. 6-77. Definitions.**

For the purposes of this article the following definitions shall apply:

*Contractor.* The term "contractor" shall mean a person, firm, company or corporation duly licensed by the city to engage in an electrical contracting business.

\*Cross references—Electrical outlet for mobile home spaces in mobile home parks, § 8-24; zoning ordinance requirement for electrical service at campgrounds for recreational vehicles, App. A, § 710.13.

*Electrical equipment.* The term "electrical equipment" shall apply to all installations and items of electrical conductors, raceways, fittings, devices and fixtures.

*Reasonably safe to persons and property.* The term "reasonably safe to persons and property," as applied to electrical installations and electrical equipment, means safe for use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property. (Ord. No. 282, § 2 (1001-1), 10-5-71)

**Sec. 6-78. Electrical examining board generally.**

The mayor and board of aldermen shall appoint an electrical examining board to consist of one (1) licensed electrical contractor and two (2) electrical engineers. The city electrical inspector shall be an ex officio, nonvoting member of the board. The initial members of the board shall be appointed: One (1) for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years. Thereafter, members shall be appointed for terms of three (3) years, except that when an appointment is made to fill a vacancy in an unexpired term, such appointment shall be for the balance of the unexpired term. One (1) member shall be named chairman on a majority vote of the board. The board shall serve without pay. The board shall formulate rules to govern its actions and may take testimony and proof concerning all matters within its jurisdiction. (Ord. No. 282, § 2 (1002-1, 1002-2), 10-5-71)

**Sec. 6-79. Electrical inspector generally—Office created; appointment; qualifications; bond; oath; removal.**

(a) The office of electrical inspector for the city is hereby created, such inspector to be appointed by the mayor and board of aldermen. The person chosen to fill the office of electrical inspector shall be competent and of good moral character, shall be possessed of such executive ability as is required for the faithful performance of his duties, shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment,

shall be well versed in the approved methods used in the installation of electrical equipment, and shall be well versed in the approved methods of electrical construction for safety to life and property, the statutes of the State of Mississippi relating to electrical work, and any rules and regulations issued by authority thereof, the National Electrical Code and the National Electrical Safety Code, as approved by the American Standards Association, Inc.

(b) Before entering upon the discharge of his duties, the electrical inspector shall file a bond in the sum of three thousand dollars (\$3,000.00), payable to the city, approved by the city attorney and conditioned upon the faithful performance of his duties. The premium on such bond shall be paid by the city.

(c) The electrical inspector shall also take and subscribe an oath which, together with his certificate of appointment, shall be filed with the city clerk.

(d) Any violation of the provisions of any section of this article by the electrical inspector shall be sufficient cause for his removal from office, but he may be removed for other just cause. (Ord. No. 282, § 2 (1003-1), 10-5-71)

#### **Sec. 6-80. Same—General powers and duties.**

(a) It shall be the duty of the electrical inspector to see that the provisions of this article are enforced, and to enforce within the city the statutes of the state relating to the installation and sale of electrical equipment. He shall keep complete records of all permits issued, inspections and reinspections made and other official work performed. Such records shall be filed in the office of the city clerk.

(b) The electrical inspector may delegate any of his powers and duties to any of his assistants. (Ord. No. 282, § 2 (1003-2, 1003-4), 10-5-71)

#### **Sec. 6-81. Same—Conflicts of interest.**

It shall be unlawful for the electrical inspector or any of his assistants to engage in the business of the sale, installation and maintenance of electrical equipment, either

directly or indirectly, and they shall have no financial interest in any concern engaged in such business in the city at any time while holding such office. (Ord. No. 282, § 2 (1003-3), 10-5-71)

**Sec. 6-82. Same—Right of entry.**

The electrical inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of the electrical equipment contained therein or its installation. (Ord. No. 282, § 2 (1003-4), 10-5-71)

**Sec. 6-83. National Electrical Code adopted.**

Pursuant to the provisions of section 3374-80, Mississippi Code Annotated, 1942, as amended, and the public health, safety and welfare so requiring it, there is hereby adopted as a part of the electrical code for the city that certain code known as the National Electrical Code, recommended by the National Fire Protection Association, being particularly the 1971 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Such code was presented in printed pamphlet form to the mayor and board of aldermen at a regular meeting duly convened and held in the manner provided by law and is now on file in the office of the city clerk. (Ord. No. 282, § 1, 10-5-71)

**Sec. 6-84. Installation standards.**

All electrical installations shall be in conformity with the provisions of this article and the statutes of the state, and shall be in conformity with the approved standards for safety to life and property. In every case when no specific type or class of material or no specific standards are prescribed by the statutes of the state, by regulations issued under the authority of the state statutes or by this article, conformity with the regulations as laid down in the National Electrical Code adopted by this article shall be

prima facie evidence of conformity with approved standards for safety to life and property. (Ord. No. 282, § 2 (1001-4), 10-5-71)

**Sec. 6-85. Equipment standards.**

All electrical equipment installed or used shall be reasonably safe to persons and property and in conformity with the provisions of this article, the applicable statutes of the state and any orders, rules or regulations issued by the authority thereof. (Ord. No. 282, § 2 (1001-5), 10-5-71)

**Sec. 6-86. Requirements for poles.**

(a) All poles for wiring purposes shall be erected and maintained in a perpendicular position, shall be straight and free from bark and must be placed inside of the curbline allowing not more than eighteen (18) inches between the curbline and pole, and must not be guyed or braced with wires or other supports which shall obstruct on, over or from the sidewalk or street.

(b) Any pole, support or wire used or owned by any electric light, telephone or telegraph company shall be removed within five (5) days after notice has been given to the owner or user by electrical inspectors who may deem such poles, wires or supports unsuitable, unsafe or improperly placed.

(c) Persons erecting or removing poles on or from the sidewalk shall leave the sidewalk in as good a condition as it was found before such work was done, and no pole shall be sawed off level with the sidewalk and its body left in the ground, but the same shall be removed from the ground and the hole shall be filled. (Ord. No. 282, § 2 (1001-6), 10-5-71)

**Sec. 6-87. Inspection of air conditioning circuits.**

No room-type air conditioning unit or equipment of the like or similar nature shall be plugged into or connected to a new or existing circuit until such circuit has been inspected and approved by the electrical inspector. (Ord. No. 282, § 2 (1003-11), 10-5-71)

**Sec. 6-88. Periodic inspections of existing installations; notice to repair defective installations.**

The electrical inspector may periodically make a thorough inspection of the installation of all electrical wiring, fittings, devices, fixtures and equipment now installed within the city and within the scope of this article, and when the installation of any such wiring, devices, fixtures, fittings and equipment is found to be in an unsafe or in a dangerous condition, the person using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, fittings, devices, fixtures and equipment in a safe condition and have such work completed within forty-eight (48) hours or any longer period specified by the electrical inspector. (Ord. No. 282, § 2 (1003-13), 10-5-71)

**Sec. 6-89. Disconnecting service to defective installations.**

If work required by a notice given pursuant to section 6-88 is not completed within the time specified in such notice, the electrical inspector shall have the authority to disconnect or order the discontinuance of electric service to premises affected by the notice. In cases of emergency, where necessary for safety to persons or property, or where electrical equipment may interfere with safety to persons or property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have the authority to immediately disconnect or cause the disconnection of service to such equipment. (Ord. No. 282, § 2 (1003-4), 10-5-71)

**Sec. 6-90. Unauthorized service connections.**

It shall be unlawful for any person to make connection from a supply of electricity or to supply electricity to any electrical equipment for the installation of which a permit is required under this article, or which has been disconnected or ordered to be disconnected by the electrical inspector, until such connection has been authorized by the electrical inspector. (Ord. No. 282, § 2 (1003-18), 10-5-71)

**Sec. 6-91. Article does not affect liability for damages.**

This article shall not be construed to affect the responsibility or liability of any party owning, operating or installing any electrical equipment for damages to property or persons caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection or reinspection authorized herein, or the certificate of approval issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein. (Ord. No. 282, § 2 (1001-3), 10-5-71)

**Sec. 6-92. Appeals.**

Whenever the electrical examining board shall disapprove an application or refuse to grant a license applied for under this article, or when it is claimed that the provisions of this article do not apply or that the true intent and meaning of this article have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the electrical examining board or the electrical inspector to the mayor and board of aldermen, within thirty (30) days from the date of the decision appealed. (Ord. No. 282, § 5, 10-5-71)

**Secs. 6-93—6-97. Reserved.**

**DIVISION 2. ELECTRICAL CONTRACTOR'S LICENSE**

**Sec. 6-98. Required.**

No person shall engage in or supervise the installation, construction, repair, alteration or maintenance of any electrical wiring, apparatus or equipment, unless he has a current electrical contractor's license issued pursuant to this division. A person so licensed shall be on each and every job of electrical installation in the city at all times during such period as the electrical installation is being made. (Ord. No. 282, § 2 (1002-3), 10-5-71)

**Sec. 6-99. Application.**

Application for a license under this division shall be in writing and shall be filed with the electrical examining board. (Ord. No. 282, § 2 (1002-5), 10-5-71)

**Sec. 6-100. Examination of applicant.**

(a) No license shall be issued under this division, unless the applicant first appears before the electrical examining board and qualifies for such license by passing an examination prescribed by such board. The applicant shall pay a fee of ten dollars (\$10.00) for such examination.

(b) An applicant who fails to pass an examination given under this section shall not be permitted to take another examination until at least one hundred eighty (180) days have expired. (Ord. No. 282, § 2 (1002-2, 1002-3, 1002-5, 1002-7), 10-5-71)

**Sec. 6-101. Applicant's bond.**

No license required by this division shall be issued or renewed, unless the applicant first files with the city clerk a bond in the sum of three thousand dollars (\$3,000.00) to insure the faithful performance of duty and the payment of permit fees prescribed by this article and to guarantee the city against loss resulting from defective workmanship. (Ord. No. 282, § 2 (1002-4), 10-5-71)

**Sec. 6-102. Fee.**

Before a license is granted to any applicant under this division, and before any expiring license is renewed, the applicant shall pay to the license tax department a fee in such amount as is specified for the license to be granted or renewed. (Ord. No. 282, § 2 (1002-5), 10-5-71)

**Sec. 6-103. Issuance.**

Upon an applicant's passing the required examination and compliance with all other provisions of this division, he shall be issued an electrical contractor's license by the city clerk. (Ord. No. 282, § 2 (1002-2), 10-5-71)

**Sec. 6-104. Term.**

A license issued under this division shall be valid for a period of twelve (12) months following the date of issuance, unless sooner suspended or revoked.

**Sec. 6-105. Not transferable.**

No license issued in accordance with the provisions of this division shall be assignable or transferable. (Ord. No. 282, § 2 (1002-8), 10-5-71)

**Sec. 6-106. Suspension upon change of employment.**

In the event an electrical contractor enters into the employ of another person, firm, company or corporation, his license shall be automatically suspended and reinstated only upon application to the electrical examining board. Such board shall determine if the contractor shall be required to pass another examination. (Ord. No. 282, § 2 (1002-6), 10-5-71)

**Sec. 6-107. Suspension or revocation for violation of article or state law.**

Any license issued under this division may, after hearing before the electrical examining board, be suspended for a definite period of time or revoked by such board, if the contractor holding such license shall willfully, or by reason of incompetence, violate any of the provisions of this article or the statutes of the state relating to the installation, maintenance, alteration or repair of electrical equipment. (Ord. No. 282, § 2 (1002-8), 10-5-71)

**Secs. 6-108—6-112. Reserved.**

**DIVISION 3. WORK PERMITS**

**Sec. 6-113. Required; exceptions.**

No electrical wiring, fittings, devices, fixtures or equipment shall be installed within or on any building, structure or premises, nor shall any alteration or addition be made in any existing electrical equipment, without first securing a permit therefor from the electrical inspector; provided, however, that no permit will be required to execute any of the classes of electrical work specified as follows:

- (1) Minor repair work or the replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.

- (2) The installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence.
- (3) The installation, alteration or repair of electrical equipment installed by or for an electricity supply agency for the use of such agency in the generation, transmission, distribution or metering of electricity.
- (4) Any work involved in manufacturing, testing, servicing, altering or repairing electrical equipment or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes. (Ord. No. 282, § 2 (1003-5, 1003-6), 10-5-71)

**Sec. 6-114. Application.**

Application for a permit required by this division shall be in writing and shall be made to the electrical inspector. The application shall describe the work to be done and shall state the name of the person who is to perform the work and the name of the user for whom the work is to be done. When requested by the electrical inspector, the application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation, as described, will be in conformity with the requirements of this article. (Ord. No. 282, § 2 (1003-7), 10-5-71)

**Sec. 6-115. Fee.**

The applicant for a permit under this division shall pay to the city, prior to issuance of the permit, a fee in accordance with the following:

- (1) Single-phase meter loops:
  - 1 to 10 outlets, inclusive ..... \$2.50
  - Next 20 outlets, each ..... 0.10
  - All over 30 outlets, each ..... 0.05
- (2) Electric ranges ..... 2.00
- (3) Window or portable air conditioners, first one .. 2.00
  - Each additional ..... 0.50
- (4) Fluorescent fixtures: Same as outlets

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(5) Three-phase services .....	3.50
(6) Motors:	
2 h.p. or less .....	1.50
3 to 5 h.p., inclusive .....	2.50
7½ to 10 h.p., inclusive .....	3.00
10 to 25 h.p., inclusive .....	4.00
All over 25 h.p., per h.p. ....	0.10
(7) Service entrance fee:	
Temporary construction service .....	2.50
Mobile home service pole .....	2.50
Mobile home feeder and panel .....	2.50
Alterations and repairs (minimum charge) .....	2.50
(8) Major appliance branch circuit fee:	
Range top .....	2.00
Oven (wall type) .....	2.00
Water heater .....	2.00
Dishwasher .....	2.00
Disposal .....	2.00
Dryer .....	2.00
Fryer (commercial) .....	2.00
Welder (transformer type) .....	2.00
X ray equipment .....	3.00
Furnace .....	2.00
Space heater (220 volt) .....	2.00

(Ord. No. 282, § 2 (1003-9), 10-5-71)

**Sec. 6-116. Issuance.**

Permits required by this division shall be issued by the electrical inspector when the applicant has complied with all provisions of this division. Such a permit shall be issued only to a contractor licensed under this article; provided, however, that such a permit may be issued to a person not so licensed authorizing him to perform electrical work only on residential property owned and occupied by him. (Ord. No. 282, § 2 (1003-2), 10-5-71)

**Sec. 6-117. Scope; deviation from described work.**

A permit issued under this division shall be for such installation as is described in the permit application and any deviation therefrom shall be supplemented by another

application and permit, clearly stating the changes involved, within twenty-four (24) hours of making such changes. (Ord. No. 282, § 2 (1003-8), 10-5-71)

**Secs. 6-118—6-122. Reserved.**

DIVISION 4. INSPECTION AND APPROVAL  
OF NEW WORK

**Sec. 6-123. Inspection prior to concealing work.**

When any part of a wiring installation is to be hidden from view by a permanent placement of part of the building, the person installing the wiring shall notify the electrical inspector and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the electrical inspector. On large installations, where the concealment of parts of the wiring proceeds continuously, the person installing the wiring shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work. (Ord. No. 282, § 2 (1003-12), 10-5-71)

**Sec. 6-124. Notice of completion of work; final inspection.**

Upon completion of the work which has been authorized by the issuance of a permit under this article, it shall be the duty of the permit holder to notify the electrical inspector, who shall inspect the installation within twenty-four (24) hours, exclusive of Saturdays, Sundays or holidays, or within a reasonable time after such notice is given. (Ord. No. 282, § 2 (1003-19), 10-5-71)

**Sec. 6-125. Notice when work found defective.**

If, upon inspection, any installation is not found to be fully in conformity with the provisions of this article, the electrical inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist. (Ord. No. 282, § 2 (1003-12), 10-5-71)

**Sec. 6-126. Fee for extra inspections necessitated by faulty work.**

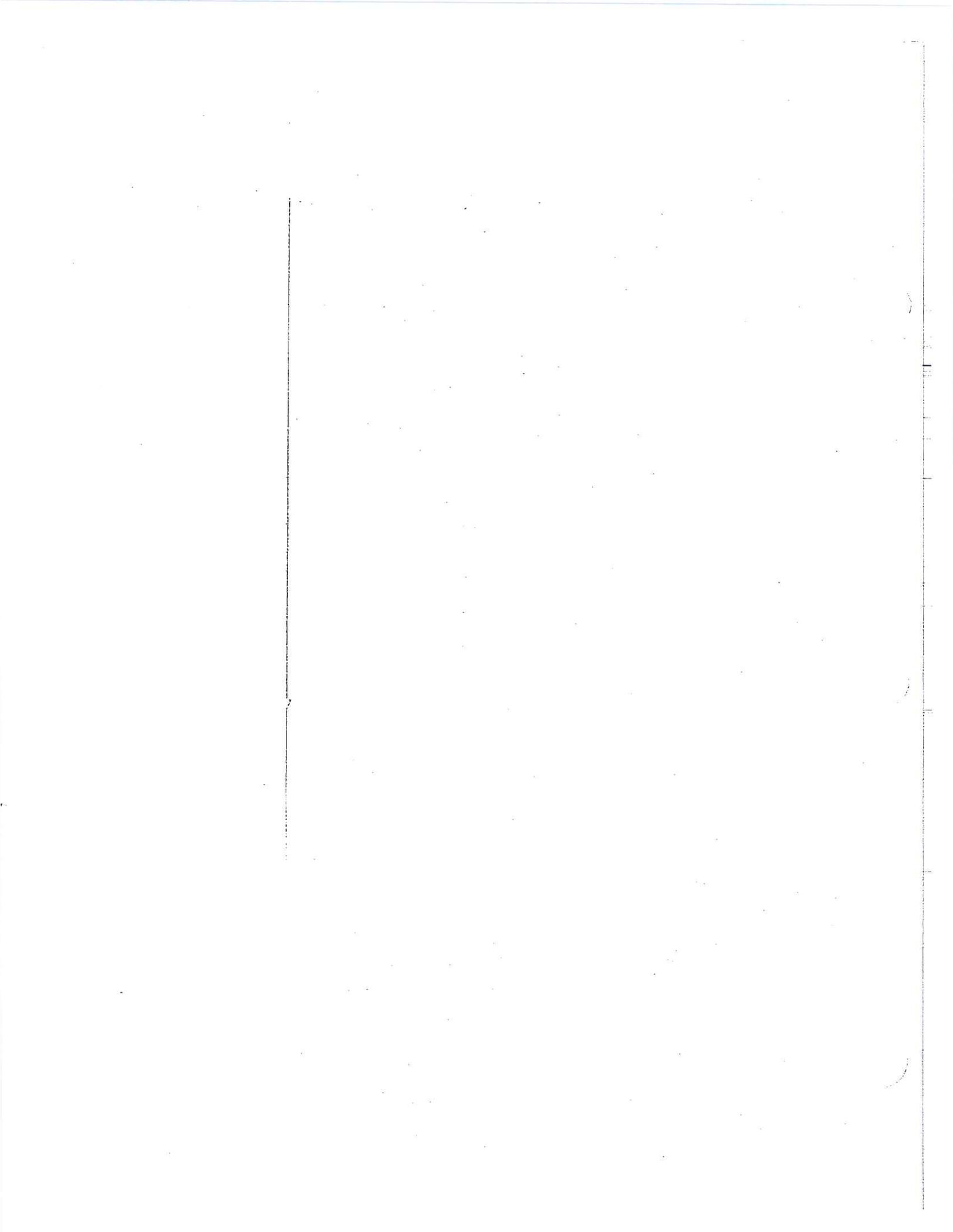
Additional inspections or inspection trips made by the electrical inspector, which are made necessary through the failure of the permit holder to specify the location of the work, or his failure to install wiring or apparatus in proper manner, or any other action on his part, are hereby designated extra electrical inspections. For each such extra electrical inspection, a fee of two dollars (\$2.00) shall be charged against and paid by the permit holder. Nothing herein shall be construed to require extra fees for the several inspections made necessary in the regular order of electrical construction work. (Ord. No. 282, § 2 (1003-15), 10-5-71)

**Sec. 6-127. Certificates of approval.**

(a) Where the electrical inspector finds the installation to be in conformity with the provisions of this article, he shall issue to the person making the installation a certificate of approval, or he may, at his election, affix to the property a notice that an inspection has been made and the work installed is approved, authorizing the use of the installation and connection to the service entrance, and shall notify the electric utility company.

(b) A certificate of approval may be issued, authorizing the connection and use of temporary work. Such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for cause.

(c) A preliminary certificate of approval may be issued authorizing the connection and use of certain specific portions of an incomplete installation. Such certificate shall be revocable at the discretion of the electrical inspector. (Ord. No. 282, § 2 (1003-14, 1003-16, 1003-17), 10-5-71)



Chapter 7

**FIRE PREVENTION AND PROTECTION\***

Art. I. In General, §§ 7-1-7-14

Art. II. Fire Prevention Code, §§ 7-15-7-22

**ARTICLE I. IN GENERAL**

**Sec. 7-1. Sale of fireworks prohibited.**

It shall be unlawful for any person to sell or permit to be sold, within the corporate limits of the city, any firecrackers, Roman candles, torpedoes, sky rockets or any explosives commonly known and referred to as fireworks. (Ord. No. 201, § 1, 12-18-56)

State law reference—Authority to prohibit sale of fireworks, Miss. Code Ann. 1942, §§ 3374-124, 3374-131.

**Sec. 7-2. Discharge of fireworks—General prohibition.**

It shall be unlawful for any person to explode or shoot any firecrackers, Roman candles, torpedoes, sky rockets or any explosives commonly known and referred to as fireworks within the corporate limits of the city, except as provided in section 7-3. (Ord. No. 201, § 2, 12-18-56)

State law reference—Authority to regulate or prohibit use of fireworks, Miss. Code Ann. 1942, §§ 3374-124, 3374-131.

**Sec. 7-3. Same—Public displays.**

A public display of fireworks may be held in the city, if a written permit is first obtained from the mayor. The street

\*Cross references—Comprehensive plan to make adequate provisions for promotion of safety from fire, § 2-60; buildings and building regulations, Ch. 6; fire protection in mobile home parks, § 8-33; disposal of flammable or explosive refuse, § 12-14; fire hydrants in subdivisions, § 17-38; obstructing fire hydrants, § 17-43; deposits of flammable materials into sewers, § 17-87.

State law references—General authority of city relative to fire prevention and protection, Miss. Code Ann. 1942, §§ 3374-140, 3374-149, 3374-150; fire departments, Miss. Code Ann. 1942, § 3470 et seq.

or avenue, and the particular part thereof, or the vacant lot or other place where the display is permitted, the time of such display and the organization or citizens in charge of the display must be designated in the permit, and receive the prior approval of the mayor and board of aldermen. All necessary and reasonable precautions must be taken by the city, as well as by the persons in charge, to prevent fire or other injury from such display. (Ord. No. 201, § 3, 12-18-56)

**Sec. 7-4. False fire alarms.**

It shall be unlawful for any person to willfully give or make, or cause to be given or made, a false alarm of fire. (Rev. Ords. 1926, Ch. X)

**Secs. 7-5—7-14. Reserved.**

## ARTICLE II. FIRE PREVENTION CODE

**Sec. 7-15. Adopted.**

Pursuant to the provisions of section 3374-80, Mississippi Code Annotated, 1942, as amended, and the public health, safety and welfare so requiring it, there is hereby adopted, as and for the fire prevention code for the city, that certain code known as the Fire Prevention Code, recommended by the American Insurance Association, being particularly the 1970-71 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Such code was presented in printed pamphlet form to the mayor and board of aldermen at a regular meeting duly convened and held in accord with the laws of the state and is now on file in the city clerk's office. (Ord. No. 268, § 1, 10-21-69; Ord. No. 290, § 1, 9-4-73)

**Sec. 7-16. Definition.**

Wherever the word "municipality" is used in the code adopted by this article, it shall be held to mean the City of Long Beach, Mississippi. (Ord. No. 268, § 3, 10-21-69)

**Sec. 7-17. Amendments.**

Section 16.75 of the code adopted by this article is hereby amended to read as follows:

*"Section 16.75 Dispensing Systems at Automotive Service Stations.*

"a. LOCATION. Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(1) INSIDE LOCATION. Approved dispensing units may be located inside garages upon specific approval of the chief of the fire department. The dispensing area shall be separated from other areas in a manner approved by the chief of the fire department. The dispensing unit and its piping shall be protected against physical damage from vehicles either by mounting on a concrete island or by equivalent means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with the gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

"b. EMERGENCY POWER CUTOFF. A clearly identified and easily accessible switch or switches or circuit breaker or breakers shall be provided at a location remote from the dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

"c. DISPENSING UNITS.

(1) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(2) Dispensing devices for Class I liquids shall be of approved type.

(3) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(4) The dispensing units, except those attached to containers, shall be mounted on a concrete island or protected by equivalent means.

"d. DELIVERY NOZZLES.

(1) Hose nozzle valves of either the manual or automatic type for dispensing Class I liquids into a fuel tank or into a container shall be manually held open during the dispensing operation except as provided in section 16.75d(2).

(2) On any service station dispenser accessible to the public an approved automatic closing type nozzle with a latch-open device shall be permitted only when all dispensing of Class I liquids is to be done by the service attendant.

(3) If the dispensing of Class I liquids at a service station available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be an approved automatic-closing type without a latch-open device.

"e. SPECIAL TYPE DISPENSERS. Approved special dispensing devices such as but not limited to coin-operated, card-operated and remote preset types are permitted at service stations, provided that dispensing of Class I liquids shall be under the observation and control of a competent attendant at all times and provided that emergency controls are installed at a location acceptable to the chief of the fire department. Instructions for operation of dispensing devices shall be conspicuously posted.

"f. DISPENSING INTO CONTAINERS. No delivery of any Class I liquids shall be made into portable containers

unless the container is constructed of metal or is approved by the chief of the fire department, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling." (Ord. No. 268, § 5, 10-21-69)

#### **Sec. 7-18. Enforcement.**

The code adopted by this article shall be enforced by the chief of the fire department. (Ord. No. 268, § 2, 10-21-69)

#### **Sec. 7-19. Establishment of limits of districts referred to in code.**

The limits referred to in section 12.5b of the code adopted by this article, in which the storage of explosives and blasting agents is prohibited, the limits referred to in section 16.22a of such code, in which the storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in section 21.6a of such code, in which the bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: The second fire district within and for the city. (Ord. No. 268, § 4, 10-21-69)

Cross references—Second fire district established, § 6-1; bulk oil storage permitted in I districts, App. A, § 711.2.9.

#### **Sec. 7-20. Modifications.**

The chief of the fire department shall have the power to modify any of the provisions of the code adopted by this article upon the application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the chief of the fire department thereon shall be entered upon the records of the fire department and a signed copy thereof shall be furnished to the applicant. (Ord. No. 268, § 6, 10-21-69)

**Sec. 7-21. Appeals.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for under the code adopted by this article, or when it is claimed that the provisions of such code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the mayor and board of aldermen within thirty (30) days from the date of the decision appealed. (Ord. No. 268, § 7, 10-21-69)

**Sec. 7-22. Violations.**

Any person who shall violate any of the provisions of the code adopted by this article, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the mayor and board of aldermen, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor and punished as prescribed in section 1-9 of this Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that such a violation or noncompliance shall exist shall constitute a separate offense and shall be punishable as such. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions in the manner provided by the laws of the state. (Ord. No. 268, § 8, 10-21-69)

Chapter 8

**MOBILE HOMES AND MOBILE HOME PARKS\***

- Art. I. In General, §§ 8-1—8-17  
Art. II. Mobile Home Parks, §§ 8-18—8-51  
Div. 1. Generally, §§ 8-18—8-41  
Div. 2. License, §§ 8-42—8-51

**ARTICLE I. IN GENERAL**

**Sec. 8-1. Title.**

This chapter shall be known and may be cited as the "Mobile Home Ordinance of the City of Long Beach." (Ord. No. 224, § 1, 10-16-62)

**Sec. 8-2. Definitions.**

Whenever used in this chapter, unless a different meaning appears from the context:

*Building inspector* means the building official provided for in the building code adopted by section 6-16 of this Code, or his authorized representative.

*Dependent mobile home* means a mobile home which does not have a toilet and a bathtub or shower.

*Dependent mobile home park* means a mobile home park for dependent mobile homes only.

*Dependent mobile home space* means a mobile home space intended to accommodate a dependent mobile home only.

*Independent mobile home* means a mobile home which has a toilet and a bathtub or shower.

*Independent mobile home park* means a mobile home park for independent mobile homes only.

\*Cross reference—Buildings and building regulations, Ch. 6.  
State law reference—Standards for movable homes, Miss. Code Ann. 1942, §§ 5131-101—5131-113.

*Independent mobile home space* means a mobile home space intended to accommodate an independent mobile home, but which may be used to accommodate a dependent mobile home provided it shall be considered to be a dependent mobile home space when accommodating a dependent mobile home with respect to section 8-30.

*Licensee* means any person licensed to operate and maintain a mobile home park under the provisions of this chapter.

*Mobile home* means any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks or skirtings and so designed or constructed so as to permit occupancy for dwelling or sleeping purposes; provided, however, that this definition of "mobile home" shall not be construed to include camping and recreational equipment parked or stored on private residential property and at no time used on such premises for living, sleeping or housekeeping purposes. The owner of such camping and recreational equipment shall register the same with the chief of police, giving in writing a full description of the camping and recreational equipment and the address where it is parked or stored.\*

*Mobile home park* means any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

*Mobile home space* means a plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

*Multiple dwelling* means any structure designed and intended to accommodate more than one (1) family and includes, but is not limited to, duplex buildings, group houses and apartment buildings.

\*Cross reference—Travel trailers, campers, etc., may be parked or stored on any lot, but not to be used for sleeping or living purposes on residential lots, App. A, § 604.

*Park* means a mobile home park (dependent and/or independent).

*Service building* means a substantial permanent building providing toilet facilities for men and women and slop water closets and other facilities for use in common by the occupants of mobile home spaces. (Ord. No. 224, § 2, 10-16-62; Ord. No. 245, § 1, 3-15-66)

#### **Sec. 8-3. Right of entry to enforce chapter.**

Upon presentation of proper credentials, the building inspector may enter, at reasonable times, any private building, structure or premises to inspect the same for compliance with the requirements of this chapter and to perform any duty imposed upon him by this chapter. (Ord. No. 224, § 15, 10-16-62)

#### **Sec. 8-4. Location of mobile homes outside mobile home park generally.**

No person shall park or locate any mobile home, occupied or unoccupied, on any lot, tract or parcel of land within the city and situated outside a licensed mobile home park; provided that, where any person had parked or was occupying a mobile home contrary to the provisions of this section on October 16, 1962, and was occupying such mobile home as a permanent place of abode or as a permanent dwelling on such date, and such mobile home is properly connected with the city water supply and sanitary sewer system (where available), and is constructed and located in compliance with all requirements of the building, plumbing, sanitary, health, zoning and electrical ordinances of the city, and is not inhabited by a greater number of occupants than that for which it was designed, and is properly and duly registered as provided by the laws of the state, and all taxes due thereon have been duly paid, then such use as a permanent place of abode or as a permanent dwelling may continue; provided, that where such use is abandoned for a period of ten (10) days or more, or such mobile home is

removed from such premises for such period of ten (10) days or more, then such use shall not be resumed. (Ord. No. 224, § 6(c), 10-16-62)

Cross references—Building, plumbing and electrical codes, Ch. 6; zoning ordinance, App. A.

**Sec. 8-5. Parking or locating mobile homes on streets or other public property prohibited; exceptions.**

It shall be unlawful for any person to park or locate any mobile home on any street, alley, highway or other public place within the limits of the city; provided, however, that emergency or temporary stopping or parking of a mobile home is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for such street, alley or highway. (Ord. No. 224, § 6(a), (b), 10-16-62)

**Sec. 8-6. Use of mobile homes by contractors at construction sites.**

Notwithstanding any other provision of this chapter, a contractor may park a mobile home on a construction job site within the city for office purposes, such parking to be limited to the duration of the construction project. Such mobile home shall not be used for sleeping or dwelling purposes. (Ord. No. 224, § 6(d), 10-16-62)

**Sec. 8-7. Location of mobile homes in automobile or mobile home sales lots.**

Unoccupied mobile homes held for the purpose of sale may be parked or located in duly licensed automobile or mobile home sales lots outside a mobile home park and in districts not otherwise prohibited by law. (Ord. No. 224, § 6(e), 10-16-62)

**Secs. 8-8—8-17. Reserved.**

**ARTICLE II. MOBILE HOME PARKS\*****DIVISION 1. GENERALLY****Sec. 8-18. Permitted locations.**

Mobile home parks may be located in any district in which multiple dwellings are permitted, unless otherwise prohibited by the zoning ordinance of the city. (Ord. No. 224, § 6(f), 10-16-62)

Cross reference—Zoning ordinance, App. A.

**Sec. 8-19. Fence, wall or hedge required along certain boundaries.**

Where any boundary of a park directly abuts property which is improved with a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may, under existing ordinances and regulations, be used for permanent residential construction, an ornamental fence, wall or hedge shall be provided along such boundary. (Ord. No. 224, § 6(f), 10-16-62)

**Sec. 8-20. Architecture and landscaping for buildings.**

Buildings in a mobile home park shall be architecturally attractive and surrounded by landscaped yards. (Ord. No. 224, § 6(f), 10-16-62)

**Sec. 8-21. Office building and guest register.**

In every mobile home park there shall be an office building in which shall be located the office of the person in charge of the park. Such person shall keep a guest register in such office, which shall be open at all times to inspection by state and federal officers and officers of the city, and which shall show for all guests:

\*Cross reference—Requirements of zoning ordinance for off-street parking spaces for mobile home parks, App. A, § 602.1.4.

- (1) Names and addresses.
- (2) Dates of entrance and departure.
- (3) License numbers of all mobile homes and of towing and other vehicles.
- (4) State issuing such licenses.
- (5) Place of last location and length of stay.
- (6) Such other information as may be required by the laws of the state. (Ord. No. 224, § 15, 10-16-62)

#### **Sec. 8-22. Drainage.**

Every park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water. (Ord. No. 224, § 7(a), 10-16-62)

#### **Sec. 8-23. General requirements for mobile home spaces.**

(a) Each park shall provide mobile home spaces, and each such space shall be clearly defined or delineated and permanently marked. Each space shall have an area of not less than two thousand (2,000) square feet, a width of not less than thirty (30) feet and a depth of not less than sixty (60) feet, and the average area of all spaces within the park shall not be less than three thousand (3,000) square feet, excluding drives, playgrounds and similar areas. The average width of all spaces within the park shall not be less than forty (40) feet.

(b) Mobile home parks which existed lawfully on October 16, 1962, with mobile home spaces not complying with any of the foregoing minimum area and width or minimum average area and average width requirements, may continue to operate and shall be excused from such compliance for a period of three (3) years following October 16, 1962. After three (3) years, the mobile home park must conform to all such requirements. (Ord. No. 224, § 7(b), (d), 10-16-62)

**Sec. 8-24. Electrical outlet and patio for mobile home spaces.**

(a) An electrical outlet supplying at least 100-115/220-250 volts, 50 amperes shall be provided for each mobile home space in a park.

(b) Each mobile home space in a park shall be provided with a patio adjacent to the entrance to the mobile home. Such patio shall be a minimum of one hundred seventy-five (175) square feet and shall be surfaced with an all-weather, rigid, impervious, permanent pavement meeting the minimum specifications prescribed for the installation of sidewalks by the city engineer. (Ord. No. 224, § 7(h), (i), 10-16-62)

Cross reference—Electrical code, § 6-76 et seq.

**Sec. 8-25. Required clearance between mobile homes.**

Mobile homes in a park shall be so located on each space that there shall be at least fifteen (15) feet of clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the clearance may be less than fifteen (15) feet but shall not be less than ten (10) feet. (Ord. No. 224, § 7(c), 10-16-62)

**Sec. 8-26. Location of mobile homes with respect to buildings and property lines.**

No mobile home shall be located closer than ten (10) feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty-five (25) feet or such other distance as may be established by ordinance or regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the mobile home park is located. (Ord. No. 224, § 7(c), 10-16-62)

**Sec. 8-27. Driveways and walkways.**

(a) All mobile home spaces in a park shall abut upon a driveway of not less than thirty (30) feet in width, which driveway shall have unobstructed access to a public street, alley or highway.

(b) Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings in a park.

(c) All driveways and walkways within a park shall be hard-surfaced and lighted at night with electric lamps of not less than one hundred (100) watts each, spaced at intervals of not more than one hundred (100) feet. (Ord. No. 224, § 7 (d)—(f), 10-16-62)

**Sec. 8-28. Service buildings.**

(a) Each park shall provide service buildings to house such toilet, bathing and other sanitation facilities as are required by this article. At least one (1) service building providing required minimum facilities shall be located within two hundred (200) feet of every dependent mobile home space.

(b) Service buildings in a park shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems and must comply with the city building, plumbing and electrical codes.\*

(c) The service buildings in a park shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October first to May first of each year. The floors of the service buildings shall be of concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain. (Ord. No. 224, §§ 7(g), 10, 10-16-62)

\*Cross reference—Building, plumbing and electrical codes, Ch. 6.

**Sec. 8-29. Water supply and distribution.**

(a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within a park to meet the requirements of the park. No common drinking vessels shall be provided, nor shall any drinking water faucets be placed in a toilet room or water closet compartment.

(b) Each mobile home space in a park shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the park service buildings for all bathing, washing and cleansing facilities. The hot and cold water supply shall have a minimum capacity of one hundred twenty-five (125) gallons per day.

(c) An independent water supply can be used in a park, if public water is not available and if a private water system is approved by the city and the county board of health.

(d) The water distribution system within a park shall comply with all minimum standards and specifications for the installation of public water distribution systems, as established by the provisions of the city plumbing code\* or other ordinances. The park water system shall provide running water service at a pressure of not less than twenty (20) pounds per square inch at all outlets.

(e) At least one (1) drinking fountain for each play area and one (1) drinking fountain in the immediate vicinity of each service building shall be provided for public use in each park. (Ord. No. 224, § 8, 10-16-62)

Cross reference—Water generally, Ch. 17.

**Sec. 8-30. Sanitation facilities.**

(a) Each park shall be provided, for emergency purposes, with the following sanitation facilities:

- (1) One (1) flush toilet and one (1) urinal for males, one (1) flush toilet for females, one (1) lavatory for each sex, and one (1) shower or bathtub with individual

\*Cross reference—Plumbing code, § 6-41 et seq.

dressing accommodations for each sex, for the first fifty (50) mobile home spaces or any less number thereof; and

- (2) One (1) additional flush toilet and one (1) additional urinal for males, one (1) additional flush toilet for females, one (1) additional lavatory for each sex and one (1) additional shower or bathtub with individual dressing accommodations for each sex for each fifty (50) mobile home spaces or fractional number thereof in excess of the first fifty (50) mobile home spaces.

(b) Each park which accommodates dependent mobile homes shall, in addition to the emergency facilities required by subsection (a) of this section, be provided with the following sanitation facilities:

- (1) One (1) flush toilet and one (1) urinal for males, one (1) flush toilet for females, one (1) lavatory for each sex, and one (1) shower or bathtub with individual dressing accommodations for each sex, for the first fifteen (15) dependent mobile homes, or any less number, so accommodated; and
- (2) One (1) additional flush toilet and one (1) additional urinal for males, one (1) additional flush toilet for females, one (1) additional lavatory for each sex, and one (1) additional shower or bathtub with individual dressing accommodations for each sex for each fifteen (15) dependent mobile homes or fractional number thereof in excess of the first fifteen (15) dependent mobile homes so accommodated.

(c) Each toilet and each shower or bathtub with individual dressing accommodations, for which provision is made in subsections (a) and (b) above shall be in a private compartment or stall.

(d) The toilet and other sanitation facilities required by this section for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall. The sanitation facilities for males and females shall be distinctly marked to denote the sex for which they are intended. (Ord. No. 224, § 9, 10-16-62)

**Sec. 8-31. Sewage disposal.**

(a) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within a park shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard, and in compliance with health department standards.

(b) Each mobile home space in a park shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard, and in compliance with health department standards. (Ord. No. 224, § 11, 10-16-62)

Cross reference—Sewage disposal generally, Ch. 17.

**Sec. 8-32. Storage and disposal of garbage and refuse.**

Metal garbage cans with tight-fitting covers shall be provided in each park, in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than two hundred (200) feet from any mobile home space. The cans shall be covered and kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Each mobile home park garbage receptacle shall be placed adjacent to a street or a drive. (Ord. No. 224, § 12, 10-16-62)

Cross reference—Refuse generally, Ch. 12.

**Sec. 8-33. Fire protection.**

(a) Every park shall be equipped at all times with fire-extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable and reasonable regulations of the city fire department. No open fires shall be permitted at any place which may endanger life or property, and no fires shall be left unattended at any time.

(b) At any park containing more than twenty (20) spaces, an approved fire alarm box must be provided, which shall be conspicuously and conveniently located and clearly identified and shall be suitably connected with the municipal fire alarm system. In every park, suitable telephone facilities shall be installed and maintained in a convenient and readily accessible place prominently marked and designated and kept available for use in giving fire alarms at any time.

(c) Where a public water system is available to a park, standard fire hydrants and fire service lines shall be installed in such a manner that a fire hydrant shall be located within four hundred (400) feet of each mobile home space. (Ord. No. 224, §§ 8, 13, 10-16-62)

Cross reference—Fire protection generally, Ch. 7.

**Sec. 8-34. Maintenance of premises.**

All buildings and the grounds of each park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance. (Ord. No. 224, § 10, 10-16-62)

**Sec. 8-35. Restrictions on pets.**

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park. Not more than two (2) dogs and cats shall be allowed in one (1) mobile home and no pets shall be raised for commercial purposes. (Ord. No. 224, § 14, 10-16-62)

Cross reference—Animals, Ch. 4.

**Sec. 8-36. Sale of automobiles or mobile homes prohibited.**

No automobile or mobile home sales or sales business shall be conducted in any mobile home park. (Ord. No. 224, § 6(e), 10-16-62)

Secs. 8-37—8-41. Reserved.

**DIVISION 2. LICENSE****Sec. 8-42. Required.**

It shall be unlawful for any person to construct, enlarge, alter, improve, maintain or operate a mobile home park within the limits of the city, unless such person has a current license therefor issued pursuant to this division. (Ord. No. 224, § 3, 10-16-62)

**Sec. 8-43. Filing and contents of application.**

(a) Application for an initial mobile home park license shall be filed with the tax collector, shall be in writing, signed by the applicant and shall include or be accompanied by the following:

- (1) The name and address of the applicant;
- (2) The location and legal description of the mobile home park;
- (3) A complete plan of the park showing conformity with the requirements of this chapter;
- (4) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the park;
- (5) A complete plot plan drawn to scale by an engineer, architect, landscape architect or city planner or surveyor, which plot plan shall show: The area and dimensions of the mobile home park; the number, location and size of all mobile home spaces; the location, width and arrangements of roadways and

walkways; the location of service buildings and any other proposed structures; the location of water and sewer lines; the location and manner of protection for the playground areas; the proposed plan for drainage of the property included in the mobile home park; and the plans and specifications for the streets or roadways and walkways in the park.

- (6) Such other information as may be required by the planning commission to enable it to determine if the proposed park will comply with all legal requirements.

(b) The application and all accompanying documents shall be filed in triplicate. (Ord. No. 224, § 5(a), (b), 10-16-62)

**Sec. 8-44. Investigation and approval of application by planning commission.**

The planning commission, with the aid of proper municipal officers charged with the inspection of building, plumbing and electrical work and the issuance of permits therefor, shall inspect the application for a license under this division and the proposed plans and specifications, and the planning commission shall investigate the applicant. If the applicant is found to be of good moral character, and the proposed mobile home park will, when constructed, altered, enlarged or improved in accordance with such plans and specifications, be in compliance with all the provisions of this chapter and all other ordinances and statutes, including the zoning ordinance of the city, the planning commission shall approve the application. (Ord. No. 224, § 5(b), 10-16-62)

Cross reference—Planning commission generally, § 2-50 et seq.

**Sec. 8-45. Fee.**

(a) The annual license fee for each mobile home park shall be as prescribed in section 9696-185, Mississippi Code Annotated, as adopted by section 14-16 of this Code.

(b) The annual fee provided for above shall be in addition to any building, electrical, plumbing and other fees required

for work included in the construction and shall be paid at the time of the filing of the application and before the license is issued or renewed. (Ord. No. 224, § 4, 10-16-62)

**Sec. 8-46. Issuance.**

Upon the completion of a mobile home park for which a license is applied for under this division in accord with the application and plans and specifications, the filing of the planning commission's approval of the application with the tax collector, and payment of the prescribed fee, the tax collector shall issue the license. (Ord. No. 224, § 5(b), 10-16-62)

**Sec. 8-47. Posting.**

The license certificate shall be conspicuously posted in the office of the mobile home park at all times. (Ord. No. 224, § 17, 10-16-62)

**Sec. 8-48. Constitutes personal privilege; not transferable.**

A license granted under this division is a personal privilege, peculiar to the grantee, and is not transferable, and no business may be conducted thereunder by any person other than the grantee. (Ord. No. 224, § 5, 10-16-62)

**Sec. 8-49. Term.**

A license issued under this division shall be for a term of one (1) year from the date of its issuance.

**Sec. 8-50. Renewal.**

Upon application in writing by a licensee for renewal of his mobile home park license, and a showing of compliance with the terms of this chapter and payment of the annual license fee, the tax collector shall issue a certificate renewing such license for another year. (Ord. No. 224, § 5(c), 10-16-62)

**Sec. 8-51. Revocation.**

The city may revoke any license to maintain and operate a park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this article. After such conviction, the license shall be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with this article and other ordinances. (Ord. No. 224, § 16, 10-16-62)

Chapter 9

OFFENSES—MISCELLANEOUS\*

Art. I. In General, §§ 9-1—9-25

Art. II. Offenses Relating to Minors, §§ 9-26—9-37

ARTICLE I. IN GENERAL

Sec. 9-1. Adoption of state misdemeanors.

All offenses under the penal laws of the State of Mississippi which are misdemeanors shall constitute and are hereby declared to be offenses against the city when such offenses are committed within the corporate limits of the city. Any person convicted of any such offense shall be punished as provided by the laws of the state with regard to such offense against the state, except that such punishment shall not be in excess of that prescribed by section 1-9 of this Code. (Rev. Ords. 1926, Ch. X)

State law reference—Miss. Code Ann. 1942, § 3374-124 authorizes the adoption of an ordinance prohibiting, within the city, any act constituting a misdemeanor under the state law, whereas § 3374-78 provides that state misdemeanors shall be offenses against the city without further action by the city.

Sec. 9-2. Destroying, damaging, etc., property generally.

It shall be unlawful for any person to destroy, injure, deface or disfigure any property, real or personal, belonging to another or any public property of any kind. (Rev. Ords. 1926, Ch. X)

Cross references—Damaging traffic-control devices or railroad signs or signals, § 15-138; damaging property of waterworks and sewer system, § 17-42.

State law reference—Malicious mischief, Miss. Code Ann. 1942, § 2281.

Sec. 9-3. Defacing or removing public advertisements or notices.

It shall be unlawful for any person to deface, tear down or destroy any ordinance, notice or public advertisement posted

\*Cross reference—Arrests, Ch. 5.

by authority of the mayor and board of aldermen or otherwise authorized by law. (Rev. Ords. 1926, Ch. X)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2003.

**Sec. 9-4. Prowling on property of another.**

It shall be unlawful for any person to prowl around the property or premises of others without being able to give a good account of himself. (Rev. Ords. 1926, Ch. X)

State law reference—Trespass, Miss. Code Ann. 1942, § 2406 et seq.

**Sec. 9-5. Entering property of another for unlawful purposes.**

It shall be unlawful for any person to enter into any house or place of business or upon the premises of another for any unlawful purpose. (Rev. Ords. 1926, Ch. X)

**Sec. 9-6. Peddlers, solicitors, etc., going in or upon private residences without invitation.**

(a) The practice of going in and upon any private residence in the city, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited so to do by the owner or occupant of such private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same, is declared to be a nuisance and punishable as such as a misdemeanor.

(b) The provisions of this section shall not apply to the sale or soliciting of orders for the sale of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of such commodities is authorized by law. (Ord. No. 209, §§ 1, 3, 4-5-60)

**Sec. 9-7. Pool tables, pinball machines, etc., prohibited near church, school or public library.**

It shall be unlawful for any person to possess, own, keep or operate, for profit, within four hundred (400) feet of any

church, school or public library in the city, any billiard table or pool table of any kind whatsoever, or any pinball machine, slot machine or other amusement device operated by coin, token or similar object which returns to the operator or player thereof a varying amount or amounts of additional free games or plays. (Ord. No. 243, § 5, 12-7-65)

Cross reference—Public libraries, Ch. 11.

#### **Sec. 9-8. Disturbing the peace.**

Any person who disturbs the public peace, or the peace of others, by violent, loud, insulting, profane, indecent, offensive or boisterous conduct or language, or by intimidation, or seeking to intimidate any other person or persons, or by conduct either calculated to provoke a breach of the peace or by conduct which may lead to a breach of the peace, or by any other act, shall be guilty of a misdemeanor. (Rev. Ords. 1926, Ch. X)

Cross reference—Barking dogs, § 4-17.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2089.5.

#### **Sec. 9-9. Disturbing religious worship.**

It shall be unlawful for any person to disturb any congregation assembled for religious worship by making any noise, or by rude and indecent behavior, or by boisterous, obscene or profane discourse within or near such place of worship. (Rev. Ords. 1926, Ch. X)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2090.

#### **Sec. 9-10. Assault and battery.**

It shall be unlawful for any person to commit an assault or an assault and battery. (Rev. Ords. 1926, Ch. X)

State law reference—Assault and battery, Miss. Code Ann. 1942, § 2011 et seq.

#### **Sec. 9-11. Discharging firearms.**

It shall be unlawful for any person to discharge any firearm within the city, unless in self defense or while executing some law. (Rev. Ords. 1926, Ch. X)

**Sec. 9-12. Shooting slingshots, air rifles, pellet guns, etc.**

It shall be unlawful for any person to shoot or discharge, within the corporate limits of the city, any instrument commonly called a slingshot or beanshooter, or any instrument commonly called an air rifle, air gun, BB gun or pellet gun, operated either by spring action or by compressed air. This section shall not apply to duly licensed and approved shooting galleries. (Ord. No. 208, § 1, 1-12-60)

**Sec. 9-13. Gambling.**

(a) It shall be unlawful for any person to play at any game of chance or hazard for money or other valuable thing, or in any way to aid, abet, countenance or encourage such game.

(b) It shall be unlawful for any person to keep or maintain any house, building or other premises for the purpose of gambling or to keep or have in his possession any table, cloth, box or other device for purposes of gambling. (Rev. Ords. 1926, Ch. X)

State law reference—Gambling, Miss. Code Ann. 1942, § 2190 et seq.

**Sec. 9-14. Houses of prostitution.**

It shall be unlawful for any person to permit any house or other place owned by him or under his control to be kept for the purpose of prostitution. (Rev. Ords. 1926, Ch. X)

State law reference—Prostitution, Miss. Code Ann. 1942, §§ 2333, 2334.

**Sec. 9-15. Disorderly houses.**

It shall be unlawful for any person to keep a disorderly house by making, causing or allowing to be made therein loud or improper noises, or by collecting therein drunken, noisy and disorderly persons. (Rev. Ords. 1926, Ch. X)

**Secs. 9-16—9-25. Reserved.**

**ARTICLE II. OFFENSES RELATING TO MINORS\*****Sec. 9-26. Definitions.**

Unless otherwise specifically provided, the term "minor" when used in this article shall mean any person under the age of twenty-one (21) years, except that for the purchase and consumption of beer only, said word shall mean any person under the age of eighteen (18) years. The term "adult" as used in this article shall mean any person twenty-one (21) years of age or older. (Ord. No. 301, § 2, 4-1-75)

**Sec. 9-27. Betting with or permitting to bet.**

It shall be unlawful for any adult to bet any money or thing of value with a minor, or to permit or allow a minor to bet at a billiard table, pool table, pinball machine or other amusement device, or at any game, gaming table or other gambling device exhibited by such adult, or in which he is interested or with which he is in any manner concerned, in the city. (Ord. No. 243, § 1, 12-7-65)

State law references—Similar provisions, Miss. Code Ann. 1942, § 2198; gambling with or permitting minor to gamble, with knowledge of minor's age, constitutes felony, Miss. Code Ann. 1942, § 2199.

**Sec. 9-28. Permitting to enter or frequent gambling establishments.**

It shall be unlawful for any person having the control of or who is employed in any gambling establishment, to permit or allow any minor to be, remain in or frequent such gambling establishment. For the purpose of this section, a "gambling establishment" is defined as any common gambling or gaming establishment operated for the purpose, but not the sole purpose, of gaming or gambling, including accepting, recording or registering bets, or carrying on a policy game or other lottery, or playing any

\*Cross reference—Sale or delivery of alcoholic beverages to minors, § 3-4.

State law reference—Crimes involving children generally, Miss. Code Ann. 1942, § 2050 et seq.  
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game of chance for money or other thing of value; and shall include any premises wherein the owner, tenant, proprietor, keeper or employee therein, or any other person for them or either of them, has paid the federal tax on wagers imposed under the provisions of subchapter A of chapter 35 of the Internal Revenue Code of 1954, as the same is now or hereafter may be amended, being particularly sections 4401, 4411 and 4421 thereof, or the federal tax on coin-operated gaming devices imposed under the provisions of subchapter B of chapter 36 of said Internal Revenue Code, being particularly paragraphs (2) and (3) of section 4461 thereof; or any business or establishment which has been issued the federal tax stamp or stamps evidencing the payment of the aforesaid tax on wagers or coin-operated gaming devices. It shall be the duty of the proprietor or keeper of such gambling establishment to post conspicuously in such place of business or premises the following sign: "MINORS UNDER THE AGE OF TWENTY-ONE YEARS NOT ALLOWED HERE." (Ord. No. 243, § 3, 12-7-65)

**Sec. 9-29. Permitting to play pool or enter or frequent poolrooms.**

It shall be unlawful for any person having the control of any billiard table or pool table of any kind whatsoever for profit, or who is employed at or has the control of any room or rooms wherein is kept, used or operated for profit any billiard table or pool table of any kind whatsoever, to permit or allow any minor under the age of eighteen (18) years to play thereon or to use any such table, or to be, remain in or frequent any such room or premises. It shall be the duty of the proprietor or keeper of any billiard parlor or poolroom or hall operated for profit to post conspicuously in such business or premises the following sign: "MINORS UNDER THE AGE OF EIGHTEEN YEARS NOT ALLOWED HERE." (Ord. No. 243, § 4, 12-7-65)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2331.

**Sec. 9-30. Permitting to play pinball, slot, etc., machines.**

It shall be unlawful for any person having the control, for profit, of any pinball machine, slot machine or other

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amusement device operated by coin, token or similar object,  
which returns to the operator or player thereof a varying  
amount or amounts of additional free games or plays, or

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who is employed at or has the control of any room or premises wherein is kept, used or operated for profit any such pinball machine, slot machine or other amusement device which returns to the operator or player thereof a varying amount or amounts of additional free games or plays, to permit or allow any minor under the age of eighteen (18) years to play thereon or to use any such pinball machine, slot machine or amusement device. (Ord. No. 243, § 5, 12-7-65)

**Sec. 9-31. Sale, distribution, etc., of certain comic books to minors.**

The publication, distribution, sale or display, to any minor under the age of seventeen (17) years, of any magazine, periodical or comic book which depicts scenes of violence, crime, savagery, torture, lust or horror, or depicting characters in lewd, immoral or suggestive poses or situations or indecently clothed is hereby declared to be a misdemeanor. (Ord. No. 243, § 6, 12-7-65)

State law reference—See Miss. Code Ann. 1942, § 2674-21 et seq.

**Sec. 9-32. Sale or delivery of tobacco to minors.**

It shall be unlawful for any person to sell, barter, furnish, deliver or give to any minor under the age of eighteen (18) years any cigar, cigarette, smoking tobacco, chewing tobacco or snuff, unless previously authorized in writing by the parent or guardian of such minor. (Ord. No. 243, § 7, 12-7-65)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 2055.

**Sec. 9-33. Unlawful procurements for minors.**

It shall be unlawful for any person to procure for any minor any article which the minor is forbidden by law to purchase. (Ord. No. 243, § 8, 12-7-65)

**Sec. 9-34. Misrepresentation of age by minors.**

It shall be unlawful for any minor to make false statements, or to furnish, present or exhibit any fictitious or false registration card, identification card or note or other

document, or to furnish, present or exhibit any registration card, identification card or other document issued to a person other than the one presenting the same, for the purpose of procuring the sale, gift, delivery or possession of prohibited articles, including beer, wine or other vinous or intoxicating beverages. (Ord. No. 243, § 9, 12-7-65)

Cross reference—Sale or delivery of alcoholic beverages to minors, § 3-4.

**Sec. 9-35. Ignorance of minor's age no excuse for violation of article.**

Ignorance of the age of any minor within the purview of this article shall not be an excuse for the violation of any provision hereof, it being hereby declared that it shall be the duty of any person coming within the proscriptions of this article to ascertain whether he is dealing with minors or with persons of full age. (Ord. No. 243, § 10, 12-7-65)

**Sec. 9-36. Penalty for violation of article; referral of offenders to juvenile authorities.**

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as prescribed in section 1-9 of this Code. The penalties imposed by this section shall not be construed to limit the right of referral of offenders to the juvenile authorities of Harrison County, in the manner provided by law. (Ord. No. 243, § 11, 12-7-65)

**Sec. 9-37. Article does not authorize unlawful businesses, devices, etc.**

The provisions of this article shall not be construed to authorize any business, employment, transaction, article or device, or the operation thereof, contrary to any statute of the state or any ordinance of the city. (Ord. No. 243, § 12, 12-7-65)

Chapter 10

**POLICE\***

Art. I. In General, §§ 10-1—10-13

Art. II. Auxiliary Police, §§ 10-14—10-22

**ARTICLE I. IN GENERAL**

**Sec. 10-1. Chief of police—Office made appointive.**

The office of chief of police shall be and the same is hereby made appointive. (Ord. No. 188, § 1, 3-20-51)

State law reference—Authority to make office of marshal or chief of police appointive, Miss. Code Ann. 1942, § 3374-35.

**Sec. 10-2. Same—To be qualified elector; bond.**

The chief of police shall be a qualified elector of the city. He shall furnish bond, in the amount of one thousand dollars (\$1,000.00) for the faithful performance of his duties. The premium for such bond shall be paid by the city. (Ord. No. 188, § 3, 3-20-51)

State law reference—Bond of chief of police, Miss. Code Ann. 1942, § 3374-100.

**Sec. 10-3. Resisting, obstructing, etc., police.**

Any person who shall resist, oppose or obstruct the chief of police or any other police officer in the city in the discharge of any of their duties shall be guilty of a misdemeanor. (Rev. Ords. 1926, Ch. II, § 6)

State law reference—Resisting arrest, Miss. Code Ann. 1942, § 2292.5.

**Secs. 10-4—10-13. Reserved.**

\*Cross reference—Arrests, Ch. 5.

State law reference—Authority to employ, regulate and support police force, Miss. Code Ann. 1942, § 3374-145.

**ARTICLE II. AUXILIARY POLICE****Sec. 10-14. Establishment and composition of department.**

Having found and determined it necessary for the protection of life and property within the city and for the preservation of good order and peace of the city and to provide additional officers to aid the police department of the city, there is hereby created an auxiliary police department, to be composed of not more than fifteen (15) members. (Ord. No. 249, § 1, 11-15-66)

**Sec. 10-15. Appointment and qualifications.**

The officers and members of the auxiliary police department shall be appointed by the mayor and board of aldermen. No officer or member shall be appointed to the auxiliary police department who has not been certified by the chief of police to the mayor and board of aldermen as having received training in the regular police department and having been qualified to perform the duties prescribed, and having further demonstrated to the satisfaction of the chief of police proficiency in the use and handling of firearms. (Ord. No. 249, § 3, 11-15-66)

**Sec. 10-16. Bond.**

Each officer and member of the auxiliary police department, before entering into the discharge of his duties, may be required to furnish bond to the city, in such penal sum as the board, by order, may direct, for the faithful performance of his duties. The premium on such bond shall be paid from the municipal treasury. (Ord. No. 249, § 3, 11-15-66)

State law reference—Authority to require bond, Miss. Code Ann. 1942, § 3374-37.

**Sec. 10-17. Term of office; discharge.**

The officers and members of the auxiliary police department shall serve at the pleasure of the mayor and

board of aldermen and may be discharged at any time, either with or without cause. (Ord. No. 249, § 3, 11-15-66)

**Sec. 10-18. Direction, supervision and control.**

The auxiliary police department and its members shall be under the direction of an auxiliary chief of police, and subject to the supervision and control of the chief of police of the city. (Ord. No. 249, § 1, 11-15-66)

**Sec. 10-19. To serve without compensation.**

The officers and members of the auxiliary police department shall serve without compensation. (Ord. No. 249, § 3, 11-15-66)

**Sec. 10-20. Departmental rules, regulations, meetings, training, reports and records.**

The auxiliary chief of police shall make such rules and regulations for the government of the auxiliary police department as may be necessary and proper, subject to the approval of the chief of police of the city, and further subject to the orders of the mayor and board of aldermen. The auxiliary police department shall conduct regular meetings and training and report regularly to, and keep such records as may be required by, the mayor and board of aldermen. (Ord. No. 249, § 5, 11-15-66)

**Sec. 10-21. Uniforms and equipment.**

The city shall furnish such uniforms and equipment for the use of the auxiliary police department as may from time to time be ordered by the mayor and board of aldermen. (Ord. No. 249, § 4, 11-15-66)

**Sec. 10-22. Duty to aid chief of police; arrests.**

The duty of the auxiliary police department is to aid the chief of police in the enforcement of the laws and ordinances of the city; provided that, however, no auxiliary police

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officer shall make any arrest as such auxiliary police officer, except when actually on duty and in the uniform of the auxiliary police department. (Ord. No. 249, § 2, 11-15-66)

Cross reference—Arrests generally, Ch. 5.

Chapter 11

**PUBLIC LIBRARIES\***

Art. I. In General, §§ 11-1—11-15

Art. II. Board of Trustees, §§ 11-16—11-22

**ARTICLE I. IN GENERAL**

**Sec. 11-1. Definitions.**

As used in this chapter, the term "trustees" or "board of trustees" shall mean the library board of trustees created in article II of this chapter. The word "library" shall mean any library established and maintained pursuant to the provisions of this chapter.

**Sec. 11-2. System established.**

There is hereby created and established in the city a public library system to be known as the Long Beach Public Library for the purpose of establishing and maintaining or of aiding in establishing and maintaining a public library or libraries for the use of citizens of the city. (Ord. No. 233, § 1, 7-14-64)

State law reference—Authority of city to establish and maintain public libraries, Miss. Code Ann. 1942, §§ 3374-147, 6200.

**Sec. 11-3. Authority to acquire real estate for library buildings.**

The city, acting by and through its mayor and board of aldermen, may acquire the necessary real estate, either by purchase, gift or donation, for use in erecting library buildings thereon. (Ord. No. 233, § 1, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6200.

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\*Cross references—Sale, delivery or storage of alcoholic beverages near libraries, § 3-1; pool tables, pinball machines, etc., prohibited near libraries, § 9-7.

State law reference—Libraries generally, Miss. Code Ann. 1942, § 6200 et seq.

**Sec. 11-4. Financing.**

(a) The mayor and board of aldermen are authorized to issue negotiable bonds of the city to raise money for the purpose of purchasing or constructing, repairing, improving and equipping public buildings for libraries, purchasing land therefor, and purchasing books and other publications therefor, as provided by Title 16, Division 10 of the Mississippi Code of 1942, as amended.

(b) Where any library is established under this chapter, the cost of purchasing land, erecting buildings and equipping and maintaining such library may be paid for in whole or in part out of the general funds of the city, if in the opinion of the mayor and board of aldermen, such funds are adequate for that purpose, and, in the discretion of the mayor and board of aldermen, a tax not exceeding one (1) mill may be levied on all taxable property within the city for a period not exceeding five (5) years to raise money for the purposes of this subsection.

(c) The city, by order of its mayor and board of aldermen, in the discretion of the mayor and board of aldermen, may annually levy a one (1) mill tax upon all taxable property within the city to be used for the support, upkeep and maintenance of any public library established under this chapter and located in the city. The one (1) mill levy herein authorized to be levied shall be in addition to the maximum levy heretofore authorized to be levied by municipalities of the State of Mississippi. (Ord. No. 233, § 2, 7-14-64)

State law references—Authority to issue bonds for library financing, Miss. Code Ann. 1942, § 3598-01(c); provisions similar to subsections (b) and (c) above, Miss. Code Ann. 1942, §§ 6201, 6201-01.

**Sec. 11-5. Free use.**

Every library established or maintained under this chapter shall be free for the use of the residents of the city, subject to such reasonable rules and regulations as the trustees find necessary; provided, however, that the trustees may charge a reasonable fee for the use of library materials. (Ord. No. 233, § 6, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6208.

Secs. 11-6—11-15. Reserved.

## ARTICLE II. BOARD OF TRUSTEES

### Sec. 11-16. Created; composition; appointment of members.

There is hereby created a board of trustees of the public library, which board shall consist of five (5) trustees to be appointed by the mayor and board of aldermen. (Ord. No. 233, § 3, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6205.

### Sec. 11-17. Terms of members; filling of vacancies.

The term of the office of the members of the board of trustees shall be for a period of five (5) years; provided, however, that in making the first appointments of trustees, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years, so that thereafter the term of office of one (1) trustee shall expire each year. Vacancies on such board of trustees shall be filled for unexpired terms in the same manner in which members of the board were first appointed. (Ord. No. 233, § 3, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6205.

### Sec. 11-18. Members not paid; removal of members.

No member of the board of trustees shall receive a salary or other compensation for his services, and any such member may be removed by the mayor and board of aldermen for reasonable cause. (Ord. No. 233, § 3, 7-14-64)

State law reference—Members of board of trustees not to be paid, Miss. Code Ann. 1942, § 6205.

### Sec. 11-19. Election of officers and adoption of bylaws, rules and regulations.

The trustees, immediately after their appointment or election, shall meet and organize by the election of such officers as they deem necessary. They shall adopt such

bylaws, rules and regulations for their own guidance and for the government of the library or libraries as they deem expedient. (Ord. No. 233, § 4, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6206.

#### Sec. 11-20. General powers and duties.

The board of trustees shall:

- (1) Have the power, duty and authority to manage and control any municipal library established under this chapter;
- (2) Have the supervision, care and custody of all property of the library, including the rooms or buildings constructed, leased or set apart therefor;
- (3) Employ a librarian and, upon his recommendation, employ such other assistants as may be necessary, prescribe their duties, fix their compensation and remove them for cause;
- (4) Submit annually to the mayor and board of aldermen a budget containing estimates for the ensuing year;
- (5) Have exclusive control of the finances of the library;
- (6) Accept such gifts of money or property for library purposes as it deems expedient;
- (7) On recommendation of the librarian, purchase books, periodicals, maps and supplies for the library system; and
- (8) Do all other acts necessary for the orderly and efficient management and control of the library or libraries. (Ord. No. 233, §§ 3, 4, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6206.

#### Sec. 11-21. Limitation on expenditures.

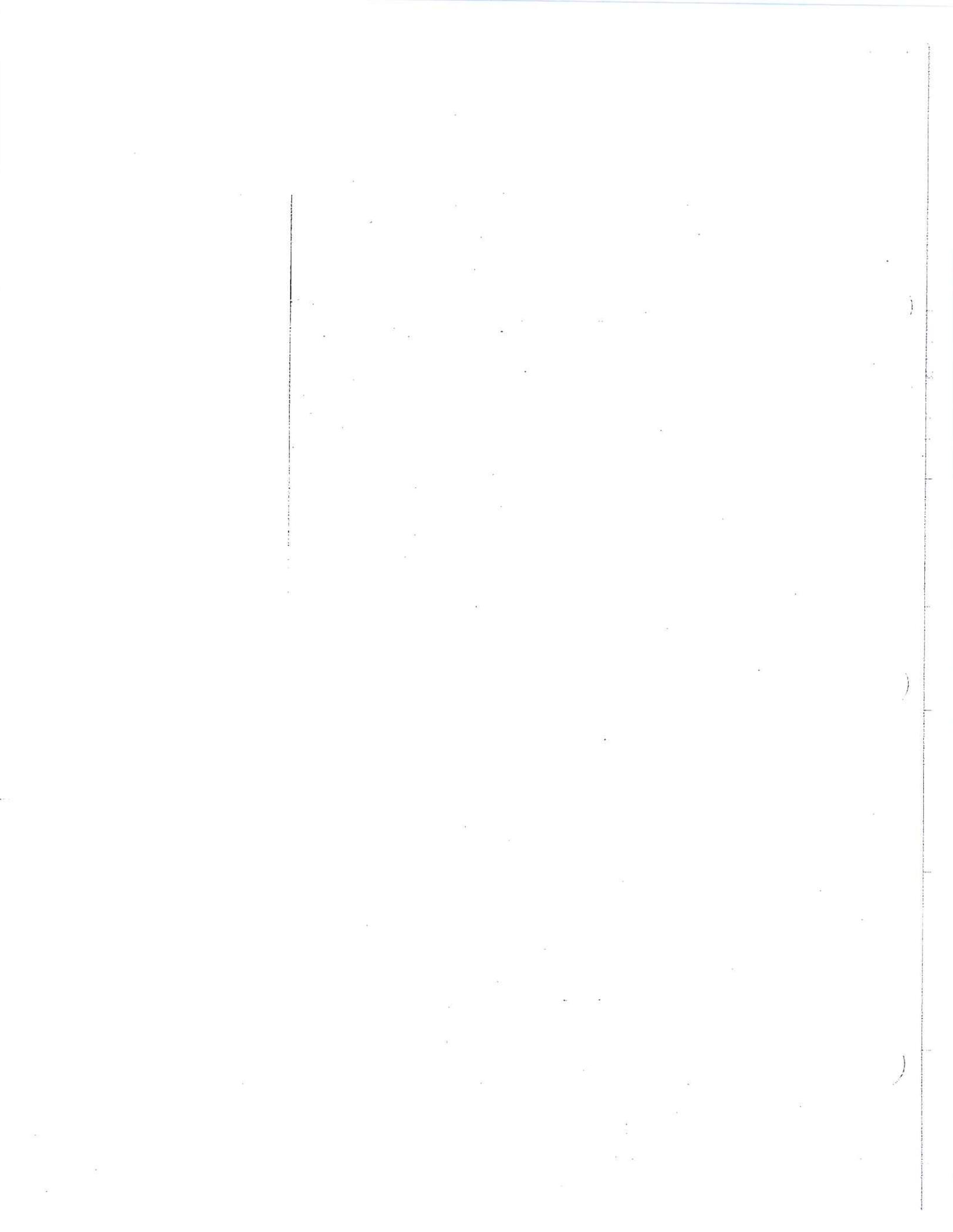
No expenditure made or contracted by the board of trustees shall be binding upon the city so as to require any payment in excess of funds made available for library purposes. (Ord. No. 233, § 4, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6206.

**Sec. 11-22. Annual reports; audit of books.**

At the close of each year, the board of trustees shall make a report to the mayor and board of aldermen showing the condition of its trust during the year, the sums of money received for the library fund from taxes and other sources, the sums of money expended and the purposes of the expenditures, the number of books and periodicals on hand, the number added during the year, the number withdrawn, the number loaned out and such other statistics and information and such suggestions as it deems of public interest. A copy of this report shall be filed with the state library commission. The books of the library shall be subject to audit by the auditor of the city. (Ord. No. 233, § 5, 7-14-64)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 6207.



## Chapter 12

### REFUSE\*

#### Sec. 12-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

*Ashes.* The word "ashes" means the residue from the burning of wood, coal, coke or other combustible materials.

*Director.* The term "director" means the director or person in charge of the public health and sanitation department of the city.

*Garbage.* "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Refuse.* "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

*Rubbish.* "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials. (Ord. No. 223, § 2, 8-21-62)

#### Sec. 12-2. To be collected, conveyed and disposed of by city; exceptions.

(a) All refuse accumulated in the city shall be collected, conveyed and disposed of by the city, under the supervision of the director. No person, except an authorized employee or

\*Cross reference—Storage and disposal of garbage and refuse at mobile home parks, § 8-32.

State law reference—Authority to compel and regulate removal of garbage, Miss. Code Ann. 1942, § 3374-116.

agent of the city, shall collect, convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city.

(b) Subsection (a) above shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other governing law or ordinance.

(c) Subsection (a) above shall not prohibit collectors of refuse from outside of the city from hauling such refuse over city streets, provided such collectors comply with the provisions of this chapter and with any other governing law or ordinance. (Ord. No. 223, §§ 3, 4, 8-21-62)

**Sec. 12-3. Rules and regulations of director concerning collection, conveyance and disposal.**

The director shall have the authority to make regulations concerning the days of collection, type and location of refuse containers and such other matters pertaining to the collection, conveyance and disposal of refuse as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions of this chapter. (Ord. No. 223, § 4, 8-21-62)

**Sec. 12-4. Separation and preparation for collection.**

(a) Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

(b) All garbage, before being placed in garbage containers for collection, shall have drained from it all free liquids and may be wrapped in paper.

(c) All rubbish shall be drained of liquid before being deposited for collection. (Ord. No. 223, § 5, 8-21-62)

**Sec. 12-5. Containers—Duty to provide; maintenance; replacement when defective.**

Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in a good, clean, neat and sanitary condition at all times. Any container that does not conform to the provisions of this chapter or that has ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. The director shall have the authority to refuse collection service for failure to comply with this provision. (Ord. No. 223, § 5, 8-21-62)

Cross reference—Containers for and removal of garbage and refuse at campgrounds, App. A, § 710.11.3.

**Sec. 12-6. Same—Specifications.**

(a) *Garbage containers.* Garbage containers shall be made of metal, equipped with suitable handles and tight-fitting covers, and shall be watertight. Garbage containers shall have a capacity of not more than twenty (20) gallons and shall be of a type approved by the health officer.

(b) *Ash containers.* Ash containers shall be made of metal and have a capacity of not more than twenty (20) gallons.

(c) *Rubbish containers.* Rubbish containers shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one (1) man. (Ord. No. 223, § 5, 8-21-62)

**Sec. 12-7. Same—Placement for collection.**

Refuse containers shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than thirty (30) feet from the side of the street or alley from which collection is made; provided that containers may be placed for collection at other than ground level and at a distance of more than thirty (30) feet when approved by the director and upon such terms as may be agreed upon by both parties. (Ord. No. 223, § 5, 8-21-62)

**Sec. 12-8. Frequency of collection by city.**

Refuse accumulated by residences shall be collected by the city at least once each week. Hotels, restaurants and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the director shall have the authority to require that more frequent collections be made. (Ord. No. 223, § 6, 8-21-62)

**Sec. 12-9. Quantity to be collected by city.**

The director shall collect a reasonable accumulation of refuse from each family during a collection period and a reasonable accumulation of refuse from hotels, restaurants and other businesses and institutions during the collection period, but the director shall have the authority to refuse to collect unreasonable amounts or to make a charge for such additional amounts which shall be deemed by him to cover the cost of the extra service rendered, subject to appeal to the mayor and board of aldermen. (Ord. No. 223, § 6, 8-21-62)

**Sec. 12-10. Ownership vested in city when set out for collection or deposited at city dump.**

Ownership of refuse material set out for collection or deposited at the city dump shall be vested in the city. (Ord. No. 223, § 6, 8-21-62)

**Sec. 12-11. Fee for use of city dump.**

Any person having the permission of the director to use the city dump for the disposal of refuse shall pay a fee of three dollars (\$3.00) to the city for every load or part thereof. (Ord. No. 223, § 7, 8-21-62)

**Sec. 12-12. Collection and disposal by producers, owners, etc.**

(a) The actual producers of refuse or the owners of premises upon which refuse is accumulated, who desire personally to collect and dispose of such refuse, persons who

desire to dispose of waste material not included in the definition of refuse and collectors of refuse from outside of the city who desire to haul over the streets of the city, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.

(b) Disposal of refuse by persons referred to in subsection (a) above shall be made outside the city limits, unless otherwise specifically authorized by the director. The director shall have the authority to permit the disposal of such material on the city dump, provided the charge provided for in section 12-11 is paid.

(c) The director shall have the authority to make such reasonable regulations concerning individual collection and disposal and relating to the hauling of refuse over city streets by outside collectors, as provided for in this section, as he shall find necessary, subject to the control of the mayor and board of aldermen. (Ord. No. 223, § 6, 8-21-62)

**Sec. 12-13. Disposal of refuse from places where infectious disease exists.**

The removal of used clothing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the city or county health officer. Such refuse shall not be placed in containers for regular collection. (Ord. No. 223, § 6, 8-21-62)

**Sec. 12-14. Disposal of flammable or explosive refuse.**

Highly flammable or explosive refuse materials shall not be placed in containers for regular collection but shall be disposed of as directed by the director at the expense of the owner or possessor thereof. (Ord. No. 223, § 6, 8-21-62)

Cross reference—Fire prevention and protection. Ch. 7.

**Sec. 12-15. Unlawful deposits generally.**

(a) It shall be unlawful for any person to place any refuse in any street, alley or other public place, or upon any private

property whether owned by such person or not, within the city, unless it is in proper containers for collection.

(b) It shall be unlawful for any person to cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into or onto any occupied premises within the city.

(c) A conviction for a violation of any provisions of subparagraphs (a) and (b) immediately above shall be punished by a fine not exceeding three hundred dollars (\$300.00). (Ord. No. 223, § 5, 8-21-62; Ord. No. 306, § 1, 2-17-76)

Cross reference—Deposit of garbage or rubbish on U.S. Highway No. 90, § 13-23.

**Sec. 12-16. Deposit in stream or other body of water prohibited.**

No person shall throw or deposit any refuse in any stream or other body of water. (Ord. No. 223, § 5, 8-21-62)

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Chapter 13

**STREETS AND SIDEWALKS\***

Art. I. In General, §§ 13-1-13-16

Art. II. Special Provisions Relating to U.S. 90, §§ 13-17-13-23

**ARTICLE I. IN GENERAL**

**Sec. 13-1. Certain ordinances relating to streets not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

- (1) Vacating, opening, dedicating or accepting specific streets and alleys;
- (2) Relating to specific street improvements;
- (3) Naming any street or alley;
- (4) Granting railroads the right to use specific streets and alleys;
- (5) Relating to the grade or alignment of any street or alley;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**Sec. 13-2. Specifications.**

The plans and specifications for the construction, alteration and repair of streets, alleys, sidewalks and other public ways in the city shall be as promulgated by the city

\*Cross references—Working prisoners on streets, § 1-10; investigation and report by planning commission required prior to final action on location or design of streets, § 2-59; parking mobile homes on streets, § 8-5; driveways and walkways in mobile home parks, § 8-27; littering streets, § 12-15; traffic, Ch. 15; signs projecting over public right-of-way, App. A, § 712.1; design standards for streets and sidewalks in subdivisions, App. B, Art. III; required street improvement in subdivisions, App. B, Art. IV, § 21.

engineer, approved by the mayor and board of aldermen and on file in the office of the city clerk.

**Sec. 13-3. Obstructions generally.**

It shall be unlawful for any person to obstruct, by building a fence or setting posts or doing any other act that will impede the use by the public, any of the streets, alleys, avenues or sidewalks of the city. (Rev. Ords. 1926, Ch. XVII)

**Sec. 13-4. Obstruction by performances or other means tending to draw crowds.**

It shall be unlawful for any person to employ any device, noise or performance tending to the collection of persons on the streets or sidewalks of the city to the obstruction of the same, or to exhibit any tricks of legerdemain or other devices of the kind, or perform with any organ or other instrument upon such streets or sidewalks. (Rev. Ords. 1926, Ch. X)

**Sec. 13-5. Duty of railroad companies to maintain crossings.**

It shall be the duty of railroad companies having tracks crossing the streets of the city to maintain such crossings in good repair at all times, so that the same are passable without risk of injury or damage to vehicles or persons. (Rev. Ords. 1926, Ch. X)

State law reference—Authority to regulate crossings, Miss. Code Ann. 1942, § 3374-152.

**Sec. 13-6. Property owners not to permit sidewalks to remain out of repair.**

It shall be unlawful for any person to suffer or permit any sidewalk in front of his premises to become or remain so out of repair as to endanger life or limb. (Rev. Ords. 1926, Ch. X)

**Secs. 13-7—13-16. Reserved.**

**ARTICLE II. SPECIAL PROVISIONS RELATING  
TO U.S. 90****Sec. 13-17. Application of article.**

The provisions of this article shall apply to U.S. Highway No. 90, throughout its length within the city limits. (Ord. No. 202, Preamble, 3-5-57)

**Sec. 13-18. Improper use generally.**

No person may use any portion of U.S. Highway No. 90 for any purpose other than that for which it was designed and dedicated. (Ord. No. 202, § 5, 3-5-57)

**Sec. 13-19. Permission for construction of signs, buildings, etc.**

No person shall construct, reconstruct, erect, build or have constructed, reconstructed, erected or built, any obstruction, sign, billboard, building, improvement, fence, garage, filling station, barn, restaurant or other structure on any part of U.S. Highway No. 90, without permission from the mayor and board of aldermen. (Ord. No. 202, § 1, 3-5-57)

**Sec. 13-20. Construction of pipe, communication or power lines.**

No person shall construct or have constructed a pipeline, communication line or electric power line on, over or under any part of U.S. Highway No. 90, before the following requirements have been complied with:

- (1) The standard application and plan form as used by the state highway department must be signed and executed by the applicant and filed with the mayor for approval by the mayor and board of aldermen.
- (2) When the application and plans have been approved by the mayor and board of aldermen, a copy of such application and plans will be sent to the state highway department, engineer of maintenance or the chief engineer of such department, and upon the

approval of either or both of such engineers, a copy of the approved plans will be mailed to the applicant as his authority to proceed with the construction. However, written notice shall be given the state highway department twenty-four (24) hours in advance of the time actual work is begun. (Ord. No. 202, § 2, 3-5-57)

**Sec. 13-21. Intersecting roads or driveways.**

Private or public roads or driveways shall not be permitted to intersect with any portion of U.S. Highway No. 90, unless permission is secured in accordance with the provisions of section 13-20 and the construction is done in strict accordance with the plans approved by the state highway department. (Ord. No. 202, § 3, 3-5-57)

**Sec. 13-22. Use for servicing vehicles or other commercial purposes.**

No part of U.S. Highway No. 90 shall be used by any person for the purpose of servicing automobiles, trucks, tractors or any other motor vehicles, nor shall any portion of such highway be used for any other commercial purposes; provided, however, that this shall not apply in cases of emergency where any such vehicle has run out of gasoline, oil, grease or water, or suffered any other accident or casualty so as to make it necessary that such service be rendered on such highway in order for such vehicle to reach a garage or filling station. (Ord. No. 202, § 4, 3-5-57)

**Sec. 13-23. Littering.**

It shall be unlawful for any person to throw or deposit or cause to be deposited garbage or rubbish on any section of U.S. Highway No. 90. (Ord. No. 202, § 6, 3-5-57)

Cross reference—General prohibition against deposit of refuse in streets, § 12-15.

Chapter 14

**TAXATION\***

Art. I. In General, §§ 14-1-14-15

Art. II. Privilege Taxes, §§ 14-16-14-30

Art. III. Slot Amusement Machine Tax, §§ 14-31-14-43

**ARTICLE I. IN GENERAL**

**Sec. 14-1. Sale or lease of property purchased by city at tax sale.**

(a) Whenever the city has acquired title to property by reason of becoming the purchaser thereof at a tax sale, and after the time for redemption has expired, the city may take possession of and lease or sell such property to any person. Such property shall be leased or sold in the following manner: Anyone interested in purchasing the property or leasing the same shall make written or oral application to the mayor and board of aldermen and thereupon the mayor and board of aldermen will consider the advisability of leasing or selling the property to the applicant and will fix, by resolution, the amount of the consideration to be paid to the city; and such resolution shall also provide for the execution and delivery of a quit claim deed or lease to be executed by the mayor and city clerk in favor of a party to be named in the resolution. Such resolution shall fix the price, terms and conditions of each sale or lease.

(b) The resolution provided for in subsection (a) above may fix a reasonable real estate commission in favor of any agent, not in excess of ten (10) per cent of the consideration fixed by the resolution, which commission shall be added to the sale price of such property and paid by the purchaser. Such real estate agent, to be eligible to receive such

\*Cross references—Code and ordinance adopting Code not to affect tax levy ordinances, § 1-4(2); city tax collector and tax assessor, § 2-35 et seq.; authority to levy special tax for library purposes, § 11-4.

State law reference—Municipal taxation generally, Miss. Code Ann. 1942, § 3742-01 et seq.

commission, must have paid all privilege taxes to the city for the operation of his business as may be required by law. (Ord. No. 157, §§ 1-3, 11-5-35)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3742-39.

Secs. 14-2—14-15. Reserved.

## ARTICLE II. PRIVILEGE TAXES

### Sec. 14-16. Local privilege tax law adopted.

Pursuant to the authority conferred by section 9696-235 of the Mississippi Code Annotated, 1942, as amended, sections 9696-01 through 9696-236 of the Mississippi Code Annotated, 1942, as amended, being the state local privilege tax law, are adopted by the city as its privilege tax law on items and all things covered thereby and the city clerk and city tax collector are hereby authorized and directed to levy and collect privilege taxes for the city in the maximum amounts allowed under the provisions of said sections. (Ord. No. 190, §§ 3, 5, 7-17-51)

### Sec. 14-17. Privilege tax on beer and wine.

Pursuant to the authority conferred by section 10263 of the Mississippi Code Annotated, 1942, as amended, sections 10237 through 10265 of the Mississippi Code Annotated, 1942, as amended, are adopted by the city as its privilege tax law on all items and things covered therein. The city clerk and city tax collector are authorized and directed to levy and collect privilege taxes in the amount allowed under the provisions of said section 10263. (Ord. No. 190, § 1, 7-17-51)

Cross reference—Alcoholic beverages, Ch. 3.

### Sec. 14-18. Privilege tax on weighing, postage stamp, merchandise, etc., machines.

Sections 9426-01 through 9426-04 of the Mississippi Code Annotated, 1942, as amended, are hereby adopted as the privilege tax law on all items and things set out therein and

the city clerk and city tax collector are authorized and directed to levy and collect privilege taxes in the maximum amount allowed under the provision of said sections. (Ord. No. 190, § 4, 7-17-51)

**Sec. 14-19. Collection of privilege taxes; delinquency penalty.**

The city tax collector shall collect, and all persons, firms or corporations liable therefor shall pay to the city tax collector, all privilege taxes herein levied and imposed before the beginning of the business for which a privilege tax is required by this article and annually thereafter. The city tax collector shall, upon payment of such privilege taxes, issue a privilege license evidencing such payment. All persons liable for the privilege taxes herein levied and imposed who shall fail to procure the license therefor before beginning the business for which a privilege tax is required by this article, or who shall fail to renew, during the month in which it is due, the license on a business for which he has theretofore procured a privilege license, shall, in each or either such instance, be liable for the amount of the tax required for such business and fifty (50) per cent thereof; and it is hereby made the duty of the city tax collector to collect the said tax and penalty, issue the license, and to endorse across the face of the license issued the words "penalty collected."

**Sec. 14-20. Failure to pay privilege tax and procure license constitutes misdemeanor.**

Any person who shall exercise any of the privileges taxed by this article without paying the tax and procuring the privilege license as required or who shall violate any of the privilege tax provisions of this article shall be guilty of a misdemeanor.

Cross references—Gas fitter's license, § 6-59; electrical contractor's license, § 6-98 et seq.; license for mobile home parks, § 8-42 et seq.

**Secs. 14-21—14-30. Reserved.**

**ARTICLE III. SLOT AMUSEMENT  
MACHINE TAX****Sec. 14-31. Title.**

This article shall be known and may be cited as the "Slot Amusement Machine Tax Ordinance." (Ord. No. 271, § 1, 7-28-70)

State law reference—Slot Amusement Machine Tax Law, Miss. Code Ann. 1942, § 9418-01 et seq.

**Sec. 14-32. Definition.**

When used in this article, the term "slot amusement machine" or "machine" means any mechanical device or contrivance which is operated, played, worked, manipulated or used by inserting or depositing any coin, slug, token or thing of value, in which may be seen any picture or heard any music, or wherein any game may be played, or any form of diversion had. (Ord. No. 271, § 2, 7-28-70)

**Sec. 14-33. Levied.**

There is hereby levied and imposed upon each person engaging in the business of owning or placing on location for the purpose of operation any slot amusement machine, annual license taxes according to the following schedule:

- (1) For each machine wherein may be seen any picture or heard any music, a license tax of nine dollars (\$9.00).
- (2) For each machine (not elsewhere specifically taxed in this section) wherein or whereby any game may be played or any form of diversion had, a license tax of fifteen dollars (\$15.00).
- (3) For each machine (not elsewhere specifically taxed in this section) wherein or by means of which children may obtain a ride upon a "hobby horse" or the figure of any animal, or upon the figure of a boat, airplane, rocket or other such machine, a license tax of six dollars (\$6.00). (Ord. No. 271, § 3, 7-28-70)

State law reference—Authority of city to levy above tax, Miss. Code Ann. 1942, § 9418-03.

**Sec. 14-34. License generally.**

Every person engaged in the business of owning or placing on location for the purpose of operation any slot amusement machine shall first, before commencing the same, apply for, pay for and procure from the city tax collector a privilege license authorizing him to engage in the business or exercise the privilege specified therein. Such license shall be affixed to the machine for which it is issued. The license shall entitle the owner or the person placing the machine on location for the purpose of operation to operate the machine until December 31 next following. (Ord. No. 271, § 4, 7-28-70)

**Sec. 14-35. When tax payable; expiration and renewal of license.**

The tax levied by this article shall be due and payable annually on January 1, and all licenses issued under the provisions of this article shall expire annually on December 31. A license may be renewed without penalty during the month of January. (Ord. No. 271, § 4, 7-28-70)

**Sec. 14-36. Prorating tax.**

The amount of the license tax to be paid under this article for a period of less than twelve (12) months shall be that proportionate amount of the annual license tax that the number of months, or fractional part thereof, remaining until January 1 next bears to twelve (12) months. (Ord. No. 271, § 4, 7-28-70)

**Sec. 14-37. Tax not refundable.**

No refund of any tax paid under this article shall be allowed for failure or inability to exercise the privilege granted after the license has been issued. (Ord. No. 271, § 4, 7-28-70)

**Sec. 14-38. Failure to pay tax or affix license to machine.**

(a) Any person engaged in the business of owning or placing on location for the purpose of operation any slot amusement machine without the payment of the tax imposed by this article shall be liable for the amount of the tax and fifty (50) per cent of the amount of the tax as penalty. Any person who has paid the tax for the operation of a machine, but who has failed to affix the license to the machine shall also be liable for fifty (50) per cent of the amount of the tax as penalty.

(b) It shall be unlawful for any person to place on location any machine without paying the tax levied by this article. (Ord. No. 271, § 5, 7-28-70)

**Sec. 14-39. Transfer of license.**

(a) If a machine for which a license has been issued under this article should be destroyed or traded, the privilege of operation for the remaining time covered by the license may be transferred to another machine of the same type by procedure to be specified by the tax collector.

(b) When ownership of a machine upon which a valid license is attached pursuant to this article is transferred to another person, the license may be transferred to such person and no additional tax shall be required. (Ord. No. 271, § 4, 7-28-70)

**Sec. 14-40. Taxpayer's records.**

It shall be the duty of every person taxable under this article to keep and preserve, for a period of three (3) years, adequate records showing the location on which each machine is placed for the purpose of operation, and the type of such machine. (Ord. No. 271, § 9, 7-28-70)

**Sec. 14-41. Tax is in addition to other taxes.**

The license tax levied by this article shall be in addition to all other taxes levied by law or ordinance. (Ord. No. 271, § 7, 7-28-70)

**Sec. 14-42. Adoption of state law for enforcement of article and collection of tax.**

All of the general provisions of Chapter 137, Laws of 1944 (section 9696-01 et seq., Mississippi Code Annotated, 1942), as amended, insofar as they apply to municipalities, shall apply to and are hereby adopted as the means by which the provisions of this article may be enforced and the taxes and penalties imposed may be collected. (Ord. No. 271, § 8, 7-28-70)

**Sec. 14-43. Exemptions.**

This article shall not apply to any machine operated for gambling purposes, to any machine kept at a regular place of business of distributors or manufacturers for sale or lease without being operated, or to any pool table operated in a place of business commonly known as a pool hall or billiard parlor when the gross income from the operation of such pool table is taxable under the Mississippi Sales Tax Law. (Ord. No. 271, § 6, 7-28-70)



## Chapter 15

### TRAFFIC\*

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#### ARTICLE I. IN GENERAL

##### Sec. 15-1. Definitions.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section. Whenever any words and phrases are not defined herein but are defined in the state law regulating the operation of vehicles, such definition shall be deemed to apply to such words and phrases used herein.

\*Cross references—Comprehensive plan to make adequate provision for traffic, § 2-60; streets and sidewalks, Ch. 13; vehicles for hire, Ch. 16; requirements of zoning ordinance as to visibility at intersections, App. A, § 606.

State law references—Authority to adopt traffic regulations not in conflict with state law, Miss. Code Ann. 1942, § 8150; powers of municipalities specified, § 8151; state traffic rules and regulations, § 8126 et seq.

*Authorized emergency vehicle:* Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

*Bicycle:* Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.

*Business district:* The territory contiguous to and including a highway when fifty (50) per cent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

*Commercial vehicle:* Every vehicle designed, maintained or used primarily for the transportation of property.

*Controlled-access highway:* Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Crosswalk:* That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of the sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossings by lines or other markings on the surface.

*Curb loading zone:* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Driver:* Every person who drives or is in actual physical control of a vehicle.

*Freight curb loading zone:* A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

*Highway:* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Intersection:* The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

*Laned roadway:* A roadway which is divided into three (3) or more clearly marked lanes for vehicular traffic.

*Motor vehicle:* Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Motorcycle:* Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.

*Official time standard:* Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the city.

*Official traffic-control devices:* All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

*Park or parking:* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Passenger curb loading zone:* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*Pedestrian:* Any person afoot.

*Police officer:* Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway:* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Railroad:* A carrier of persons or property upon cars operated upon stationary rails.

*Railroad train:* A steam engine, electric, diesel or other motor, with or without cars coupled thereto, operated upon rails.

*Residence district:* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

*Right-of-way:* The privilege of the immediate use of the roadway.

*Roadway:* That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

*Safety zone:* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*Sidewalk:* That portion of a street between the curblin, or the lateral line of a roadway, and the adjacent property line, intended for the use of pedestrians.

*Stand or standing:* Means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

*Stop:* When required means complete cessation from movement.

*Stop or stopping:* When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

*Street:* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Through street or highway:* Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

*Traffic:* Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

*Traffic-control signal:* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Traffic division:* The traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city.

*Vehicle:* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

State law reference—Definitions under state law, Miss. Code Ann. 1942, §§ 8127—8144.

**Sec. 15-2. State operator's license required.**

No person shall drive any motor vehicle within the city without first securing a state operator's license therefor as prescribed by sections 8091 through 8125 of the Mississippi Code Annotated of 1942 and the amendments thereto.

Cross reference—City permit to drive taxicab, § 16-42 et seq.

**Sec. 15-3. Records of traffic violations.**

(a) The police department shall keep a record of all violations of the provisions of this Code, state law and city ordinances, rules and regulations, relating to traffic and the operation of vehicles of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records and reports shall be public records.

**Sec. 15-4. Annual traffic safety report.**

The police department shall annually prepare a traffic report which shall be filed with the mayor and board of aldermen. Such report shall contain information on traffic matters in the city as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the department for future traffic safety activities.

**Sec. 15-5. Traffic engineer appointed; general powers, duties.**

(a) The city traffic engineer shall be appointed by the mayor and board of aldermen. Until some other person is appointed as traffic engineer, the chief of police shall serve as such officer. He shall exercise the powers and duties as provided in this chapter and in the traffic ordinances of the city.

(b) It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the city for the purpose of making recommendations to the mayor and board of aldermen in regard thereto, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of the city.

**Sec. 15-6. Emergency and experimental regulations.**

(a) The city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(b) The city traffic engineer may test traffic-control devices under actual conditions of traffic.

**Sec. 15-7. Lighting equipment.**

It shall be unlawful for any person to operate any vehicle within the city unless such vehicle is equipped with lighting equipment as required by state law. It shall also be unlawful for any person to operate any vehicle within the

city without complying with the provisions of state law regulating the operation of such lighting equipment.

State law reference—Lighting equipment for vehicles, Miss. Code Ann. 1942, § 8229-01 et seq.

**Sec. 15-8. Flag or light on projecting load.**

Whenever the load on any vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than sixteen (16) inches both in length and width, except that between one-half (½) hour after sunset and one-half (½) hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least five hundred (500) feet from the rear of such vehicle.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8229-16.

**Sec. 15-9. Mufflers.**

(a) *Required.* No person shall drive a motor vehicle on a highway unless such vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) *Cutouts prohibited.* It shall be unlawful to use a "muffler cutout" on any motor vehicle on a highway.

State law reference—Mufflers, Miss. Code Ann. 1942, § 8251.

**Sec. 15-10. Use of coasters, roller skates, etc., restricted.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the city.

Secs. 15-11—15-21. Reserved.

## ARTICLE II. ENFORCEMENT AND OBEDIENCE

Sec. 15-22. Authority, duty of police and fire department officers generally.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic regulations of the city and all of the state vehicle regulations applicable to street traffic in the city.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice or hand signal in conformance with traffic regulations, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic regulations.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Sec. 15-23. Obedience to regulations required.

It shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter or any other traffic law, ordinance or regulation.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8146.

Sec. 15-24. Obedience to police and fire department officers required.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

State law reference—Similar provisions pertaining to police officers, Miss. Code Ann. 1942, § 8147.

**Sec. 15-25. Applicability to persons propelling push-carts, riding animals.**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

Cross reference—Animals, Ch. 4.

State law reference—Similar provisions pertaining to animals, Miss. Code Ann. 1942, § 8149.

**Sec. 15-26. Obedience by public employees.**

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this state, county or city; and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8148(a).

**Sec. 15-27. Privileges granted authorized emergency vehicles.**

(a) The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the maximum speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing the direction of movement or turning in specified directions.

(c) The exemption herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from all consequences of his reckless disregard for the safety of others.

State law reference—Obedience by drivers of authorized emergency vehicles, Miss. Code Ann. 1942, § 8148(b), (c).

Secs. 15-28—15-39. Reserved.

### ARTICLE III. PENALTIES AND PROCEDURE ON ARREST

#### Sec. 15-40. Duties of arresting officers.

Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address and operator's license number of such person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city clerk a traffic citation containing a notice to answer to the charge

against him in the police court at a time to be specified in the citation. The officer, upon receiving the written promise of the alleged violator to answer to the charge against him in the police court at a time to be specified in the citation, shall release such person from custody.

Cross reference—Arrests generally, Ch. 5.

**Sec. 15-41. Forms and records of citations and arrests.**

(a) The city clerk shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws, ordinances and regulations in the police court. Such books shall include serially numbered sets of citations in triplicate in the form prescribed and approved jointly by the police judge and the chief of police.

(b) The city clerk shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every book.

(c) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every book and each set of citations contained therein.

State law reference—Uniform Arrest Ticket Act, Miss. Code Ann. 1942, § 8285.5.

**Sec. 15-42. Disposition and record of citations, warrants and complaints.**

(a) Every police officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance or regulation of the city shall issue the original copy of the citation therefor to the alleged violator and shall deposit one (1) copy thereof with the chief of police.

(b) The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy

required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.

(c) The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the court or its traffic violations bureau.

(d) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the police court or by any other court on such traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

(e) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required in this section.

#### **Sec. 15-43. Illegal cancellation of citations.**

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided in this article.

#### **Sec. 15-44. When citation deemed lawful complaint.**

In the event the form of citation provided under section 15-41 includes the information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offenses alleged in such citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

#### **Sec. 15-45. Failure to obey citation.**

It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a

traffic citation regardless of the disposition of the charge for which such citation was originally issued.

**Sec. 15-46. Citation required on illegally parked vehicle.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this Code, city ordinance or regulation or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city clerk, for the driver to answer to the charge against him within five (5) days during the hours and at a place specified in the citation.

**Sec. 15-47. Failure to comply with citation on parked vehicle.**

If a violator of the restrictions on stopping, standing or parking under the traffic laws, ordinances or regulations does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days the traffic violations bureau shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

**Sec. 15-48. Presumption in reference to illegal parking.**

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute a prima facie presumption that the registered owner of such vehicle was

the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in sections 15-44 and 15-45 has been followed.

**Sec. 15-49. When warrant to be issued.**

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the police court or traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted, the police court shall secure and issue a warrant for his arrest.

**Sec. 15-50. Records of traffic cases; report of convictions to department of public safety.**

(a) The police judge shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the police court or its traffic violations bureau, and shall keep a record of every official action by such court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to such court or traffic violations bureau.

(b) Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways the police judge shall prepare and immediately forward to the state department of public safety an abstract of the record of such court covering the case in which such person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

(c) The abstract must be made upon a form furnished by the state department of public safety and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited and the amount of the fine or forfeiture as the case may be.

(d) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

State law reference—Requirement that judge report to state department of public safety, Miss. Code Ann. 1942, § 8281.

#### **Sec. 15-51. Disposition of fines and forfeitures.**

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter or other traffic law, ordinance or regulation shall be paid into the city treasury.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8276.

#### **Sec. 15-52. Impoundment of vehicles.**

(a) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by the city under the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

- (4) When the driver of any vehicle is taken into custody by the police department and such vehicle would thereby be left unattended on the street;
- (5) When the removal of a vehicle is necessary in the interest of public safety due to fire, flood, storm or other emergency reason;
- (6) When any vehicle is found parked in violation of any provision of this Code, state law or city ordinance, rule or regulation.

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal and the name of the garage or place where the vehicle is stored.

(d) Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the police department, he shall furnish evidence of his identity and ownership, sign a receipt and pay a fee not to

exceed ten dollars (\$10.00) to cover the cost of removal, plus the cost of storage, not exceeding twenty-four (24) hours, and he shall pay an additional fee of one dollar (\$1.00) for each day or fraction of a day such vehicle is stored in the vehicle pound in excess of the first twenty-four (24) hours such vehicle is impounded. The payment of any such service and/or storage charge shall not release the owner or operator of such vehicle from any charge for the violation of any statute, ordinance or regulation violated by him or from the payment of any fine or penalty which may be assessed for such violation.

State law reference—Authority to remove illegally parked vehicles, Miss. Code Ann. 1942, § 8216.

**Secs. 15-53—15-63. Reserved.**

#### ARTICLE IV. TRAFFIC VIOLATIONS BUREAU

**Sec. 15-64. Created.**

(a) The police judge shall establish a traffic violations bureau to assist the court with the clerical work of traffic cases. The bureau shall be in charge of any such person and shall be open at such hours as the police judge may designate.

(b) The police judge who hears traffic cases shall designate the specified offenses under the traffic ordinances and regulations of the city and the state traffic laws in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the police judge.

**Sec. 15-65. When person charged may elect to appear at bureau or before magistrate.**

(a) Any person charged with an offense for which payment of a fine may be made to the traffic violations

bureau shall have the option of paying such fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court, or may have the option of depositing required lawful bail and upon a plea of not guilty shall be entitled to a trial as authorized by law.

(b) The payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense, and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

#### **Sec. 15-66. Duties of bureau.**

The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses:

- (1) It shall accept designated fines, issue receipts and represent in court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney.
- (2) It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket and notify the arresting officer and witnesses, if any, to be present.
- (3) It shall keep an easily accessible record of all violations of which each person has been guilty during the preceding twelve (12) months, whether such guilt was established in court or in the traffic violations bureau.

#### **Sec. 15-67. Records required.**

The traffic violations bureau shall keep records and submit summarized monthly reports to the city judge of all notices issued and arrests made for violations of the traffic laws, ordinances and regulations in the city and of all the fines collected by the traffic violations bureau of the court and of the final disposition or present status of every case of violations of the provisions of said laws, ordinances and

regulations. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall be public records.

**Sec. 15-68. Procedures for bureau.**

The traffic violations bureau shall follow such procedure as may be prescribed by the mayor and board of aldermen or as may be required by any law of this state.

**Secs. 15-69—15-79. Reserved.**

**ARTICLE V. ACCIDENTS**

**Sec. 15-80. Traffic division to investigate accidents.**

It shall be the duty of the police department to investigate traffic accidents and to arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

**Sec. 15-81. Traffic accident studies.**

Whenever accidents at any particular location become numerous, the police department shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

**Sec. 15-82. Filing of traffic accident reports.**

The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

**Sec. 15-83. Duty to remain at scene.**

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or in damage to a vehicle shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then

forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 15-84. Every such stop shall be made without obstructing traffic more than is necessary.

(b) The judge shall revoke the operator's or chauffeur's license of any person convicted under the provisions of this section.

State law reference—Similar provisions, Miss. Code Ann. 1942, §§ 8161, 8162.

#### **Sec. 15-84. Duty to give information and render aid.**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8763.

#### **Sec. 15-85. Duty upon striking unattended vehicle.**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof; provided, however, the provisions herein shall not apply where no material damage is done and where the owner of the unattended

vehicle was guilty of negligence in leaving such vehicle parked as the same was when so struck.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8764.

**Sec. 15-86. Duty upon striking fixtures upon a highway.**

The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address, and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 15-87.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8765.

**Sec. 15-87. Immediate notice of accident required.**

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of fifty dollars (\$50.00) or more shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within the city.

(b) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of fifty dollars (\$50.00) or more shall, within five (5) days after such accident, forward a written report of such accident to the police department or a copy of any report he is required to forward to the state. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.

State law references—State requirement of written report, Miss. Code Ann. 1942, § 8166; municipal authority to require, § 8172.

**Sec. 15-88. Accident reports when driver unable to report.**

(a) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in section 15-87(a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in section 15-87(b) and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after learning of the accident make such report not made by the driver.

State law reference—Provisions pertaining to inability of driver to report, Miss. Code Ann. 1942, § 8167.

**Sec. 15-89. Accident reports confidential.**

All accident reports made by persons involved in accidents shall be without prejudice to the individuals so reporting and shall be for the confidential use of the police department or other governmental agencies having use of such records for traffic purposes, except that the identity of a person involved in an accident may be disclosed when such identity is not otherwise known or when such person denies his presence at such accident. No reports or information mentioned in this section shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the police department shall furnish upon demand of any party to such trial, or upon demand of any court a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

State law references—Similar provisions, Miss. Code Ann. 1942, § 8170; provision requiring that local accident reports be confidential, § 8172.

**Sec. 15-90. Garage keeper to report damaged vehicle.**

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullets shall report to the police headquarters of the city within twenty-four (24) hours after such motor vehicle is received, giving the engine number and the name and address of the owner or operator of such vehicle.

**Sec. 15-91. Vehicles at scene of accident—Authorized emergency vehicles restricted.**

(a) It shall be unlawful for any ambulance or wrecker to go to the scene of any motor vehicle accident within the city unless such ambulance or wrecker has been called by the owner or operator of a motor vehicle involved in an accident or by the police department.

(b) It shall be the duty of every police officer of the city investigating a motor vehicle accident on the streets within the city to notify the radio dispatcher through the use of the police radio system in the event that such officer needs the assistance of additional policemen or if an ambulance or a wrecker is needed at the scene of the accident.

**Sec. 15-92. Same—Dispersement of other vehicles.**

It shall be the duty of every police officer investigating a motor vehicle accident on the streets within the city, upon arrival at the scene of such accident, to immediately disperse all motor vehicles not actually involved in the accident, including ambulances, trucks, wreckers or any other motor vehicle, from the scene of such accident if in the opinion of such officer such vehicles are interfering with or hindering the investigation of such accident or are interfering or hindering the flow of traffic at the point of such accident.

**Secs. 15-93—15-103. Reserved.**

**ARTICLE VI. OPERATION OF VEHICLES  
GENERALLY****Sec. 15-104. Driving on right side of roadway—Generally.**

(a) Upon all streets the operator of a vehicle shall drive the same upon the right half of the street and the operator of a slow-moving vehicle shall drive the same as close as possible to the right-hand edge or curb of the street, unless it is impracticable to travel on such side of the street, except when overtaking and passing another vehicle subject to the limitations applicable by law in overtaking and passing and upon one-way streets.

(b) This section shall not be deemed to prevent the marking of lanes for traffic upon any street and the allocation of designated lanes to traffic moving in a particular direction or at designated speeds.

State law reference—Similar state law, Miss. Code Ann. 1942, §§ 8181, 8185.

**Sec. 15-105. Same—At intersections.**

In crossing an intersection of a highway or the intersection of a highway by a railroad right-of-way, the operator of a vehicle shall at all times cause such vehicle to travel on the right half of the highway, unless such right half is obstructed or impassable.

**Sec. 15-106. Meeting of vehicles.**

Operators of vehicles proceeding in the opposite direction shall pass each other to the right, each giving to the other at least one-half ( $\frac{1}{2}$ ) of the main-traveled portion of the roadway as near as possible.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8182.

**Sec. 15-107. Overtaking and passing a vehicle—Manner.**

The operator of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe

distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8183(a).

**Sec. 15-108. Same—Limitations.**

(a) The operator of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) The operator of a vehicle shall not overtake and pass another vehicle proceeding in the same direction at any railroad grade crossing nor at any intersection of a highway.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8185.

**Sec. 15-109. Same—Duty of overtaken operator.**

The operator of a vehicle upon a highway about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and such operator shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8183(b).

**Sec. 15-110. Same—On the right.**

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(b) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lanes of moving traffic when such

movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway overtaking or passing on the right.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8184.

**Sec. 15-111. Same—School buses.**

(a) The driver of a vehicle upon any street within the city, upon meeting or overtaking any school bus which has stopped on the street for the purpose of receiving or discharging any schoolchildren, shall come to a complete stop and shall not proceed until the children have crossed the street and the school bus has proceeded in the direction in which it was going.

(b) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four (4) inches in height which can be removed or covered when the vehicle is not in use as a school bus.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8226.

**Sec. 15-112. Same—In school zones.**

It shall be unlawful for any person driving a vehicle to overtake or pass any other vehicle when proceeding through a school zone within the city.

**Sec. 15-113. Following too closely.**

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.

(b) The operator of any motor truck when traveling upon a highway outside of a business or residence district shall not follow another motor truck within three hundred (300) feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8188.

**Sec. 15-114. Right-of-way.**

(a) The operator of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection. When two (2) vehicles enter an intersection at the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after giving a signal as required by law and after affording a reasonable opportunity to the operator of such other vehicle to avoid a collision.

State law reference—Right-of-way generally, Miss. Code Ann. 1942, §§ 8195, 8196.

**Sec. 15-115. Yield right-of-way.**

(a) The operator of a vehicle entering a public street from a private road or drive shall yield the right-of-way to all vehicles approaching on such public highway.

(b) The operator of a vehicle on a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets, nor shall it protect the operator of any such vehicle from the consequence of an arbitrary exercise of such right-of-way.

State law reference—Similar state law, Miss. Code Ann. 1942, §§ 8198, 8199.

**Sec. 15-116. Starting, stopping, turning signals—Required.**

(a) No person shall start, turn or stop a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after a clearly audible signal by sounding the horn if

any pedestrian may be affected by such movement or after giving an appropriate signal if any other vehicle may be affected by such movement.

(b) A signal of intention to turn shall be given continuously for a reasonable distance before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is an opportunity to give such signal.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8192.

**Sec. 15-117. Same—How given.**

Signals shall be given either by means of the hand and arm or by a signal lamp or device of a type approved by the chief of police; provided, however, that when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear then such signals must be given by such lamp or device.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8193.

**Sec. 15-118. Same—Method.**

All signals required by section 15-117 to be given by the hand and arm shall be given from the left side of the vehicle in the following manner:

(a) *Left turn:* Hand and arm extended horizontally.

(b) *Right turn:* Hand and arm extended upward.

(c) *Stop or decrease speed:* Hand and arm extended downward.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8194.

**Sec. 15-119. Operation of vehicles upon approach of authorized emergency vehicle.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible signals meeting the requirements of the laws of this state, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear

of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State law reference—For similar provisions, see Miss. Code Ann. 1942, § 8199.

**Sec. 15-120. Boarding or alighting from moving vehicle.**

It shall be unlawful for any person to board or alight from any bus or vehicle while such bus or vehicle is in motion.

**Secs. 15-121—15-131. Reserved.**

**ARTICLE VII. TRAFFIC-CONTROL DEVICES**

**Sec. 15-132. Authority to install.**

The city traffic engineer shall place and maintain traffic-control signs, signals and devices when and as required under the traffic regulations of the city to make effective the provisions of such regulations, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic regulations of the city or under state law or to guide or warn traffic.

State law reference—Local authority to install devices, Miss. Code Ann. 1942, § 8155.

**Sec. 15-133. Manual and specifications.**

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the state commissioner of public safety. All traffic-control devices so erected and not inconsistent with provisions of state law or this chapter shall be official traffic-control devices.

State law reference—Requirement that local devices conform to state specifications, Miss. Code Ann. 1942, § 8155.

**Sec. 15-134. Devices on state highways.**

All traffic-control devices erected, installed, maintained or operated on state highways within the city shall be subject to the approval of the director of the state highway department as provided by law.

State law reference—Provisions making local devices on state highways subject to approval of director, Miss. Code Ann. 1942, § 8037(B).

**Sec. 15-135. Obedience to devices required.**

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

State law reference—Similar provisions, Miss. Code Ann. 1942, §§ 8156, 8158.

**Sec. 15-136. When signs required for enforcement.**

No provision of this chapter or of the other traffic regulations of the city for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision does not state that signs are required, such section shall be effective even though no signs are erected or in place unless such signs are required by state law.

**Sec. 15-137. Display of unauthorized signs, signals, markings.**

(a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed after ten (10) days' notice to the owner thereof by registered letter or otherwise.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8159.

#### **Sec. 15-138. Interfering with or damaging devices or railroad signs or signals.**

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or inscription or shield, or insignia thereon or any part thereof.

Cross reference—Damaging property generally, § 9-2.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8160.

#### **Sec. 15-139. Traffic-control signal legend.**

Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution" or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and such terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) *Green alone or "Go"*:

- (1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other

vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

- (2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.
- (b) *Yellow alone or "Caution" when shown following the green or "Go" signal:*
- (1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.
  - (2) Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
- (c) *Red alone or "Stop":*
- (1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or at such other point as may be indicated by a clearly visible line or if none, then before entering the intersection, and shall remain standing until green or "Go" is shown alone; provided, however, that after stopping and yielding to all pedestrians and vehicles, the driver of a vehicle may then enter the intersection for the purpose of making a right turn only, if a sign is in place indicating that such turn may be legally made.
  - (2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (d) *Red with green arrow:*
- (1) Vehicular traffic facing such signal may cautiously enter the intersection only to make the

movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within the crosswalk.

- (2) No pedestrian facing such signal shall enter the roadway unless he can do so safely without interfering with any vehicular traffic.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8157.

#### Sec. 15-140. Flashing signals.

(a) Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

- (1) *Flashing red (stop signal)*: When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) *Flashing yellow (caution signal)*: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8158.

#### Sec. 15-141. Traffic engineer to designate, mark crosswalks and safety zones.

The city traffic engineer is hereby authorized to:

- (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;
- (2) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

**Sec. 15-142. Traffic engineer to mark traffic lanes.**

The city traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

**Sec. 15-143. Driving on laned roadways.**

Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
- (3) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8187.

**Sec. 15-144. Authority to establish play streets.**

(a) The city traffic engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

**Secs. 15-145—15-155. Reserved.**

**ARTICLE VIII. SPEED****Sec. 15-156. State speed laws applicable.**

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except as the city, as authorized by state law, declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

**Sec. 15-157. Maximum speed.**

(a) Unless otherwise designated by signs or markings, the maximum speed within the city shall be thirty (30) miles per hour.

(b) Notwithstanding any other provisions of this article, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may

be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (b), drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or street or highway conditions.

State law references—State speed laws generally, Miss. Code Ann. 1942, § 8176; municipal authority to vary by ordinance, § 8177.

#### **Sec. 15-158. Minimum speed regulations.**

It shall be unlawful for any operator to unnecessarily operate a motor vehicle at such a low rate of speed as to impede or block the normal and reasonable movement of traffic, except when such reduced speed is necessary for safe operation. Traffic and police officers are hereby authorized to enforce this provision by directing the operator to speed up and upon the failure or refusal of the operator to comply with the directions of the officer such refusal shall constitute a misdemeanor.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8178.

#### **Sec. 15-159. Speed limit signs.**

Whenever the speed limit of thirty (30) miles per hour, as prescribed by this article, is, by the traffic engineer, increased or decreased at any intersection or other place or upon any part of a street, the traffic engineer shall erect appropriate signs giving notice of such speed limit and no such limit shall be effective unless such signs are erected at such intersection or other place or part of such street.

#### **Sec. 15-160. Regulation of speed by traffic signal timing authorized.**

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at  
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variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

**Sec. 15-161. Racing.**

It shall be unlawful for any person to race in or on any vehicle, bicycle or animal within the city.

**Sec. 15-162. School zones.**

It shall be unlawful for any person to operate a motor vehicle of any kind or description at a speed in excess of fifteen (15) miles per hour in any school zone within the city when school is in session.

**Secs. 15-163—15-173. Reserved.**

**ARTICLE IX. TWO-WHEELED MOTOR VEHICLES**

**Sec. 15-174. Protective head covering for users and occupants.**

All users and occupants of two-wheeled motorized vehicles, including but not limited to, motorcycles, motorized bicycles, commonly called "motorbikes," and motor scooters operated on the streets of the city, shall wear, during such operation, use and occupancy, crash helmets or interior-padded helmets or protective head coverings of sufficient strength, construction and hardness to protect the head of the wearer from direct blows or traumatic contact, completely covering the head with the exception of the lower front portion thereof, so as not to obstruct the eyes, nose and mouth; provided, however, that this shall not be construed to in any way limit such further protective head covering and devices as the user or occupant of such vehicle may desire to wear. (Ord. No. 295, § 2, 7-16-74)

**Sec. 15-175. Passengers.**

A person operating a vehicle described in this article shall ride only upon the permanent and regular seat attached  
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thereto. Such operator shall not carry any other person nor shall any other person ride thereon unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to such vehicle in a position to the rear or side thereof. (Ord. No. 295, § 2, 7-16-74)

**Sec. 15-176. Horn or other warning device required.**

Every vehicle described in this article shall be equipped with a horn or other warning device in good working order, capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, and it shall be unlawful, except as otherwise provided in this chapter, for any such vehicle to be equipped with, or for any person to use upon such vehicle, any siren, bell, compression or spark plug whistle, or for any person at any time to use a horn or other warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. (Ord. No. 295, § 3, 7-16-74)

**Sec. 15-177. Equipment required or prohibited on two-wheeled motor vehicles.**

(a) No person shall operate a vehicle as described in this article unless such vehicle is equipped with a muffler, in good working order and in constant operation, to prevent excessive or unusual noise.

(b) It shall be unlawful to use a muffler cutout, or a bypass in a muffler, on any such vehicle.

(c) No person shall operate such vehicle equipped with a muffler, from which the baffle plates, screens or other original internal parts have been removed and not replaced, or equipped with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle as that emitted by the muffler originally installed on such vehicle. (Ord. No. 295, § 4, 7-16-74)

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**Sec. 15-178. Unauthorized persons prohibited from operating.**

No person shall cause, authorize or knowingly permit his child or ward to operate a vehicle as described in this article on the streets of, or any public property in, the city when such minor is not authorized to do so under the laws of the state and no person shall authorize or knowingly permit any such vehicle owned by him or under his control to be driven upon any of the streets of, or any public property in, the city by any person who is not authorized to do so under the laws of the state. (Ord. No. 295, § 5, 7-16-74)

**Sec. 15-179. Operation of motorcycles.**

(a) All motorcycles are entitled to full use of a lane and no motor vehicles shall be driven in such a manner as to deprive any motorcycle of the full use of a lane of traffic. This subsection shall not apply to motorcycles operated two (2) abreast in a single lane.

(b) The operator of motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between the lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two (2) abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties. (Ord. No. 295, § 6, 7-16-74)

Editor's note—Sections 6 and 7 of Ord. No. 295 did not expressly amend the Code, hence codification as §§ 15-179 and 15-180 was at the discretion of the editors.

**Sec. 15-180. Penalties.**

Any person violating this article shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. (Ord. No. 295, § 7, 7-16-74)

Note—See the editor's note, § 15-179.

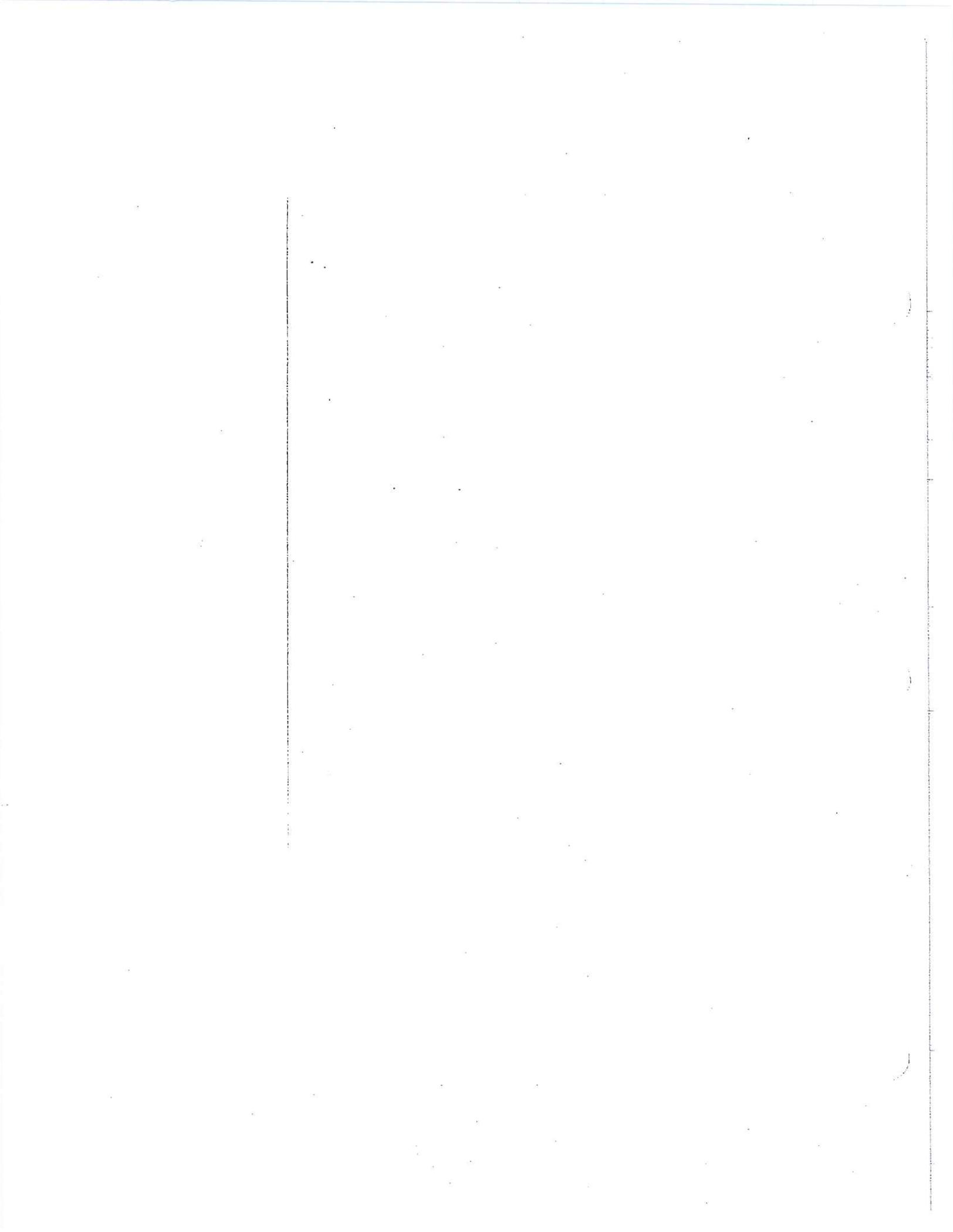
**Secs. 15-181—15-190. Reserved.**

## ARTICLE X. TURNS

**Sec. 15-191. Position, method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) *Right turns:* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) *Left turns on two-way roadways:* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) *Left turns on other than two-way roadways:* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle



intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8189.

**Sec. 15-192. Authority to place and obedience to turning markers.**

(a) The city traffic engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat no driver of a vehicle shall disobey the directions of such indications.

**Sec. 15-193. Authority to place restricted turn signs.**

The city traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

State law reference—U-turn prohibited on controlled access facility, Miss. Code Ann. 1942, § 8039-10.

**Sec. 15-194. Limitations on turning around.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street and

shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Secs. 15-195—15-205. Reserved.

#### ARTICLE XI. ONE-WAY STREETS AND ALLEYS

##### Sec. 15-206. Designation; signs required.

The traffic engineer, with the approval of the mayor and board of aldermen, may designate and establish one-way streets or alleys within the city and shall place and maintain signs giving notice thereof and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. Vehicular traffic shall move only in the indicated direction.

##### Sec. 15-207. Authority to restrict direction of movement upon streets during certain periods.

(a) The city traffic engineer, with the approval of the mayor and board of aldermen, is hereby authorized to determine and designate streets, parts of streets or specific lanes therein upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction regardless of the center line of the roadway.

(b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

Secs. 15-208, 15-209. Reserved.

**ARTICLE XII. MISCELLANEOUS RULES****Sec. 15-210. Following, parking near fire apparatus.**

The driver of any vehicle, other than one on official business, shall not follow any fire apparatus traveling in response to a fire alarm, closer than five hundred (500) feet, or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8223.

**Sec. 15-211. Driving over fire hose.**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8224.

**Sec. 15-212. Crossing fire line.**

It shall be unlawful for any operator except a member of the fire or police department to drive a vehicle within any fire line established by the fire department, unless authorized to do so by a fire or police officer.

**Sec. 15-213. Driving through processions.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

State law reference—Authority to regulate processions, Miss. Code Ann. 1942, § 8151(3).

**Sec. 15-214. Vehicles prohibited on sidewalks.**

The driver of a vehicle or bicycle shall not drive within any sidewalk area or across any curb, except at a permanent or temporary driveway.

**Sec. 15-215. Limitations on backing.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

**Sec. 15-216. Clinging to vehicles.**

No person riding upon any bicycle, motorcycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

**Sec. 15-217. Obstructing or impairing driver's view or mechanism.**

(a) It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded or when there is in the front seat of such vehicle such number of persons as to obstruct the view of the operator to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.

(b) It shall be unlawful for any passenger in a vehicle or motor bus to ride in such a position as to interfere with the operator's view ahead or to the side or to interfere with the operator's control over the driving mechanism of the vehicle.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8220.

**Sec. 15-218. Reckless driving.**

Any person who drives any motor vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of the misdemeanor of reckless driving.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8175.

**Sec. 15-219. Opening doors into traffic.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**Sec. 15-220. Corner cutting.**

It shall be unlawful for any person to drive a vehicle over any sidewalk area and through any driveway, parking lot or any business entrance at any intersection in making either a right or left turn, except for the purpose of coming to a complete stop to obtain or render some service or make a sale or purchase. It is the intention of this section to prohibit "corner cutting" by driving a vehicle from one street into another across any sidewalk and/or driveway and/or through any driveway.

**Sec. 15-221. Driving across a median strip.**

It shall be unlawful for any person to drive any vehicle on, over or across any median strip or other strip or area of ground, whether or not improved or surfaced, which strip shall divide any two (2) or more lanes of any highway or street within the city.

**Sec. 15-222. Towing vehicles generally.**

It shall be unlawful for any person to tow or cause to be towed any motor vehicle upon any of the streets of the city, unless the same is manned by one (1) or more persons and is towed by a rope or chain not more than ten (10) feet in length; and in addition thereto at nighttime, the car being towed shall display lights as required by state law. Not more than one (1) vehicle shall be towed at a time; provided, however, that during the daytime more than one (1) car may be towed by motor vehicle dealers in moving new cars from the point of railroad debarkation to a warehouse.

State law references—Lighting required, Miss. Code Ann. 1942, § 8229.01; general regulation of trailers and towed vehicles, § 8269.

**Sec. 15-223. Towing more than one trailer, parking trailers in business district prohibited.**

It shall be unlawful to attach more than one (1) trailer to any motor vehicle being operated over and along the streets of the city, or for any vehicle with a trailer in tow to stop or

park within the business district except to load or unload except as may be otherwise permitted or allowed by special permit from the traffic engineer.

**Sec. 15-224. Quiet zones.**

It shall be unlawful for any person to ring any bell, sound any horn, race the motor of any motor vehicle, operate any motor vehicle with the muffler open, or to make any other loud and unnecessary noise while passing or near to any hospital, sanitarium, school during school hours, or church while services are being held therein, or while passing or near to any public speaking or any place of public entertainment in any part of the city. Signs will be posted near all hospitals, sanitariums, schools and churches to notify the public of the existence of such quiet zones.

**Sec. 15-225. Driving while intoxicated, under influence of drugs.**

It shall be unlawful for any person who is an habitual user of narcotic drugs or any person who is under the influence of narcotic drugs, marijuana, barbiturates, intoxicating liquor or of any proprietary or patent medicine by whatsoever name called, which, if drunk to excess will produce intoxication, to drive any vehicle within the city.

State law references—Similar provisions, Miss. Code Ann. 1942, § 8174; driving while intoxicated, § 8175-01 et seq.

**Sec. 15-226. Coasting prohibited.**

It shall be unlawful for the operator of any motor vehicle when traveling on a downgrade on any highway to coast with the gears of such vehicle in neutral.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8222.

**Sec. 15-227. Load of vehicle not to escape.**

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded so as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8268.

**Sec. 15-228. Riding on portion of vehicle not intended for passengers.**

It shall be unlawful for any person to ride on any passenger bus or vehicle or upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This section shall not apply to an employee engaged in the necessary discharge of his duty or within truck bodies in space intended for merchandise.

**Sec. 15-229. Certain wheels prohibited; restricted.**

(a) No traction engine, road engine, hauling engine, trailer, steamroller, automobile, truck, motor or other power vehicle shall be operated over the hard surface roads, paved streets and crossings of the city, the face of the wheels of which are fitted with flanges, ribbed clamps, cleats, lugs or spikes; this regulation shall apply to all rings or flanges upon guiding or steering wheels on any such vehicle.

(b) In case of traction engines, road engines or hauling engines which are equipped or provided with flanges, ribs, clamps, rings or lugs, such vehicle shall be permitted to pass over the paved streets and crossings of the city provided that cleats are fastened upon all wheels of such vehicle not less than two and one-half (2½) inches wide and not more than one and one-half (1½) inches high and so placed that not less than two (2) cleats of each wheel shall touch the ground at all times. The weight shall be the same on all parts of such cleats.

**Sec. 15-230. Creation of noise by vehicles.**

No person shall drive a vehicle which is so loaded or constructed as to cause unnecessary noise. No horn or signal shall be sounded unless absolutely necessary.

**Sec. 15-231. Driving through safety zones prohibited.**

It shall be unlawful for the operator of any vehicle at any time to drive the same over or through a safety zone established under the provisions of this chapter.

**Sec. 15-232. Maximum width of vehicles.**

No person shall drive a vehicle, the width of which, or of its load, exceeds eight (8) feet unless a special permit therefor shall have been obtained from the chief of police.

State law reference—Width of vehicles, Miss. Code Ann. 1942, § 8265.

**Sec. 15-233. Operation of dangerous vehicles.**

No person shall drive, own or operate a vehicle which, when driven, towed or hauled over the streets of the city, is so loaded or constructed as to cause delay, accident or injury to other vehicles or users of the public streets of the city.

**Sec. 15-234. Riding on handlebars prohibited.**

It shall be unlawful for the operator of any bicycle, when upon the street, to carry any other person upon the handlebars, frame or tank of any such vehicle or for any person to so ride upon any such vehicle.

**Secs. 15-235—15-245. Reserved.****ARTICLE XIII. STOP AND YIELD INTERSECTIONS****Sec. 15-246. Designation of through streets.**

Through streets shall be as designated from time to time by the traffic engineer and approved by the mayor and board of aldermen.

State law reference—Authority to designate through streets, Miss. Code Ann. 1942, § 8151.

**Sec. 15-247. Signs required at through streets.**

Whenever a through street is designated and approved in accord with section 15-246, the traffic engineer shall place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection, a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the

intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the city traffic engineer upon the basis of an engineering and traffic study.

State law reference—Requirement that signs be posted on through streets, Miss. Code Ann. 1942, § 8151.

**Sec. 15-248. Other intersections where stop or yield required.**

The traffic engineer is hereby authorized to determine and designate with the approval of the mayor and board of aldermen, intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event the traffic engineer shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in subsection (a) of section 15-250 in which event the traffic engineer shall cause to be erected a yield sign at every place where obedience thereto is required.

**Sec. 15-249. Duty of driver entering stop intersection.**

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(b) Such driver after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate

hazard, but such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8197.

**Sec. 15-250. Duty of driver entering yield intersection.**

(a) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed of not more than twenty (20) miles per hour, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that a driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian in a crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

(b) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver or motorman has a view of approaching traffic on the intersecting roadway.

**Secs. 15-251—15-264. Reserved.**

**ARTICLE XIV. METHOD OF PARKING**

**Sec. 15-265. Generally.**

The operator of any vehicle shall park in the direction of traffic and within the lines marked for parking, not leaving

any part of such vehicle extended over such parking lines or so that any adjacent vehicle cannot move out.

**Sec. 15-266. Proximity to right-hand curb.**

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8218.

**Sec. 15-267. Designation of angle parking spaces.**

(a) The traffic engineer, with the approval of the mayor and board of aldermen, shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

**Sec. 15-268. Obedience to angle parking marking.**

On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

**Sec. 15-269. Unattended vehicles.**

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of such vehicle, and, when standing upon a perceptible grade, without turning the wheels of such vehicle to the curb or side of the street or highway.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8219.

**Secs. 15-270—15-280. Reserved.**

**ARTICLE XV. STOPPING, STANDING, PARKING  
PROHIBITED\*****Sec. 15-281. Prohibited in specified places.**

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within ten (10) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk at an intersection;
- (7) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway;
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic engineer indicates a different length by signs or markings;
- (9) Within fifteen (15) feet of the nearest rail of a railroad crossing;
- (10) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance when properly signposted;

\*Cross references—Off-street automobile parking and storage requirements of zoning ordinance, App. A, § 602; motor vehicles without current license plates not to be parked or stored on residentially zoned property, except in completely enclosed buildings, App. A, § 605.

- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) Within twenty (20) feet from the intersection of curblines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection except at alleyways;
- (15) Within twenty (20) feet in front of the entrance of any theater or public building during any meeting or public gathering therein except when taking on or discharging passengers or freight and then not to exceed ten (10) minutes;
- (16) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 8217.

#### **Sec. 15-282. Obstructing traffic prohibited.**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

#### **Sec. 15-283. Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

**Sec. 15-284. Parking for certain purposes prohibited.**

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying advertising;
- (2) Displaying such vehicle for sale;
- (3) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

**Sec. 15-285. Parking adjacent to schools.**

(a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**Secs. 15-286—15-299. Reserved.**

**ARTICLE XVI. STOPPING, STANDING, PARKING  
ON SPECIFIC STREETS**

**Sec. 15-300. Designation of streets.**

Subject to the approval of the mayor and board of aldermen, the traffic engineer shall, from time to time, designate those streets, parts of streets or places where stopping, standing or parking shall be prohibited; or when stopping, standing or parking shall be prohibited during certain hours; or when stopping, standing or parking for longer than a specified time shall be prohibited.

**Sec. 15-301. Signs required.**

Whenever any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the

traffic engineer to erect appropriate signs giving notice thereof and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense.

**Sec. 15-302. Disobeying signs prohibited.**

It shall be unlawful for any person to park, stop or stand any vehicle in violation of any sign installed pursuant to the provisions of this article.

**Sec. 15-303. Time limitations not exclusive.**

The fact that there has been imposed a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**Secs. 15-304—15-314. Reserved.**

**ARTICLE XVII. STOPPING FOR LOADING,  
UNLOADING**

**Sec. 15-315. Designation of curb loading zones.**

The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

**Sec. 15-316. Stopping, standing, parking in passenger curb loading zones.**

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zones are effective and then only for a period not to exceed three (3) minutes.

**Sec. 15-317. Stopping, standing, parking in freight curb loading zones.**

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed fifteen (15) minutes.

**Sec. 15-318. Designation of public carrier stops and stands.**

The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Cross reference—Taxicabs, § 16-16 et seq.

**Sec. 15-319. Other vehicles prohibited from parking in bus stops or taxicab stands.**

It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or discharging of passengers.

**Secs. 15-320—15-331. Reserved.**

**ARTICLE XVIII. PEDESTRIANS****Sec. 15-332. Subject to traffic-control signals.**

Pedestrians shall be subject to traffic-control signals as declared in section 15-139, but at all other places

pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8200.

**Sec. 15-333. Right-of-way in crosswalks.**

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of another vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

State law reference—Similar provisions, Miss Code Ann. 1942, § 8201.

**Sec. 15-334. Crossing to be at right angle.**

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

**Sec. 15-335. When pedestrians to yield.**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) The foregoing rules in this section have no application under the conditions stated in section 15-336 when pedestrians are prohibited from crossing at certain designated places.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8202(a), (b).

**Sec. 15-336. Prohibited crossing.**

(a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(b) No pedestrian shall cross a roadway other than in a crosswalk in the central business district.

(c) No pedestrian shall cross a roadway other than in a crosswalk upon any street so designated by the traffic engineer.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8202(c).

**Sec. 15-337. Pedestrians to use right half of crosswalk.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

State law reference—Similar state law, Miss. Code Ann. 1942, § 8203.

**Sec. 15-338. Obedience to bridge and railroad signals.**

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

**Sec. 15-339. Walking along roadways.**

(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

**Sec. 15-340. Soliciting rides or business prohibited.**

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

State law reference—Prohibition against hitchhiking, Miss. Code Ann. 1942, § 8204.

**Sec. 15-341. Duty of drivers to exercise care.**

Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Chapter 16

**VEHICLES FOR HIRE\***

Art. I. In General, §§ 16-1-16-15

Art. II. Taxicabs, §§ 16-16-16-52

Div. 1. Generally, §§ 16-16-16-41

Div. 2. Driver's Permit, §§ 16-42-16-52

**ARTICLE I. IN GENERAL**

Secs. 16-1-16-15. Reserved.

**ARTICLE II. TAXICABS†**

**DIVISION 1. GENERALLY**

Sec. 16-16. Title.

This article shall be known as the "Taxicab Ordinance of the City of Long Beach," and may be cited as such. (Ord. No. 270, § 2, 10-21-69)

Sec. 16-17. Purpose of article.

This article is enacted for the purpose of providing protection for the public safety of people traveling the streets, alleys and avenues of the city and providing for the peace and good order of the community: (Ord. No. 270, § 1, 10-21-69)

Sec. 16-18. Definitions.

For the purposes of this article the following terms, phrases, words and derivations thereof shall have the meanings given herein:

\*Cross reference—Traffic, Ch. 15.

†Cross reference—Designation of taxicab stands and restrictions on use thereof by other vehicles, §§ 15-318, 15-319.

State law references—Municipal regulation of taxicabs, Miss. Code Ann. 1942, §§ 3495-3500; privilege tax on taxicabs, Miss. Code Ann. 1942, § 9696-16.

*Cruising* means the driving of a taxicab on the streets, alleys or public places of the city in search of or soliciting prospective passengers for hire.

*Rate card* means a card issued by the owner or operator of a taxicab for display in such taxicab, which card contains the rates of fare then in force.

*Taxicab* means a motor vehicle regularly engaged in the business of carrying one (1) or more passengers for hire and not operated on a fixed route, but excludes vehicles that are subject to the jurisdiction of the state public service commission or the interstate commerce commission of the United States of America.

*Waiting time* means the time when a taxicab is not in motion from the time of acceptance of a passenger for hire to the time of discharge, but does not include any time that the taxicab is not in motion due to any cause other than the request, act or fault of the passenger. (Ord. No. 270, § 3, 10-21-69)

#### **Sec. 16-19. Registration generally.**

(a) The owner or operator of any taxicab within the city shall, before causing or permitting the same to be operated, register the same with the city clerk in the name of the owner, giving the taxicab's make, model, motor number and license tag number for the current year. If the taxicab is owned by a partnership, the name and address of each partner shall be given, and if owned by a corporation, the name and address of the principal officers and address of its principal office shall be given. The city clerk shall keep such registration in a book kept for that purpose and shall assign a registration number to each taxicab so registered; provided, however, that no taxicab shall be registered by the city clerk until the owner or operator has complied with all applicable provisions of this article.

(b) Each taxicab shall be reregistered in the manner prescribed in subsection (a) above on or before the first day of February of each year. The same registration number

previously assigned to such taxicab may be reassigned to it when it is so reregistered. (Ord. No. 270, § 12, 10-21-69)

State law reference—Taxicabs to be registered annually with city, Miss. Code Ann. 1942, § 3498.

**Sec. 16-20. Limitation on number to be registered.**

The number of taxicabs for which registration permits or certificates may be issued by the city clerk shall be prescribed by the mayor and board of aldermen, who shall determine, from time to time, the number of taxicabs which are necessary and convenient for the public. The city clerk shall not register any taxicabs in excess of the number so prescribed by the mayor and board of aldermen. (Ord. No. 270, § 18, 10-21-69)

**Sec. 16-21. Forfeiture of registration.**

In the event the owner or operator of a taxicab registered under this article ceases to operate such taxicab for a period of thirty (30) days, he shall lose or forfeit his registration, after written notice given by the city, and such taxicab shall not thereafter be operated within the city. (Ord. No. 270, § 18, 10-21-69)

**Sec. 16-22. Inspections.**

(a) No taxicab shall be initially registered under this article unless the owner or operator thereof presents to the city clerk a certificate of inspection covering such taxicab. Such certificate shall be signed by a duly authorized representative of a reputable garage or automotive repair shop licensed to operate in the city and equipped to inspect motor vehicles. Such certificate shall be dated not more than one (1) week prior to the date of application for registration and shall state that such garage or repair shop has thoroughly inspected the vehicle, which shall be described by make, model, motor number and license tag number, and found, upon such inspection, that the tires, brakes, steering mechanism, lights, horn, door mechanisms, wheel alignment, frame, springs, mirrors and suspension system are in

good order and mechanical condition, so the vehicle may, with safety to the general public, be used for carrying passengers for hire.

(b) On the first Monday of March, June, September and December of each year after the initial registration of a taxicab, the owner or operator of such vehicle shall furnish to the chief of police a certificate of inspection covering such taxicab, which certificate shall meet the requirements set out in subsection (a) above.

(c) The police department is hereby authorized and directed to make periodic inspections of every taxicab operating under this article, and if found defective, to direct the owner or operator to comply with the terms of this section as to certificates of inspection, and to take appropriate action with respect to any violation of the provisions of this article. (Ord. No. 270, §§ 12, 19, 10-21-69)

#### **Sec. 16-23. Identification.**

The registration number assigned to a taxicab under this article, prefixed by the letters "Reg. No.," together with the owner's or operator's name and the word "Taxicab," shall be painted or stencilled on both sides and on the rear of such taxicab, in letters and figures not less than two (2) inches in height. In addition, each taxicab may bear an identifying design of the owner; provided, no taxicab shall be registered under this article, if its color scheme, identifying design, monogram or insignia is so similar to that used on a taxicab already registered as to be misleading or tend to deceive or defraud the public. (Ord. No. 270, § 12, 10-21-69)

State law reference—Registration number to be displayed on taxicab, Miss. Code Ann. 1942, § 3498.

#### **Sec. 16-24. Insurance or bond.**

(a) No taxicab shall be registered under this article and no owner or operator shall cause or permit any taxicab to be operated in the city, unless and until such owner or operator shall have filed with, and the same has been approved by the mayor and board of aldermen, an insurance policy, or certificate of insurance in lieu thereof, issued by an

insurance company authorized to transact business in the state, or bond approved by the mayor and board of aldermen, conditioned to pay any final judgment against such owner or operator for personal injuries, including death, or property damages resulting from or arising out of the use, maintenance or operation of such taxicab. The minimum amount of such insurance policy or bond shall be as follows:

- (1) Twenty-five thousand dollars (\$25,000.00) for the death or injury to any one person.
- (2) Subject to such limit for one (1) person, fifty thousand dollars (\$50,000.00) total public liability for any one accident.
- (3) Ten thousand dollars (\$10,000.00) for property damage.

(b) The insurance policy or bond filed with the mayor and board of aldermen as required by this section shall contain a provision or indorsement to the effect that the same shall not be canceled for any cause by either party thereto unless and until ten (10) days' written notice thereof shall have been given to the city, addressed to the attention of the city clerk at the City Hall, and such notice, when given, shall commence to run from the date such notice is actually received at the office of the city clerk. (Ord. No. 270, § 13, 10-21-69)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3495.5.

#### **Sec. 16-25. Maintenance.**

The owner or operator shall keep each taxicab registered under this article in a clean, sanitary and safe operating condition. (Ord. No. 270, § 12, 10-21-69)

#### **Sec. 16-26. Driver's badge.**

(a) At the time of issuance of a taxicab driver's permit under division 2 of this article, such driver shall be issued, without an additional fee or charge, a metallic badge, with a number and the name of the city printed or impressed thereon.

(b) Every driver of a taxicab shall wear a cap to which shall be attached the metallic badge provided for in subsection (a) in such a manner that the badge will be displayed while the driver is engaged in or about such occupation.

(c) It shall be unlawful for any person to transfer, lend or borrow any taxicab driver's badge issued under this section, or to use or display any such badge not issued to himself.

(d) If a taxicab driver's permit is revoked pursuant to division 2 of this article, such driver shall surrender his badge to the mayor and board of aldermen. (Ord. No. 270, §§ 7, 9—11, 10-21-69)

State law reference—Similar provisions, Miss. Code Ann. 1942, §§ 3495, 3497.

#### Sec. 16-27. Rates prescribed.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:

- (1) Hourly rate: \$5.00 per hour for one or more passengers.
- (2) Mileage rate: \$0.50 for the first mile or fraction thereof and \$0.40 for each additional mile or fraction thereof.
- (3) Waiting time: \$5.00 for each 60 minutes of waiting time.
- (4) Trunks: \$0.50 for each trunk transported by the taxicab. (Ord. No. 270, § 14, 10-21-69)

State law reference—Authority to fix taxicab rates, Miss. Code Ann. 1942, § 3374-143.

#### Sec. 16-28. Rate card to be displayed.

Every taxicab operated under this article shall have a rate card, setting forth the authorized rates of fare, displayed in such a place as to be in view of all passengers. (Ord. No. 270, § 14, 10-21-69)

**Sec. 16-29. Passenger's receipt.**

The driver of any taxicab shall, upon demand by any passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner of the taxicab, the license number or motor number of the taxicab, the amount of meter reading or charges and the date of the transaction. Such receipt shall be legibly signed by the driver. (Ord. No. 270, § 15, 10-21-69)

**Sec. 16-30. Hiring with intent to defraud.**

It shall be unlawful for any person to hire a taxicab with the intent to defraud the person from whom it is hired of the value of such service. (Ord. No. 270, § 16, 10-21-69)

**Sec. 16-31. Soliciting by drivers; driver to remain in or adjacent to vehicle.**

(a) No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside thereof. The driver shall remain in the driver's compartment or immediately adjacent to his taxicab at all times when such vehicle is upon the public streets or places, except, when necessary, a driver may be absent from his taxicab for not more than five (5) minutes, and for the purpose of assisting passengers into or out of his taxicab.

(b) No taxicab driver shall solicit patronage in a loud or annoying tone of voice or sign or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage. (Ord. No. 270, § 17, 10-21-69)

**Sec. 16-32. Cruising.**

No taxicab driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the police department and then only when the police department finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles. (Ord. No. 270, § 17, 10-21-69)

**Sec. 16-33. Only bona fide passengers to be carried; loitering in vehicle prohibited.**

A driver shall not carry or permit to ride in his taxicab any person except a bona fide passenger; and he shall not permit any loitering in his vehicle while the same is being held out for hire upon the public streets and places in the city. (Ord. No. 270, § 17, 10-21-69)

**Sec. 16-34. Acceptance of additional passengers while engaged.**

No taxicab driver shall permit any other person to occupy or ride in his taxicab, unless the person first employing the taxicab shall consent to the acceptance of additional passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination and then only for the additional distance so traveled. (Ord. No. 270, § 17, 10-21-69)

**Sec. 16-35. Excess passengers.**

No taxicab driver shall permit more passengers, or more persons to be carried in a taxicab as passengers, than the rated seating capacity of his taxicab. A child-in-arms shall not be counted as a passenger for the purposes of this section. (Ord. No. 270, § 17, 10-21-69)

**Sec. 16-36. Receipt and discharge of passengers.**

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk, or side of the roadway in the absence of a sidewalk. (Ord. No. 270, § 17, 10-21-69)

**Secs. 16-37—16-41. Reserved.**

## DIVISION 2. DRIVER'S PERMIT

**Sec. 16-42. Required.**

It shall be unlawful for any person to drive or operate any taxicab upon or over the streets, avenues, alleys or other public ways or places within the corporate limits of the city unless he has a current permit so to do issued under this division. (Ord. No. 270, § 4, 10-21-69)

State law reference—Drivers of vehicles for hire to have city permit or license, Miss. Code Ann. 1942, § 3495.

**Sec. 16-43. Filing, verification and contents of application.**

An application for a permit to drive or operate a taxicab in the city shall be filed with the mayor on forms provided by the city. Such application shall be signed by the applicant and verified under oath and shall contain or be accompanied by the following:

- (1) The name and home address of the applicant.
- (2) The age, date and place of birth of the applicant.
- (3) Physical characteristics of the applicant, such as height, weight, color of hair, color of eyes, complexion and identifying physical marks or scars.
- (4) A full set of fingerprints of the applicant, taken and signed by an officer of the police department of the city, and accompanied by two (2) recent full-face identification type photographs of the applicant showing the head uncovered, the size of such photographs to be two (2) inches by two (2) inches.
- (5) The experience of the applicant in the transportation of passengers.
- (6) The educational background of the applicant.
- (7) A concise history of his employment.
- (8) Satisfactory evidence that the applicant has secured and is then in possession of a valid commercial

operator's license as required by section 8102 of the Mississippi Code of 1942, Annotated and Recompiled, as amended.

- (9) A statement from some reputable citizen of the city that the applicant is over the age of eighteen (18) years, an experienced driver, of good moral character and physically and mentally capacitated to drive and operate a taxicab. (Ord. No. 270, § 5, 10-21-69)

State law reference—Application to be filed with mayor and accompanied by statement referred to in paragraph (9) above, Miss. Code Ann. 1942, § 3495.

**Sec. 16-44. Investigation of applicant; approval or rejection of application.**

When an application is filed pursuant to this division, the mayor shall place the same before the board of aldermen, whereupon inquiry may be made by the board into the moral character and mental and physical fitness of the applicant. The police department shall conduct an investigation of each applicant for a taxicab driver's permit and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application. The board of aldermen, upon consideration of the application and the reports and statements required to be attached thereto, shall approve or reject the application. (Ord. No. 270, § 6, 10-21-69)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3495.

**Sec. 16-45. Appeal when refused.**

If the board of aldermen shall reject an application for a permit under this division and refuse to grant the permit to the applicant, an appeal may be taken to the circuit court of the county in the manner and within the time provided by the laws of the state for appealing from other orders of the mayor and board of aldermen, and the questions to be tried upon appeal will be as to the age and experience and the moral, mental and physical fitness of the applicant to pursue such vocation in the city. (Ord. No. 270, § 6, 10-21-69)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3495.

**Sec. 16-46. Applicant's bond.**

Before any permit is issued under the provisions of this division, the applicant shall furnish and file with the mayor and board of aldermen a good and valid bond, payable to the city in the penal sum of five hundred dollars (\$500.00), to guarantee the faithful observance of state law and ordinances of the city. Such bond shall be with a surety company authorized to do business in the state and shall be approved by the mayor and city clerk. (Ord. No. 270, § 8, 10-21-69)

State law reference—Authority to require above bond, Miss. Code Ann. 1942, § 3495.

**Sec. 16-47. Fee.**

The annual fee for a taxicab driver's permit shall be one dollar (\$1.00). (Ord. No. 270, § 7, 10-21-69)

State law reference—Authority to require payment of above fee, Miss. Code Ann. 1942, § 3495.

**Sec. 16-48. Issuance; contents.**

Upon approval of an application for a permit under this division, and upon payment of the prescribed fee and filing of the required bond, the board of aldermen shall issue the permit to drive a taxicab. Such permit shall be delivered to the applicant, shall be signed by the mayor and shall bear the name, address, sex, color, age, right thumbprint and two (2) fingerprints of the right hand, signature and photograph of the applicant. (Ord. No. 270, § 7, 10-21-69)

**Sec. 16-49. Posting.**

Every holder of a permit issued under the provisions of this division shall post his permit in such a place as to be in full view of all passengers while he is operating a taxicab. (Ord. No. 270, § 9, 10-21-69)

**Sec. 16-50. Transfer, lending, borrowing, etc., prohibited.**

It shall be unlawful for any person to transfer, lend or borrow a permit issued under this division or to display or use such a permit not issued to himself. (Ord. No. 270, § 10, 10-21-69)

**Sec. 16-51. Term; renewal.**

A permit issued under this division shall remain in effect for the remainder of the calendar year, unless sooner revoked. A permit for every calendar year thereafter may be issued to the applicant, upon the payment of the prescribed fee and renewal of the required bond, unless the permit for the preceding year has been revoked. (Ord. No. 270, § 7, 10-21-69)

**Sec. 16-52. Suspension or revocation.**

The mayor and board of aldermen shall have the authority to suspend or revoke any permit issued under the provisions of this division and demand the return of such permit upon proof that the holder thereof, while driving or while in charge of a taxicab:

- (1) Was intoxicated, or noticeably under the influence of intoxicating liquor; or
- (2) Disturbed the peace; or
- (3) Recklessly disregarded the speed regulations prescribed by law; or
- (4) Knowingly transported intoxicating liquor; or
- (5) Carried concealed weapons in violation of law; or
- (6) Knowingly transported persons for the purpose of gaming or prostitution, or for the purpose of obtaining intoxicating liquor; or
- (7) Did not have a current and valid bond required by this division; or

- (8) Failed or refused to comply with the provisions of this article or other ordinances of the city or of the laws of the state or the United States of America.

Such a permit may also be suspended or revoked if the holder thereof is convicted of three (3) traffic violations within the city within one (1) year. (Ord. No. 270, § 11, 10-21-69)

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3497.

Chapter 17

**WATER, SEWERS AND SEWAGE DISPOSAL\***

- Art. I. In General, §§ 17-1—17-15
- Art. II. City's Combined Waterworks and Sewer System Generally, §§ 17-16—17-57
- Art. III. City Water and Sewer Service Charges, §§ 17-58—17-82
- Art. IV. Sewage Disposal Standards, §§ 17-83—17-127
  - Div. 1. Generally, §§ 17-83—17-101
  - Div. 2. Building Sewers, §§ 17-102—17-117
  - Div. 3. Private Disposal Systems, §§ 17-118—17-127

**ARTICLE I. IN GENERAL**

**Sec. 17-1. Definitions.**

As used in this chapter, the term "department" shall mean the combined waterworks and sewer department of the city and the term "superintendent" shall mean the superintendent of such department, or his duly authorized agent or representative.

**Secs. 17-2—17-15. Reserved.**

**ARTICLE II. CITY'S COMBINED WATERWORKS  
AND SEWER SYSTEM GENERALLY**

**Sec. 17-16. Department and system created; composition of system.**

Pursuant to the Constitution and statutes of the state, including sections 3519-01 through 3519-47 of the Mississippi

*\*Cross references—*Water and sewer connections required for mobile homes located outside mobile home park, § 8-4; water supply and distribution in mobile home parks, § 8-29; sanitation facilities in mobile home parks, § 8-30; sewage disposal in mobile home parks, § 8-31; water supply at recreational vehicle campgrounds, App. A, § 710.11.2; approval of individual water and sewage systems in subdivisions, App. B, § 14c; required sewer and water improvements in subdivisions, App. B, § 22 et seq.

*State law references—*Municipal utilities generally, Miss. Code Ann. 1942, § 3519-01 et seq.; authority to purchase and hold real property for waterworks and sewers, Miss. Code Ann. 1942, § 3374-112.

pi Code of 1942, as amended, there is hereby created a combined waterworks and sewer department for the city. Such system shall consist of the entire waterworks system and the entire sewer system of the city, and all improvements, extensions and facilities thereof, and all connections and attachments thereto, including all tanks, reservoirs, wells, standpipes, pumps, pipes, sewers, mains, lines, treatment plants, meters and all tools, supplies, materials, equipment and things purchased or otherwise acquired for use in operating and maintaining the combined waterworks and sewer system of the city or the furnishing of water or sewer service for personal, private, public, commercial, municipal or other use in the city and the territory adjacent thereto. (Ord. No. 230, § 1, 3-3-64)

**Sec. 17-17. Superintendent and other employees generally.**

(a) The waterworks and sewer department shall be under the superintending control of a superintendent, who shall be appointed by the mayor and board of aldermen. The mayor and board of aldermen shall prescribe the duties and fix the compensation of the superintendent and other employees of the department and may require good and sufficient bond of such employees in such sum as they, by resolution or order, may deem proper. All acts of the superintendent shall be subject to approval or revocation by the mayor and board of aldermen.

(b) The superintendent shall exercise due diligence to the effect that all assistants, inspectors and other employees of the waterworks and sewer department shall perform their several duties, and shall have power to suspend or discharge such employees for cause. (Ord. No. 230, §§ 3, 4, 3-3-64)

**Sec. 17-18. Records and reports of superintendent.**

(a) The superintendent shall keep and maintain, at the City Hall or at such other place as the mayor and board of aldermen shall provide, a full and complete record, including maps, of all water and sewer installations and service connections thereto. He shall also keep proper records of

meter readings, billings and similar services and applications for service, maintenance of service and discontinuance thereof, and such other records as may be required by the mayor and board of aldermen.

(b) The superintendent shall report monthly to the mayor and board of aldermen of the doings and transactions of every kind whatsoever of the waterworks and sewer department, and shall annually make a detailed statement covering the entire management and operation of the waterworks and sewer system with any recommendations he may have for the further development of the combined system.

(c) All records of the waterworks and sewer department shall at all times be open to inspection by any interested parties. (Ord. No. 230, §§ 4, 38, 3-3-64)

**Sec. 17-19. Disposition of money collected by superintendent.**

All monies collected by the superintendent shall be paid over daily to the city treasurer, who shall give his receipt for the same and distribute such monies into the proper funds required to be kept by the city under the terms of any outstanding loan agreement and any ordinance providing for the issuance and delivery of revenue bonds in connection with the waterworks and sewer system. (Ord. No. 230, § 38, 3-3-64)

**Sec. 17-20. Authority of superintendent to cut off and restore service.**

The superintendent is authorized to cut off or to restore water service or sewer service whenever such service is to be cut off or restored under the provisions of this chapter. (Ord. No. 230, § 38, 3-3-64)

**Sec. 17-21. Work contracts.**

The making of any contract for work on or pertaining to the combined waterworks and sewer system shall be done in accordance with existing state law applicable thereto, and in

the case of unusual expenditures, extensions and contingencies, the superintendent shall first obtain the approval of the mayor and board of aldermen at a regular or special meeting called for acting upon the same. (Ord. No. 230, § 4, 3-3-64)

**Sec. 17-22. Work affecting system: Notice; bond; liability for damage.**

Any person undertaking any work whereby the combined water and sewer system or any of its parts will likely be affected shall first notify the superintendent as to the location, nature and extent of such work, and if deemed necessary by the superintendent, a bond in sufficient amount may be required to insure the combined water and sewer system against damage. In all cases, such person shall be held responsible for all damage which might result to such system by the reason of the doing of such work. (Ord. No. 230, § 21, 3-3-64)

**Sec. 17-23. General standards for plumbing work connected with system.**

All plumbing work in connection with the waterworks and sewer system shall be done in accordance with the provisions of this article and other ordinances, rules and regulations now in force or hereafter adopted governing such work, and such work shall in every way be satisfactory to the superintendent. (Ord. No. 230, § 14, 3-3-64)

Cross reference—Plumbing code, § 6-41 et seq.

**Sec. 17-24. Who may make connections.**

All connections to the water and sewer lines of the city shall be made by employees of the waterworks and sewer department, except for extensions or installations of unusual magnitude which may require materials, skill or equipment not possessed by or otherwise available to such department; but in such cases such work must be done under the supervision of the superintendent or his authorized representative. (Ord. No. 230, § 6, 3-3-64)

**Sec. 17-25. Extent of connections.**

All service connections made by the department shall extend only to a point not exceeding three (3) feet beyond the prevailing street curbline, or to the property line, and no employee of the department shall lay any pipe, make any repairs or attachments, or perform any service in behalf of any tenant or property owner beyond such point because of or relating to such service connections. (Ord. No. 230, § 8, 3-3-64)

**Sec. 17-26. Separate connections to water mains required.**

Each premises shall be required to have a separate connection to the water main so that service to the same can be discontinued without affecting any other customer. In case any property owner shall have divided his premises so that two (2) or more customers can be serviced through one (1) connection to the water main, he shall provide a proper shutoff valve for each separate connection so that service may be discontinued to one (1) customer without affecting any other. All such shutoff valves shall be so arranged or installed that they can only be operated by employees of the department or authorized, bonded plumbers. (Ord. No. 230, § 15, 3-3-64)

**Sec. 17-27. Who may install and repair supply lines, fixtures, etc.**

(a) All supply pipes, attachments, fixtures and things of like character, and repairs thereof, shall be installed or made by duly authorized bonded plumbers. Before any plumber shall be allowed to do such work, he shall be required to submit acceptable evidence to the superintendent that he is properly licensed, bonded and qualified to do such work under the plumbing code of the city.\*

(b) In the event any property owner shall possess the necessary skill, material and other things essential to install, repair or alter the connections, pipes and attach-

\*Cross reference—Plumbing code, § 6-41 et seq.

ments to the water service lines or building sewer lines on his own dwelling, he shall be allowed to do such work; provided that such owner shall first obtain the necessary permit and file the necessary reports as required of licensed plumbers; but this subsection shall not be construed to permit such owner to make cut-ins or taps to water mains or sewer mains; and in no case shall such permit extend beyond the premises actually owned and occupied as a residence by the person to whom it is issued. (Ord. No. 230, § 9, 3-3-64; Ord. No. 234, § 1, 8-4-64)

**Sec. 17-28. Plumber's notice and return of repairs or alterations.**

Before any plumber shall proceed to make any repairs, attachments, installations or alterations to any service connections or parts thereof already in use, he shall leave or file a notice in the office of the superintendent, giving the location of the premises and the name of the person for whom such work is to be done. Within twenty-four (24) hours after such work is completed, he shall report to the superintendent, on a prescribed printed form, a complete list and description of the fixtures or attachments added, removed or altered. Such report shall also give a full and complete description of all fixtures and attachments on such premises, to which water is supplied at the time such plumber completed such work. (Ord. No. 230, § 12, 3-3-64)

**Sec. 17-29. Service contracts.**

(a) The city shall contract with and furnish water and sewer services only to the owner of the premises and property involved and utilizing the services; provided, however, that the superintendent may, with the consent of the mayor and board of aldermen, grant contracts for the use of water and sewer services to long-term lessees.

(b) The mayor and board of aldermen shall, by resolution or order, fix the form of the contract to be executed by customers of the waterworks and sewer system, which may contain such pertinent facts as to this article, rates, fees and other such matters as it deems proper, and which form of

contract may be changed from time to time by resolution or order of the mayor and board of aldermen. (Ord. No. 230, §§ 7, 39, 3-3-64)

**Sec. 17-30. Permits for new connections.**

(a) Before any plumber or other person may proceed to make any installation of new service connections, either for water service or sewer service, he shall obtain from the superintendent a written permit on a form provided for that purpose, giving the name of the person for whom such work is to be done and such other essential information relative thereto as the superintendent may require.

(b) No permit shall be issued for water service connections or sewer service connections until the owner of the premises involved, or his duly authorized agent, shall have signed a proper application and contract therefor, stating that no plumber shall make any additions, alterations or do any other work whereby the prevailing rate for water service or sewer service will be changed until he shall have secured a written order from the owner of the premises affected, or his duly authorized agent, which order shall be filed with the superintendent.

(c) A permit authorizing a water or sewer connection shall be returned to the office of the superintendent within twenty-four (24) hours after completion of the work, properly signed by the plumber or other person to whom it was issued, and it shall contain a full and complete statement of the number, kind and approximate location of all fixtures and outlets made to the combined water and sewer system of the city.

(d) There is hereby required an inspection of all new heating and air conditioning installation work for new systems, or extensions of existing systems in the City of Long Beach. Said inspections shall be the responsibility of the plumbing inspector or his duly authorized representative, the fee for same being five dollars (\$5.00) per inspection. (Ord. No. 230, §§ 5, 11, 3-3-64; Ord. No. 302, § 2A, 9-4-75)

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**Sec. 17-31. Water tap fee.**

The owner of any premises, or his duly authorized agent, shall pay to the city, before water service is connected, the following fee, where tapping services are required:

<i>Size of Connection</i>	<i>Water Tapping Fee</i>
¾ inch connection.....	\$ 20.00
1 inch connection .....	40.00
1¼ inch connection .....	60.00
1½ inch connection .....	80.00
2 inch connection .....	100.00
2½ inch connection .....	175.00
3 inch connection .....	200.00
4 inch connection .....	300.00

(Ord. No. 230, §§ 7, 26, 3-3-64)

**Sec. 17-32. Fee for installation of sewer service lines.**

(a) All applicants for building permits for the construction of any house, building or property used or to be used for human occupancy, employment, recreation or other purpose, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, as defined in section 17-83 of this chapter, shall pay to the city a fee of one hundred seventy-five dollars (\$175.00), which fee is hereby fixed and established for the installation of service lines or mains, including "Y" branches, from the public sanitary or combined sewer to the building sewer of the applicant or owner.

(b) The fee fixed and established by this section shall be in addition to building permit fees and any other fees prescribed by ordinance, and shall be paid by the applicant at the time of the filing of the application for a building permit, and shall be deposited to the proper fund of the combined waterworks and sewer system of the city. (Ord. No. 227, § 2, 9-3-63)

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**Sec. 17-33. Minimum size of water connections or taps; curb cock or cutoff valve required.**

The size of all water service connections, or taps, shall be not less than three-quarters ( $\frac{3}{4}$ ) of an inch in diameter, except in special cases, in which event the superintendent shall designate such size or sizes as the particular case may require. All water service connections shall be provided with a suitable curb cock or cutoff valve. (Ord. No. 230, § 13, 3-3-64)

**Sec. 17-34. Operation of control cocks.**

Except as provided in section 17-27(a), no person except the superintendent or his duly authorized representative shall have the right to tamper with or operate the curb cocks, or to shut off the cock or valve through which water is supplied to any premises, except that authorized bonded plumbers may be permitted to turn the water on temporarily for the purpose of testing their work, or to shut the water off temporarily for the purpose of making repairs and such work, but in all cases such plumbers shall leave the curb cock or shutoff valve in the same position and condition in which it was found; provided, however, any such plumber shall first obtain the necessary permit and file the necessary report as required by this article. (Ord. No. 230, § 10, 3-3-64)

**Sec. 17-35. Stop and waste cocks required.**

All new water service connections shall be provided with substantial stop and waste cocks located at some convenient and conspicuous place within the boundaries of the premises. (Ord. No. 230, § 14, 3-3-64)

**Sec. 17-36. Ownership of water meters.**

All water meters and their several parts installed by the waterworks and sewer department shall become and remain the property of the combined water and sewer system of the city. (Ord. No. 230, § 29, 3-3-64)

**Sec. 17-37. Extension of mains at expense of users.**

In the event that it is impractical for the city to extend water and sewer mains because of the expense involved and contemplated, and users desire such extension to service their premises, such extensions may be made, with the user paying for materials and labor necessary to make such extensions. If such extensions are made on such agreement, all pipe and materials shall become and remain the property of the city and shall remain intact and subject to the exclusive control of the city, and additional users may be cut in on such extensions, as may be deemed necessary or convenient by the city. (Ord. No. 230, § 23, 3-3-64)

**Sec. 17-38. Water mains and fire hydrants in subdivisions.**

(a) The owner or subdivider of any subdivision of land within the city shall, before any lot in such subdivision is sold, install at his own cost and expense necessary water mains for the furnishing of water to actual or prospective residents or occupants of the subdivision, together with necessary fire hydrants. Such water mains shall be of four (4) inch transite or of such other size and material as may be approved by the city, and shall be installed at a depth of three (3) feet along lines to be approved by the superintendent. Such water mains and fire hydrants shall be and become a part of the waterworks system of the city, upon being connected thereto. Water mains laid in subdivisions shall, before being backfilled, be inspected and approved by the superintendent or his duly authorized representative.

(b) No subdivision of land within the city, or plat thereof submitted to the planning commission, shall be finally approved by the mayor and board of aldermen unless and until water mains have been installed as provided in subsection (a) and have been connected to the existing system. The city will furnish not more than forty (40) feet of water main in extending its existing system to connect to subdivision water mains. The tapping of such water mains to furnish water to individual consumers shall be done in accordance with the provisions of this article.

(c) The term "subdivision," as used in this section, shall mean the following:

- (1) The division of any lot, tract or parcel of land (whether by lot description or by metes and bounds description) into two (2) or more lots, tracts or parcels or other division of land, one (1) or more being less than three (3) acres in area, for the purpose, whether immediate or future, of sale or transfer of any part of said land, or of building development;
- (2) The dedication of a road, highway, street or alley, or of any servitude through any tract of land for public utilities, drainage or other public purpose, regardless of area;

(3) The resubdivision of land heretofore divided or platted into lots, sites or parcels.

(d) This section is in addition to any other ordinances or regulations or policy of the planning commission in regard to the platting of subdivisions. (Ord. No. 226, §§ 1-4, 5-7-63)

Cross reference—Subdivisions, App. B.

**Sec. 17-39. Use of water for certain purposes prohibited.**

(a) The provisions of this section shall apply to all persons using water from the city's water supply, both in and outside the city, and regardless of whether such person using water shall have a contract for water service with the city.

(b) Except as otherwise provided in section 17-40, the use and withdrawal of water by any person for the following purposes is hereby prohibited:

- (1) The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any other vegetation.
- (2) The washing or sprinkling of sidewalks, streets, alleys, driveways and other outdoor surfaces.
- (3) The operation of any ornamental fountain or other structure making a similar use of water.
- (4) Swimming and wading pools not employing a filter and recirculating system.

(c) Every police officer of the city shall, in connection with his duties imposed by law, diligently enforce the provisions of this section. The city, through the superintendent or other authorized officer or employee, shall have authority to enforce the provisions of this section by the discontinuance of water service in the event of any violation hereof. (Ord. No. 232, §§ 2, 3, 5, 6-23-64)

**Sec. 17-40. Exceptions to section 17-39.**

(a) Notwithstanding the provisions of section 17-39, the city, through its proper officer or officers, shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

(b) Upon a finding by the superintendent, concurred in by the fire chief and/or the mayor, that an increase in water pressure and supply will safely so permit without detriment to the protection of life and property in the city:

- (1) Any person in East Long Beach may use water for purposes otherwise prohibited in section 17-39 during the hours of 8:00 a.m. to 10:00 a.m., on any day; and
- (2) Any person in West Long Beach may use water for purposes otherwise prohibited in section 17-39 during the hours of 4:00 p.m. to 6:00 p.m. on any day.

Notice of such permissive use shall be published in some newspaper published or having a general circulation in the city and qualified to publish legal notices. It shall be unlawful to continue such permissive use after publication of notice that such permissive use has been terminated for reasons of protection of life and property and of public safety.

(c) For the purposes of subsection (b) above, "West Long Beach" is that area west of Jeff Davis Avenue and Pineville Road (sometimes called Three Notch Road) where water service is furnished by the city, and "East Long Beach" is that area east of Jeff Davis Avenue and Pineville Road (sometimes called Three Notch Road) where water service is furnished by the city. (Ord. No. 232, §§ 1, 4, 6-23-64; Ord. No. 250, § 1, 5-2-67)

**Sec. 17-41. Repair of plumbing installations causing waste of water or sewer line stoppage.**

In the event that any fixture or other plumbing installation is defective or is found to be the cause of constant waste of water or stoppage in the sewer lines,

either because of the condition of such installation or the care given to it on the part of the owner or tenant, a notice shall be served on such owner or tenant, or his agent, to have the defective installation repaired, or the waste of water or stoppage in the sewer line removed, within twenty-four (24) hours from the time the notice is served. If such notice is not complied with, the water service shall be discontinued until the defect has been satisfactorily remedied. (Ord. No. 230, § 17, 3-3-64)

**Sec. 17-42. Damaging, tampering with, etc., system property generally.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the waterworks and sewer system. (Ord. No. 225, § 57, 1-22-63)

Cross reference—Damaging property generally, § 9-2.

**Sec. 17-43. Unauthorized use of or obstructing fire hydrants.**

No person, except the employees of the waterworks and sewer department, the public works department, the fire department and those to whom the superintendent of the waterworks and sewer department may grant special permission, shall tamper with, make connections to or otherwise use or operate the fire hydrants attached to the water system; and no person shall place or install, or cause to be placed or installed, any thing or object which will impede free access to fire hydrants, and a distance of not less than five (5) feet shall be clear entirely around each of such hydrants. (Ord. No. 230, § 19, 3-3-64)

**Sec. 17-44. Closing valves on water mains.**

In cases where it becomes necessary to close the valves on the water mains for the purpose of making repairs, connections, extensions or performing other work, so that  
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customers will be temporarily deprived of water service, the person doing such work shall previously notify all of the customers affected, whenever it is practicable so to do, but in cases of emergency or where the territory affected is too large to render the notification practicable, such valves may be closed for such purposes for such time as may be reasonably needed, without giving such notice. (Ord. No. 230, § 20, 3-3-64)

**Sec. 17-45. Voluntary disconnection and reconnection of water service.**

In the event any premises shall become vacant or in the event the owner thereof shall, for any other reason, want the water service discontinued from such premises, such owner or his duly authorized agent may order such service discontinued and also order such service restored by leaving proper written notice, on forms provided therefor, in the office of the superintendent, but this privilege shall be extended only to such premises as have been provided with proper shutoff valves. A reconnection fee of ten dollars (\$10.00) shall be paid when the services are resumed. (Ord. No. 230, § 22, 3-3-64; Ord. No. 302, § 2B, 9-4-75)

**Sec. 17-46. Inspection of connections.**

(a) The superintendent, or his duly authorized inspectors or representatives, shall have the right to enter all premises at intervals and within reasonable hours to inspect and to take proper census of all connections to the combined water and sewer system. Such person shall state to the occupants of any such premises the purpose of such inspection before entering the premises.

(b) For all inspections there shall be a five dollar (\$5.00) minimum inspection fee. For multiple fixtures inspection, there shall be a three dollar (\$3.00) inspection fee for the first fixture, plus a two dollar (\$2.00) inspection fee for each and every other fixture. (Ord. No. 230, § 18, 3-3-64; Ord. No. 302, § 2C, 9-4-75)

**Sec. 17-47. Recovery of damages resulting from faulty work or violation of chapter or other ordinances.**

The city may recover any damage that it may suffer by reason of negligence, lack of skill or any disregard or violation of the provisions of this chapter, the plumbing code or any other ordinance of the city pertaining to the waterworks and sewer system of the city, on the part of any plumber or other person, and such recovery shall in no way operate to release such plumber or other person from prosecution in the proper courts for such violation. The permit or privilege granted to any plumber or other person to do such work may be revoked for cause. (Ord. No. 230, § 9, 3-3-64)

**Secs. 17-48—17-57. Reserved.**

**ARTICLE III. CITY WATER AND SEWER SERVICE CHARGES\***

**Sec. 17-58. Classification of users.**

Every premises, house, building, lot or subdivision thereof, receiving or able to receive city water service shall be classified according to the purpose for which it is used or operated, and in any case where classification is not specifically provided for in this article, that classification which most nearly approaches such case shall be used. (Ord. No. 230, § 24, 3-3-64)

**Sec. 17-59. No free service.**

No free service shall be furnished by the combined waterworks and sewer department of the city. (Ord. No. 230, § 33, 3-3-64)

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\*State law reference—Authority to prescribe water and sewer rates, Miss. Code Ann. 1942, §§ 3374-130, 3519-11.

**Sec. 17-60. Deposit to assure payment.**

(a) The following deposits shall be required of users and consumers of water and sewer services:

<i>Class</i>	<i>Inside City Limits</i>	<i>Outside City Limits</i>
(1) Residential	\$20.00	\$25.00
(2) Small commercial	20.00	30.00
(3) Large commercial	30.00	50.00

(b) A certificate of deposit will be issued to the consumer for any deposit made under this section. Such deposit may be applied to the payment of any delinquent accounts upon the termination of any service. If all bills have been paid in full to the date of the termination of service, the deposit shall be refunded, and likewise any excess over any delinquent bills may be refunded. In connection with delinquent bills, the superintendent shall not be required to apply the deposit to the delinquent account. (Ord. No. 230, § 37, 3-3-64; Ord. No. 302, § 2D, 9-4-75)

**Sec. 17-61. Constitute personal obligations.**

The charges prescribed by this article shall be personal obligations of the owner of the premises and the person contracting with the city for water and sewer services. (Ord. No. 230, § 39, 3-3-64)

**Sec. 17-62. Water rates prescribed.**

(a) *Meter rate—Generally.* Where water service is delivered through a meter, the rates for same shall be as follows, for each monthly period:

<i>Number of Gallons Metered</i>	<i>Rate Per 1,000 Gallons</i>
First 10,000 gallons.....	\$0.60
Next 5,000 gallons.....	0.55
Next 5,000 gallons.....	0.50
Next 10,000 gallons.....	0.40
Next 10,000 gallons.....	0.35

<i>Number of Gallons Metered</i>	<i>Rate Per 1,000 Gallons</i>
Next 10,000 gallons .....	0.30
Next 50,000 gallons .....	0.25

The minimum monthly charge for metered service shall be and the same hereby is fixed at six dollars (\$6.00) per month.

(b) *Same—For multiple dwelling units served by single meter.* Where water is delivered through a single meter to a multifamily dwelling or to an apartment building containing separate residence units, the meter rate shall be computed by dividing the total number of gallons of water metered and furnished such multifamily dwelling or apartment building, or buildings if more than one, by the number of separate residence units therein and using the above meter rate per thousand gallons applicable to the quotient thereof, multiplied by the number of gallons metered, as in the rate schedule set forth above in subsection (a).

(c) *Flat rate.* Where water service is delivered on a flat rate basis, the same shall be based upon the usage for one annual period billed monthly as follows:

<i>Fixture</i>	<i>Rate Per Year</i>
Sink .....	\$24.00
Bathtub .....	4.00
Water closet .....	2.00
Lavatory .....	1.35
Screw bib faucet .....	4.00
Plain bib faucet .....	1.35
Automatic washing machine .....	6.00
Slop hopper .....	26.00
Water cooler .....	26.00

The minimum monthly charge for water service on a flat rate basis shall be and the same hereby is fixed at six dollars (\$6.00) per month.

(d) *Services outside municipality.* The rate for water service furnished to consumers outside the corporate limits

of the City of Long Beach, Mississippi, shall be and the same hereby is fixed at a sum equal to one and one-half (1½) times the rate for such service within the corporate limits, provided further, that the minimum monthly charge for water services furnished outside said city shall be and the same hereby is fixed at the sum of nine dollars (\$9.00) per month. (Ord. No. 230, § 26, 3-3-64; Ord. No. 284, § 1, 3-21-72; Ord. No. 286, § 1, 10-18-72; Ord. No. 309, § 1, 9-5-78)

**Sec. 17-63. Sewer rates generally.**

(a) The rate for sewer service shall be a sum equal to seventy-five (75) percent of the minimum charge for water service in each instance. The minimum monthly charge for sewer service shall be four dollars and fifty cents (\$4.50) for each connection within the corporate limits of the city and six dollars and seventy-five cents (\$6.75) for each connection without the corporate limits of the city.

(b) In all cases where premises of any kind are not served by water supplied by the combined water and sewer system of the city, but are nevertheless connected to the sewer facilities of such system, it shall be the duty of the owners of such premises to install thereon a water meter satisfactory to the superintendent, to measure the quantity of water used on such premises and not supplied by the combined water and sewer system. The rate for sewer services for such premises shall be computed on the basis of the charge for water service, for the amount of water metered (subject, however, to the minimum monthly charge), as though such water had been supplied by the combined water and sewer system. All such privately installed and owned meters shall be subject to reading and inspection by the superintendent or his authorized representatives.

(c) Connections to sewer mains shall be made as set forth in section 17-86 of this chapter, and if such connection is not made as therein required, the owner of the premises affected, or his tenant, shall nevertheless be billed for sewer services in the same manner as if such property had been

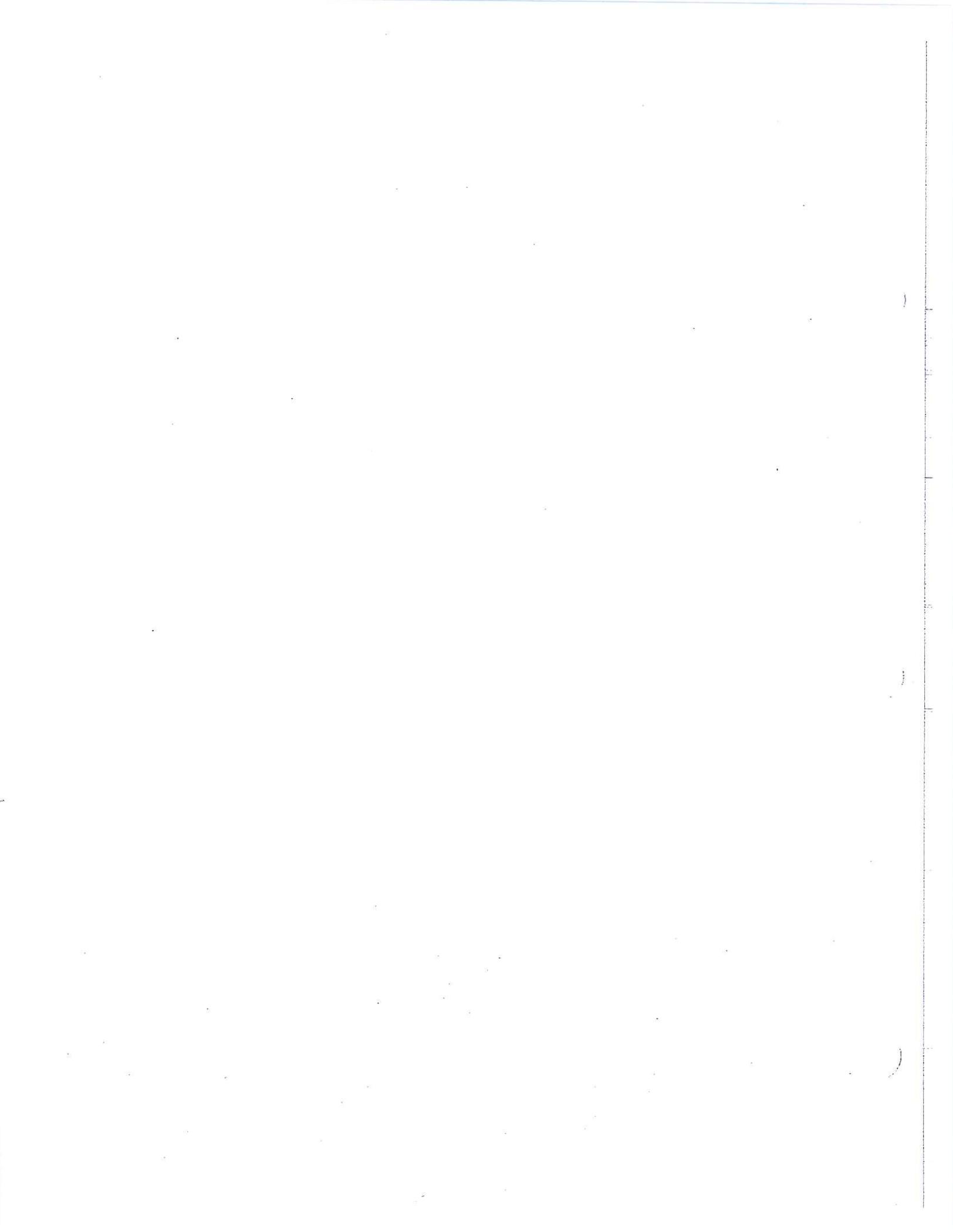
connected to such sewer main. (Ord. No. 230, §§ 30, 31, 3-3-64; Ord. No. 284, § 2, 3-21-72; Ord. No. 286, § 2, 10-18-72; Ord. No. 309, § 2, 9-5-78)

**Sec. 17-64. Effective date of sewer rates.**

The rates for sewer services shall become effective as to each individual premises, house, building, lot or subdivision thereof on the first day of the month following the date upon which such premises, house, building, lot or subdivision thereof is connected or is required to be connected to the sewer main. (Ord. No. 230, § 32, 3-3-64)

**Sec. 17-65. Assessment of minimum or base rate for water.**

(a) Every premises, house, building, lot or subdivision thereof occupied as a distinct and separate residence, business establishment or place to which water is or may be supplied, except those provided with meter service, shall be



assessed with a minimum or base rate for some specific fixture or unit. Where any such premises, house, building, lot or subdivision thereof contains more than one (1) such fixture or unit, rates shall be assessed for or against such premises, house, building, lot or subdivision thereof, and such assessment shall be made in each instance by the mayor and board of aldermen, unless otherwise specifically provided.

(b) There likewise shall be a minimum charge on premises using water through metered service. (Ord. No. 230, § 25, 3-3-64)

**Sec. 17-66. Separate meter for each premises; minimum rates for rented auxiliary premises not metered.**

Where metered rates apply under the provisions of this article, a separate meter shall be required for each individual premises, lot or subdivision thereof, except auxiliary premises to the rear of the main building, controlled by the occupant of the main building. In the event such auxiliary premises are rented, the minimum rate for water and sewer service shall be one and one-half (1½) times the amount which would otherwise have been charged for such service under the provisions of this article. (Ord. No. 230, § 16, 3-3-64)

**Sec. 17-67. Water charges for fractional periods.**

(a) No assessment or charge for metered water service shall be less than the minimum prescribed unless it be for a fraction of a period, in which case the quantity used shall be included in the quantity consumed in the next following period and the assessment or charge made as if the total had been consumed in one (1) period.

(b) No assessment or charge for water service on a flat rate basis shall be less than that scheduled herein unless it is for a fraction of a period, in which case such bill therefor shall be for the fractional portion based on the rate for a whole month or period. (Ord. No. 230, § 27, 3-3-64)

**Sec. 17-68. Change from flat water rate to meter rate; meters required for commercial buildings.**

(a) Any water user may, upon application in writing made to and approved by the superintendent and the payment by the water user to the city of the actual cost of furnishing and installing a meter, elect to be furnished water at metered rates. All requests for a change of water service from flat rate basis to a meter rate shall be made by the owner of the premises affected, but the superintendent, with the consent and approval of the mayor and board of aldermen, may change any service from the flat rate basis to the meter rate, without a request or consent of the owner of the premises, whenever and wherever it shall appear to be in the best interest of the waterworks and sewer department. Where a meter installation is made during a flat rate period, a pro rata refund shall be made for the unexpired period of the flat rate.

(b) Water meters shall be installed, at the expense of the owner or lessee, on all commercial buildings and structures served by the system. (Ord. No. 230, § 28, 3-3-64)

**Sec. 17-69. Billing; when due and payable.**

(a) The rates and charges for water service and rates and charges for sewer service shall constitute one (1) charge and shall be billed simultaneously and on one and the same bill in each instance. The superintendent or other city collector shall not receive payment for either of such services without at the same time receiving payment for the other. All such bills shall be prepared and may be adjusted by the superintendent.

(b) All quantities of water service through meters shall be determined by meter reading every thirty (30) days, and a combined bill shall be made and rendered for such month, using the minimum volume and rates set out in this article, together with the sewer service charge provided for in this article. Such bill shall be rendered within such thirty-day

period, and shall be due and payable not later than the tenth day following the date upon which such bill is rendered.

(c) Water and sewer services rendered on a flat rate basis shall be billed every thirty (30) days and a combined bill shall be made and rendered for such month and such bill shall be due and payable not later than the tenth day following the date upon which such bill is rendered. (Ord. No. 230, §§ 34, 35, 38, 3-3-64)

**Sec. 17-70. Collector designated; receipts.**

The superintendent of the waterworks and sewer department is designated as the collector of all water and sewer service bills, and he shall give proper receipts to the persons paying such bills, retaining duplicate copies thereof. (Ord. No. 230, § 38, 3-3-64)

**Sec. 17-71. Late charge; discount for advance payment of flat rates.**

(a) If any bill for water and sewer service is not paid on or prior to the due date thereof, a late charge of two (2) per cent per month on the amount of such bill shall be added thereto until the same has been paid.

(b) There shall be a three (3) per cent discount allowed for payment of flat rate bills six (6) months in advance and a five (5) per cent discount for payment of flat rate bills one (1) year in advance. (Ord. No. 230, § 35, 3-3-64)

**Sec. 17-72. Disconnection of service for nonpayment.**

All bills covering water and sewer service not paid on or prior to the due date thereof shall be deemed past due and in default and the city shall have the right to discontinue water service at any time thereafter. In the event such service is so discontinued, there shall be a charge of ten dollars (\$10.00) for each reconnection of service. The superintendent shall determine when service is to be discontinued and reinstated under this section. (Ord. No. 230, §§ 36, 38, 3-3-64; Ord. No. 302, § 2E, 9-4-75)

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Secs. 17-73—17-82. Reserved.

## ARTICLE IV. SEWAGE DISPOSAL STANDARDS

### DIVISION 1. GENERALLY

#### Sec. 17-83. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:

*BOD* (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million by weight.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.

*Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

*Garbage* shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Industrial wastes* shall mean the liquid wastes from industrial processes, as distinct from sanitary sewage.

*Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

*pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking and dispensing of food that have  
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been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

*Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights and that is controlled by public authority.

*Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

*Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

*Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.

*Sewage works* shall mean all facilities for collecting, pumping, treating and disposing of sewage.

*Sewer* shall mean a pipe or conduit for carrying sewage.

*Storm sewer* or *storm drain* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*Suspended solids* shall mean solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

*Watercourse* shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 225, §§ 1, 3—19, 1-22-63)

#### **Sec. 17-84. Unlawful disposal generally.**

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in an insanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.

(b) It shall be unlawful for any person to cause or allow any sanitary sewer lines from property owned by him or under his control, to in any way connect to or discharge into storm sewer lines, open ditches, culverts, open waters, ponds, lakes or the Gulf of Mexico or Mississippi Sound. (Ord. No. 186, § 1, 1-2-51; Ord. No. 225, § 22, 1-22-63)

**Sec. 17-85. Unlawful discharge into natural outlets.**

It shall be unlawful for any person to discharge or cause to be discharged to any natural outlet within the city any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this article. (Ord. No. 225, § 23, 1-22-63)

**Sec. 17-86. When connection to public sewer required.**

The owner of any house, building or property used for human occupancy, employment, recreation, assembly or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required, at his own expense, to install suitable toilet facilities therein, and to have such facilities connected directly with the proper public sewer within ninety (90) days after the date of official notice so to do, provided such public sewer is within three hundred (300) feet of the property line of such owner. (Ord. No. 225, § 25, 1-22-63)

**Sec. 17-87. Prohibited sewer deposits generally.**

Except as otherwise specifically provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (2) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

- (3) Any garbage that has not been properly shredded.
- (4) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works.
- (5) Any waters or wastes having a pH lower than 2.0 or higher than 12.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
- (6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- (7) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. No. 225, § 49, 1-22-63)

**Sec. 17-88. Disposal of unpolluted drainage and industrial cooling or process waters.**

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet. (Ord. No. 225, §§ 47, 48, 1-22-63)

**Sec. 17-89. Grease, oil and sand interceptors.**

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. No. 225, §§ 50, 51, 1-22-63)

**Sec. 17-90. Approval and preliminary treatment required for certain wastes; approval of preliminary treatment facilities.**

The admission into the public sewers of any waters or wastes having:

- (1) A 5-day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or
- (2) Containing more than three hundred fifty (350) parts per million by weight of suspended solids; or
- (3) Containing any quantity of substances having the characteristics described in section 17-87; or
- (4) Having an average daily flow greater than two (2) per cent of the average daily sewage flow of the city;

shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the

superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight, or to reduce objectionable characteristics or constituents to within the maximum limits provided for in section 17-87, or to control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the proper water pollution control commission of the state, and no construction of such facilities shall be commenced until such approvals are obtained in writing. (Ord. No. 225, § 52, 1-22-63)

**Sec. 17-91. Maintenance of preliminary treatment facilities.**

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. No. 225, § 53, 1-22-63)

**Sec. 17-92. Control manhole for observation, sampling and measurement of industrial wastes.**

When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. No. 225, § 54, 1-22-63)

**Sec. 17-93. Method of measuring, testing, etc., wastes.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in sections 17-87 and 17-90 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in section 17-92, or on suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected. (Ord. No. 225, § 55, 1-22-63)

**Sec. 17-94. Special arrangements or agreements concerning industrial wastes.**

No statement contained in this article shall be construed as preventing any special arrangement or agreement between the city and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern. (Ord. No. 225, § 56, 1-22-63)

**Sec. 17-95. Right of entry to enforce article.**

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter on all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. (Ord. No. 225, § 58, 1-22-63)

**Sec. 17-96. Violations of article.**

(a) Any person found to be violating any provision of this article shall be served by the city with written notice stating the nature of the violation and providing a time limit, not exceeding thirty (30) days, for the satisfactory correction

thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in the notice given under subsection (a), shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as prescribed in section 1-9 of this Code. Each day on which such violation shall continue shall constitute a separate offense and shall be punishable as such.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. (Ord. No. 225, §§ 59—61, 1-22-63)

**Secs. 17-97—17-101. Reserved.**

## DIVISION 2. BUILDING SEWERS

### Sec. 17-102. Installation permit.

(a) No person shall install any building sewer or uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, in connection with the installation of a building sewer, without first obtaining a written permit from the superintendent.

(b) There shall be two (2) classes of building sewer permits: One (1) for residential and commercial service, and one (1) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of one dollar and fifty cents (\$1.50) for a residential or commercial building sewer permit and five dollars (\$5.00) for an industrial building sewer permit shall be paid by the applicant at the time the application is filed. (Ord. No. 225, §§ 33, 34, 1-22-63)

**Sec. 17-103. Costs to be borne by owner; indemnification of city from damages caused by installation.**

All costs and expense incident to the installation and connection of a building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer. (Ord. No. 225, § 35, 1-22-63)

**Sec. 17-104. Separate sewer required for each building; exception.**

A separate and independent building sewer shall be provided for every building; except that, where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. (Ord. No. 225, § 36, 1-22-63)

**Sec. 17-105. Use of old sewers for new buildings.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this division. (Ord. No. 225, § 37, 1-22-63)

**Sec. 17-106. Materials.**

Building sewers shall be constructed of cast-iron soil pipe conforming to ASTM specifications, with latest revisions thereof, or of vitrified clay pipe conforming to ASTM specifications C-13, with latest revisions thereof, or of concrete sewer pipe conforming to ASTM specifications C-14, with latest revisions thereof, or of asbestos-cement pipe conforming to Federal specifications SS-P-331b, with latest revisions thereof. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of cast-iron soil pipe with leaded joints.

Cast-iron pipe with leaded joints may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that nonmetallic material mentioned above may be accepted if laid on a suitable concrete bed or cradle as approved by the superintendent. (Ord. No. 225, § 38, 1-22-63)

**Sec. 17-107. Joints.**

All building sewer joints and connections shall be made gastight and watertight. Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one-half ( $\frac{1}{2}$ ) inch deep. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. Vitrified clay pipe shall have a P.V.C. or polyurethane joint. Concrete and asbestos-cement pipe shall have a rubber ring joint. Directions of the manufacturer shall be followed in preparing and making joints and installing the sewer pipe. (Ord. No. 225, § 43, 1-22-63)

**Sec. 17-108. Size and slope.**

The size and slope of building sewers shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall not be less than one-eighth ( $\frac{1}{8}$ ) inch per foot. (Ord. No. 225, § 39, 1-22-63)

**Sec. 17-109. Elevation; location near bearing wall; depth; grade and alignment; changes in direction.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in

straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. (Ord. No. 225, § 40, 1-22-63)

**Sec. 17-110. Lifting facilities.**

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. (Ord. No. 225, § 41, 1-22-63)

**Sec. 17-111. Excavations, backfilling, etc.**

(a) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications, with latest revisions, except that no backfill shall be placed until the work has been inspected.

(b) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. No. 225, §§ 42, 46, 1-22-63)

**Sec. 17-112. Notice when installation complete; connection to public sewer.**

(a) The person to whom a building sewer permit is issued shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the direct supervision of the superintendent or his agent or representative.

(b) The connection of a building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no "Y" branch is available, the city shall have the "Y" branch installed in the public sewer at the location specified by the superintendent, at the cost of the owner. (Ord. No. 225, §§ 44, 45, 1-22-63)

**Secs. 17-113—17-117. Reserved.**

**DIVISION 3. PRIVATE DISPOSAL SYSTEMS\***

**Sec. 17-118. General prohibition.**

Except as otherwise provided in this division, it shall be unlawful for any person to construct or maintain, or cause or permit to be constructed or maintained, within the city or in any area under the jurisdiction of the city, any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. No. 225, § 24, 1-22-63)

**Sec. 17-119. When required.**

Where a public sanitary or combined sewer is not available under the provisions of section 17-86, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division. (Ord. No. 225, § 26, 1-22-63)

**Sec. 17-120. Compliance with regulations and recommendations of state health department.**

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations and regulations of the state department of public health. (Ord. No. 225, § 29, 1-22-63)

**Sec. 17-121. Permit generally.**

Before commencement of the construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information deemed neces-

\*Cross reference—Approval of individual sewage disposal systems in subdivisions, App. B, § 14c.

sary by the superintendent. Permit and inspection fees shall be paid by the applicant as provided in the plumbing code. (Ord. No. 225, § 27, 1-22-63)

Cross reference—Plumbing code, § 6-41 et seq.

**Sec. 17-122. When permit effective; inspection of work.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent. (Ord. No. 225, § 28, 1-22-63)

**Sec. 17-123. Minimum lot area for subsurface soil absorption facilities.**

No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twelve thousand five hundred (12,500) square feet. (Ord. No. 225, § 29, 1-22-63)

**Sec. 17-124. Discharge to public sewer or natural outlet prohibited.**

No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. (Ord. No. 225, § 29, 1-22-63)

**Sec. 17-125. To be maintained in sanitary manner at no expense to city.**

The owner shall operate and maintain private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. No. 225, § 30, 1-22-63)

**Sec. 17-126. Abandonment when public sewer becomes available.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 17-86, a direct connection shall be made to the public sewer in compliance with said section, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material at no expense to the city. (Ord. No. 225, § 31, 1-22-63)

**Sec. 17-127. Additional requirements of health officer.**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer. (Ord. No. 225, § 32, 1-22-63)

APPENDIX A  
ZONING ORDINANCE\*

- Art. I. Preamble and Enactment Clause
- Art. II. Short Title
- Art. III. Definitions of Terms in This Ordinance
- Art. IV. Establishment of Districts
- Art. V. Application of Regulations
- Art. VI. General Provisions
- Art. VII. Use Requirements by Districts
- Art. VIII. Area, Yard and Height Requirements
- Art. IX. Exceptions and Modifications
- Art. X. Administration, Enforcement and Penalties
- Art. XI. Zoning Board of Appeals
- Art. XII. Amendments
- Art. XIII. Duties of the Mayor and Board of Aldermen
- Art. XIV. Legal Status Provisions
- Art. XV. Removal of Oak and/or Magnolia Trees

ORDINANCE NO. 247

*An ordinance regulating and restricting the height, bulk, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of*

\*Editor's note—Due to the nature of zoning ordinances and the required special procedures involved in adopting and amending them, Ordinance No. 247 is set out herein as adopted on November 22, 1966. The original arrangement, numbering system, headings and catchlines have been retained. Amendments have been worked into their proper places and are indicated by notes following the amended sections or subsections. The absence of such a note indicates that the section is derived, unamended, from Ordinance No. 247.

Cross references—Code and ordinance adopting Code not to affect validity of zoning ordinance, § 1-4(7); powers and duties of planning commission relative to zoning, § 2-62; sale, delivery or storage of alcoholic beverages near church, school, funeral home or library, § 3-1; keeping livestock and fowl near residences, § 4-1; buildings and building regulations, Ch. 6; mobile home parks permitted in any district in which multiple dwellings are permitted, unless otherwise prohibited by zoning ordinance, § 8-18; pool tables, pinball machines, etc., prohibited near church, school or public library, § 9-7; subdivision regulations, App. B; flood control measures in special flood hazard areas, App. C.

State law reference—Zoning generally, Miss. Code Ann. 1942, §§ 2890.5, 3590—3597.  
Supp. No. 4

*population and the location and use of buildings, structures and land for trade, industry, residences or other purposes; creating districts for said purposes and establishing the boundaries thereof, defining certain terms used herein; providing for the method of administration and amendment; defining the powers and duties of the board of zoning adjustment; providing penalties for violation; repealing conflicting ordinances; and for related purposes.*

*Be It Ordained by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, as follows:*

#### **ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE**

That, pursuant to the Constitution and statutes of the State of Mississippi, particularly the provisions of sections 2890.5 and 3590 through 3597, each inclusive, of the Mississippi Code of 1942, recompiled as amended, this ordinance, consisting of Articles I through XV, each inclusive, is hereby adopted and enacted as and for the Zoning Ordinance of the City of Long Beach, Mississippi, for the purposes of promoting health, safety, morals, and general welfare of said city, lessening congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, conserving the value of land and buildings, and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements in accordance with a comprehensive plan.

#### **ARTICLE II. SHORT TITLE**

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Long Beach, Mississippi."

#### **ARTICLE III. DEFINITIONS OF TERMS IN THIS ORDINANCE**

For the purpose of interpreting this ordinance, certain words or terms used herein shall be defined as follows:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular.

“Map” means the “Zoning Map of the City of Long Beach, Mississippi.”

The word “person” includes a firm, partnership, trust, company, association, organization, individual, copartnership or corporation.

The word “lot” includes the word “plot” or “parcel.”

The word “building” includes the word “structure.”

The word “shall” is always mandatory, and not merely directory.

The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used, or occupied.”

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings.

*Accessory use or structure:* A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Alteration of building:* Any change in the supporting members of a building (such as bearing walls, columns, girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.

*Board:* The term “board” as used in this ordinance is defined as “The Zoning Board of Appeals of the City of Long Beach, Mississippi.”

*Boarding or rooming house:* Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with or without meals.

*Buffer area:* An area set aside to remain vacant or to be planted and landscaped to reduce the blighting effect of commercial or industrial uses on adjacent residential property.

*Buildable width:* Width of the building site left after the required yards have been provided.

*Building:* Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or chattel.

*Building, height of:* The vertical distance measured from the average elevation of finished grade along the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height between eaves and ridges of a gable, hip or gambrel roof.

*Building permit:* A permit issued by the zoning enforcement officer or other officer authorizing the construction or alteration of a specific building on a specific lot.

*Building, principal:* A building in which is conducted the main or principal use of the lot on which said building is situated.

*Building setback line:* The minimum distance, as prescribed by this ordinance, between the property line of a lot or a parcel of land, and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend thereinto.

*Carport:* See Garage, private.

*Center line of street:* That line surveyed and monumented by the governing body shall be the center line of the street, or if such center line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

*Conforming use:* Any lawful use of a building or lot which complies with the provisions of this ordinance.

*Court:* An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

*Court, inner:* A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowed.

*Court, outer:* A court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, yard, or other open space.

*Cul-de-sac (Court of Dead-End Street):* A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

*Dead-end street:* Any local street, other than a cul-de-sac, which has only one outlet.

*Developer:* Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

*Development:* The act of building structures or installing site improvements.

*District:* Refer to zoning district.

*Dwelling:* A building designed or used for permanent living quarters for one or more families.

*Dwelling, multiple:* A detached or semidetached building or portion thereof used or designed and intended as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, apartment cooperatives, bungalow courts, flats and group houses.

*Dwelling, single-family:* A detached house or building designed and intended for or occupied exclusively by one (1) family and having no party wall or walls in common with an adjacent house or houses, building or buildings.

*Dwelling, two-family:* A building designed and intended for or occupied exclusively by two (2) families living independently of each other.

*Dwelling unit:* One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated

from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

*Easement:* A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified reasons.

*Family:* One or more persons occupying a dwelling and living as a single housekeeping unit.

*Farm:* Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

*Fence:* Any structural device forming a physical barrier which is so constructed that not less than 25 per cent of the vertical surface is open to permit the transmission of light and air through said surface in the vertical plane. This shall include wire mesh, steel mesh, chain-link, louvered, stake, wood, and similar material.

*Floor area:* Whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking in any structure, it shall be assumed that, unless otherwise stated, said floor area not only applies to the ground floor area, but also to any additional stories or basement of said structure.

*Front:* The side of a lot bordering a street right-of-way, except in the case of corner or other double frontage lots, in which case the owner of the lot must designate in his application for a building permit which side bordering a street is the front.

*Garage apartment:* A dwelling unit erected above a private garage.

*Garage, private:* An accessory building or portion of a main building used for vehicular storage. The term includes carport.

*Garage, public:* A building, or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

*Grade, finished:* The completed surfaces of lawns, walks, and roads, brought to grades as shown on official plans or designs relating thereto.

*Home occupations:* Any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates little additional traffic, requires no additional parking space, where no persons are employed other than residents and domestic help, no electrical or mechanical equipment is used other than that necessary for domestic purposes and where there is no indoor or outdoor storage of materials, equipment and/or supplies other than that necessary for domestic purposes.

*Hospital:* A building or portion thereof used for the treatment of the sick, injured or infirm persons and accredited by the American Hospital Association.

*Hotel:* Any building or portion thereof containing living units to be used for transients but not including motels, mobile homes, parks, dormitories, fraternities, sororities, boardinghouses, or rooming houses. A hotel is a business use rather than a residential use.

*Industry:* The processing of products or raw materials.

*Industry, heavy:* Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.

*Industry, light:* Those industries whose processing operations result in none of the above conditions and are conducted wholly within a building.

*Institution:* A building occupied by a nonprofit corporation or nonprofit establishment for public use.

*Junkyard:* The outdoor storage of inoperative machinery or material.

*kennel:* The keeping of more than three (3) dogs or other animals that are more than six (6) months old.

*Loading space:* An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials and which abuts on a street, alley or other appropriate means of access.

*Local street (or minor street):* A street designed primarily to provide access to abutting properties.

*Lot:* A parcel of land which is or may be occupied by a building, its accessory buildings and uses customarily incident thereto, together with such yards, or open spaces within the lot lines as may be required by this ordinance, and fronting upon a public dedicated street.

*Lot area:* The total horizontal area included within the lot lines.

*Lot, corner:* A lot of which at least two (2) adjoining sides abut for their full length on public streets.

*Lot depth:* The average distance from the street right-of-way line to the rear lot line, measured along the sidelines of the lot.

*Lot, double frontage:* A lot which runs through a block from street to street, and has two opposite sides abutting on two or more streets.

*Lot frontage:* That measurement of a lot abutting on a public street, measured along the street right-of-way line from side lot line to side lot line. (Structures on corner lots fronting on a particular street shall be deemed to have frontage on that street).

*Lot, interior:* A lot other than a corner lot.

*Lot lines:* The lines bounding a lot as defined herein.

*Lot line, front:* In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from the street which the house will face, to be determined from the request for a building permit.

*Lot line, rear:* The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

*Lot line, side:* The side lot line is the property boundary line between the front and rear lot lines.

*Lot of record:* A lot, the plat or deed or act of sale of which has been recorded in the office of the chancery clerk of Harrison County, Mississippi, prior to the adoption of this ordinance.

*Lot width:* Distance between the side lot lines measured at the front building line.

*Low-rise apartment:* A multiple dwelling not more than three (3) stories in height.

*Mobile home camp, park or court:* Any lot or parcel of land planned and designed to be used for the parking of two or more mobile homes and/or travel trailers for storage or residential occupancy with or without an automobile for any length of time whatsoever and with the necessary sanitary and utility facilities as required by related city ordinances.

Cross reference—Mobile home parks, Ch. 8.

*Mobile home:* A single-family dwelling containing a kitchen and toilet which is designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed to a site where it is to be occupied as a dwelling and at which site it arrived complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. Mobile homes are considered structures for the purpose of this

ordinance when they are parked in a mobile home park. Small camp or weekend type trailers are not mobile homes and they are deemed vehicles but not dwellings or structures.

*Motel:* A building or group of buildings, comprising individual living quarters or dwelling units for the accommodation of transient guests, which is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto courts, tourist courts, motor hotels, but does not include accommodations for mobile homes. A motel is a business use rather than a residential one.

*Nonconforming use:* A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

*Nursing or convalescent home:* Any dwelling in which aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

*Open space:* An unoccupied space open to the sky on the same lot with the building.

*Pedestrian way:* A right-of-way, however designated, either across or within a block, intended for use by pedestrian traffic.

*Planning commission:* The planning commission of the City of Long Beach, Mississippi.

*Principal use:* The specific primary purpose for which land or a building is intended to be used.

*Private drive:* A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated for public use. A driveway located on a lot which serves only that lot is not considered a private drive.

*Public body:* A government or governmental agency of the City of Long Beach, of Harrison County, of the State of Mississippi or of the United States Government.

*Public building:* A building owned or used exclusively by the city, county, state or federal government.

*Public uses:* Includes public parks and recreation, schools and other educational or cultural facilities, libraries, hospitals, and other public offices or administrative facilities.

*Public utility:* Any person, firm, corporation, municipal department, or board duly authorized under state or municipal regulations to furnish such public services as electricity, gas, water, sewer, telephone, telegraph, transportation, or other public utility services to its subscribers or customers.

*Quarry:* A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, gravel or soil for sale.

*Rest home:* The rooming or boarding of any aged or convalescent persons, whether ambulatory or nonambulatory, for which a license is required by a city, county, state or federal agency.

*Right-of-way line:* The boundary line between a railroad, or a street and abutting property.

*Setback line:* The distance from the center line of a street to the nearest point of a building, excluding uncovered porches.

*Semipublic body:* Includes churches and organizations such as noncommercial clubs and lodges, theatre groups, recreational and neighborhood associations, and cultural activities operating as a nonprofit activity and serving a public purpose.

*Sign:* Any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cutouts, insignia, trademarks, or demonstrations designed to advertise, inform, identify, or to attract attention of persons not on the premises on which the device is located, and is visible from any public way. A sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In

cases where material is displayed in a random or unconnected manner without organized relationship of the components, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single surface.

*Sign, business:* An attached or freestanding structure on which is announced the business, use of the premises and/or the name of the operator of the business.

*Sign, ground:* A sign which is supported by structures or supports in or upon the ground and independent of support from any building.

*Sign, outdoor advertising:* Signs erected and maintained by an advertising business or service in the form of a ground, wall, or roof sign, upon which advertising matter may be displayed, generally advertising goods and services not sold or available on the premises on which the sign is located. These types of signs are generally referred to as billboards, the surface of which is sold, rented, or leased, for the display of advertising material.

*Special exception:* A special exception is a use that would not be appropriate generally throughout a zoning district but which, if controlled as to number, area, location, or relation to existing and permitted land use in a zoning district, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

*Story:* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

*Street:* A public or private street, open to general public use and having a pavement or roadbed width of not less than twenty (20) feet, which affords the principal means of access to abutting property.

*Structure:* Anything constructed or erected, the use of which required more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground.

*Tourist home:* A dwelling in which overnight accommodations, with or without meals, are provided or offered for transient guests for compensation.

*Trailer:* Any vehicle without motive power and without a kitchen and toilet and which is designed to be drawn by a motor vehicle, and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, or for the conduct of any business, trade or occupation or use as a selling or advertising device, or used for storage or conveyance of tools, equipment, or machinery and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term "trailer" includes the terms "camp trailer" and similar terms, except when the latter falls within the definition of "mobile home." Trailers are considered structures for the purpose of this ordinance when they are used as temporary places for human habitation, offices, washhouses, or for storage. Trailers are characteristically for a variety of temporary or intermittent types of use whereas mobile homes are intended for full-time use as a residence.

*Trailer camp:* A mobile home park primarily occupied by transient trailers and mobile homes, including seasonal tourist facilities.

*Usable open space:* That portion of a lot which is free of buildings, is not devoted to driveway and parking space, is available and accessible to all the occupants of dwelling units on the lot, and is of reasonable dimension to allow its use for active or passive recreation or other outdoor activities. Usable space may include playlots, gardens, sundecks, courts, courtyards, and other required yard areas.

*Variance:* A variance is an adjustment of terms in this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the

applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

*Wall:* Any structure or device forming a physical barrier, which is so constructed that fifty (50) per cent or more of the vertical surface is closed to prevent the passage of light, air, and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier.

*Way:* A street, thoroughfare, or easement permanently established for passage of persons or vehicles.

*Yard:* A space on the same lot with the principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

*Yard, front:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to sidelines of the lot.

*Yard, rear:* An open, unoccupied, except by a possible accessory building, space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to sidelines of the lot.

*Yard, side:* An open, unoccupied space on the same lot with a principal building, situated between the building and the sideline of the lot and extending from the rear line of the front yard to the front line of the rear yard. (Ord. No. 276, § 2, 10-6-71)

Editor's note—The above section is included herein, as amended by Ord. No. 276, § 2.

**ARTICLE IV. ESTABLISHMENT OF DISTRICTS****Section 401. Division into districts.**

For the purposes of this ordinance, the City of Long Beach, Mississippi is hereby divided into eleven (11) districts designated as follows:

- R-1 Single-Family Residential District
- R-1A Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multifamily Residential District
- C-1 Restricted Commercial District
- C-2 Neighborhood Commercial District
- C-3 Highway Commercial District
- C-4 Limited Commercial District
- C-4A Limited Commercial/Residential
- RV-1 Recreational Vehicle District
- I Industrial District

*Note:* These districts as listed are in order of restrictiveness with R-1 considered most restrictive and I considered least restrictive. (Ord. No. 276, § 3, 10-6-71)

*Editor's note*—Section 401 was amended to read as set out above by Ord. No. 276, § 3.

*State law reference*—Authority to divide city into districts for zoning purposes, Miss. Code Ann. 1942, § 3591.

**Section 402. Boundaries.**

The boundaries of districts as listed in section 401 of this ordinance are as shown upon the map now on file in the office of the city clerk of the City of Long Beach, Mississippi, and designated as "The Official Zoning Map, City of Long Beach, Mississippi, 1971" dated and certified by the city clerk as of the date of the adoption of this ordinance and also referred to herein as the "Official Zoning Map." The said map and all notations, references, and other things shown thereon shall be and hereby are made a part of this ordinance by reference as fully as though set forth herein in detail. (Ord. No. 276, § 4, 10-6-71)

*Editor's note*—The above paragraph was amended to read as herein set out by Ord. No. 276, § 4.

*402.1 Amendments to the Official Zoning Map:* All amendments and changes to the Official Zoning Map shall be recorded by the city clerk with the zoning enforcement officer not later than forty-eight (48) hours after such amendment becomes effective. All amendments and changes to the Official Zoning Map shall be recorded at the end of each fiscal year upon a new copy of the "Zoning Map, City of Long Beach, Mississippi."

*402.2 Revision of the Official Zoning Map:* The mayor and board of aldermen may from time to time order the revision of the Official Zoning Map so as to include all changes to date and take the place of the original map which is a part of this ordinance. No changes shall be made upon such revised map that have not been made in the regular form by the mayor and board of aldermen of the City of Long Beach.

*402.3 Location of the Official Zoning Map:* Regardless of the existence of purported copies of the "Zoning Map, City of Long Beach, Mississippi," which may from time to time be made or published, the Official Zoning Map in the office of the city clerk shall be the final authority for zoning districts in the City of Long Beach.

#### **Section 403. Interpretation of district boundaries.**

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

*403.1* Where district boundaries are indicated as approximately following the center line of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

*403.2* Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

*403.3* Where district boundaries are so indicated that they are approximately parallel to the center lines of

street lines or streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Official Zoning Map. If no distance is given, such distance shall be determined by the use of the scale on the Official Zoning Map.

403.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.5 Where property lies in two or more zoning districts, zoning for frontage of the property shall prevail except that within a point 200 feet [from] a street frontage in a more restricted zoning district, regulations governing development in such a district shall prevail.

403.6 Where frontage of property lies in two or more zoning districts, the property shall be governed by the district with the least restrictions provided area and height requirements as established elsewhere in this ordinance (Article VIII) are met.

#### **Section 404. Classification of annexed territory.**

All territory, which may hereafter be annexed to the City of Long Beach shall automatically be classified as Residence R-1 until all or portions thereof are changed by ordinance.

#### **Section 405. Vacation of streets.**

Whenever any street, alley or other public way is vacated by official action of the governing authority of the City of Long Beach, the zoning district adjoining each side of such street, alley, or public way shall be, unless otherwise indicated, automatically extended to the center of same, and all area included therein shall then and henceforth be subjected to all appropriate regulations of the extended districts.

**ARTICLE V. APPLICATION OF REGULATIONS****Section 501. Use.**

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. Where more than one use is permitted within a district, multiple uses of buildings, structures, or land is permitted (any multiple use provided for within the district; e.g., in C-1 District a building may be used for a restaurant and office building).

A request for uses not provided for in any district of this ordinance may be submitted to the city planning commission on an application for building permit (see section 1003). Approval for such uses must be obtained from the city planning commission and the board of aldermen. (Ord. No. 276, § 5, 10-6-71)

Editor's note—Section 501 was amended to read as set out above by Ord. No. 276, § 5.

**Section 502. Yard service to one building.**

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**Section 503. Only one principal building.**

Every building or structure hereafter erected shall be located on a lot or tract as defined herein; and in no case shall there be more than one (1) principal building on one (1) lot—plus its accessory buildings.

**Section 504. Reduction of lot area.**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced so that the lot width or

depth, front, side or rear yard, lot area per family or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public purposes.

## ARTICLE VI. GENERAL PROVISIONS

### Section 601. Nonconforming uses.

*601.1 Intent:* Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of this ordinance that all nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened

in a permanent manner. Excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

*Editor's note*—The word "Where" has been omitted from the beginning of the last sentence above, as a typographical error.

*601.2 Nonconforming lots of record:* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the zoning board of appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area below the requirements stated in this ordinance.

*601.3 Nonconforming uses of land (or land with minor structures only):* Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

601.3.1 No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

601.3.2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

601.3.3 If any such nonconforming use of land ceases, or is discontinued, or abandoned for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which the land is located.

601.3.4 No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

601.4 *Nonconforming structures:* Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

601.4.1 No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

601.4.2 Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

601.4.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

601.5 *Nonconforming uses of structures or of structures and premises in combination:* If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

601.5.1 No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

601.5.2 Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

601.5.3 If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the zoning board of appeals, either by general rule or by making findings in the specific case shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In recommending such special exception to the mayor and board of aldermen, the zoning board of appeals may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

601.5.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

601.5.5 When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

601.5.6 Where a nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 per cent of the replacement cost at time of destruction.

601.6 *Repairs and maintenance:* On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 per cent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared unsafe or unlawful by reason of physical condition by any duly authorized official, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

*601.7 Uses under special exception provisions not non-conforming uses:* Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through the zoning board of appeals action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

**Section 602. Off-street automobile parking and storage.**

Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established or where space is not available on the lot, space shall be provided within five hundred (500) feet of such uses and such space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific use as set forth below. For the purpose of this section a parking or storage space shall not be less than two hundred (200) square feet excluding all driveways and entrances and exits. No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements shown upon the plans or made part of the building permit, shall be in place and ready for use.

*602.1 Space requirements:*

*602.1.1 Single-family residence:* Two (2) spaces.

*602.1.2 Multifamily residences:* One and one-half (1½) spaces per dwelling unit.

*602.1.3 Rooming and boarding houses, hotels:* One (1) space for each two (2) guests or sleeping rooms or suites.

*602.1.4 Mobile home courts, parks or camps:* One (1) space for each mobile home.

- 602.1.5 Tourist home, tourist courts, or motels: One (1) space for each unit or suite.
- 602.1.6 Private clubs or lodges: One (1) space for each fifty (50) square feet of total floor area in the auditorium, assembly hall and dining room in such building.
- 602.1.7 Churches: One (1) space for each six (6) seats in the main auditorium. (Ord. No. 276, § 6, 10-6-71)
- 602.1.8 Stadiums and other places of public assembly: One (1) space for each six (6) seats in the building or structure, based on maximum seating capacity. (Ord. No. 276, § 6, 10-6-71)
- 602.1.9 Hospitals or nursing homes: One (1) space for each two (2) beds intended for patients, excluding bassinets.
- 602.1.10 Retail sales stores and general business: One (1) space for each three hundred (300) square feet of floor space except in C-1 District where none is required. (Ord. No. 276, § 6, 10-6-71)
- 602.1.11 Reserved. (Ord. No. 276, § 6, 10-6-71)
- 602.1.12 Wholesale stores and warehouses: One (1) space for every thousand (1,000) square feet of floor space. (Ord. No. 276, § 6, 10-6-71)
- 602.1.13 Filling stations: A minimum of five spaces. (Ord. No. 276, § 6, 10-6-71)
- 602.1.14 Office and professional buildings: One (1) space for each four hundred (400) square feet of office space. (Ord. No. 276, § 6, 10-6-71)
- 602.1.15 Industries: One (1) space for each employee at maximum employment on a single shift and one (1) space for each vehicle to be stored or stopped simultaneously.
- 602.1.16 Bus terminals: Two (2) spaces for each loading or unloading bay.

602.1.17 Auto sales and repair: One (1) space for each five hundred (500) square feet of total floor area. (Ord. No. 276, § 6, 10-6-71)

**Editor's note**—Various subsections of § 602.1 were amended by Ord. No. 276, § 6, as indicated by history notes appearing in parentheses at the end of the amended subsections.

602.2 *Combined parking spaces*: The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (½) of the parking space required for churches, theatres, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

602.3 *Off-street space within 500 feet of principal use*: If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, such space may be provided on other off-street property, provided such space lies within five hundred (500) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

### Section 603. Off-street loading and unloading space.

Every building or structure used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street.

603.1 *Retail business*: One (1) space of three hundred (300) square feet for each three thousand (3,000) square feet of floor area.

603.2 *Wholesale and industry*: One (1) space of five hundred (500) square feet for each ten thousand (10,000) square feet of floor area.

*603.3 Bus and truck terminals:* Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at any one time.

**Section 604. Parking, storage or use of major recreational equipment.**

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to [be] mounted on automotive vehicles), motorized dwellings and tent trailers. Major recreational equipment may be parked or stored on any lot. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. (Ord. No. 276, § 7, 10-6-71)

Editor's note—Section 604 was amended to read as set out above by Ord. No. 276, § 7.

**Section 605. Parking and storage of certain vehicles.**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

**Section 606. Visibility at intersections in residential districts.**

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

**Section 607. Fences, walls, and hedges.**

(a) Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required Supp. No. 2

yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three and one-half (3½) feet (forty-two (42) inches) in height.

(b) A building permit is required to construct or otherwise erect any fence, wall or hedge in the City of Long Beach, Mississippi; and same shall be issued by the city building inspector after the applicant has paid a five dollar (\$5.00) permit fee and furnished the building inspector with an acceptable drawing or set of plans establishing what is to be constructed; of what materials; and where same is to be situated in relation to other structures on applicant's property; and in relation to existing streets, rights-of-way, and easements. (Ord. No. 300, § 1, 1-7-75; Ord. No. 302, § 3, 9-4-75)

#### **Section 608. Accessory buildings.**

No accessory building or structure shall be erected in any required front yard, and no separate accessory building shall be erected within ten (10) feet of any other building or five (5) feet of any lot line.

#### **Section 609. Home occupations.**

The following criteria shall be employed to determine a valid home occupation:

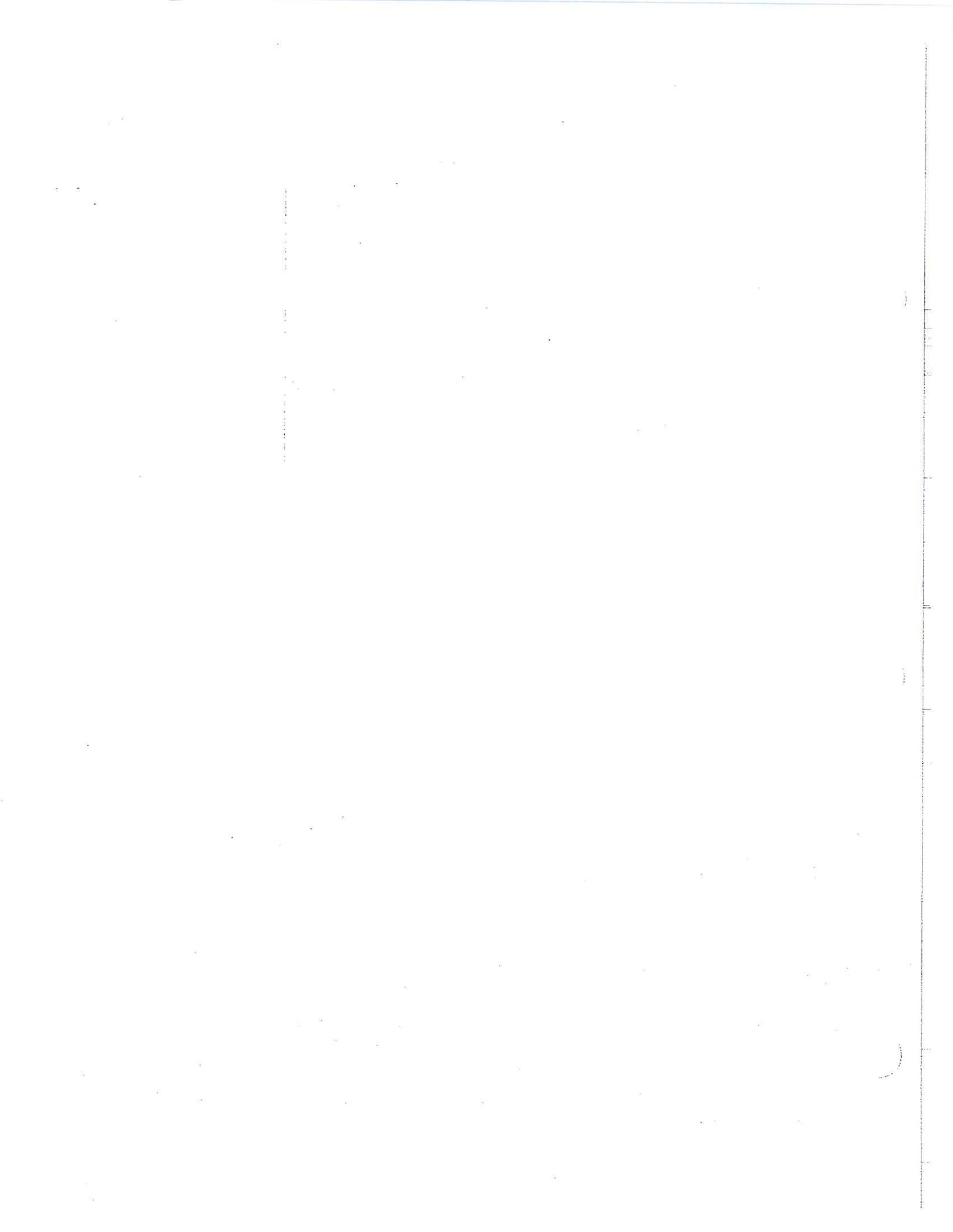
609.1 No employment of help other than members of the resident family, or customary household or yard help. (Ord. No. 276, § 8, 10-6-71);

609.2 No use of material or mechanical equipment not recognized as being a part of reasonable household uses;

609.3 No sales of products or services not produced on the premises;

609.4 The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located;

- 609.5 No storage of materials and/or supplies outdoors;
- 609.6 It shall not involve the use of signs other than those permitted in the district of which it is a part;
- 609.7 No building or space outside of the main building shall be used for home occupational purposes;
- 609.8 No more than one room in the dwelling shall be employed for the home occupation;
- 609.9 In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be a nonresidential use (either by color, materials, construction, lighting, signs, sounds, noises or vibrations); and,



609.10 There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

Editor's note—Subsection 609.1 was amended to read as set out above by Ord. No. 276, § 8.

#### Section 610. Corner lots.

In any residential district the side yard requirements for corner lots along the street right-of-way shall have an extra width of ten (10) feet.

#### Section 611. Review of commercial and multifamily development plans.

All plans regarding commercial and/or multifamily building expansion and development shall be reviewed by the city planning commission prior to such plans being affixed with a building permit. (Ord. No. 276, § 9, 10-6-71)

Editor's note—Section 611 was amended to read as set out above by Ord. No. 276, § 9.

### ARTICLE VII. USE REQUIREMENTS BY DISTRICTS

#### Section 701. Use requirements for a Single-Family Residence District, R-1.

Within a Single-Family Residence R-1 District as shown on the "Zoning Map, City of Long Beach, Mississippi," the following use provisions shall apply:

##### 701.1 Uses permitted:

##### 701.1.1 Single-family dwellings.

701.1.2 Churches and related accessory buildings, provided they are located on a lot fronting a major artery or connecting route and are placed not less than twenty-five (25) feet from any interior property line and thirty-five (35) feet from any street line with required off-street parking spaces. (Ord. No. 276, § 10, 10-6-71)

- 701.1.3 Church bulletin boards, provided that they not exceed twelve (12) square feet in area.
- 701.1.4 Public and private schools offering general education courses (excludes business or commercial schools). (Ord. No. 276, § 10, 10-6-71)
- 701.1.5 Golf courses and country clubs occupying an area of not less than forty (40) acres.
- 701.1.6 Railroad rights-of-way and passenger stations.
- 701.1.7 Public utility stations, such as electrical substations and sewer pumping stations provided there is no storage of vehicles or portable equipment on the premises exterior of any buildings. (Ord. No. 276, § 10, 10-6-71)
- 701.1.8 Public parks and playgrounds.
- 701.1.9 One (1) nonilluminated sign advertising the sale or rent of the land or buildings upon which it is located. Such sign shall not exceed three (3) square feet of area. (Ord. No. 276, § 10, 10-6-71)
- 701.1.10 Customary signs in conjunction with residential usage, such as mailbox signs, names of residents, and house numbers.
- 701.1.11 Noncommercial greenhouses, provided no products shall be publicly displayed or offered for sale. (Ord. No. 276, § 10, 10-6-71)
- 701.1.12 Accessory buildings, provided such shall be permitted only in a rear yard and shall not be less than five (5) feet from any property line.
- 701.1.13 Home occupations subject to section 609.

*Editor's note*—Various subsections of § 701 were amended by Ord. No. 276, § 10, as indicated by a history note appearing in parentheses at the end of the amended subsections.

#### Section 702. Use requirements for Single-Family Residence District, R-1A.

Within a Single-Family Residence R-1A District as shown on the "Zoning Map, City of Long Beach, Mississippi," the following use provisions shall apply:

*702.1 Uses permitted:*

702.1.1 All residential uses permitted in an R-1 District.

702.1.2 All nonresidential uses permitted in an R-1 District subject to R-1 District use requirements.

**Section 703. Use requirements for a Two-Family Residence District, R-2.**

Within a Two-Family Residence R-2 District as shown on the "Zoning Map, City of Long Beach, Mississippi," the following use provisions shall apply:

*703.1 Uses permitted:*

703.1.1 All residential uses permitted in R-1 and R-1A Districts.

703.1.2 All nonresidential uses permitted in R-1 and R-1A Districts subject to R-1 and R-1A District use requirements respectively.

703.1.3 Two-family dwellings including duplexes and semidetached structures.

703.1.4 One (1) garage apartment, to be occupied by not more than one family provided that for such garage apartment there shall be a minimum of four thousand (4,000) square feet of lot area above the minimum required for the principal structure.

703.1.5 Low-rise apartments on large lots, number of units in proportion to lot area (minimum of 3,000 sq. ft./unit).

703.1.6 Nursery schools or kindergartens, provided that the principal [building] of such use shall meet all yard and setback and height requirements of this district. (Ord. No. 276, § 11, 10-6-71)

Editor's note—Subsection 703.1.6 was amended to read as set out above by Ord. No. 276, § 11, 10-6-71.

**Section 704. Use requirements for a Multifamily Residence District, R-3.**

Within a Multifamily Residence R-3 District as shown on the "Zoning Map, City of Long Beach, Mississippi," the following use provisions shall apply:

*704.1 Uses permitted:*

*704.1.1 Any use permitted in an R-2 District.*

*704.1.2 Multifamily dwellings. (Ord. No. 276, § 12, 10-6-71)*

*704.1.3 Reserved. (Ord. No. 276, § 12, 10-6-71)*

*704.1.4 Reserved. (Ord. No. 276, § 12, 10-6-71)*

*704.1.5 Rooming houses and boardinghouses not catering to overnight travelers.*

*704.1.6 Customary home occupations, including the professional offices of a physician, dentist, musician, lawyer, architect, artist, and engineer, conducted within the dwelling, provided that not more than one-fourth (1/4) of the total floor area shall be used for such occupation, and no external evidence of such occupation is visible except a nonilluminated sign not more than two (2) square feet in area wholly attached to the dwelling may be displayed. This subsection is not subject to subsections 609.1, 609.2, 609.5, and 609.9.*

*704.1.7 Hospitals for human care except those primarily for the treatment of mental disorders, charitable institutions, and sanitariums.*

*704.1.8 Offices or clinics for medical or dental practice.*

*704.1.9 Any activity which is customarily considered as being accessory to a hospital, clinic, school, college, or university.*

*704.1.10 Professional offices and studios including executive, administrative, writing, clerical, stenographic, and drafting uses; provided there be no sales, exterior displays, exterior storage of goods and materials, warehousing or indoor storage of goods and materials beyond that normally incidental to the above permitted occupations; and, provided no more than fifteen (15) people be employed in any establishment on any one (1) lot.*

704.1.11 Private clubs and lodges, excepting those in which the conduct of commercial affairs plays a major role.

*Editor's note*—Subsections 704.1.2, 704.1.3 and 704.1.4 were amended to read as set out above by Ord. No. 276, § 12, 10-6-71.

### Section 705. Use requirements for a Restricted Commercial District C-1.

Within a Restricted Commercial C-1 District as shown on the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions shall apply:

#### 705.1 *Uses permitted:*

705.1.1 Any use permitted in an R-3 District subject to R-3 District area, yard and height requirements.

705.1.2 Hotels.

705.1.3 Financial institutions.

705.1.4 Transportation passenger stations, terminals and depots.

705.1.5 Theaters.

705.1.6 Federal, state, county, and local government offices and buildings.

705.1.7 Restaurants.

705.1.8 Retail dry goods, variety, appliance, hardware, tobacco and grocery stores.

705.1.9 Furniture stores.

705.1.10 Barbershops, beauty salons, and other personal service establishments.

705.1.11 Offices.

705.1.12 Public parks.

705.1.13 Public parking garages.

705.1.14 Newspaper offices.

705.1.15 Parking lots provided they shall be paved so as to provide a durable and dustless surface so as to dispose of all surface water accumulation. Lights used to illuminate the parking area will be so arranged as to reflect away from any adjacent premises.

705.1.16 Laundry and dry cleaning pickup stations.

705.1.17 Florist shops.

- 705.1.18 Bookstores or stationery stores.
- 705.1.19 Drugstores, pharmacies, opticians.
- 705.1.20 Music stores.
- 705.1.21 Office supply stores.
- 705.1.22 Jewelry stores.
- 705.1.23 Package stores and stores allowing on-premises sale of alcohol.
- 705.1.24 Plumbing supply stores.
- 705.1.25 Paint stores.
- 705.1.26 Appliance sales, service and parts shops.
- 705.1.27 Pet stores.
- 705.1.28 Hobby shops.
- 705.1.29 Supermarkets.
- 705.1.30 Shoe repair shops.
- 705.1.31 Bakeries or bakery goods stores.
- 705.1.32 Amusement centers (indoor only).
- 705.1.33 Business colleges and trade schools.
- 705.1.34 Dance, music or voice studios.
- 705.1.35 Laboratories—medical, dental, optical.
- 705.1.36 Photographic studios.
- 705.1.37 Printing and blueprinting establishments.
- 705.1.38 Auto parts retail stores (indoor only).
- 705.1.39 Mortuaries.
- 705.1.40 Pawnshops.
- 705.1.41 Gasoline service stations. The means of access or egress [for service stations] shall be provided no less than twenty (20) feet from the intersection of street rights-of-way and not less than twenty-five (25) feet from any residence district boundary line. Access and egress shall be arranged and designed so as to minimize the interference with the flow of traffic. Gasoline pumps and underground storage tanks shall be set back not less than fifteen (15) feet from any property line. Lighting shall be so arranged as not to shine or reflect upon any adjacent premises.
- 705.1.42 Automobile sales, servicing and repairing establishments, provided that all repair shall be accomplished within an enclosed building. (Ord. No. 276, § 13, 10-6-71)

**Editor's note**—Section 705 was amended to read as set out above by Ord. No. 276, § 13, 10-6-71.

**Section 706. Use requirements for a Neighborhood Commercial District, C-2.**

Within a Neighborhood Commercial C-2 District as shown on the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions shall apply:

*706.1 Uses permitted:*

- 706.1.1 Any use permitted in C-1 District.
- 706.1.2 Feed stores.
- 706.1.3 Wholesale or retail fruit markets.
- 706.1.4 Building material yards.
- 706.1.5 Cabinet shops.
- 706.1.6 Equipment rental and sales.
- 706.1.7 Furniture refinishing.
- 706.1.8 Nurseries for flowers and plants.
- 706.1.9 Shops for contractors.
- 706.1.10 Sign shops.
- 706.1.11 Tire shops, including recapping.
- 706.1.12 Trailer sales.
- 706.1.13 Wholesale stores and distributors.
- 706.1.14 Warehouses or other storage.
- 706.1.15 Upholstering establishments.
- 706.1.16 Veterinarians' animal hospitals and kennels.
- 706.1.17 Laundry and dry cleaning establishments. (Ord. No. 276, § 14, 10-6-71)

Editor's note—Section 706 was amended to read as set out above by Ord. No. 276, § 14, 10-6-71.

**Section 707. Use requirements for a Highway Commercial District, C-3.**

Within a Highway Commercial C-3 District as shown on the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions shall apply:

*707.1 Uses permitted:*

- 707.1.1 Any use permitted in C-1 District (no uses permitted in a C-2 District are permitted in C-3 District).
- 707.1.2 Tourist homes.
- 707.1.3 Rooming houses and boardinghouses catering to overnight guests.

707.1.4 Motels.

707.1.5 Drive-in theaters.

707.1.6 Drive-in eating establishments where customers may or may not dine within their automobiles.

707.1.7 Amusement or recreation centers.

707.2 No signs shall be permitted except those allowed in section 710. (Ord. No. 276, § 15, 10-6-71)

Editor's note—Section 707 was amended to read as set out above by Ord. No. 276, § 15, 10-6-71.

**Section 708. Use requirements for a Limited Commercial/Residential District, C-4A.**

Within a Limited Commercial/Residential District, C-4A as shown by the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions and regulations shall apply:

708.1 *Uses permitted.*

708.1.1 Uses permitted in R-3 District subject to R-3 yard and height requirements.

708.1.2 Motels and motor hotels consisting of not less than forty (40) guest rooms.

708.1.3 Restaurants with a permanent interior seating capacity of not less than fifty (50) persons.

708.1.4 Office buildings consisting of not less than 8,000 square feet of floor area.

708.1.5 Accessory uses and structures clearly incidental to the principal permitted uses. Accessory uses, such as barbershops, beauty shops, flower shops, gift shops, travel agencies, lounges, and similar uses which are incidental to the principal permitted uses shall be located only in the principal building, and shall occupy not more than twenty-five (25) per cent of the total floor area of such building or one hundred (100) per cent of the ground floor area, whichever is the lesser. (Ord. No. 276, § 16, 10-6-71)

Editor's note—Section 708 was amended to read as set out above by Ord. No. 276, § 16, 10-6-71.

**Section 709. Use requirements for a Limited Commercial District, C-4.**

Within a Limited Commercial C-4 District as shown on the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions and regulations shall apply:

709.1 The purpose of this district is to provide areas for the provision of large-scale high-density residential and tourist oriented commercial use.

709.2 *Uses permitted:*

709.2.1 Multifamily apartment complexes consisting of not less than sixty (60) dwelling units.

709.2.2 Motels and motor hotels consisting of not less than sixty (60) guest rooms.

709.2.3 Restaurants with a permanent interior seating capacity of not less than one hundred (100) persons.

709.2.4 Office buildings consisting of not less than 12,000 square feet of floor area.

709.2.5 Accessory uses and structures clearly incidental to the principal permitted uses. Accessory uses, such as barbershops, beauty shops, flower shops, gift shops, travel agencies, lounges, and similar uses which are incidental to the principal permitted uses shall be located only in the principal building, and shall occupy not more than 25 per cent of the total floor area of such building or 100 per cent of the ground floor area, whichever is the lesser.

709.3 *Regulations:* Regulations for uses and structures in the Limited Commercial District shall be as follows:

	<i>Apartments</i>	<i>Office</i>	<i>Restaurants</i>
	<i>and Motels</i>	<i>Buildings</i>	<i>Restaurants</i>
1. Minimum lot area	2 acres	1 acre	¼ acre
2. Minimum lot width	200 feet	150 feet	100 feet
3. Minimum front yard width	50 feet	50 feet	50 feet
4. Minimum side yard width	15 feet	15 feet	15 feet
5. Minimum rear yard depth	20 feet	20 feet	20 feet
6. Maximum height	40 feet or three (3) stories		
7. Maximum lot coverage	30 per cent	30 per cent	30 per cent

8. Courts—Minimum court dimensions shall be as follows:

(a) Outer Courts: The width of an outer court shall be not less than two-thirds the height of any opposing wall forming said court; provided, however, that the width of an outer court upon which windows from the living room, bedroom, or dining room of an apartment open shall be not less than the full height of an opposing wall forming said court. The depth of an outer court shall be not less than one and one-half times the width.

(b) Inner Courts: The least dimension of an inner court shall be not less than the full height of any opposing wall forming said inner court, but not less than 30 feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passageways shall have a cross sectioned area and sufficient headroom to permit the passage of fire-fighting equipment, and shall be continuous from the inner court to a yard providing unobstructed open space between buildings. (Ord. No. 276, § 17. 10-6-71)

Editor's note—Section 709 was added by Ord. No. 276, § 17. 10-6-71.

**Section 710. Use requirements for a Recreational Vehicle District, RV-1.**

Within a Recreational Vehicle District, RV-1 as shown on the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions and regulations shall apply:

*710.1 Purpose of district:* The RV-1 District is intended to apply to areas for the temporary and transitory placement or parking of occupied recreational vehicles while in use for pleasure, travel or recreation.

*710.2 Uses permitted:* No building or structure or part thereof shall be erected, altered or used, or land or water used in whole or in part, for other than one or more of the following specified uses:

*710.2.1 Campgrounds* providing sites for recreational vehicles on a rental basis.

*710.2.2 Accessory uses and structures.*

*710.3 Special accessory use:* A recreational vehicle campground having fifty (50) or more recreational vehicle sites may have retail stores or personal service shops for the care or treatment of the occupants and/or their personal effects subject to the following limitations and requirements:

*710.3.1* Such uses are entirely conducted within a completely enclosed building.

*710.3.2* There are no signs or displays indicating such uses, visible from any street or from any other private property.

*710.3.3* Such uses are conducted solely for the convenience of the occupants of the campgrounds and are not normally made available to other persons and the structure shall be located so that it discourages such outside use.

*710.4 Uses prohibited:* The permissible uses enumerated in subsections 710.2 and 710.3 above shall not be construed to include, either as a principal or accessory use, any of the following which are listed for emphasis:

*710.4.1* Display or sale of mobile homes or motor vehicles.

*710.4.2* Storage of unoccupied recreational vehicles, except the recreational vehicles may be vacant if they are set up on a regular site.

*710.4.3* Use of Florida rooms, utility closets, patios, carports or other additions or attachments not constructed of cloth or canvas on a metal frame.

*710.4.4* Tent houses or other permanent structures except for permitted accessory uses.

*710.5 Plot size:* Every plot used for a recreational vehicle campground shall be not less than 10 acres in area and not less than 300 feet in any dimension.

*710.6 Site size:* Each rental site for a recreational vehicle shall be at least 1,500 square feet in area with at least one dimension of 50 feet.

710.7 *Site access:* Each site to accommodate a recreational vehicle shall abut upon and be accessible from a driveway or road not less than 30 feet in width with a surface top finish not less than 20 feet in width.

710.8 *Height:* No building or structure, or part thereof, shall be erected or altered to a height exceeding two stories or 30 feet.

710.9 *Perimeter strip:* There shall be a perimeter strip surrounding the entire campground of at least 50 feet. This perimeter strip shall be fenced—the fence to be a minimum of six feet high and such as to reduce visibility at least fifty (50) per cent in a horizontal plane—and landscaped in order to provide visual and noise separation from the adjacent property. No recreational, sanitary, commissary, or sales facility shall be allowed within this perimeter strip although the innermost 30 feet of this strip may be utilized for access to sites as provided in section 710.7. On any side of the campgrounds in which a natural or artificial barrier of at least 50 feet in width already exists, such as a limited-access highway or a lake or river, no such strip shall be required.

710.10 *Separation:* No part of any recreational vehicle or any addition or appurtenance thereto shall be placed within 10 feet of any other recreational vehicle or addition or appurtenance thereto. No parts shall be located within 25 feet of any accessory or service building or structure used in connection with a recreational vehicle campground.

710.11 *Health and sanitation:*

710.11.1 *Sanitary facilities:* Each campground shall provide adequate sanitary facilities in a permanent building located not more than 300 feet from any site. Adequate sanitary facilities shall be not less than the following:

710.11.1.1 For males, two urinals, three water closets, three showers and three wash basins for each 50 sites.

710.11.1.2 For females, three water closets, three washbasins and three showers for each 50 sites.

710.11.1.3 At least two laundry tubs or automatic washers and dryers for each 50 sites.

710.11.1.4 Hot and cold running water shall be supplied for all sanitary facilities.

710.11.2 Water supply: There shall be no less than one running water spigot for each 2 sites and there shall be such a spigot not more than 25 feet from any site.

710.11.3 Refuse: A covered rubbish and garbage container of at least 20 gallon capacity shall be provided for each camping site. Provisions shall be made by the operator of the campground for removal of all refuse and garbage from the campground not less than three times a week.

710.11.4 Health department requirements: The construction, operation and maintenance of a campground shall comply in all respects with the requirements of the Harrison County, Mississippi, Health Department.

710.12 *Recreational area required:* Every plot used for a recreational vehicle campgrounds shall have at least one outdoor recreational area which shall be easily accessible from all sites. Such recreational area shall contain at least 250 square feet per acre contained within the campground, and no single recreational area within the campground shall be less than 3,000 square feet.

710.13 Electrical service: Each site shall be provided with at least one electrical receptacle having 110/115 volt alternating electrical current.

710.14 *Animals:* No owner or person in charge of a dog or cat or other pet animal shall permit it to run loose within the campgrounds. All pets must be restrained on a leash.

710.15 *Definitions:*

710.15.1 "Recreational vehicle campground" shall be defined as a place where sites are rented for placement and use of recreational vehicles for temporary transitory occupancy for sleeping and living quarters. The term "recreational vehicle campground" includes necessary sanitary and utility facilities and permitted accessory uses.

710.15.2 The term "recreational vehicle" shall be defined to mean one or more of the following:

710.15.2.1 "Travel trailer"—A vehicular portable structure mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile; primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use and shall not exceed 28 feet in length.

710.15.2.2 "Camping trailer"—A vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other material for folding compactly while being drawn by another vehicle, and when unfolded at the site or location providing temporary living quarters; and whose primary design is for recreation, camping or travel use.

710.15.2.3 "Truck camper"—A portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.

710.15.2.4 "Motor home"—A structure built on and made an integral part of a self-propelled motor vehicle chassis primarily designed to provide temporary living quarters for recreation, camping and travel use.

710.16 *Maximum length of stay*: No recreational vehicle shall be located in any given campground for more than sixty (60) days during any six (6) month period. (Ord. No. 276, § 17, 10-6-71)

Editor's note—Section 710 was added by Ord. No. 276, § 17, 10-6-71.

#### Section 711. Use requirements for an Industrial District, I.

Within an Industrial District I, as shown on the "Official Zoning Map, City of Long Beach, Mississippi, 1971" the following use provisions shall apply:

*711.1 General use criteria:* The principal uses permitted in an Industrial District I shall be limited in general to the assembly, packaging or processing of previously prepared goods and materials. Additional permitted uses include the storage of goods and materials; the receiving, sorting, and/or distribution of goods and materials; fabricating shops, retail and wholesale activities requiring extensive storage and/or warehousing; related commercial and service activities; and other uses specifically listed below. Whenever possible, or as otherwise required, such uses shall be conducted within an enclosure or building.

*711.2 Uses permitted:* Industry conforming with section 711.1 and subject to the following conditions: Said industry shall be of such a nature that it can be operated so as to be not injurious or offensive or detrimental to the present or intended character of this or neighboring districts by reason of the emission of noise, dust, glare, smoke, gas, fire, odors, vibration, toxic or noxious waste materials, or fumes.

*711.2.1* Any use permitted in C-2 District except use permitted in subsection 706.1.1. No residential, C-1, or C-3 uses will be permitted in this district.

*711.2.2* Bakeries and other establishments manufacturing prepared food and miscellaneous food products.

*711.2.3* Bottling plants.

*711.2.4* Dairy products processing plants.

*711.2.5* Film developing and processing.

*711.2.6* Ice plants.

*711.2.7* Storage yards, but not junkyards.

*711.2.8* Nurseries, greenhouses, and truck gardens.

*711.2.9* Bulk oil storage.

*711.2.10* Publishing firms.

*711.2.11* Small items manufacturing such as toys, clocks, jewelry, fountain pens, pencils, and plastic products.

*711.2.12* Textile cutting, assembly and processing.

*711.2.13* Trucking terminals.

- 711.2.14 Welding shops.
- 711.2.15 Boat building.
- 711.2.16 Concrete batch plants.
- 711.2.17 Cement or clay products manufacturing.
- 711.2.18 Contractors' storage yards.
- 711.2.19 Food processing plants.
- 711.2.20 Machine shops.
- 711.2.21 Truck and tractor sales, service and repair.  
(Ord. No. 276, § 17, 10-6-71)

Editor's note—Section 711 was added by Ord. No. 276, § 17, 10-6-71.

#### Section 712. Signs.

The following regulations apply to signs:

- 712.1 Where not otherwise provided for in this ordinance, ground, wall, projecting and roof signs shall be permitted, provided the sign(s) shall be such as to advertise only the principal activities conducted on the property upon which the sign(s) is located and the total area of all signs shall not exceed five (5) square feet for each ten (10) feet of frontage on a public street.
- 712.2 For each establishment, there shall be permitted one (1) projecting or ground sign overhanging the public right-of-way up to four (4) feet beyond the right-of-way line and not exceeding forty (40) square feet in area overhanging the public right-of-way, providing there is a clearance of nine (9) feet above the ground and that such signs shall not overhang a vertical projection of the curbline. No support or any part of the sign structure shall be upon the public right-of-way. No permit shall be issued for any sign overhanging the public right-of-way in accordance with this provision unless such applicant posts a bond or public liability insurance in an amount per person for any accident for property damage as indicated in section 1301. (Ord. No. 276, § 17, 10-6-71)

Editor's note—Section 712 was added by Ord. No. 276, § 17, 10-6-71.

ARTICLE VIII. AREA, YARD AND HEIGHT REQUIREMENTS

The area, yard and height requirement for each district shall be the same and are hereby fixed and established as hereinafter set forth:

District	R-1 Single-family	R-1A Single-family	R-2 Single-family	R-2 Two-family	R-3 Single-family	R-3 Two-family	C-1 Commercial	C-2 Commercial	C-3 Commercial	I Industrial
Primary use										
Minimum lot area (square feet)	12500	10800	7200	6000	None	None	None	None	None	None
Maximum building area	35%	40%	45%	45%	None	None	None	None	None	50%
Minimum lot width (feet)	100	90	70	45	None	None	None	None	None	None
Minimum front yard (feet)	35	30	25	25	25	25	Note E	Note E	Note E	Note E
Minimum side yard (feet)	15	10	7	5	5	5	Note E	Note E	Note E	Note E
Minimum rear yard (feet)	25	20	20	20	20	20	Note E	Note E	Note E	Note E
Maximum building height (feet)	35	35	45	45	Note D	Note D	Note D	Note D	Note D	Note D

- Note:* A. Two-family units: 8,400 square feet lot area.  
Low-rise apartments: 3,000 square feet lot area.
- B. Two-family units: 7,200 square feet lot area.
- C. Single-family: 60 feet.  
Two-family: 70 feet.  
Multi-family: 100 feet.
- D. There shall be no height limitation in these districts except that all buildings in excess of forty-five (45) feet shall receive the written approval of the chief of Long Beach fire department.
- E. All requirements relative to front, side, and rear yards shall be the same as required in the residential district to which the front, side, or rear of property in a C-1, C-2, C-3 and I District adjoin; no front, side or rear yards shall be required on a side of such property adjacent to a nonresidential district. Wherever a residential use is permitted in any area classified as commercial or industrial, such residential use shall comply with the minimum setback restrictions provided for in a R-3 classification. (Ord. No. 276, § 18, 10-6-71)

*Editor's note*—Ord. No. 276, § 18, amended notes A, B and D to read as set out above.

## ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

### Section 901. Existing lots.

Where the owner of a plot of land consisting of one or more adjacent lots of record at the time of enactment of this ordinance or his successor in title thereto does not own sufficient land to enable him to meet minimum lot size requirements of this ordinance, such plot of land may nevertheless be used as a building site. Yard and other space requirements for the district in which the lot is located must be met, unless a variance is granted in accordance with the provisions of Article XI, section 1105.3.

*901.1 Adjoining and vacant lots of record:* If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of this

ordinance and such lots individually are less than the lot width requirements for the zone in which they are located, such group of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this ordinance.

#### **Section 902. Front yard setbacks for dwellings.**

The setback requirements of this ordinance for proposed dwellings shall not apply to any lot where the average setback on developed lots, located wholly or in part within one hundred (100) feet of each side of such lot, and within the same block and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such lots may be less than the average of the existing setbacks on the adjoining developed lots.

#### **Section 903. Height limits.**

The height limits of this ordinance shall not apply to church spires, belfries, monuments, transmission towers, water towers, flagpoles, derricks, chimneys, cooling towers, fire towers, and other structures not intended for human occupancy. These exceptions shall not apply in an airport flight zone.

#### **Section 904. Group housing projects.**

In the case of group housing projects of two (2) or more buildings to be constructed on a plot of ground having an area of not less than four (4) acres, not subdivided into the customary streets and lots, and which will not be subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such group housing projects, the application of the terms of this ordinance may be varied by the zoning board of appeals in a manner that will be in harmony with the character of the neighborhood, and will insure substantially the same character of occupancy and intensity of land use no higher and a standard of open space no lower than that permitted

by this ordinance in the district in which the proposed project is to be located. However, in no case shall a use prohibited in the district in which the project is to be located or a smaller lot area per dwelling unit than the minimum required in such district be authorized.

#### Section 905. Planned shopping centers.

In the case of a planned shopping center development, where it is impracticable to apply the requirements of this ordinance to the individual buildings, the zoning board of appeals, on the advice of the planning commission, may apply such requirements in such a manner that the development will be in harmony with uses in the surrounding area and will not be limited to the area subject to the following provisions:

*905.1 Application for adjustment:* The application to the zoning board of appeals seeking the adjustment above must be accompanied by an overall development plan showing the locations of the proposed structures, parking spaces, planted areas, adjacent residential areas, and other open spaces with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.

*905.2 Design and control of shopping centers:* Shopping centers must be designed as a unit of limited size and controlled by more restrictive area regulations than ordinarily would result from reclassification of the area to a Commercial District, C-1 Classification.

*905.3 Effect on adjacent areas:* The development shall not adversely affect abutting areas through the emission of noise, odor, dust, glare or fumes, or through uncontrolled surface drainage.

#### Section 906. Planned industrial parks.

Planned industrial parks may be created by amendment to this ordinance. Plans are subject to the approval of the planning commission and, finally, the mayor and board of

aldermen. Plans must provide that abutting residential properties will be protected from drainage of surface water, noise, odor, glare, dust, fumes or other objectionable conditions; that provision is made for adequate vehicular and pedestrian access and circulation so as not to present problems of safety on the site or unduly impede normal traffic movement on adjacent streets; and that requirements for parking as provided in this ordinance are met. Further, no building, structure, or land within one hundred (100) feet of any lot line of a lot located in a residence district shall be used in connection with the operations of any establishment. Off-street parking and off-street loading space may be located within this setback area in accordance with regulations on parking in this ordinance. Within three hundred (300) feet of a residence district boundary line all activities and operations shall be completely screened by a solid wall at least six (6) feet in height, and open storage shall not be of greater height than that of the enclosing wall.

**Section 907. Temporary and portable buildings and structures.**

A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility, or other structure. A permit for the erection of any temporary structure shall be obtained from the zoning enforcement officer after posting of sufficient bond to insure removal of same within two (2) weeks after issuance of the certificate of occupancy on the permanent structure. A temporary or portable structure may be used for a temporary construction office and for the housing of tools, equipment, and materials.

Subdivision sales offices may be erected only after approval by the zoning board of appeals subject to such conditions as may be determined by the board to be necessary to insure termination of the use after a reasonable period by removal or conversion to a conforming use.

No trailers for dwellings, storage, or business shall be parked in any district, except upon approval by the zoning board of appeals in connection with a permanent building

or construction project. Such approval shall be for a period of time not to exceed one (1) year, renewable for periods of six (6) months, stating the use for which approved.

No building shall be moved into and placed within the city limits excepting such building conforms to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other city ordinances.

#### **Section 908. Emergency shelter regulations and exceptions.**

Emergency shelters are permitted as an accessory structure in any district, subject to the yard and lot coverage requirements of the district. Approved emergency shelters may be used, in addition to emergency shelter, for any principal or accessory use permitted in the district except for habitation by persons other than occupants of a principal dwelling. Structures or portions of shelters qualifying as approved emergency shelters shall meet the minimum requirements of the building code\* and standards issued by the Office of Civil Defense Mobilization.

When, after review of plans, it is established that an emergency shelter would not be permitted under the foregoing provisions owing to topographic conditions, the location and coverage upon the lot of existing structures, or other characteristics peculiar to the site, the zoning board of appeals may permit the following exceptions, subject to whatever conditions the board may find desirable to control the appearance in relation to the street and effect on abutting properties:

908.1 Underground or partially belowground shelters without restriction on side or rear yard location, lot coverage requirements, or spacing in relation to the principal structure or other accessory buildings.

908.2 An aboveground approved shelter located anywhere in a side or rear yard, provided an underground type shelter is not feasible.

\*Cross reference—See Ch. VI, Building and Building Regulations.

908.3 Where no other reasonable alternative is possible, an aboveground approved shelter may be permitted in the front yard. Whenever it is considered feasible and desirable the board may require such shelters to be attached and constructed to a height conforming to the principal structure.

When after review of plans and public hearings, the zoning board of appeals finds it feasible, the construction of a common, approved shelter by two or more property owners across two or more property lines may be permitted. All side and rear yard requirements may be waived except where an abutting property is not included in the joint proposal. The board shall require the execution of an agreement between all property owners involved concerning rights and obligations of taxation, access, and maintenance.

The zoning board of appeals may, after review of plans and public hearing, permit a community owned approved shelter or one owned by several parties to be permitted as a principal use in any district.

## ARTICLE X. ADMINISTRATION, ENFORCEMENT AND PENALTIES

### Section 1001. Zoning enforcement officer.

The provisions of this ordinance shall be administered and enforced by a zoning enforcement officer who may be the building official provided for by Ordinance No. 241 of the City of Long Beach and designated by the mayor and board of aldermen. His duties shall include receiving applications, assisting applicants and appellants in the procedures required hereunder, inspecting premises, and issuing building permits and certificates of occupancy.

*Editor's note*—Ordinance No. 241, referred to above, has been repealed. The building official is now provided for in the building code adopted by Section 6-16 of this Code.

### Section 1002. Building permit required.

A building permit issued by the zoning enforcement officer is required in advance of the initiation of construc-

tion, erection, moving or alteration of any building or structure. No building permit shall be issued by the zoning enforcement officer except where all the provisions of the ordinance have been complied with.

#### **Section 1003. Application for building permit.**

All applications for a building permit shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon; the width of the street or streets upon which the lot fronts or abuts; the setback lines of buildings on adjoining lots; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration; the number of dwelling units the building is designed to accommodate; and such other information as may be necessary to provide for the enforcement of this ordinance.

If the proposed excavation, filling, construction, or movement as set forth in said plans is in conformity with the provisions of this ordinance and other ordinances of the City of Long Beach, Mississippi, then in force, the zoning enforcement officer shall sign and return one (1) copy of the plans to the applicant and shall issue a building permit upon payment of any required fees. The zoning enforcement officer shall retain one (1) copy of the building permit and one (1) copy of the plans.

*1003.1 Time limitations:* Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within three (3) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

#### **Section 1004. Certificate of occupancy required.**

A certificate of occupancy issued by the zoning enforcement officer is required in advance of occupancy or use of:

*1004.1* Any lot or change of use thereof.

*1004.2* A building hereafter erected or altered or a change in the use or occupancy of an existing building.

1004.3 Each nonconforming use created by the passage of and subsequent amendment to this ordinance or that is changed, extended, altered, rebuilt thereafter.

The certificate of occupancy will state specifically where the occupancy fails to meet the requirements of occupancy. A record of occupancy permits shall be kept on record in the zoning enforcement officer's office.

#### **Section 1005. Remedies.**

If the zoning enforcement officer shall find that any of the provisions of this ordinance are being violated, he shall, in writing, notify the person responsible for such violations, indicating the nature of the violations and ordering action necessary to correct it; among which he may order discontinuance of use of land, building or structures, removal of buildings or structures or of additions, alterations, or structural changes thereto, and discontinuance of any work being done. In such instances and under circumstances whereby the zoning enforcement officer is left without any further recourse but to seek police assistance, he may call upon the chief of police to furnish him with the necessary police personnel to fulfill his duties.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building or land is used in violation of this ordinance, the zoning enforcement officer, or any other appropriate city authority, or any persons who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of such building or use of land.

#### **Section 1006. Penalties for violation.**

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by fine and/or imprisonment not to exceed the limits provided by the laws of the State of Mississippi. Each day such violation continues shall be deemed a separate offense and punishable as such.

State law reference—Penalty for violation of zoning ordinance. Miss. Code Ann. 1942, § 3596.

**ARTICLE XI. ZONING BOARD OF APPEALS****Section 1101. Establishment of the zoning board of appeals.**

There is hereby created a zoning board of appeals, which shall consist of five (5) members appointed by the mayor and board of aldermen. One member shall be appointed for a term of three (3) years, two members for two (2) years, and two members for one (1) year. Thereafter each member appointed shall serve for a term of three (3) years or until his successor is duly appointed and qualified. Members of the zoning board of appeals may be removed from office by the mayor and board of aldermen for cause. Vacancies shall be filled by resolution of the mayor and board of aldermen for the unexpired term of the member affected.

Members of the zoning board of appeals shall serve without pay, but may be reimbursed for expenses incurred in the performance of official duties; provided, however, that no expenditure made or contracted by said board or any member thereof shall be binding upon the City of Long Beach, Mississippi, so as to require any payment in excess of funds made available for the purpose.

Members of the zoning board of appeals shall hold no other public office in the city except that one (1) member may serve as a member of the planning commission.

*Cross reference*—One member of planning commission may serve on zoning board of appeals. App. A, § 1101.

**Section 1102. Proceedings of the zoning board of appeals.**

The zoning board of appeals shall elect a chairman and a vice-chairman, each of whom shall serve for one (1) year or until he is reelected or his successor is elected. The board shall adopt rules for the conduct of its business. The board shall appoint a secretary, who may be an officer or employee of the city.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the vice-chair-

man, may administer oaths and compel the attendance of witnesses by subpoena. No member of the board shall participate in a hearing in which he has any pecuniary interest or special interest. All meetings of the board shall be open to the public.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

#### **Section 1103. Appeals, hearings, notice.**

Appeals to the zoning board of appeals may be taken by any person aggrieved or affected by any decision of the zoning enforcement officer. Such appeals shall be taken not more than sixty (60) days from the date of the decision of the zoning enforcement officer by filing a notice of appeal with the zoning enforcement officer. Every appeal or application shall refer to the specific provision of the ordinance involved and shall set forth the interpretation that is claimed (the use for which a special exception is sought) or the details of the variance that is applied for and the grounds upon which it is claimed that the variance should be granted, as the case may be, and accompanied by a plat or plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon or to be used, the size of any buildings to be erected, the location of the building upon the lot, the materials to be used and such other information as may be deemed necessary to provide full information of the intended use. The zoning enforcement officer shall forthwith transmit the appeal or application to the board together with all papers constituting the record upon which the action appealed from was taken.

The zoning board of appeals shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least fifteen (15) days' notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appear in person, or by agent, or by attorney.

**Section 1104. Stay of proceedings.**

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the board after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board of appeals or by a court of record application, on due notice to the zoning enforcement officer from whom the appeal is taken and on due cause shown.

**Section 1105. Powers and duties of the zoning board of appeals.**

The zoning board of appeals shall have the following powers and duties:

*1105.1 Administrative review:* To hear and decide, subject to the approval of the mayor and board of aldermen, appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning enforcement officer in the enforcement of this ordinance.

*1105.2 Special exceptions:* To hear and decide special exceptions to the terms of this ordinance upon which this board is required to pass under this ordinance; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted nor denied by the zoning board of appeals unless and until approved by the mayor and board of aldermen.

*1105.2.1* The owner of the property for which the special exception is sought or his agent and the owners of all properties within a radius of three hundred (300) feet of the external boundaries of the property described in the application for the

special exception [shall be] notified of the date, time and place of hearing to be called and held for the purpose of determining whether such special exception should be granted. Notice of time, place of hearing, and data pertinent to the exception being sought shall be given by publication in an official newspaper of general circulation in the city for at least fifteen (15) days in the manner provided by law.

1105.2.2 The zoning board of appeals shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

1105.2.3 In granting any special exception, the zoning board of appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under section 1106 of this ordinance. The zoning board of appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

1105.3 *Variances:* To authorize, subject to approval by the mayor and board of aldermen, upon appeal in specific cases, such variances from the terms of this ordinance as will not be contrary to the public interest; where, owing to special conditions, literal enforcement of the provisions of this ordinance as will not be contrary to the public interest [and] where, owing to special conditions, literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and

welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon a finding by the zoning board of appeals that all of the following conditions exist:

*1105.3.1* There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

*1105.3.2* A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

*1105.3.3* Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

*1105.3.4* The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

*1105.3.5* The special circumstances are not the result of the actions of the applicant.

*1105.3.6* The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.

*1105.3.7* The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

*1105.3.8* The variance is not a request to permit a use of land, buildings, or structures which are not permitted by right or by special exception in the district involved.

*1105.3.9* Notice of public hearing shall be given as in section 1105.2.1.

**Section 1106. Decisions of the zoning board of appeals.**

In exercising the above-mentioned powers, the zoning board of appeals by the concurring vote of four (4) members may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from; and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken, but in no way shall these powers be construed to permit said board to amend any portion of this ordinance or make any change on the Official Zoning Map.

**Section 1107. Appeals from the zoning board of appeals.**

Any person or persons, jointly or severally aggrieved by any approved decision of the zoning board of appeals, any taxpayer, or any officer, department, board, bureau or commission of the City of Long Beach, may within thirty (30) days after the filing of the decision in the office of the board, but not thereafter, seek review of such decision in the manner provided by section 1195 of the Mississippi Code 1942, annotated and recompiled.

**ARTICLE XII. AMENDMENTS****Section 1201. Amendments.**

The mayor and board of aldermen may from time to time on motion or on petition, after public notice and hearing as provided by law, amend, supplement, change, modify or repeal, the boundaries or regulations herein or subsequently established after submitting the same to the planning commission for its recommendation and report. Should such report not be forthcoming within thirty days, the mayor and board of aldermen may proceed with such action to amend, supplement, change, modify or repeal, the boundaries or regulations herein or subsequently established.

However, in case of a protest against such change signed by the owners of twenty (20) per cent or more, either of the

area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom, or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the legislative body of the City of Long Beach. (Ord. No. 276, § 19, 10-6-71)

*Editor's note*—Section 1201 was amended to read as set out above by Ord. No. 276, § 19, 10-6-71.

*State law reference*—Procedure for amending zoning ordinance, Miss. Code Ann. 1942, § 3594.

### ARTICLE XIII. DUTIES OF THE MAYOR AND BOARD OF ALDERMEN

#### Section 1301. Schedule of fees, charges, and expenses.

The mayor and board of aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, applications for special exceptions and variances and other matters pertaining to this ordinance. This schedule of fees shall be posted in the office of the zoning enforcement officer, and may be altered or amended only by the mayor and board of aldermen.

No permit, certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the zoning board of appeals unless or until preliminary charges and fees have been paid in full.

### ARTICLE XIV. LEGAL STATUS PROVISIONS

#### Section 1401. Conflict with other regulations.

Whenever the regulations of this ordinance require a greater width or size of yards or require a lower height of buildings or smaller number of stories, or require a greater

percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statute, the requirements of this regulation shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance the provisions of such statute shall govern.

State law reference—Similar provisions, Miss. Code Ann. 1942, § 3597.

#### **Section 1402. Separability.**

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

#### **Section 1403. Effective date.**

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it, and shall be published and recorded as provided by law.

PASSED AND DULY ADOPTED on this the 22nd day of November, 1966, by a roll call vote as recorded below:

#### **VOTING YEA**

Alderman Wm. H. Johnson    Alderman Jimmy Savarese  
Alderman Erwin Kunz        Alderman J. B. Mackey

#### **VOTING NAY**

None

Absent and not voting, Alderman Wm. Skellie

### **ARTICLE XV. REMOVAL OF OAK AND/OR MAGNOLIA TREES**

#### **Section 1501. Removal defined.**

Removal of oak and/or magnolia trees within the purview of this ordinance shall include their ultimate destruction whether by cutting, land fill, drainage, poison, fire, explosion or any other means designed or likely to cause the destruction or demise thereof. (Ord. No. 308, 5-17-78)

**Section 1502. When permit for removal required.**

That any person, firm, corporation, utility, society or other legal entity desiring to remove any oak and/or magnolia trees(s) in the City of Long Beach, Mississippi, eighteen (18) inches in circumference or larger, measured four and one-half (4½) feet above the ground level, shall first apply for a permit to the zoning enforcement officer of the City of Long Beach, Mississippi. (Ord. No. 308, 5-17-78)

**Section 1503. Application for permit.**

Said application to the zoning enforcement officer of the City of Long Beach, Mississippi, shall contain the following information:

- (a) The description of the property in question;
- (b) The owners of record of said property;
- (c) The location and circumference, measured four and one-half (4½) feet above ground level, of any such oak and/or magnolia tree(s) for which permission for removal is sought;
- (d) The extent, description and time frame which will be used by petitioner to replenish the flora in the area occasioned by the removal of said oak and/or magnolia tree(s).
- (e) Site plans, when required by the zoning enforcement officer, shall include the following information:
  - (1) Location of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines.
  - (2) Location of all oak and/or magnolia trees, eighteen (18) inches in circumference or larger, measured four and one-half (4½) feet above ground level.
  - (3) Existing and proposed contours shown at two (2) foot intervals; spot elevations to be maintained in the area of oak and/or magnolia trees where grading (cutting and filling) is to occur;

- (4) Location of all existing and proposed utilities;
- (5) A listing and location of each oak and/or magnolia tree proposed to be removed, its condition and reason for removal. (Ord. No. 308, 5-17-78)

**Section 1504. Planning and zoning commission to review application.**

The zoning enforcement officer shall refer the application to the planning and zoning commission for review. The planning and zoning commission in determining whether to recommend the issuance of the permit or to not recommend the issuance of the permit shall consider the intended use of the property together with an evaluation of the following:

- (a) Existing tree coverage, size and type;
- (b) Number of trees to be removed on the entire property;
- (c) Area to be covered with structures, parking and driveways;
- (d) Grading plan and drainage requirements; and
- (e) Character of the site and its environs.

The application for permit shall be returned by the planning and zoning commission to the zoning enforcement officer with its recommendations for the issuance or nonissuance of the permit noted on the application. In the event the planning and zoning commission does not recommend the issuance of the permit, the reasons for not recommending the issuance of the permit shall be noted in writing on the application, or on an attachment thereto. The permit shall be issued by the zoning enforcement officer only on the recommendation of the planning and zoning commission. Any person aggrieved or affected by the action of the zoning enforcement officer in issuing the permit or in not issuing the permit may appeal such action to the zoning board of appeals as provided for in Article XI, section 1103 of the zoning ordinance of the City of Long Beach, Mississippi. (Ord. No. 308, 5-17-78)

**Section 1505. Enumeration of offenses.**

The removal of each oak and/or magnolia tree shall constitute a separate offense under this ordinance. (Ord. No. 308, 5-17-78)

**Section 1506. Penalties.**

The conviction of any person, firm, corporation, utility, society or other legal entity for the violation of this ordinance shall be grounds for the revocation or suspension of any permit granted for the construction, remodeling or demolition of any buildings or structures on said site so involved. Upon revocation or suspension, said person, firm, corporation, utility, society or other legal entity shall not be granted any new permit for the construction, remodeling or demolition of any buildings or structures on said site for a period of not less than six (6) months or more than nine (9) months. The penalty provided in this section shall be in addition to such other penalty as may be imposed under Article X, section 1006 of the zoning ordinance of the City of Long Beach, Mississippi. (Ord. No. 308, 5-17-78)

**Section 1507. Separability.**

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of any other provision of this ordinance. (Ord. No. 308, 5-17-78)

**Section 1508. Relationship to other laws.**

This ordinance shall be in addition to and a supplement of all laws, rules, regulations and ordinances existing as of this date. (Ord. No. 308, 5-17-78)

APPENDIX B  
SUBDIVISION REGULATIONS\*

- Art. I. General Provisions
- Art. II. Procedures
- Art. III. Design Standards
- Art. IV. Required Improvements

ORDINANCE NO. 231

*An ordinance by the mayor and board of aldermen of the City of Long Beach, Mississippi, creating and establishing general rules and regulations for the subdivision of land within said city, fixing design standards for streets, highways and alleys within such subdivisions, requiring improvements to be made before such subdivisions may be approved, requiring the approval of the planning commission and of the mayor and board of aldermen of said city before any map or plat of any subdivision within said city shall be recorded with the chancery clerk of Harrison County, Mississippi, and providing penalties for any violation of this ordinance.*

*Be It Ordained by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, as follows:*

**ARTICLE I. GENERAL PROVISIONS**

**Section 1. Authority.**

This ordinance is hereby adopted pursuant to the Constitution and statutes of the State of Mississippi.

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\*Editor's note—Ordinance No. 231 is set out herein as adopted on March 17, 1964. The original arrangement, numbering system, headings and catchlines have been retained.

Cross references—Code and ordinance adopting Code not to affect validity of subdivision ordinance, § 1-4(8); powers and duties of planning commission relative to subdivisions, § 2-61; buildings and building regulations, Ch. 6; water mains and fire hydrants in subdivisions, § 17-38; zoning ordinance, App. A.

including sections 2890.5, 3374-123, 3374-126, and 3590 through 3597 inclusive of the Mississippi Code of 1942, as amended, and may be cited as the "Subdivision Ordinance of the City of Long Beach, Mississippi."

#### **Section 2. Purpose.**

The purpose of this ordinance and the regulations herein contained is to promote the health, safety, morals, and general welfare of the City of Long Beach, Mississippi, and its inhabitants, and to bring about the coordinated and efficient development of said city.

#### **Section 3. Jurisdiction.**

From and after its effective date this ordinance shall govern each and every subdivision of land into two or more parcels within the corporate limits of the City of Long Beach, Mississippi, as now or hereafter established and within such territory outside the corporate limits of said city as the planning commission of the City of Long Beach, Mississippi, shall now or hereafter have within its jurisdiction. The provisions of this ordinance shall apply to:

- a. The dividing of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten (10) acres; or
- b. The redividing of land previously divided or platted into tracts, lots, sites or parcels of less than ten (10) acres.

#### **Section 4. Savings clause, severability.**

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 applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or application; and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 5. Amendments.**

This ordinance, or any provision thereof, may be amended from time to time by the mayor and board of aldermen after due notice and hearing thereon in the manner provided by law.

**Section 6. Definitions.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as follows:

- a. *Planning commission* shall mean the planning commission of the City of Long Beach, Mississippi.
- b. *Board of aldermen* shall mean the board of aldermen of the City of Long Beach, Mississippi.
- c. *Subdivision* shall mean the division of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area.
- d. *Double-frontage lot* shall mean a lot which runs through a block from street to street and has frontage on two or more streets.

**ARTICLE II. PROCEDURES****Section 7. Application.**

Four copies of the subdivision application shall be submitted with the proposed subdivision plat to the city clerk. Application forms can be secured from the city clerk.

**Section 8. Plat approval.**

A plat of all subdivisions within the force and effect of these regulations shall be drawn and submitted to the planning commission and board of aldermen for their approval or disapproval as provided herein.

**Section 9. Official recording.**

No map or plat of any subdivision within the City of Long Beach, Mississippi, shall be recorded with the chancery clerk of Harrison County, Mississippi, wherein said city is situated, unless the same first has been approved by the planning commission and by the mayor and board of aldermen of the City of Long Beach, Mississippi, as provided in this ordinance.

**Section 10. Agenda.**

Each plat submitted for preliminary or final approval shall be placed in the agenda of the planning commission through the secretary of same after fulfilling the requirements of these regulations. The approval of the preliminary plat shall not be deemed final acceptance of but rather an expression of approval of the layout as submitted on the preliminary plat, [and] such approval shall not be noted on the preliminary plat. One copy of the preliminary plat shall be retained by the planning commission, one copy by the city engineer, one copy by the sewer and water board and one copy transmitted to the planning consultant.

**Section 11. Filing fee.**

In order to defray the cost of notification, field and special studies and recording on the city's base map, there shall be paid to the city clerk at the time of submission of the preliminary plat a fee of five dollars (\$5.00) per lot for the first ten (10) lots and two dollars (\$2.00) per lot for the next ten (10) lots and one dollar (\$1.00) per lot for each additional lot. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary plat without payment of any additional filing fee by the subdivider providing the final plat for the additional area conforms substantially with the approved preliminary plat.

**Section 12. Preliminary plat approval.**

Four copies of the preliminary plat shall be submitted to the city clerk at least fifteen (15) days prior to the regular

monthly meeting of the planning commission. The proposed plat shall be at a scale of not less than one hundred (100) feet to one (1) inch or on sheets not more than thirty (30) by forty (40) inches in size. The proposed plat shall give the following information:

- a. The name of the subdivision, the name and address of the owner and the name of the professionally qualified engineer, land surveyor, architect, landscape architect, or city planner registered to practice in the State of Mississippi.
- b. The names and addresses of the surrounding property owners as they appear on the current tax records.
- c. The scale, north point and date.
- d. Street names, location, right-of-way widths, pavement widths, approximate grades and vertical curves of proposed streets, alleys, easements, parkways and other open spaces, reservations, lot lines, setback lines, lot numbers and block numbers.
- e. The location of platted property lines and existing property lines, existing structures on or within twenty (20) feet of property, date of survey, natural watercourses, railroads, sewers, bridges, culverts (indicate size), drainpipes, streets, alleys or other easements on the proposed plat and on adjoining land.
- f. Sites (if any) to be reserved or dedicated for public or private parks, playgrounds, or other open spaces and the purpose, condition and/or limitations of such dedications.
- g. Proposed sites (if any) for shopping centers, churches, industry, group housing units or other nonpublic use exclusive of single-family, duplex or fourplex dwellings.
- h. Contours at vertical intervals of one (1) foot on plats containing four (4) or more lots. Elevation to be based on Long Beach datum or United States Geographical Survey datum whichever is required by the city engineer or his designated authority.

- i. Streets adjacent to the proposed plat, right-of-way width and location.
- j. A vicinity map showing the relationship of the subdivision site to the surrounding area including schools, shopping centers, recreational facilities, etc. at a scale of 1" = 800', to 1" = 1600'.
- k. The location of the proposed utility lines (sewer, gas, water and electric) as approved by the city utility engineer indicating the size of pipes, location of manholes, valves, hydrants and possible connections to the existing utility system.
- l. The exact location of any part of the proposed subdivision which is subject to inundation by storm drains, ponding or local surface water clearly indicated.
- m. Profiles of all proposed streets showing the natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals twenty (20) feet vertical.
- n. Approval of the Mississippi state board of health.
- o. Zoning ordinance lines and zones indicated.
- p. The proposed name of the subdivision and the names of the streets therein shall not duplicate or closely resemble phonetically or any other way the name of any subdivision or street in Long Beach, Mississippi.

### Section 13. Restrictions.

a. A draft of the deed restrictions or protective covenants, whereby the subdivider intends to regulate the land use other than through the zoning ordinance in the subdivision or otherwise protect the proposed development, shall be attached to the preliminary plat.

b. If the proposed land to be subdivided does not lie within the force and effect of the existing zoning ordinance\* of the City of Long Beach, the planning commission shall transmit the plat to the city utility engineer, water board,

\*Cross reference—Zoning ordinance, App. A.

sanitary department or any other interested city or county department for review and recommendation in relation to specific services.

c. Approval of the preliminary plat by the planning commission shall not be deemed final approval but rather a preliminary expression of approval of the overall plan. This preliminary approval shall not be noted on the preliminary plat. One copy of this preliminary plat shall be retained in the files of the planning commission.

#### Section 14. Final plat approval.

a. The original and four (4) copies of the final plat shall be submitted to the city clerk at least fifteen (15) days prior to the regular monthly meeting of the planning commission. The final plat shall be submitted within two (2) years after approval of the preliminary plat or such preliminary approval will lapse.

The final plat shall be at a scale of one hundred (100) feet to one (1) inch (1" = 100'). Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within two (2) years of the preliminary plat without payment of any additional filing fee by the subdivider providing the final plat for the additional areas conforms substantially with the approved preliminary plat.

b. The subdivider must have a certificate from the city engineer or approved testing laboratory that all streets shown on the plat have been improved with a hard surface material (asphalt or concrete) of the width proposed on the preliminary plat with adequate shoulders to maintain this surface; that the sewage, water and drainage have been properly installed in sufficient size acceptable to the city departments and that street markers of acceptable size and shape have been installed.

c. If, in the opinion of the planning commission, the connection to the city water and sewage utilities would be unreasonable, the board of aldermen may approve the final plat if the individual water and sewage systems are approved by the Mississippi state board of health.

- d. The final plat shall show or include the following:
- (1) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line and building setback line whether curved or straight.
  - (2) The names and lines of all streets, alley lines, lot lines, and building setback lines, lots numbered in numerical order, reservations, easements, and areas to be dedicated to public use with notes stating their purpose and any limitations.
  - (3) Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites.
  - (4) All dimensions shall be accurate to the nearest one-tenth (1/10) of a foot and all angles accurate to the nearest minute (1').
  - (5) House numbers, lots or sites numbered in numerical order and blocks lettered alphabetically.
  - (6) Location, dimensions and purpose of any easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and limitations.
  - (7) Accurate location, material and description of monuments and markers.
  - (8) The following certificates or dedications:
    - (i) A certificate showing that applicant is the landowner and dedicates streets, right-of-way and any sites for public use to the government agency having jurisdiction.
    - (ii) A certificate of accuracy by an engineer or land surveyor registered to practice in the State of Mississippi.
    - (iii) A certificate of approval by the planning commission and the board of aldermen.
    - (iv) A certificate of recording by the chancery clerk of Harrison County.

e. Upon final approval of the plat the original drawings shall be returned to the subdivider; four copies shall show written approval of the planning commission and board of aldermen; one copy filed with the city utility engineer; one copy retained by the planning commission; one copy filed with the planning consultant and one copy filed with the sewer and water board.

f. Failure of the planning commission to approve or disapprove the final plat within sixty (60) days after submission shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the minutes of the planning commission and a letter transmitted to the subdivider stating the reason(s) for such disapproval.

g. Upon approval of the final plat by the planning commission the plat shall be recorded within sixty (60) days, otherwise final approval will be null and void.

### ARTICLE III. DESIGN STANDARDS

#### Section 15. Streets and alleys.

a. The location, grade, width and character of all streets shall conform to the master plan of the city, county or region and shall be correlated with existing and planned streets and topographical conditions for public safety and convenience and in relation to the proposed use of the land to be served by such streets.

b. In cases where the subdivision plat embraces any part of a major street, highway or parkway the street layout shall include secondary or minor streets approximately parallel to and on each side thereof.

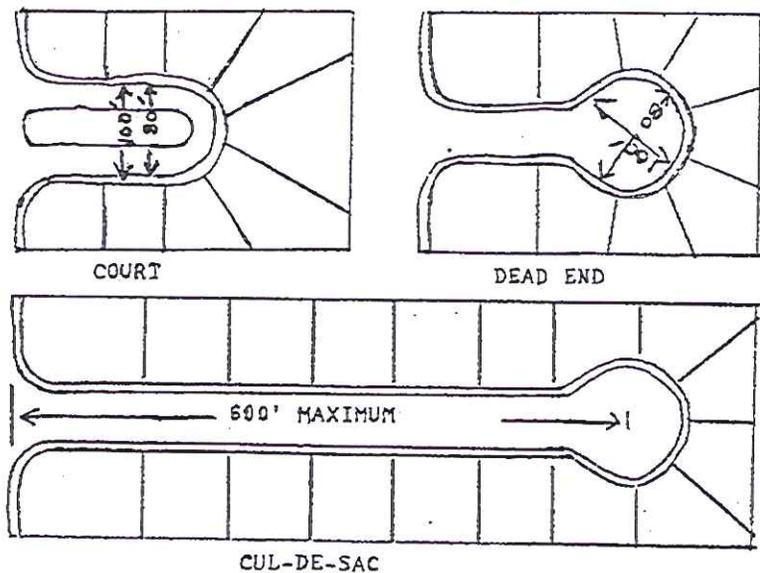
c. Proposed streets shall be designed to conform to the contour of the land so as to produce the required street grade and lots of usable character.

d. Minor streets shall be so laid out that their use by through traffic will be discouraged.

e. No new half-streets or half-alleys will be accepted unless there exists a dedicated or platted half-street or half-alley adjacent to the tract to be subdivided, in which case the other half must be dedicated.

f. Streets designed to have one end permanently closed (cul-de-sac) shall be provided at the closed end with a turnaround with a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of forty (40) feet. No cul-de-sac shall exceed six hundred (600) feet in length unless special variance is granted by the planning commission for specific reasons of topography or design.

Fig. 1. Required street dimensions.



g. No street names shall be used which will duplicate or be confused with the names of existing streets in the city. Proposed streets in alignment with existing streets shall bear the names of existing streets.

h. Alleys shall be dedicated along the rear of all lots to be used for business and industry. Alleys are not required in residential areas except where, in the opinion of the planning commission, such alleys are necessary.

i. Street grades shall not be less than one-half (½) per cent and shall not exceed the following:

1. Arterial streets, major streets and parkways not greater than five (5) per cent.
2. Collector streets or secondary streets not greater than eight (8) per cent.
3. Minor streets and alleys not greater than twelve (12) per cent.

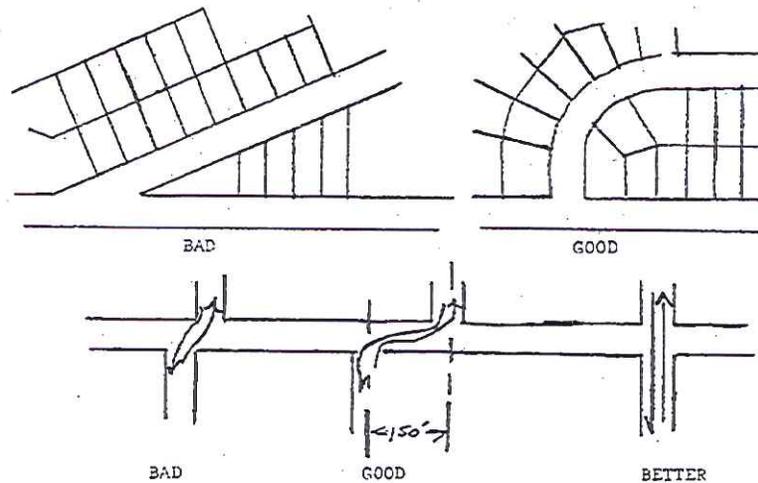
j. Reserve strips which control the access to other streets or abutting property shall be prohibited except where their control is deliberately placed by the planning commission in the city, county or region.

k. Street right-of-way widths shall be as shown on the major thoroughfare plan and where not shown therein shall be no less than the following:

1. Parkways and highways ..... 120 ft.
2. Major streets and arterial streets ..... 100 ft.
3. Secondary and collector streets ..... 80 ft.
4. Minor streets ..... 50 ft.
5. Dead-end streets (cul-de-sac) ..... 50 ft.
6. Alleys serving business lots ..... 20 ft.
7. Alleys serving residential lots ..... 15 ft.

l. Street intersections shall be as nearly at right angles as practicable. Acute angles at street intersections will not be accepted and in no case will an angle of less than fifty (50) degrees be permitted. Street center line offsets of less than one hundred and fifty (150) feet shall be avoided.

Fig. 2. Street intersection design.



m. The minimum radii of curvature on the center line shall be as follows:

1. Major streets, highways and parkways .....400 ft.
2. Secondary streets .....200 ft.
3. Minor streets .....100 ft.

n. Between reversed curves there shall always be a tangent at least one hundred (100) feet long on major and secondary streets and fifty (50) feet long on minor streets.

o. Street corners shall be rounded by a radius of not less than ten (10) feet. Minimum radii can be reduced when the smallest angle of the intersection is less than sixty (60) degrees.

Cross reference—Streets generally, Ch. 13.

**Section 16. Easements.**

a. Utility easements are not required except where, in the opinion of the planning commission, such easements are necessary.

b. Where a subdivision is traversed by a drainage ditch, watercourse, natural channel or stream there shall be

provided an easement conforming to the limits of such watercourse plus additional width as necessary to accommodate future construction as recommended by the city.

c. No dedicated easement shall be less than fifteen (15) feet.

d. No half easement will be accepted unless there exists a dedicated or platted half easement adjacent to the tract to be subdivided, in which case the half easement must be dedicated.

#### Section 17. Blocks.

a. Blocks shall not exceed twelve hundred (1200) feet, and the desired minimum length is six hundred (600) feet. Blocks shall be wide enough to allow two (2) tiers of lots of appropriate depth.

b. Pedestrian easements of not less than ten (10) feet can be required in any block by the planning commission where it is deemed essential for circulation or access to schools, playgrounds, churches, shopping centers, transportation or other community facilities.

#### Section 18. Lots.

a. Lot sizes, shapes and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.

b. Lots shall not be platted in any area known to be subject to inundation, or in areas which, for other reasons such as topography, are unsuitable for residential occupancy nor for such other uses as may increase danger to health, life or property or flood hazard. On land subject to inundation, such area shall be clearly indicated on the plat.

c. Lot dimensions shall conform to the requirements of the zoning ordinance.\*

d. Every lot shall abut a street.

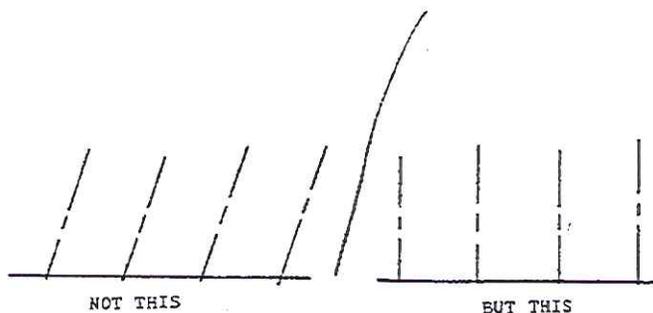
e. Double frontage lots between parallel streets will not be accepted.

\*Cross reference—Zoning ordinance, App. A.

f. Corner lots shall be larger than interior lots so as to allow houses to conform to building lines on both streets except where, in the opinion of the planning commission, waiver should be granted.

g. Side lot lines shall be at right angles to the street line wherever practical.

Fig. 3. Correct manner of laying out side lot lines.



h. Business lots in local business districts shall be of sufficient size to permit off-street parking for patrons plus loading and unloading areas necessary for the operation of the business. In no case shall the number of off-street parking spaces or the loading area requirements be less than the minimum requirements of the zoning ordinance.\*

**Section 19. Sidewalks.**

The installation of paved sidewalks is not required as a minimum standard, except on both sides of major streets, highways, and secondary streets. Sidewalks shall be a minimum of four (4) feet wide in residential areas and seven (7) feet wide in a business area and shall be placed adjacent to the property line. The requirements of this section may be waived by the planning commission in areas where it can be shown that the sidewalks would not serve a useful purpose.

\*Cross reference—Zoning ordinance, App. A.

**ARTICLE IV. REQUIRED IMPROVEMENTS****Section 20. General.**

The improvements required under this section shall be constructed under the supervision and in accordance with specifications set forth by the city engineer of Long Beach, Mississippi, or his duly authorized agent under whose jurisdiction the subdivision lies. All sewers, drains, water and gas lines and other underground structures shall be installed before streets, sidewalks or alleys are paved, with water, gas and sewer connections provided for each lot to a distance of two (2) feet beyond the curbline or sidewalk. All utility pipe (storm sewers, sanitary sewers, water and gas lines, etc.) shall be approved by the city or county engineer.

**Section 21. Street and road improvements.**

Street improvements shall be provided in each proposed subdivision as prescribed below:

- a. Streets shall be graded by the developer to a width of not less than forty-two (42) feet in the center of the right-of-way to provide for a minimum of twenty-six (26) feet [of] pavement (asphalt or concrete) if curbs and gutters are used; otherwise twenty-two (22) foot pavement width and two (2) eight (8) foot shoulders.
- b. A suitable hard surface permanent type of pavement shall have been constructed to meet the minimum requirements of the city engineer or the county engineer depending on the location of the subdivision.
- c. Curbs, gutters and permanent pavement are required as minimum standards; however, curbs and gutters can be omitted if it can be shown that the terrain and/or location is unsuitable and will not cause undue maintenance without them.
- d. Street markers similar to the city's standards and set at all intersections by the developer [are required].
- e. All lot corners and the beginning and end of all corners on property lines must be accurately marked on the ground with iron pipes or rods at least one-half

(1/2) inch in diameter and twenty-four (24) inches long, driven flush with the surface of the ground.

#### **Section 22. Sanitary facilities.**

a. The subdivider shall connect to the public sanitary sewer system where it is reasonably accessible.

b. Sanitary sewers shall be laid in all streets, service connections installed to property lines and connections made to trunk line sewers.

c. The size of sewer lines shall be approved by the city or county engineer.

d. Where sanitary sewers are not reasonably accessible, the subdivider shall, by deed restrictions, require the disposal of sanitary sewage by the installation of septic tanks designed and installed to meet the minimum standards of the Mississippi state department of health.

#### **Section 23. Storm drainage.**

a. Adequate storm drainpipes and catch basins shall be installed by the developer in the proposed subdivision if curbs and gutters are constructed or if storm drains or gutters are adjacent to the proposed subdivision. The size drainpipe should be designed to carry not less than the storm water from a rainfall expected to occur once in ten (10) years with a runoff factor of ninety (90) per cent for hard surface and buildings and variable runoff factor calculated on the basis of topography and percolation tests.

b. Areas subject to ponding or inundation must be indicated on the proposed plat; some provisions must be made to eliminate the ponding before the planning commission will approve the plat.

#### **Section 24. Water, sewage and gas mains.**

Water, sewage and gas mains must be laid in each subdivision to adequately serve each lot. Service connections installed to property lines and the size of water, sewage and gas lines must be approved by the city or county engineer or

his designated agent before the planning commission can give final approval to the subdivision plat.

Cross reference—Water mains in subdivisions, § 17-38.

#### **Section 25. Group housing.**

A group housing project which includes the construction of two or more multifamily dwellings with accessory building, drives, etc., which is not subdivided into the customary lots, blocks and streets may be approved by the planning commission if, in the opinion of the planning commission, such group housing units can be arranged without destroying the intent and purpose of the subdivision regulations. Plans for such developments shall be submitted to the planning commission for approval regardless of whether or not the plat is to be recorded. No building permits will be issued until such plat approval is granted by the planning commission.

#### **Section 26. Variances.**

a. The planning commission shall have the power to vary these regulations so that substantial justice may be done and the public interest secured provided that such variations will not have the effect of reducing or nullifying the intent and purpose of the comprehensive city plan.

b. Any variance granted or authorized by the planning commission must be entered in the minutes of the planning commission and the reasons and justifications set forth.

#### **Section 27. Effective date.**

This ordinance having been recommended by the planning commission of the City of Long Beach, Mississippi, for adoption by the mayor and board of aldermen of said city, and said mayor and board of aldermen having read and considered the same first section by section and then as a whole after public hearing thereon and due notice thereof in the form, time and manner required by law; and for good cause shown, the public interest and welfare requiring it, this ordinance shall be in full force and effect from and after its adoption, the same, nevertheless, to be published and enrolled as provided by law.

**Section 28. Penalties.**

Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$100.00. In addition to such fine, the City of Long Beach, Mississippi, through its proper officer or officers, may take such other action, by injunction or other court proceeding, as it may deem necessary to enforce the provisions of this ordinance.

**Section 29. Repeal.**

All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

The mayor and board of aldermen having read and considered said ordinance, first section by section and then as a whole, Alderman W. R. Baker moved the adoption of said Ordinance No. 231, and Alderman H. W. Smith seconded the motion to adopt said ordinance; and the question having been put to a roll call vote, the result was as follows, to wit:

Voting Yea:

Alderman W. R. Baker	Alderman Jimmy Savarese
Alderman W. F. Bradley	Alderman H. W. Smith

Voting Nay:

None

The question having received the affirmative vote of all the aldermen present, the same being more than two-thirds majority of all the members of said board of aldermen, the mayor declared the motion carried and the said Ordinance No. 231, duly and regularly adopted and approved this 17th day of March, 1964.

APPROVED:

/s/ \_\_\_\_\_  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
City Clerk

[The next page is 1233]

## APPENDIX C

### FLOOD CONTROL MEASURES IN SPECIAL FLOOD HAZARD AREAS\*

- Art. I. Statutory Authorization, Findings of Fact, Purpose and Objectives, §§ I—IV
- Art. II. Definitions, §§ I, II
- Art. III. General Provisions, §§ I—VIII
- Art. IV. Flood Hazard District Requirements, §§ I—IV
- Art. V. Floodproofing, §§ I, II
- Art. VI. Nonconforming Uses, § I
- Art. VII. Administration and Enforcement, §§ I—VII
- Art. VIII. Board of Adjustment, §§ I—V
- Art. IX. Amendments
- Art. X. Penalties for Violation
- Art. XI. Severability
- Art. XII. Repeal of Conflicting Ordinances
- Art. XIII. Effective Date

#### ORDINANCE NO. 307

*An ordinance establishing control measures in special flood hazard areas for the City of Long Beach, Mississippi.*

*Now, Therefore Be It Ordained by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi:*

#### ARTICLE I. STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES

##### Section I. Statutory authorization.

This ordinance is adopted pursuant to the authority set forth in Title 17, Chapter 1, Sections 1—27 of the Mississippi Code of 1972, as amended.

\*Editor's note—Ord. No. 307, adopted April 5, 1977 did not amend this Code, hence inclusion herein as App. C was at the discretion of the editors. Absence of a history note following a particular section in Appl C indicates that such section derives unchanged from Ord. No. 307; conversely, a

**Section II. Finding of fact.**

(a) The flood hazard areas of the City of Long Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

**Section III. Statement of purpose.**

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
- (d) Control filling, grading and mineral extraction which may increase erosion of flood damage.

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history note enclosed in parentheses following a particular section indicates amendment by the ordinance or ordinances shown in such history note.

Cross references—Buildings and building regulations, Ch. 6; mobile homes and mobile home parks, Ch. 8; zoning, App. A; subdivision regulations, App. B.

- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### Section IV. Objectives.

The objectives of this ordinance are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets and bridges located in flood plains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas.

### ARTICLE II. DEFINITIONS

#### Section I. Rules of construction.

For the purpose of this ordinance, certain terms of words used herein shall be interpreted as follows:

- (a) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular unless the text clearly indicates the contrary.
- (b) The word shall is mandatory, the word may is permissive.
- (c) Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to

give them the meaning they have in common usage and to give these regulations their most reasonable application.

## Section II. Definitions.

For the purpose of this ordinance, certain terms, words and phrases shall have the meaning herewith defined as follows:

*Appurtenant structure:* A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

*Areas of special flood hazard:* The lands in the flood plain within the city which are subject to a one per cent or greater chance of flooding in any given year.

*Base flood:* The flood having a one per cent chance of being equalled or exceeded in any given year.

*Base flood elevation:* Thirteen and one-tenth (13.1) feet mean sea level.

*Building:* See "Structure."

*Community:* Any political subdivision which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

*Development:* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

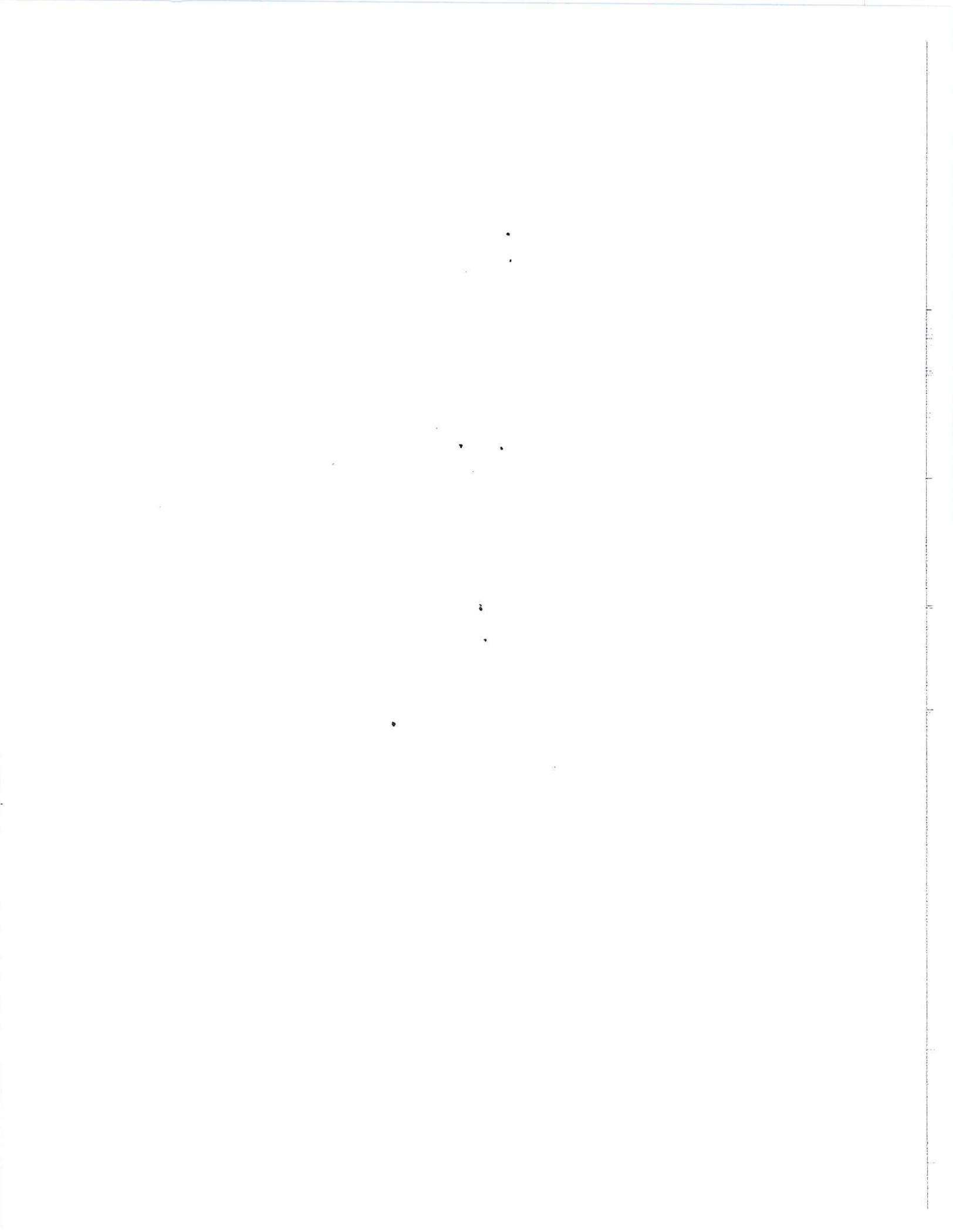
*Existing mobile home park or mobile home subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) completed before the effective date of this ordinance.

(5)

of

5

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*Expansion to an existing mobile home park or mobile home subdivision:* The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

*Flood or flooding:*

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal waters.
  - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually highwater level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual event which results in flooding as defined in (1)(a) above.

*Flood plain or flood-prone area:* Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

*Flood plain management:* The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

*Floodproofing:* Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damages to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway:* See "Regulatory Floodway."

*Habitable floor:* Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

*Mean sea level:* The average height of the sea for all stages of the tide.

*Mobile home:* A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreation vehicles or travel trailers.

*Mobile home park or mobile home subdivision:* See "Existing Mobile Home Park or Mobile Home Subdivision" or "New Mobile Home Park or Mobile Home Subdivision."

*New construction:* Structure for which the "start of construction" commenced on or after the effective date of this ordinance.

*New mobile home park or mobile home subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

*100-year flood:* See "Base Flood."

*Person:* Any individual or group of individuals, corporation, partnership, association, or any other entity including state and local governments and agencies.

*Principally above ground:* At least fifty-one (51) per cent of the actual cash value of the structure, less land value, is above ground.

*Regulatory floodway:* The channel of a river or other watercourse and the adjacent land areas that must be

reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Riverine:* Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Start of construction:* The first placement or permanent construction as a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a structure (other than mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, start of construction means the affixing of the mobile home to its permanent site. For mobile home parks or mobile home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed.

*Structure:* A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

*Substantial improvement:* Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes

of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

*Variance:* A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

*Watercourse:* Any natural lake, river, creek, cut or other natural body of water or channel having definite banks and bed with visible evidence of the flow or occurrence of water, except such lakes without outlet to which only one landowner is riparian.

### ARTICLE III. GENERAL PROVISIONS

#### Section I. Lands to which this ordinance applies.

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Long Beach on the official flood hazard boundary map. The flood hazard district shall be considered as an overlay district to existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this ordinance

#### Section II. Establishment of official zoning map.

The official zoning map for the City of Long Beach, together with all explanatory matter thereon and attached hereto, is hereby adopted by reference and declared to be a part of this ordinance.

**Section III. Establishment of flood hazard district.**

The mapped flood hazard areas within the jurisdiction of this ordinance are hereby designated as the flood hazard district.

**Section IV. Interpretation of district boundaries.**

The boundaries of the flood hazard district shall be determined by scientific and engineering studies prepared by the Federal Insurance Administration. Boundaries for construction or use restrictions set forth within this ordinance shall be determined by scaling distances on the official flood hazard boundary map. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district as shown on the official flood hazard boundary map, the building official shall initially make the necessary interpretation based on flood profile information. The decision of the building official shall be subject to appeal to the board of adjustment in accordance with Article VIII of this ordinance.

**Section V. Compliance.**

No structure of land shall hereafter be located, extended, converted, utilized or altered without full compliance with the terms of this ordinance and other applicable regulations.

**Section VI. Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body;  
and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

**Section VII. Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that areas outside the flood hazard districts' boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Long Beach or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Section VIII. Relationship to other laws.**

Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

**ARTICLE IV. FLOOD HAZARD DISTRICT  
REQUIREMENTS****Section I. General requirements.**

(a) All new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

- (1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;

- (2) Be constructed with materials and utility equipment resistant to flood damage;
  - (3) Be constructed by methods and practices that minimize flood damage.
- (b) All subdivision proposals and other proposed new development shall:
- (1) Be designed in a manner consistent with the need to minimize flood damage;
  - (2) Provide for the location and construction of all public utilities and facilities in a manner which will minimize or eliminate flood damage;
  - (3) Provide for adequate drainage to reduce exposure to flood hazards.
- (c) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (d) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (e) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (f) The flood-carrying capacity within any altered or relocated portion of any watercourse shall be maintained.
- (g) Until a regulatory floodway is designated no new construction, substantial improvements or other development (including fill) shall be permitted unless the applicant demonstrates that the proposed, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City of Long Beach.

**Section II. Elevation requirements.**

(a) All new construction and substantial improvements of residential structure shall have:

- (1) The lowest floor (including basement) elevated to or above the base flood level.

(b) All new construction and substantial improvements of nonresidential structures shall:

- (1) Have the lowest floor (including basement) elevated to or above the base flood level (thirteen and one-tenth (13.1) feet mean sea level) or,
- (2) Together with attendant utility and sanitary facilities, be floodproofed to the level of the base flood (thirteen and one-tenth (13.1) feet mean sea level). All floodproofing shall meet the requirement of Article V of this ordinance.

**Section III. Structures constructed on fill.**

The fill on which structures are constructed shall be at a point no lower than the base flood elevation (thirteen and one-tenth (13.1) feet mean sea level) and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.

**Section IV. Mobile homes.**

(A) The construction of a new mobile home park, the expansion of an existing mobile home park, the placement of a new mobile home not in a mobile home park or the substantial improvement of any of the above in a flood hazard district shall be allowed provided the following criteria are met:

- (1) Ground anchors for tie downs are provided.
- (2) Tie down requirements:
  - (a) Over the top ties are required at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations,

and mobile homes less than fifty (50) feet long requiring one additional tie per side.

- (b) Frame ties are required at each corner of the mobile home with five (5) additional ties per side at intermediate points, and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.
  - (c) All components of the anchoring system must be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- (3) Lots or pads are elevated on compacted fill or pilings so that the lowest habitable floor of the mobile home is at or above the base flood level (thirteen and one-tenth (13.1) feet mean sea level). In the instance of elevation on pilings, lots shall be large enough to permit steps.
  - (4) Adequate surface drainage and easy access for a mobile home hauler are provided.
  - (5) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten (10) feet apart, and if the support height is greater than seventy-two (72) inches, the support must contain steel reinforcement.

## ARTICLE V. FLOODPROOFING

### Section I. Minimum floodproofing requirements.

Wherever any of the provisions of this ordinance require tha a nonresidential building be floodproofed or specify that floodproofing may be used as an alternative to elevating a structure above the base flood level, the structure, together with attendant utility and sanitary facilities, shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the

capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Floodproofing shall be deemed to include the following:

- (a) Wherever possible, the location, construction and installation of all electrical and gas utility systems in such a manner as to assure the continuing functioning of those systems in the event of a base flood.
- (b) The location, construction and installation of all potable water supply systems in such a manner as to prevent contamination from flood waters during the regulatory flood. No water supply well shall be located within the foundation walls of a building or structure used for human habitation, medical or educational services, food processing, or public services.
- (c) Approved backflow preventers or devices shall be installed on main water service lines, at water wells and at all building entry locations to protect the system from backflow or back siphonage of flood waters or other contaminants.
- (d) Sanitary sewer and storm drainage systems that have openings below the base flood elevation shall be equipped with automatic back water valves or other automatic backflow devices that are installed in each discharge line passing through a building exterior wall.
- (e) Sanitary sewer systems, including septic tank systems, that are required to remain in operation during a flood, shall be provided with a sealed holding tank and the necessary isolation and diversion piping, pumps, ejectors, and appurtenances required to prevent sewage discharge during a flood. The holding tank shall be sized for storage of at least two (2) days' demand.
- (f) All sewer system vents shall extend to an elevation above the base flood elevation (thirteen and one-tenth (13.1) feet mean sea level).

- (g) A registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the base flood (thirteen and one-tenth (13.1) feet mean sea level) at the location of the building and the specific elevation (in relation to mean sea level) to which such structure is flood-proofed.

#### **Section II. Approval of floodproofing.**

Prior to the issuance of a permit, plans for any structure that is required to be floodproofed must be submitted to the city engineer for approval. The city engineer will review the plans for compliance with the provisions of this ordinance.

### **ARTICLE VI. NONCONFORMING USES**

#### **Section I. Continuance.**

A structure or the use of a structure on premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with its provisions may be continued as a nonconforming use subject to the following conditions:

- (a) Any substantial improvement of a nonconformity structure shall be made in compliance with the provisions of this ordinance.
- (b) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty (50) per cent or more of its market value immediately prior to the destruction, its shall not be reconstructed except in conformity with the provisions of this ordinance.

**ARTICLE VII. ADMINISTRATION AND  
ENFORCEMENT**

**Section I. Enforcement.**

Except as herein otherwise stated, the building official shall enforce the provisions of this ordinance.

**Section II. Duties of building official.**

[The building official shall:]

- (a) Receive all applications for permits, occupancy certificates and variances. Review and approve or disapprove such applications or refer them to the engineer or board of adjustments as required herein.
- (b) Maintain the official flood hazard boundary map showing the current boundary of the flood hazard district.
- (c) Maintain records of all actions taken under this ordinance.
- (d) Represent the city of Long Beach in all public hearings and present facts and information as may be required.
- (e) Prepare an annual report for submission to the administrator of the Federal Insurance Administration and the state coordinating agency.
- (f) Notify in riverine situations, adjacent communities and the state coordinating office prior to issuing a permit for the alteration or relocation of a watercourse, and submit copies of such notifications to the administrator.
- (g) Notify in writing each applicant for a variance that:
  - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and

- (2) Such construction below the base flood level increases risks to life and property.

### **Section III. Permit required.**

No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired, including the placement of mobile homes or any man-made change be made to improved or unimproved real estate without a permit therefore issued by the building official. No permit shall be issued by the building official except in conformity with the provisions of this ordinance.

### **Section IV. Application for permit.**

All applications for a permit shall be made to the building official on forms furnished by him and shall include a description of the proposed action, use or development and be accompanied by:

- (a) Copies of all necessary permits from those governmental agencies from which approval is required by federal or state law;
- (b) Plans and specifications including a plot plan in triplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structure fill, and storage of materials; the location of the foregoing, in relation to mean sea level, drainage facilities, and the base flood level; and such other information as may be necessary to determine conformance with this ordinance.

### **Section V. Certificate of occupancy required.**

No new structure, building or part thereof shall be occupied until after the building official shall have issued a certificate of occupancy therefor.

### **Section VI. Application for certificate of occupancy.**

Upon completion of a building or structure hereafter erected in accordance with approved plans and prior to the

issuance of a certificate of occupancy, the applicant must present a grade certificate to the building official which shows the mean sea level elevation of the lowest floor of the structure.

**Section VII. Schedule of fees, chargers and expenses.**

The mayor and board of aldermen shall establish a schedule of fees, charges and expenses and a collection procedure for permits, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the building official and may be altered or amended only by the mayor and board of aldermen.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE VIII. BOARD OF ADJUSTMENT**

**Section I. Appointment.**

A board of adjustment is hereby created and established. The zoning board of appeals as it is presently constituted or will be constituted from time to time will hereafter assume the duties and responsibilities of the board of adjustment.

**Section II. Procedure.**

(a) The board of adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact;

and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

(b) Appeals to the board of adjustment concerning interpretation of administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City of Long Beach affected by any decision of the building official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the board, by filing with the building official and with the board of adjustment a notice of appeal specifying the grounds thereof. The building official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The board of adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the building official from whom the appeal is taken certifies to the board of adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the building official, and on due cause shown.

### Section III. Powers and duties.

The board of adjustment shall have the following powers, and it shall be its duty:

- (A) *Administrative review.* To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the building official in the enforcement of this ordinance.

(B) *Variances; conditions governing applications; procedures.* To authorize upon appeal in specific cases such variance from the terms of this ordinance permitting the erection of new construction or substantial improvements below the base flood level as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until:

(1) A written application for a variance is submitted demonstrating either:

(a) The structure is listed on the National Register of Historic Places or a State inventory of Historic Places, or

(b) 1. The property on which the structure is to be erected is an isolated lot on one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level;

2. Good and sufficient cause exists for the granting of the variance;

3. Failure to grant the variance would result in exceptional hardship to the applicant;

4. That the hardship is suffered by the property in question;

5. That the hardship is not the result of the applicant's own actions;

6. The issuance of the variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

7. The variance allowed is the minimum necessary, considering the flood hazard, to afford relief.

**Section IV. Board has powers of administrative official on appeals; reversing decision of building official.**

In exercising the above-mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the building official from whom the appeal is taken.

The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

**Section V. Appeals from the board of adjustments.**

Any person or persons, or any board, taxpayer, or department of the City of Long Beach aggrieved by any decision of the board of adjustment may appeal to the circuit court of Harrison County.

**ARTICLE IX. AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the mayor and board of aldermen.

**ARTICLE X. PENALTIES FOR VIOLATION**

Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine, and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

**ARTICLE XI. SEVERABILITY**

This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

**ARTICLE XII. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with this ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

**ARTICLE XIII. EFFECTIVE DATE**

This ordinance shall be in full force and take effect one month from or after the date of its passage.

Alderman Giuffria made motion to adopt the above and foregoing Ordinance No. 307 as read. Alderman Savarese seconded the motion and the question being put to a roll call vote the result was as follows:

Alderman Rutledge voted Yea.

Alderman Savarese voted Yea.

Alderman Richards voted Yea.

Alderman Moran voted Yea.

Alderman Giuffria voted Yea.

The question having received the affirmative vote of all the aldermen present and voting the mayor declared the motion carried and the ordinance adopted this the 5th day of April, 1977.

APPROVED

/s/ \_\_\_\_\_  
Mayor

ATTEST:

/s/ \_\_\_\_\_  
City Clerk

[The next page is 1283]

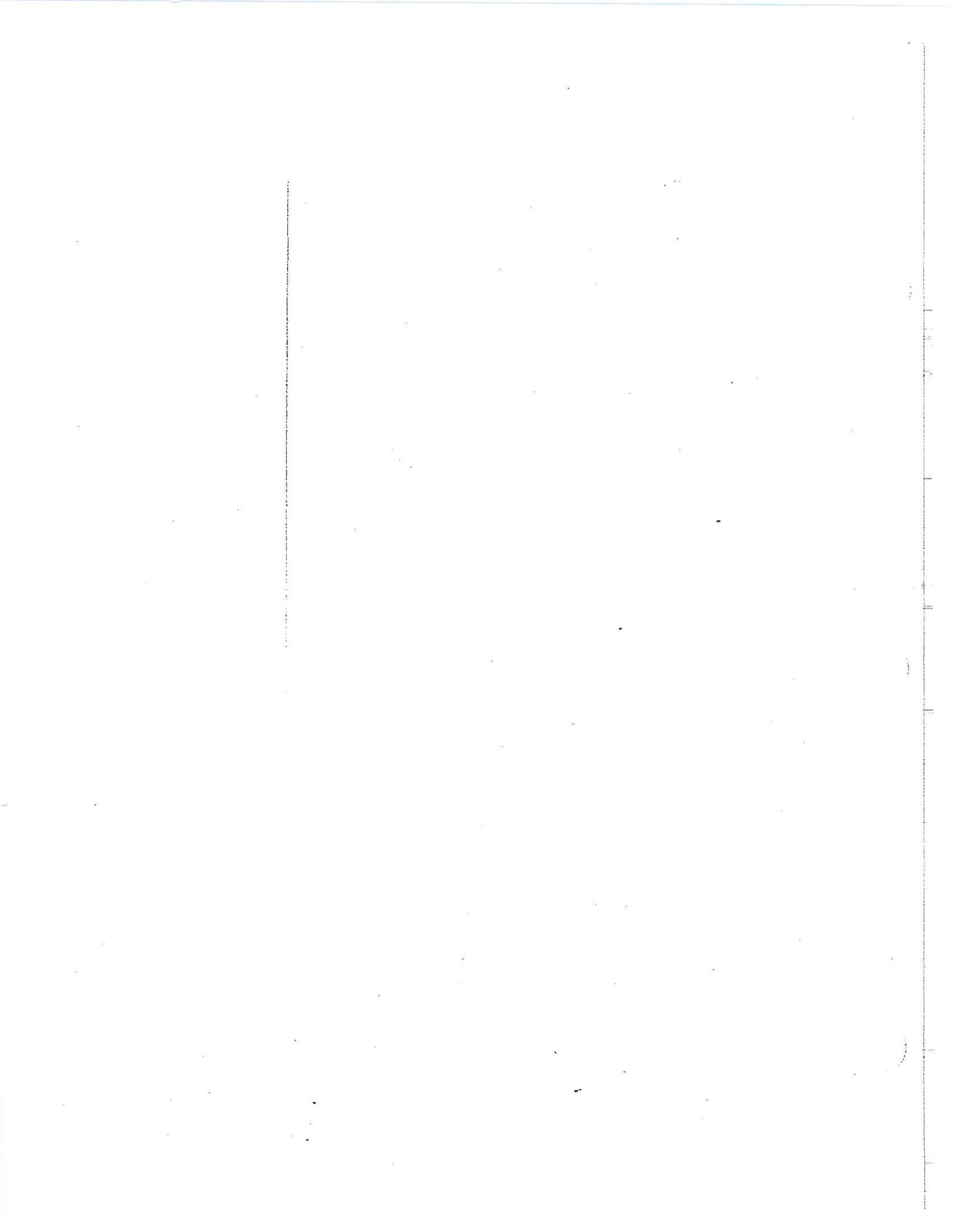


## CODE COMPARATIVE TABLE

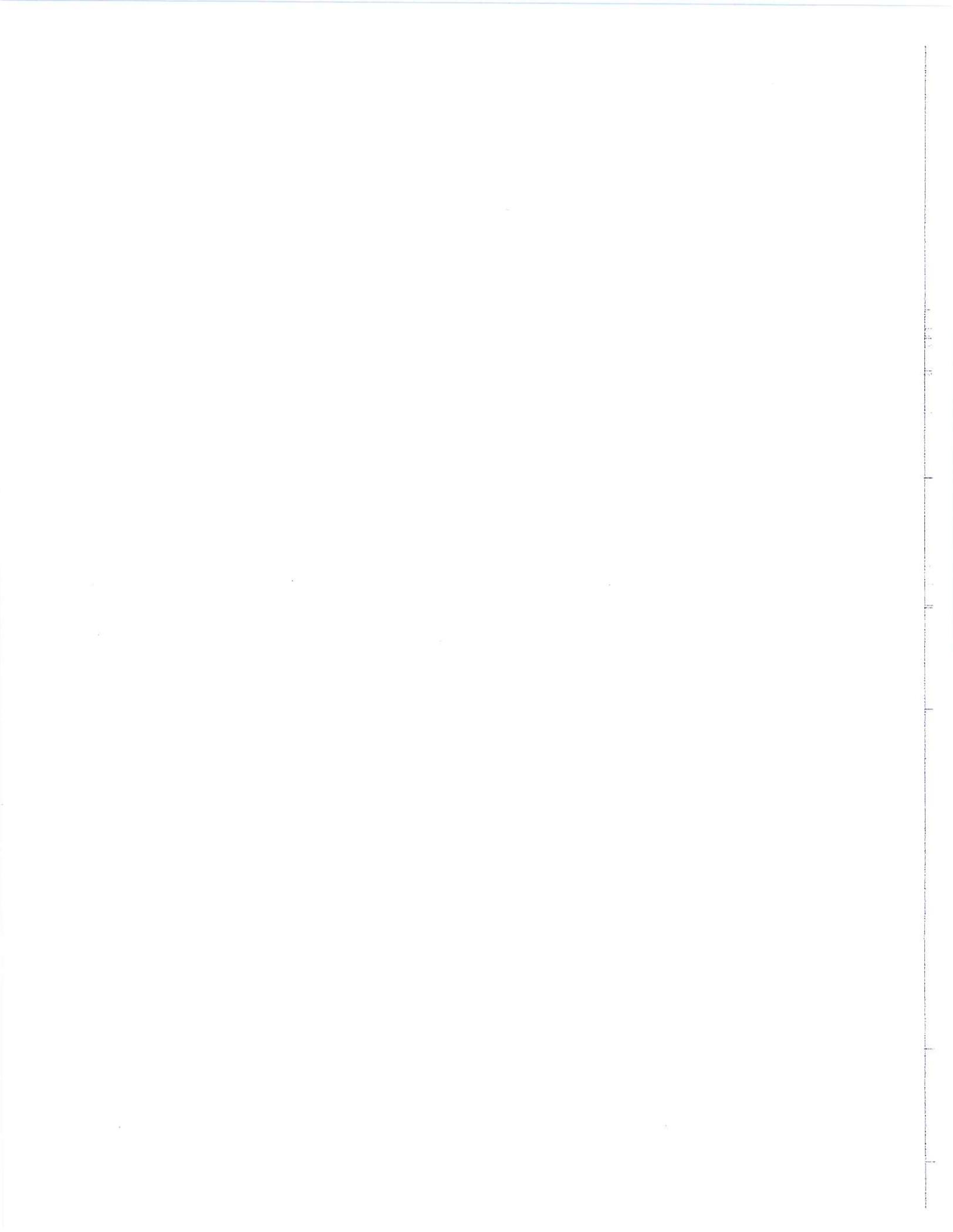
### 1926 REVISED ORDINANCES

This table gives the location within this Code of those sections of the 1926 Revised Ordinances, which are included herein. Sections of the 1926 Revised Ordinances not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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CODE  
COMPARATIVE TABLE



## CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1926 Revised Ordinances, which are included herein. Ordinances adopted prior to such date were incorporated into the 1926 Revised Ordinances, a table of which immediately precedes this table. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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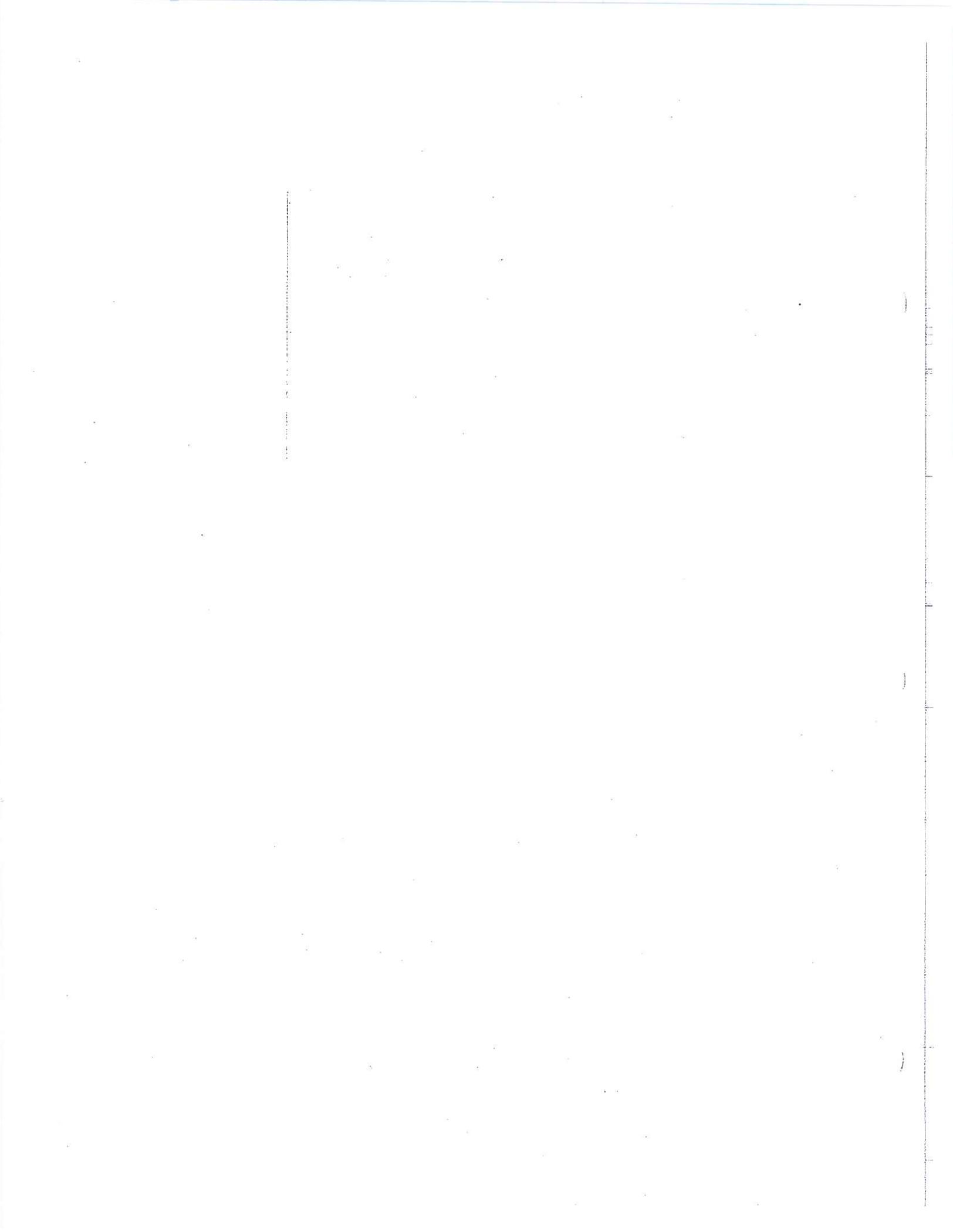
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SUPPLEMENT NO. 2

CODE OF ORDINANCES

City of

LONG BEACH, MISSISSIPPI

Looseleaf Supplement

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Tallahassee, Florida

January 14, 1976

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September 30, 1974

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CODE OF ORDINANCES

City of

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SUPPLEMENT NO. 4

**CODE OF ORDINANCES**

City of

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