

ORDINANCE NO. 509

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 465, ENTITLED "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING MODIFICATIONS MADE TO PUBLIC DRAINAGEWAYS WITHIN THE CITY OF LONG BEACH, ESTABLISHING FEES AND PROCEDURES FOR THE ISSUING OF DRAINAGE MODIFICATION PERMITS, AND SETTING PENALTIES FOR VIOLATING THIS ORDINANCE" ADOPTING REGULATIONS FOR EROSION AND SEDIMENT CONTROL, AND CONSTRUCTION AND POST-CONSTRUCTION STORMWATER QUALITY REQUIREMENTS.

WHEREAS, the United States Environmental Protection Agency has promulgated regulations regarding Stormwater Runoff Management Permits; and

WHEREAS, the City of Long Beach has obtained a Stormwater Runoff Management Permit from the Mississippi Department of Environmental Quality; and

WHEREAS, under the Stormwater Runoff Management Permit, the City of Long Beach is required to have Erosion and Sediment Control Policies in place; and

WHEREAS, the City of Long Beach has previously adopted Ordinance No. 465, to regulate modifications made to Public Drainageways;

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

**SECTION ONE:** SECTION 4 of Ordinance No. 465, of the City of Long Beach, Mississippi, entitled "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING MODIFICATIONS MADE TO PUBLIC DRAINAGEWAYS WITHIN THE CITY OF LONG BEACH, ESTABLISHING FEES AND PROCEDURES FOR THE ISSUING OF DRAINAGE MODIFICATION PERMITS, AND SETTING PENALTIES FOR VIOLATING THIS ORDINANCE" shall be and the same is hereby amended to read as follows:

SECTION 4: Procedures:

4.1 Persons desiring a Drainage Modification Permit are encouraged to first consult informally with Department staff concerning the proposed modification, in order to be informed of the general principles used in reviewing permits, and to discuss possible special circumstances which might apply to the proposed modification project.

4.2 After informal consultations, the applicant shall complete an application form provided by the Long Beach Building Official, giving sufficient detail to fully understand the location and the nature of the proposed work. A sketch

or drawing may be attached to the application form to more clearly show the proposed work. The Building Official will deliver the completed application to the Department for review and approval. Department may contact the Applicant and request additional, more detailed information, if needed.

4.3 If the installation of drainage pipe is proposed, applicant shall include full information showing the location, character, size, and elevation of the proposed new pipe, and also the closest existing drainage pipes within the same drainageway, upstream and downstream of the new pipe. Information shown on the permit application shall be complete, accurate, and verifiable. Applications found lacking in this regard will be returned to applicant with a note requesting corrections.

4.4 If new drainage inlet structures are proposed, applicant shall indicate the location, size, and type of each structure, the proposed elevation of the pipe invert at the structure, and the elevation of the drainage grate or opening. Grates or openings must be provided to prevent the ponding of water on any adjacent land which formerly drained into the public drainageway being modified.

4.5 A permit application fee of \$25.00 and an inspection fee of \$25.00 shall be paid at the time the application is filed with the Long Beach Building Official.

4.6 The Department may consult with the City Building Official, the City Engineer, or any other department or person concerning the application, at its sole discretion. After review, Department shall return the Application to the Building Official with its recommendations. Building Official shall then issue the Drainage Modification Permit, or shall advise Applicant of the reasons why a Permit will not be issued.

4.7 The permit application shall either be a) approved, b) approved with modifications, c) denied for cause, or d) returned to applicant for further information, within seven work days following the filing of the complete permit application.

4.8 Any applicant whose application is denied, or approved with conditions unacceptable to applicant, may appeal the decision of the Department through the City Clerk, who shall refer the matter to the Board of Aldermen for a decision, after collection of all applicable evidence from Applicant, the Department, the City Engineer, and any other parties known to have interest in the matter.

4.9 Decisions of the Board of Aldermen regarding matters relating to this ordinance may be appealed for reconsideration by Board of Aldermen by any interested party one-time-only. Subsequent appeals may be made only through a court having jurisdiction.

4.10 The City of Long Beach Construction Site Runoff Controls Checklist, which form shall be obtained from the City Building Official, must be submitted, completed with, and as part of, the Drainage Modification Permit Application. No Drainage Modification Permit will be issued until said form is completed satisfactorily.

4.11 Certification of post construction best management practices perpetual responsibility and maintenance must be provided in order to obtain a Drainage Modification Permit.

**SECTION TWO:** Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof be held by any court of competent jurisdiction to be invalid or unconstitutional such holding shall not affect the remaining portions of this Ordinance.

**SECTION THREE:** Effective Date

It being necessary and in the best interests of the public health, safety and welfare, and to provide continuing regulations concerning the construction and use of buildings and structures within the City of Long Beach, Mississippi, and the immediate preservation of order and the public health, safety and welfare requiring it, this Ordinance shall take effect and be in force from and after its adoption; but notice shall nevertheless be given as provided by law and this Ordinance shall be enrolled in the Ordinance Book of the City as by law.

The above and foregoing amending Ordinance No. 509 was introduced in writing by Alderman Ponthieux, who moved its adoption. Alderman Levens seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Jimmy Levens	voted	Aye
Alderman Jerry Rouse	voted	Aye
Alderman Gary Ponthieux	voted	Aye
Alderman Richard Bennett	voted	Aye
Alderman Mark Lishen	voted	Aye
Alderman Allen Holder	voted	Aye
Alderman Joseph McNary	voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance 409 adopted and approved this 20<sup>th</sup> day of April, 2005.

ATTEST:

  
REBECCA SCHURUFF, CITY CLERK

APPROVED:

  
MAYOR

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C E R T I F I C A T E

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruoff, 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 #509 of the City of Long Beach, Mississippi adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 20<sup>th</sup> day of April, 2005, as the same appears of record in Ordinance Book #7, pages 80-83 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 21<sup>st</sup> day of April, 2005.

  
Rebecca E. Schruoff, City Clerk

(SEAL)

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