

ORDINANCE NUMBER 615

AN ORDINANCE TO AMEND ORDINANCE NUMBER 587, WHICH REQUIRES AND REGULATES THE CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS IN THE CITY OF LONG BEACH, MISSISSIPPI, AND FOR OTHER PURPOSES

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

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

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

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

WHEREAS, having heretofore adopted Ordinance number 587, the Mayor and Board of Aldermen do hereby find and declare that revisions to such ordinance are required and will better promote the health, safety and general welfare of the City as described below.

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

SECTION 1. *Section 3: Permit Requirement and Installation* is hereby amended to read as follows:

Section 3: Permit Requirement and Installation

3.1. Sidewalk installation shall be required prior to the issuance of a Certificate of Occupancy for each individual residential lot developed. All required sidewalks not associated with an individual residential lot shall be completed by the developer prior to final acceptance by the City.

3.2 All new development projects or construction improvements equating to

50% or more of the appraised taxable value of the property shall install sidewalks prior to the issuance of a Certificate of Occupancy.

3.3 Developments shall provide sidewalk connection to adjacent undeveloped property or properties and along all sides adjacent top public ROW. If an existing sidewalk connection exists on an adjacent development, the development shall connect to that existing sidewalk.

3.4 All new buildings and roadway infrastructure developed by the City will have sidewalks if city funds allow and sidewalk construction is appropriate.

SECTION 2. *Section 4: Standards And Requirements* is hereby amended to read as follows:

Section 4: Standards and Requirements

4.1. Sidewalk Requirements

1. Sidewalks shall be required within the right-of-way on both sides of all new public or private streets located within the City. Sidewalks shall be required within the right-of-way along the frontage of existing public or private streets located within the City to allow for adequate internal and external connectivity. If sidewalks are not able to be located within the right-of-way, appropriate easements will be provided.

2. Provisions for sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of the plans submitted for obtaining a building construction permit. For all non-single family residential developments and non-agricultural zoned developments, a separated, continuous sidewalk shall be provided from right-of-way to primary entranceway(s) which will address adequate interior pedestrian connectivity.

3. Sidewalks shall be at least four (4) feet in width, with at least eight (8) feet of vertical clearance in the sidewalk path. Wider walks, to a maximum of eight (8)

feet, may be required by the City of Long Beach along thoroughfares in commercial, industrial, or multi-family areas due to anticipated traffic and the development of the area.

4. The construction of all sidewalks and the materials and components parts thereof shall be subject to the acceptance of the City of Long Beach Building Department and shall meet all standards and requirements set forth in the Americans with Disabilities Act of 1990 and the City of Long Beach's sidewalk specifications and details in effect at the time of construction. Asphalt and slick-surfaced sidewalks are prohibited.

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

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

7. In such cases where sidewalk construction is not practical due to topographical or other hardship issues unique to the property location or development, or for other good cause, an individual or developer may be granted a variance to this Ordinance upon application to and approval by the Long Beach Planning Commission. The application process shall consist of setting a meeting date, notification to all adjacent property owners of request and a public meeting held by the planning commission. No publication of legal notice shall be required.

SECTION 3: *Section 6: Repair and Maintenance* is hereby amended to read as follows:

Section 6: Repair and Maintenance

6.1 Upon acceptance by the City of Long Beach of a final plat, the issuance of

a Certificate of Occupancy or by final inspection, the City shall be responsible for the repair and maintenance of sidewalks and multi-use paths located adjacent to public streets and rights-of-way, except as provided herein below.

6.2 It shall be the responsibility of the property owner/developer to have sidewalks inspected and documented by the City staff prior to any action which may result in damage or removal by an owner, renter or contractor during work performed on a property. Any sidewalk damaged or removed by direct action of the owner/developer shall be repaired/replaced by owner/developer at the expense of the owner/developer and in conformance with the sidewalks standards SET FORTH IN THIS ORDINANCE AND THE Long Beach Subdivision Regulations.

SECTION 4. INVALIDATION/SEVERABILITY

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

SECTION 5. CONFLICTS

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

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption. The City Clerk is directed to post and to publish the Ordinance as required by law.

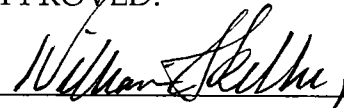
The above and foregoing Ordinance No. 615 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Parker seconded the motion to

adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Absent, Not Voting
Alderman Kelly Griffith	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 17th day of November, 2015.

APPROVED:



William Skellie, Jr., Mayor

ATTEST:



Rebecca E. Schuff, City Clerk

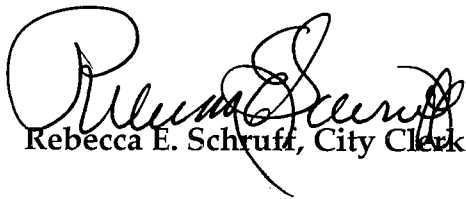
CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance Number 615, adopted by the Mayor and Board of Alderman at a regular meeting duly held and convened on the 17th day of November, 2015, as the same appears of record in my office at the City Hall in said City, in Ordinance Book Number 8, Pages 387-391, inclusive.

Given under my hand and the official seal of my office this the 17th day of November, 2015.




Rebecca E. Schruff, City Clerk