

ORDINANCE NO. 547

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 477, ENTITLED, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NUMBER 231, UPDATING THE RULES AND REGULATIONS APPLICABLE TO THE DEVELOPMENT OF SUBDIVISIONS WITHIN THE CITY OF LONG BEACH, AND FOR RELATED PURPOSES", AS AMENDED, TO PROVIDE FOR PAYMENT OF ELECTRIC SERVICE AND FIXTURE RENTAL FOR STREET LIGHTS IN NEW SUBDIVISIONS FOR STANDARD AND NON-STANDARD STREET LIGHTS, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefore, do now find, determined, adjudicate and declare as follows:

1. That at present, Ordinance No. 477, entitled, "AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NUMBER 231, UPDATING THE RULES AND REGULATIONS APPLICABLE TO THE DEVELOPMENT OF SUBDIVISIONS WITHIN THE CITY OF LONG BEACH, AND FOR RELATED PURPOSES", in Article VII, Section 7 provides requirements for lighting of public streets, sidewalks, and other common areas or facilities in subdivisions; and

2. That said Ordinance No. 477 does not explicitly provide for payment of such lighting and rental of lighting fixtures, though the City has by policy, to prevent unlawful donation and to assure proper functioning of lighting fixtures, required the developer to pay the electric service and fixture rental incurred for such lighting during the warranty period provided in Article II, Section 7 of said Ordinance; and

3. That the City has received some proposals by developers to install non-standard light fixtures for lighting of public streets, sidewalks, and other common areas or facilities in proposed subdivisions, the cost of which lighting fixtures includes fixture rental cost exceeding that normally incurred for standard lighting fixtures; and

4. That in order to assure that the City does not incur additional cost of providing non-standard light to those subdivisions installing same, while not being compensated any sum for the defrayment of such additional expense, and to expressly provide for the period of time a developer of a new subdivision is required to pay for the electric service and fixture rental for lighting of public streets, sidewalks, and other common areas or facilities in new subdivisions in the city, said Ordinance No. 477 should be amended to

require developers of new subdivisions to maintain and pay for electric service and fixture rental for lighting of public streets, sidewalks, and other common areas or facilities in new subdivisions during the warranty period for subdivisions equipped with standard lighting fixtures, and for a period of time equal to the warranty period plus 1 (one) year for any new subdivision equipped with non-standard lighting fixtures utilized in lighting of public streets, sidewalks, and other common areas or facilities in subdivisions. Now therefore,

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

SECTION 1. Section 7 of Article VII of Ordinance No. 477 of the City of Long Beach, Mississippi, entitled, “AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ADOPTING VARIOUS BUILDING AND RELATED CODES AND STANDARDS, AND APPENDIXES REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF BUILDINGS AND STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE WHEN USED WITH MONEY; PROVIDING FOR AND RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN VARIOUS CODES; AND FOR RELATED PURPOSES ”, as heretofore amended, be and it is hereby amended to read as follows:

“SECTION 7. LIGHTING REQUIREMENTS”

- (a) Subject to Subsection (b), all public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.
- (b) To the extent that fulfillment of the requirement established in Subsection (a) would normally require street lights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the city.
- (c) All roads, driveways, sidewalks, parking lots, and other common areas and facilities in undivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.
- (d) All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of buildings.
- (e) The cost and expense of electric service and fixture rental for all lighting fixtures required and provided pursuant to this section shall be born by the developer of the subdivision during the warranty period provided in Article II, Section 7 of this ordinance for all new subdivisions wherein all of such lighting fixtures are standard lighting fixtures, and, in all new

subdivisions wherein any or all of such lighting fixtures are non-standard fixtures, such developer shall pay the cost and expense of electric service and fixture rental for all such lighting fixtures for a period of time equal to the warranty period provided by Article II, Section 7, of this Ordinance, together with (1) one year thereafter.”

SECTION 2. 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 3. Effective Date

This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 547 was introduced in writing by Alderman Holder who moved its adoption. Alderman McNary 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 Richard Notter	voted Aye
Alderman Richard Burton	voted Aye
Alderman Charles A. Boggs	voted Absent, Not Voting
Alderman Richard Bennett	voted Aye
Alderman Allen D. Holder, Jr.	voted Aye
Alderman Mark E. Lishen	voted Absent, Not Voting
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 in the said Ordinance adopted and approved this the 20th day of November, 2007.

APPROVED:

WILLIAM SKELLIE, JR., MAYOR

ATTEST:

REBECCA E. SCHRUFF, CITY CLERK