

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.** Ordinance number 587 is hereby amended by adding the following new Section 7 added:

Section 7. In Lieu Applications and payments.

- (a)** In circumstances of extreme hardship, impossibility of construction, imprudence or other circumstances where relief from the requirements of sidewalk construction on a particular project may be found justified an application for a variance may be filed with the Building Official for consideration by the Planning Commission requesting relief from the requirement of construction of a sidewalk on a project. If, in the judgment of the Planning Commission and Board of Aldermen, such variance is found justified, as a condition of every any such variance granted the applicant shall make an "in lieu" payment to the municipal sidewalk construction fund.
- (b)** The amount of the in lieu payment to be required if a variance from the requirements of this ordinance is granted shall be based on the following

criteria for the sidewalk otherwise required to be constructed, as determined by the building official according to the building plans and specifications submitted by the applicant.

1. The cost basis for sidewalks shall be set at \$15.00 per linear foot; However, this amount is subject to annual review and/or adjustment based on market conditions, subject to and at the discretion of the Mayor and Board of Aldermen.
2. The following additional criteria shall be used to determine the basis for in-lieu payments in the event a variance is found to be justified.
  - a. For Lots 75' or less, exclude the width of the driveway(s) to determine length of sidewalk.
  - b. For Lots greater than 75', exclude the width of the driveway(s) to determine the length of sidewalk, the sidewalk length be considered to be 75' when determining payment.
  - c. For Corner Lots, meeting either of the criteria above, the total length of the sidewalk would include both street frontages minus the width of the driveway(s).
  - d. In no case shall the sidewalk length exceed 150' when determining payment
3. The cost of sidewalk improvements shall not include the cost for culverts, utility relocation, tree removal or other unusual circumstances.

**(c)** All funds received by the City as in lieu payments shall be deposited to the general accounts of the City and used in the City's discretion for support of sidewalks and public amenities within the city.

## **SECTION 2. 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.

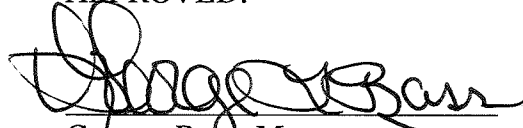
The above and foregoing Ordinance No. 647 was introduced in writing by Alderman Lishen who moved its adoption. Alderman Frazer seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll

call vote, the result was as follows:

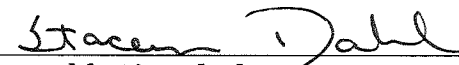
|                                 |       |     |
|---------------------------------|-------|-----|
| Alderman Ronald Robertson       | voted | Aye |
| Alderman Timothy McCaffrey, Jr. | voted | Aye |
| Alderman Kelly Griffin          | voted | Aye |
| Alderman Bernie Parker          | voted | Aye |
| Alderman Mark E. Lishen         | voted | Aye |
| Alderman Patricia Bennett       | voted | Aye |
| Alderman Donald Frazer          | voted | Aye |

The question having received the Affirmative vote of all of the Alderman present and voting, the Mayor declared the motion carried and the resolution and order adopted and approved this 15<sup>th</sup> day of October, 2019.

APPROVED:

  
George Bass, Mayor

ATTEST:

  
Stacey Dahl, City Clerk