

ORDINANCE NO. 465

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.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach do now find that it is in the best interest of the City and its citizens to regulate modifications made to the public drainageways within the City in order to better protect the life and property of the citizens of Long Beach.

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

SECTION 1: General Statement:

1.1 No person shall alter any natural or manmade public drainageway within the City of Long Beach without a written Drainage Modification Permit, issued in accordance with this ordinance.

SECTION 2: Definitions:

2.1 "Public Drainageway" is defined as any natural or manmade swale, ditch, canal, pipe, or other structure which conveys rainwater runoff along a public street or drainage easement, or which conveys rainwater runoff which is generated from lands not all under the same ownership.

2.2 "Alterations" include, but are not necessarily limited to:

- ♦ Diverting stormwater which otherwise would flow into one public drainageway, into a different public drainageway.
- ♦ Filling in or encroaching upon any natural or manmade drainage swale, ditch or canal, to decrease the total cross sectional area within the drainageway available to transport stormwater.
- ♦ Placing culvert pipe within a natural or manmade public drainageway.
- ♦ Constructing or modifying existing drainage inlet structures or junction boxes.

SECTION 3: Drainage Modification Permits:

3.1 Drainage Modification Permits shall be issued only by the Long Beach Building Official, upon the recommendation of the Long Beach Public Works Department or by the private contractor

designated by the City to perform the duties of a public works department (hereafter referred to as the "Department"), after due consideration of the probable beneficial or adverse affects which may result from the proposed modification.

3.2 Drainage Modification Permits will not be required for projects designed and executed by the City of Long Beach, or under contract with the City.

3.3 Except for projects exempt from the requirement for a Drainage Modification Permit under the previous paragraph, no Building Permit will be issued by the City Building Official's Office unless and until a Drainage Modification Permit is issued, or else the Department certifies to the Building Official that no Drainage Modification Permit will be needed for the proposed building project because of no impact upon existing drainage.

3.4 Nothing within this ordinance shall prohibit immediate emergency modifications to drainageways made necessary or desirable to mitigate the affects of Acts of God or other unforeseeable events, in order to protect life and property. However, if any such emergency modifications are to remain in place after termination of the emergency, then a Drainage Modification Permit must be filed for after-the-fact, with a complete explanation of the emergency conditions which necessitated the emergency modifications.

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 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.

SECTION 5: Design Standards:

No permit will be issued for modifications which do not conform with the standards of design adopted by the Department, as they may be modified from time to time. At the time of the adoption of this ordinance, the following standards apply:

5.1 Sideslopes for open ditches shall normally not exceed a slope of 1.5 Horizontal per 1.0 foot vertical, unless special provisions are made to stabilize the slope.

5.2 Pipes and inlet structures shall normally be sized by customary engineering formulae to carry a stormwater flow calculated for a five year storm event for minor structures, or a twenty five year storm event for structures across public roads or at locations where flooding of homes may occur. However, subjective consideration may be given where existing drainage structures upstream and downstream of the proposed modification are sized to a different standard, with little likelihood that those existing structures will be upgraded to a different standard in the foreseeable future.

5.3 Drainage pipe shall be reinforced concrete using rubber gasket joints, or polyethylene with a smooth inner wall and a wall profile for wall stiffness (ADS type N12 or equal).

5.4 If polyethylene pipe is used, follow manufacturer's specifications for cover, backfilling material and technique, and flotation prevention.

5.5 Pipes shall be laid true to grade and alignment, in accordance with the approved drainage modification permit. All pipe joints shall be well made, and shall be completely wrapped with a suitable geotextile fabric, to prevent the leakage of soil into the pipe joint.

5.6 Drainage inlets shall be of concrete, bricks, and mortar, with a cast iron frame and drainage grate. Premanufactured polyethylene drainage inlets may be acceptable, but only where vehicular traffic is not reasonably expected.

SECTION 6: Easements Required:

6.1 If any of the proposed modifications to existing Public Drainageways are outside of existing public rights-of-way or written public easements, then a new written drainage easement in favor of the City of Long Beach must be executed by the Fee Simple land owner(s). The easement must be of adequate width and extent to fully contain the proposed improvements, and shall provide additional room sufficient for future maintenance of the improvements. This easement must be presented for approval by the Building Official, and then recorded at the Harrison County Courthouse by the permittee, prior to issuance of the Drainage Modification Permit.

SECTION 7: Inspections:

7.1 All work done under a Drainage Modification Permit issued under this ordinance shall be subject to inspections by the Long Beach City Building Official, with assistance from the Department. It is the responsibility of the permit holder to notify the Building Official's office when work is started, and when the work is ready for inspection. For projects involving the laying of drainage pipe, inspections

will normally be performed after the pipe joints are complete, but before the pipe is covered. Another inspection will be conducted after the work is fully complete.

7.2 Any work found to be not in conformance with the approved permit or not of the quality of workmanship normally expected for public works construction, shall be corrected by the permit holder immediately or within a time deemed reasonable under the circumstances by the Building Official, or the permit shall be considered revoked, and penalties shall be applied as provided for herein, as though a Drainage Modification Permit had never been issued.

SECTION 8: Penalties:

8.1 No work covered by a Drainage Modification Permit shall be performed until the written permit has been issued, and a copy of the approved permit must be on the jobsite at all times while work is under way.

8.2 Any modification to a Public Drainageway within the City of Long Beach which is done without a valid Drainage Modification Permit, or done in violation of an approved Drainage Modification Permit, shall be immediately corrected by the person responsible for the violation by restoring the Public Drainageway back to its original condition. Alternatively, the City may consider an after-the-fact application for a Drainage Modification Permit covering the modification as performed, but in this case, the application fee will \$250.00 (except in the case of an after-the-fact permit applied for to cover emergency modifications as provided for in paragraph 7, above), and the City will have no obligation to approve any aspect of the application which does not conform with the standards of design normally used in reviewing applications. After review of the after-the-fact application, the person responsible for the modification shall either a) restore the Public Drainageway to its original condition, if the permit application is denied, or b) modify the work to conform with the permit, if the permit is approved with modifications.

8.3 Violations of this ordinance which are not corrected per the previous paragraph shall be punishable by a fine of \$250.00, plus the actual cost to the City to either a) restore the Public Drainageway to its original condition, or b) to modify it to a condition in conformance with the standards of design normally used in permitting modifications under this ordinance, whichever alternative cost may be lower.

8.4 Persons aggrieved by the strict application of this Ordinance, or who disagree with the determinations and rulings made by the City Building Official under this Ordinance, shall have the right to a Hearing before the Long Beach Board of Aldermen. All Hearings must be requested in writing

through the City Clerk, and will be scheduled by the Board of Aldermen in accordance with applicable laws and ordinances.

SECTION 9. Severability, Savings Clause.

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 application of this ordinance which can be given effect without the invalid or unconstitutional provision or application; and to that end, the provisions of this ordinance are hereby declared to be severable.

SECTION 10. Captions.

The captions and catch phrases to each section or subsection of this Ordinance are intended solely for easy reading and reference; and such captions and/or catch phrases shall not be construed or interpreted to alter or change the meaning of any provision in any such section or subsection.

SECTION 11. 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. This Ordinance and the penalties contained therein shall not apply to any project which has received final approval for construction by the appropriate City Commissions, agencies, and departments, prior to the date of the adoption of this Ordinance.

The above and foregoing Ordinance No. 465 was introduced in writing by Alderman Levens, who moved its adoption. Alderman Skellie seconded the motion to adopt the Ordinance, and after discussion, the question being put to a roll call the result was as follows:

Alderman Timothy Pierce	voted <u>Aye</u>
Alderman Jimmy Levens	voted <u>Aye</u>
Alderman Mike Bohlke	voted <u>Aye</u>
Alderman Joseph McNary	voted <u>Aye</u>
Alderman Billy Skellie	voted <u>Aye</u>
Alderman Richard Bennett	voted <u>Aye</u>
Alderman Louis Elias	voted <u>Aye</u>

The motion having received the affirmative vote of a majority of the aldermen present, the Mayor declared the motion carried, and Ordinance No. 465 adopted, this 6th day of July, 1999.

APPROVED;


Robert E. Bass, Jr., Mayor

ATTEST:


Rebecca E. Schruoff, City Clerk

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 Number 465 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, July 6, 1999, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 6th day of July, 1999.

(SEAL)


Rebecca E. Schruoff, City Clerk