

ORDINANCE NO. 388

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, PROVIDING REGULATIONS FOR FLOOD DAMAGE PREVENTION IN SPECIAL FLOOD HAZARD AREAS IN SAID CITY, REQUIRING PERMITS FOR DEVELOPMENTS IN SAID FLOOD HAZARD AREAS, PROVIDING FOR THE ADMINISTRATION OF THE PROVISIONS OF THIS ORDINANCE, PRESCRIBING PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE, REPEALING ALL ORDINANCES CONFLICTING WITH THE PROVISIONS HEREOF, EXCEPT AS TO MORE RESTRICTIVE ORDINANCES, AND FOR RELATED PURPOSES

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

ARTICLE 1

STATUTORY AUTHORITY,
FINDINGS OF FACT,
PURPOSES AND OBJECTIVES

SECTION A. Statutory Authority - Short Title.

(1) Under the Constitution and Statutes of the State of Mississippi, including, but not limited to, Title 17, Chapter 1, and Title 21, Chapter 19 of the Mississippi Code of 1972, the Legislature of the State of Mississippi has delegated the responsibility to local governmental units such as municipalities to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Accordingly, this Ordinance is adopted by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, pursuant to such legislative authority.

(2) This Ordinance may be cited as "The Flood Damage Prevention Ordinance of the City of Long Beach, Mississippi."

SECTION B. Findings of Fact.

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

(1) The flood hazard areas of the Municipality are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base of the Municipality; all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses

vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

SECTION C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accomodation of flood waters;
- (4) control filling, grading, dredging and other developments which may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. Objectives

The objectives of this Ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2
DEFINITIONS

(1) In addition to any words and terms elsewhere defined in this ordinance, words or phrase or terms shall be interpreted so as to give them the meaning they have in common usage, and to give this ordinance its most reasonable application. The following ward and terms shall have the following meanings, unless some other meaning is plainly intended:

"Addition (to an existing building)" shall mean any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for review of the Municipality's interpretation of any provision of this Ordinance or a request for a variance.

"Area of shallow flooding" shall mean a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" shall mean the land in the floodplain within the Municipality subject to a one percent or greater chance of flooding in any given year.

"Base flood" shall mean the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" shall mean that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" shall mean a wall that is not part of the structural support of the building, and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" shall mean any structure built for support, shelter, or enclosure for any occupancy or storage.

"Coastal High Hazard Area" shall mean the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 -30, VE or V.

"Development" shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

"Elevated building" shall mean a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" shall mean an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" shall mean an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" shall mean the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i. e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" shall mean a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Governing Body" shall mean the Mayor and Board of Aldermen of the City of Long Beach, Mississippi.

"Highest adjacent grade" shall mean the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Lowest floor" shall mean the lowest floor of the lowest enclosed area of a building (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Mangrove stand" shall mean an assemblage of mangrove trees which is mostly low trees noted for copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Laguncularia racemosa); and buttonwood (Conocarpus erecta).

"Manufactured home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" shall mean the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (MGVD).

"Municipality" shall mean the City of Long Beach, Mississippi.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" shall mean structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

"Sand dunes" shall mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" shall mean a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" shall mean any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for the improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Person" shall mean an individual, or group of individuals, partnership, corporation, trust or unincorporated organization, or other entity, including a government or agency or political subdivision thereof.

"Uninsurable Structures and Property" shall mean structures and property which are not eligible for flood insurance coverage under the National Flood Insurance Program. Such property and

structure shall include, but are not limited to, docks, piers, wharves, seawalls, roads, bridges, fences, growing crops and plants, and gas or liquid storage tanks.

"Variance" shall mean a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Watercourse" shall mean any natural lake, river, creek, or other natural body of water or channel having definite banks and bed.

"Water Surface Elevation" shall mean the projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

(2) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words and terms herein defined or used shall be equally applicable to the plural as well as the singular form of any such words and terms.

ARTICLE 3.

GENERAL PROVISIONS

SECTION A. Lands To Which This Ordinance Applies.

This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Municipality.

SECTION B. Basis For Establishing Areas Of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study furnished the Municipality on July 8, 1986, the Flood Insurance Rate Map dated the 4th day of May, 1988, with accompanying maps and other supporting data, and any revision thereto, are hereby adopted by reference and made a part of this Ordinance as though copied at length herein.

SECTION C. Establishment of Development Permit.

A Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities.

SECTION D. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with

the terms and provisions of this Ordinance and other laws and regulations applicable thereto.

SECTION E. Abrogation and Greater Restrictions.

This Ordinance is not intended, nor be construed, to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever ordinance imposes the more stringent restrictions shall prevail.

SECTION F. Interpretation.

In the interpretation and application of this Ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the Governing Body of the Municipality; and, (3) deemed neither to limit nor repeal any other powers granted the Municipality by the Constitution and Statutes of the State of Mississippi.

SECTION G. Warning and Disclaimer.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes, and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the Municipality or by any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative or other decision lawfully made thereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. Designation of Local Administrator

The Building Official of the Municipality is hereby appointed as local administrator to administer and implement the provisions of this Ordinance. In the event of the resignation, termination of employment, or incapacity of the Building Official, the Governing Body of the Municipality, by resolution spread upon its minutes may designate and appoint another in his place.

SECTION B. Permit Procedures.

Application for a Development Permit shall be made to the local administrator on forms furnished by him prior to any development activities; and the local administrator may require, but is not

limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and a description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Specifically, the following information is required:

(1) Application Stage:

(a) Elevation in relation to mean sea level of the Proposed lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

(2) Construction Stage:

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.

Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. Duties and Responsibilities of Local Administrator.

The duties of the local administrator (Building Official) shall include, but not be limited to, the following:

(1) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the Mississippi Research and Development Center and/ or other state coordinating agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (2).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2).

(7) In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

(8) In Coastal High Hazard Areas, the local administrator shall review plans for adequacy of breakaway walls in accordance with Article 5, Section B (5) (h).

(9) When flood-proofing is utilized for a particular structure, the local administrator shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2).

(10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the local administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

(11) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provision of Article 5.

(12) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the local administrator at the City Hall of the Municipality, and shall be open for public inspection.

SECTION D. Variance Procedures.

The following criteria shall govern appeals from decisions of the local administrator and requests for variances.

(1) The Zoning Board of Appeals as established by the Governing Body of the Municipality (Board of Appeals), shall hear and decide appeals and requests for variances from the requirements of this Ordinance, subject to the final approval of the Governing Body.

(2) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.

(3) Any person aggrieved by the decision of the Governing Body on review of the decision of the Board of Appeals, or any taxpayer, may appeal such decision to the Circuit Court in and for the First Judicial District of Harrison County, Mississippi, as provided in Section 11-51-75 of the Mississippi Code of 1972, as now or hereafter amended.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Section, except for Article 4, Section D (8) (a) and (d),

and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(5) In passing upon such application, the Board of Appeals as well as the Governing Body shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) the compatibility of the proposed use with existing anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(6) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Appeals or the Governing Body, as the case may be, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

(7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(8) Conditions for variances are as follows:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The local administrator shall maintain records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. General Standards.

In all areas of special flood hazard the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.

SECTION B. Specific Standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (11), the following provisions are required:

(1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).

(2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than feet above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated, provided that all areas

of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (3).

(3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation,

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

(b) If Article 5, Section B (4) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5;

(c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) are met.

(5) Coastal High Hazard Areas (V Zones). Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as Coastal High Hazard areas. These areas have a special flood hazards associated with wave wash; therefore the following provisions shall apply therein:

(a) All buildings or structures shall be located feet landward of the reach of the mean high tide;

(b) All buildings or structures shall be elevated so that the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one (1) feet above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Article 5, Section B(5)(h);

(c) All buildings or structures shall be securely anchored on pilings or columns;

(d) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100 year mean recurrence interval (one percent annual chance flood.)

(e) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article 5, Section B(5)(b), (c) and (d) of this Ordinance.

(f) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction), prior to generating excessive loading forces, ramping effects, or wave deflection. The local administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

(i) Particle composition of fill material does not have a tendency for excessive natural compaction;

(ii) volume and distribution of fill will not cause wave deflection to adjacent properties; and

(iii) Slope of fill will not cause wave run-up or ramping.

(g) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;

(h) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

(i) No solid walls shall be allowed; and

(ii) Material shall consist of lattice or mesh screening only.

(i) If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

(j) Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the local administrator for approval.

(k) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Article 5, Section B(5)(h) and (i).

(1) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park of subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A(2), and the elevation standards of Article 5, Section B(1) are met.

SECTION C. Standards for Streams Without Established Base Flood Elevations and/or Floodways.

Located within the areas of special flood hazard established in Article 3, Section B, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions shall apply:

(1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.

(2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with Article 4, Section C (11).

SECTION D. Standards For Subdivision Proposals.

The following standards shall apply to subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage-

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to a minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. And

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres.

SECTION E. Standards For Areas of Shallow Flooding (AO Zones).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding

areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions shall apply in such areas:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, elevated, at least two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or

(b) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Development Permit Applications for these areas shall comply with permit requirements above set forth.

ARTICLE 6

SPECIAL PROVISIONS, PENALTIES

SECTION A. Severability.

The provisions of this Ordinance are hereby declared separate and independent; and if any section, subsection, sentence, clause or phrase thereof, 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 B. Captions.

The captions to any section or subsection of this Ordinance are intended solely for easy reading and reference, and shall not be construed to alter or change the provisions therein contained.

SECTION C. Repeal.

Ordinance No. 342 adopted by the Governing Body of the Municipality on October 4, 1983, and all ordinances in conflict with the provisions of this Ordinance, shall be and the same hereby repealed, but only to the extent of such conflict, it being the intention of the Governing Body of the Municipality, that all ordinances and codes of the Municipality containing more stringent restrictions than this Ordinance shall prevail, as set forth in Article 3, Section E, above.

SECTION D. Penalties.

Any person who shall violate any provision of this Ordinance, or violate or fail to comply with conditions and safeguards established in connection with the grant of any variance or special exception, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by fine of not more than \$1,000.00, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, and in addition, where authorized by state statutes, such person so convicted shall pay all costs and expenses involved therein. Each day any such violation shall continue shall be considered a separate offense and shall be punished as such. Nothing contained in this section shall prevent the Municipality from taking such other, or separate, lawful action as may be authorized by Laws of the State of Mississippi, to prevent or remedy any violation.

SECTION E. Effective Date.

For the protection of life and property in the Municipality, the public interest so requiring it, and for the immediate preservation of order and of the public health, safety and welfare from floods and flood damages, this Ordinance shall take effect and be in force from and after its adoption, the same nevertheless to be published and enrolled as provided by law.

The above and foregoing Ordinance No. 388 was introduced in writing by Alderman Logan, who moved its adoption. Alderman Lawless, seconded the motion to adopt the Ordinance; and after discussion, the question being put to a roll call vote, the result was as follows:

Alderman Sal Giuffria	voted	<u>Yea</u>
Alderman Miriam Graves	voted	<u>Yea</u>
Alderman Mike Lawless	voted	<u>Yea</u>
Alderman Donald Logan	voted	<u>Yea</u>
Alderman Wayne O'Neal	voted	<u>Absent and not voting</u>
Alderman Michael Rutledge	voted	<u>Absent and not voting</u>
Alderman Fred Walker	voted	<u>Yea</u>

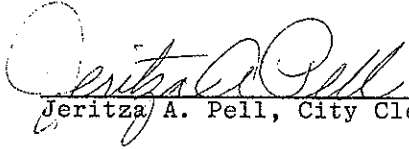
The motion having received the affirmative vote of a majority of the aldermen present, the Mayor declared the motion carried and said Ordinance No. 388 adopted , this 2nd day of May, 1988.

APPROVED:



 Glenn W. Mitchell, Mayor

ATTEST:



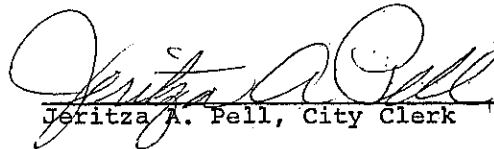
 Jeritza A. Pell, City Clerk

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Jeritza A. Pell, 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 #388, adopted by the Mayor and Board of Aldermen of the City of Long Beach at a duly convened and held special meeting on Monday, the 2nd day of May 1988, 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 2nd day of May, 1988.



Jeritza A. Pell, City Clerk

(SEAL)