

ORDINANCE NO. 479

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, CLARIFYING THE CLASSIFICATION OF CONDOMINIUM DEVELOPMENTS UNDER THE CITY'S WATER AND SEWER USER CHARGE SYSTEM AND CHANGING CURRENT POLICY REGARDING HOW TO MEASURE WATER CONSUMPTION FOR MULTI-FAMILY RESIDENTIAL CUSTOMERS HAVING MORE THAN ONE CONNECTION TO THE LONG BEACH WATER SYSTEM, AND OTHER RELATED PURPOSES.

WHEREAS, There has been some confusion or doubt regarding the proper classification of condominium housing developments, under Subparagraph (f) of Section 26 of Ordinance 230, as previously amended by Section 1 of Ordinance 390 and Section 2 of Ordinance 430, and

WHEREAS, The City of Long Beach has heretofore experienced problems in maintaining water quality within large multifamily residential developments due to lack of circulation within the water pipes on the site, caused by the need to install check valves at each master water meter, and

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 clarify the intent of Subparagraph (f) of Section 26 of Ordinance 230, as previously amended by Section 1 of Ordinance 390 and Section 2 of Ordinance 430, and to change the existing policy regarding how domestic water consumption is measured within large multi-family residential housing developments which have more than one connection to the Long Beach water distribution system.

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

SECTION 1: Amendment of Subsection (f) of Section 26 of Ordinance 230, as previously amended by Section 1 of Ordinance 390 and Section 2 of Ordinance 430, being Section 17-62 of Article III, Chapter 17 of the Code of Ordinances:

Subsection (f) of Section 26 of said Ordinance No. 230 of the City of Long Beach, as previously amended by said Ordinance 390 and Ordinance 430 of the City of Long Beach, be, and the same hereby is, further amended to read as follows:

"(f) Multiple Dwelling Units:

(1) Definition: Multiple Dwelling units shall be defined as motels, hotels, apartments, mobile home parks, or other multiple housing developments where two or more housing units are under common ownership upon a single site whether rented to transients or on a permanent basis. Also included within this definition are condominium housing units which are sold to individual unit owners, but which are a part of a private condominium development where all driveways providing access to the units and utility mains serving the units are within common areas owned jointly by

a condominium association or other management arrangement, and are not dedicated to the public or otherwise accepted by the City for maintenance.

(2) Water service: For all multiple dwelling units as defined above, water service shall be provided through a single water meter located at the perimeter of the site, except as provided for in paragraph (3) below. The size, type, and location of the water meter shall be as prescribed by the City Engineer.

(3) Multiple meters: In the case where multiple connections to the city water system are needed to provide adequate water flow on the site for domestic use and/or fire protection, the City Engineer may direct that multiple meters be installed within the development, in lieu of one master water meter. Typically, a separate water meter will be installed for each building in the development (not a separate meter for each housing unit). The purpose of this requirement is to promote circulation of water through the large water mains within the development, which would not occur if master water meters were installed at each point of connection to the city water system. In all such instances, a separate water and sewer account will be established for each water meter, and the monthly bills for each account shall be calculated as though each meter served a separate multi-family development. However, all accounts within a single development will be billed to the same development owner, management company, or condominium association, as the case may be. Water meters within multi-dwelling units shall be installed by the Developer at his sole expense and shall be of the size, type, and at locations as prescribed by the City Engineer. At the time when the first housing unit served by each meter is first occupied, the City shall assume the ownership and responsibility for the maintenance of that meter, but not any responsibility for any water mains or other water system appurtenances on the site. The Owner of Record for the property shall execute and deliver to the City a general easement granting the City of Long Beach permanent reasonable access to all water meters upon the property for the purpose of taking periodic readings of the meters, and maintenance of them. This easement shall be delivered prior to occupancy of the first unit on the property.

(4) Water Rate and Minimum charge: For all multiple dwelling unit accounts, the water charge shall be at the same user charge rate for water service as provided for in subsection (c), but with a minimum monthly charge based upon the minimum consumption for the respective meter sizes as provided for in Subsection (e), or a minimum amount of 8,333 gallons per dwelling unit served through that meter, whichever of these is greater. The minimum charges shall be applicable whether the units are actually occupied or not."

SECTION 2. 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 3. 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 4. Effective Date.

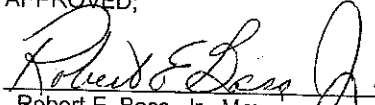
The City of Long Beach, Mississippi, having heretofore entered into an Interlocal Cooperation Agreement with and the creation of the Harrison County Wastewater Management District and in order to protect the public health and safety of the community and the users of services furnished by the Combined Waterworks and Sewer Department of said City, and in order to comply with clean water standards and rules and regulations of the Environmental Protection Agency of the United States of America concerning the use of water and treatment of wastes as set out in 40 CFR 35.3140 and other applicable regulations, this ordinance shall take effect and be in full force from and after its adoption; all for the immediate preservation of order and of the public health and safety; nevertheless notice of the adoption of this ordinance shall be given and the same enrolled in the Ordinance Book as provided by law.

The above and foregoing Ordinance No. 479 was introduced in writing by Alderman Holder, who moved its adoption. Alderman McNary seconded the motion to adopt the Ordinance, and after discussion, the question being put to a roll call the result was as follows:


Alderman Gary Ponthieux	voted	Aye
Alderman Jimmy Levens	voted	Aye
Alderman Jerry Rouse	voted	Aye
Alderman Joseph McNary	voted	Aye
Alderman Billy Skellie	voted	Aye
Alderman Richard Bennett	voted	Aye
Alderman Allen Holder	voted	Aye

The motion having received the affirmative vote of a majority of the aldermen present, the Mayor declared the motion carried, and Ordinance No. 479 adopted, this 5th day of February, 2002.

APPROVED;


 Robert E. Bass, Jr., Mayor

ATTEST:


 Rebecca E. Schuff, City Clerk

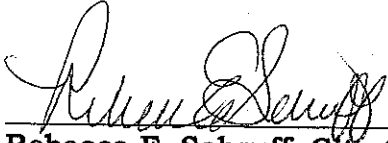
CERTIFICATE

**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 #479 of the City of Long Beach, Mississippi adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 5th day of February, 2002, 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 February, 2002.

(SEAL)



Rebecca E. Schruff, City Clerk