

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 4 A

Council Meeting Date: October 1, 2024

ITEM TITLE:           ORDINANCE (1st Reading)

INTRODUCED BY:    Mayor Andrew "FoFo" Gilich

CONTACT PERSON:   E. Michael Leonard, CAO *gml*

Jerry Creel, Director of Community Development

**SUMMARY EXPLANATION:**

Ordinance to amend section 16.5 Stormwater Management Ordinances of the Code of Ordinances of the City of Biloxi, Mississippi.

Resolution \_\_\_\_\_ Ordinance  Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes \_\_\_\_\_ Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify):

Submittal Authorization:    Council President \_\_\_\_\_ Mayor

**STAFF RECOMMENDATION:** Staff recommends approval

**COUNCIL ACTION:**    Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	___	___	___	___	Tisdale	___	___	___	___
	Gines	___	___	___	___	Glavan	___	___	___	___
	Newman	___	___	___	___	Shoemaker	___	___	___	___
	McGilvary	___	___	___	___					

**ACTION TAKEN:**

kng/100124acd

ORDINANCE NO.

ORDINANCE TO AMEND SECTION 16.5 STORM WATER MANAGEMENT ORDINANCE  
OF THE CODE OF ORDINANCES OF THE CITY OF BILOXI, MISSISSIPPI

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the City of Biloxi that the Code of Ordinances of the City of Biloxi, Mississippi be amended to reflect a one hundred (100) year design storm frequency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI THAT:

SECTION ONE: Section 16.5 of the Code of Ordinances for the City of Biloxi is hereby amended to read as follows:

**Sec. 16.5-1 – General provisions.**

(1) General applicability

- a. The provisions of this chapter shall apply to the development of all land within the corporate limits of the City of Biloxi ~~unless it is expressly exempted by a specific section or subsection of this chapter.~~
- b. This chapter shall apply to all subdivision or site plan applications, ~~unless eligible for an exemption or granted a waiver by the City of Biloxi under the specifications of section 16.5-3 of this chapter.~~

**~~Sec. 16.5-3. Exemptions and waivers.~~**

~~(a) Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed and granted by the city to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the city engineer for approval.~~

~~(b) The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions apply:~~

~~(1) It can be demonstrated to the satisfaction of the city engineer that the proposed development is not likely to impair attainment of the goals and objectives of this chapter; or~~

~~(2) It can be demonstrated to the satisfaction of the city engineer that the proposed development will not be in violation of the conditions of the State of Mississippi's Small Municipal Separate Storm Sewer System (MS4) Permit as it applies to the City of Biloxi.~~

~~(e) Alternative minimum requirements for on-site management of post construction stormwater discharges, as defined in the Biloxi Administrative Manual and the Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas, prepared by the Mississippi Department of Environmental Quality, the Mississippi Soil and Water Conservation Commission and the USDA Soil Conservation Service, may be incorporated in a stormwater management plan that has been approved by the City of Biloxi and that will be implemented in compliance with the intent and regulations set forth in this chapter, when:~~

~~(1) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.~~

~~(2) The city engineer finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.~~

~~(3) Nonstructural practices, such as pervious pavers and green roofs and as explained in detail in the Administrative Manual, will be used on the site that reduce:~~

- ~~a. The generation of stormwater from the site;~~
- ~~b. The size and cost of stormwater storage; and~~
- ~~c. The pollutants generated at the site.~~

~~(d) In instances where one of the conditions above applies, the city may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the city engineer that the waiver will not result in the following impacts to downstream waterways:~~

- ~~(1) Deterioration of existing culverts, bridges, dams, and other structures;~~
- ~~(2) Degradation of biological functions or habitat;~~
- ~~(3) Accelerated streambank or streambed erosion or siltation; or~~
- ~~(4) Increased threat of flood damage to public health, life or property.~~

~~(e) Where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the mayor, the city engineer, and the director of the department of community development. Mitigation measures may include, but are not limited to, the following:~~

~~(1) The purchase and donation to the city of privately owned lands, or the grant to the city of an easement to be dedicated for perpetual preservation and/or reforestation. These lands should be located adjacent to a stream corridor within the city limits of Biloxi in order to provide permanent buffer areas to protect water quality and aquatic habitat;~~

~~(2) The creation of a stormwater management facility or other drainage improvement on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this chapter and the Administrative Manual.~~

~~(Ord. No. 2192, Art. 3, 11-29-11)~~

**Sec. 16.5-4 3. Administration**

~~(4) For a project involving development or redevelopment activities on a site equal to one acre to less than five acres, or less than one acre if part of a larger common plan of development or sale, where the total acreage is based on cumulative planned disturbance:~~

**Sec. 16.5-5 4. Installation of required BMPs prior to land disturbance activities.**

**Sec. 16.5-6 5. General performance criteria for stormwater management.**

**Sec. 16.5-7 6. Construction inspection and enforcement.**

**Sec. 16.5-8 7. Performance guarantees and maintenance agreements.**

**Sec. 16.5-9 8. Installation, maintenance, operation and inspection**

**Sec. 16.5-10 9. Annual evaluation and revision of processes, best management practices and construction and maintenance requirements.**

**Sec. 16.5-11 10. Illicit discharge and connection.**

**Sec. 16.5-12 11. Industrial or construction activity discharges.**

**Sec. 16.5-13 12. Monitoring of discharges, access and inspection.**

**Sec. 16.5-14 13. Commercial and industrial discharge compliance.**

**Sec. 16.5-15 14. Watercourse or easement protection.**

**Sec. 16.5-16 15. Notification of spills.**

**Sec. 16.5-17 16. Suspension of access to city stormwater drain system.**

**Sec. 16.5-18 17. Notice of violations.**

Sec. 16.5-19 **18**. Penalties and prosecution.

Sec. 16.5-20 **19**. Enforcement measures after appeal.

Sec. 16.5-21 **20**. Cost of abatement.

Sec. 16.5-22 **21**. Injunctive relief.

Sec. 16.5-23 **22**. Alternate action.

Sec. 16.5-24 **23**. Violations deemed a public nuisance.

Sec. 16.5-25 **24**. Remedies not exclusive.

Sec. 16.5-26 **25**. Appeal to city council.

Sec. 16.5-27 **26**. Design storm frequency.

~~(b) Upon recommendation by the city engineer and the director of community development to the mayor, the mayor may approve a lesser storm water requirement for a specific development upon a fact-based recommendation from a civil engineer licensed in Mississippi that a lesser requirement for that development will not adversely impact the public's interest in stormwater control within the drainage basin in which the development is located and will not adversely impact the public interest in stormwater control within the specific development site requesting the lesser requirement.~~

SECTION TWO: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.