

ORDINANCE NO. 121

AN ORDINANCE OF THE CITY OF D'IBERVILLE, THE OFFICIAL ZONING ORDINANCE OF THE CITY, TO INCLUDE DEFINITIONS, USES AND REGULATIONS GOVERNING THE LOCATION, USE AND STIPULATION OF MEMA COTTAGES WITHIN SAID CITY

BE ORDAINED BY THE GOVERNING AUTHORITIES OF THE CITY OF D'IBERVILLE UPON MOTION BY COUNCILWOMAN BROUSSARD, WHICH WAS SECONDED BY COUNCILMAN TONCREY, AND ADOPTED BY OFFICIAL VOTE OF THE D'IBERVILLE CITY COUNCIL AT A SPECIAL MEETING ON JANUARY 14, 2009, AS FOLLOWS:

WHEREAS, the City of D'Iberville is sympathetic and understanding of the plight of its citizens following Hurricane Katrina, and

WHEREAS, the health, safety and welfare of the citizens of the City of D'Iberville are the primary concern of the City Council, and

BE IT ORDAINED AS FOLLOWS:

Homes qualified as MEMA cottages which may be purchased or otherwise acquired by citizens of D'Iberville may be placed on private residential property and used as private single family living quarters under the following circumstances only:

1. No Additional cottages, trailers, mobile homes or travel trailers shall be allowed in the City, except as specifically prescribed by Ordinance, and no variances shall be allowed under any section of this Ordinance.
2. The property upon which the MEMA cottage is located must have been owned by the resident of the cottage at the time Hurricane Katrina made landfall and must have been said resident's primary place of residency as evidenced by a Harrison County 2005 homestead exemption for said property which must be provided to the City of D'Iberville's building department.
3. The city shall place on the Deed of Trust on the property the requirement that the property and cottage shall be the owners homestead.
4. Only one (1) MEMA cottage is allowed per parcel.

5. The location of the MEMA cottage must meet all MEMA/FEMA and local requirements.
6. The location of the MEMA cottage must meet all applicable setbacks and building code requirements.
7. The MEMA cottage must be owner-occupied and never allowed to be rented, sublet or leased to any other party by the original owner or their heirs, assignees, purchasers or any subsequent owner. Owners shall provide the City with a copy of their homestead exemption for the year(s) the city requests. Should the city find that such violation exists; the cottage shall be removed at owner's expense upon proper notice of such violation.
8. The MEMA cottage foundation shall be either: piers, posts, pilings or chainwall foundation. No chainwall shall be allowed above 5'7". MEMA will only pay for chainwall construction up to 5'7". MEMA **will not** pay for piers, posts or pilings.
9. The property must be compliant with all flood ordinances and local ordinances, including compliance with FEMA/NFIP proposed Digital Flood Insurance Rate Map elevation requirements.
10. The property must be free of any Code or local ordinance violations and must be free of any assessments resulting from Code Enforcement activities.
11. The parcel is not allowed to be filled, graded or receive dirt or other earthen materials in order to meet elevation requirements, other than to provide drainage as prescribed by the Building Official of the City of D'Iberville.
12. The property owners shall always file for homestead exemption as long as the property contains the MEMA cottage.
13. Property owner must have obtained a building permit from the City of D'Iberville to raise said cottage no later than May 1, 2009. Permits must be applied for by Contractors licensed by the State of Mississippi. No homeowner permits shall be issued. Individual permits are required for Building, Mechanical, Electrical and Plumbing regimens and are payable at the standard rate. Failure to obtain permit shall result in immediate disconnection of city utilities and immediate removal of cottage.

14. MEMA cottage must be raised and accepted by the City of D'Iberville Building Department and Certificate of Occupancy issued by June 30, 2009.

The above conditions are placed upon the placement and use of MEMA cottages for the safety and well being of the citizens of D'Iberville *in toto*.

The above and foregoing Ordinance having been introduced in writing by Councilwoman Broussard and having been read by the City Clerk and considered by the City Council section by section, and as a whole, was adopted by the following vote:

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| Mayor Rusty Quave | Voted | <u>Aye</u> |
| Councilman Ellis | Voted | <u>Aye</u> |
| Councilman Toncrey | Voted | <u>Aye</u> |
| Councilman Broussard | Voted | <u>Aye</u> |
| Councilman Bellman | Voted | <u>Aye</u> |
| Councilman Harder | Voted | <u>Aye</u> |

The foregoing Ordinance having received the affirmative vote of a majority of the City Council, the Mayor declare said Ordinance adopted as of this 14th day of January, 2009.



MAYOR, CITY OF D'IBERVILLE, MS

Attested by the Clerk of Council on January 14, 2009.



CLERK OF THE CITY COUNCIL

Adopted at special meeting January, 14, 2009.

Recorded at Minute Book _____, at Page _____.