

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 16th day of August, 2022, the following Ordinance:

ORDINANCE NO. 3164

**AN ORDINANCE REGULATING PARKING ALONG U. S. HIGHWAY 90
IN THE CITY OF GULFPORT AND CODIFYING THE SAME AS § 6-334
IN THE CODE OF ORDINANCES OF THE CITY OF GULFPORT, MISSISSIPPI**

WHEREAS, Mississippi law, specifically *Miss. Code Ann.* § 21-37-3, as amended, provides that municipalities have full jurisdiction over municipal streets and sidewalks, including the authority to regulate parking of vehicles on public streets; and

WHEREAS, the Gulfport City Council has enacted various ordinances through the years regulating parking within the City of Gulfport, Mississippi; and

WHEREAS, the City's Governing Authority has determined there is a need to adopt an Ordinance that addresses and regulates the parking of vehicles along U. S. Highway 90; and

WHEREAS, such parking restrictions and regulations should be codified as § 6-334 in Chapter 6, Article XIII in the City's Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

SECTION 2. That Chapter 6, Article XIII of the Code of Ordinances of the City of Gulfport, Mississippi, should be, and hereby is, amended to add and include as a new Section, that codified as § 6-344, the following:

Sec. 6-334. Restriction of parking in Areas Along U. S. Highway 90.

- (a) It shall be unlawful for any person to park a vehicle, as defined herein, on public property south of the north margin of the U.S. Highway 90 right-of-way, which for purposes of this Section shall include any area other than in designated parking areas.
- (b) It shall be unlawful for any person to park a vehicle, as defined herein, in the parking areas located south of the eastbound lanes of U. S. Highway 90 from the hours of 12:00 a.m. (midnight) to 6:00 a.m.

- (c) In addition to the above parking prohibitions, the City's Police Chief, subject to approval of the mayor, may extend the hours that parking is prohibited in

any or all parking bays or areas for periods not to exceed 72 hours at a time, due to special circumstances within the community, which in the opinion of the Police Chief, subject to the approval of the mayor, create potential traffic flow problems that may be detrimental to the health, welfare, and safety of the public. Citations for violations of this sub-section may be issued either if signage is posted in the applicable parking bay or area noting the revised prohibited parking hours or if a violator has been asked to remove the offending vehicle and fails or refuses to do so. For purposes of this paragraph and paragraph (e) below, the definition of vehicle shall also include cars, motorcycles and pickup trucks.

- (d) The parking bays or areas adjacent to U.S. Highway 90 that are designated by and included within this Section shall include the following: the Lewis Avenue-Rich Avenue parking area; the Hardy Avenue-Ruth Avenue parking area; the Maria Avenue turning / parking area; the Fournier Avenue turning /parking area; the Woodward Avenue-Camp Avenue parking area; the 41st Avenue parking area (associated with the Libby Milner Roland Pier); the 38th Avenue to 8th Street parking area; the Pratt Avenue parking area (across U. S. Highway 90 from the Courtyard by Marriott hotel); the Thornton Avenue parking area; the Hill Place turning / parking area; the Kelly Avenue turning / parking area; the Olive Avenue to Bert Avenue turning / parking area; the turning / parking area in between Bert Avenue and Gulf Avenue; the Gulf Avenue turning / parking area; the Roberts Avenue turning / parking area; the Alfonso Drive turning / parking area; the Midway Avenue turning / parking area; the Oak Avenue turning parking area; the parking area immediately east of Oak Avenue and across from Centennial Plaza; the Arkansas Avenue parking area; the Texas Avenue turning / parking area; the Palmetto Lane turning / parking area; the Tegarden Road turning / parking area; the turning / parking areas across from and near Phillips Drive and Paradise Avenue; the Oleander Drive turning / parking area; the turning area between Cedar Drive and Laurel Drive; the Highway 605 / Cowan Road turning / parking area; the turning / parking area east of Highway 605 / Cowan Road and near Beach Drive; the turning / parking area west of Southern Circle; the turning / parking area across from Southern Circle; and the turning / parking area immediately east of Southern Circle.
- (e) Any vehicle lawfully parked in any of the designated parking bays or areas south of the eastbound lanes of U. S. Highway 90 also must be parked in a way to permit the continued safe passage of vehicles along the Highway or within the parking lot/area and only parked in designated parking bays/areas. Parking is prohibited in all areas south of the eastbound lanes of U. S. Highway 90 not otherwise designated for parking by this Section.
- (f) For purposes of this section, “vehicle” shall be defined as a recreational vehicle, motorhome (all classes and types), 5th wheel, travel trailer, camper van, bus, pickup truck with camper and semi-truck cab with sleeper.

SECTION 3. All provisions of Chapter 6 of the Code of the Ordinances of the City of Gulfport, Mississippi not in conflict herewith shall remain in full force and effect as heretofore provided.

SECTION 4. To provide for the immediate and temporary preservation of the public peace, health and safety, this Ordinance shall be in full force and become effective immediately upon its passage by unanimous vote and enactment according to law and shall be spread on the minutes of the Gulfport City Council. The Ordinance shall be published according to law and for failure to pass unanimously, shall take effect thirty (30) days after the date of passage.

SECTION 5. The Governing Authority further finds that the following shall serve as an explanatory statement of this Ordinance for purposes of publication: “This Ordinance provides for regulations pertaining to parking along U. S. Highway 90 in the City of Gulfport, Mississippi and enacts the same as § 6-334 in the City’s Code of Ordinances. A copy of the full text of this Ordinance is available to municipal residents upon request to the City Clerk.” For the next thirty (30) days, a copy of the full text of this Ordinance shall be posted by the City Clerk: (a) in the first floor lobby at City Hall (2309 15th Street, Gulfport, Mississippi 39501); (b) in the first floor lobby of the City’s Hardy Building (1410 24th Avenue, Gulfport, Mississippi 39501); and (c) in the first floor lobby of the County Courthouse in Gulfport (1801 23rd Avenue, Gulfport, Mississippi 39501). The City Clerk shall further furnish any resident of the City a copy of the full text of this Ordinance upon request.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Roland, seconded by Councilmember Casey, and was adopted by the following roll call vote:

<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Casey	None	None
Roland		
Holmes-Hines		
Walker		
Sharp		
Flowers		
Kosloski		

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 16th day of August, 2022.

(SEAL)

ATTEST:
/s/ Brittany Rodgers

Brittany Rodgers, Clerk of Council

ADOPTED:
/s/ Rusty Walker

F.B. “Rusty” Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the

Mayor, this the 17th day of August, 2022.

APPROVED:

/s/ Billy Hewes

Billy Hewes, Mayor