

ORDINANCE NO. 681-07-2026

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI, FORMALLY REPEALING AND REPLACING ARTICLE III — TREE PRESERVATION OF THE CITY CODE OF ORDINANCES WITH SECTION 1011 — TREE PRESERVATION OF THE CITY OF BAY ST. LOUIS ZONING ORDINANCE; CONFIRMING THE INTENT OF THE 2017 ZONING ORDINANCE TO SUPERSEDE AND REPLACE PRIOR INCONSISTENT TREE-PRESERVATION PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND FOR RELATED PURPOSES.

WHEREAS, the City of Bay St. Louis, Mississippi (the “City”), acting through its Mayor and City Council, has authority to adopt, amend, repeal, and codify ordinances for the protection of the public health, safety, welfare, and orderly development of the City; and

WHEREAS, Article III — Tree Preservation of the City Code of Ordinances was adopted prior to the City’s current zoning ordinance and has remained published in the City’s Code of Ordinances; and

WHEREAS, in 2017, the City adopted its current Zoning Ordinance, which includes Section 1011 — Tree Preservation; and

WHEREAS, Section 1011 — Tree Preservation of the 2017 Zoning Ordinance establishes the City’s current tree-preservation regulations, including provisions concerning protected trees, permitting, removal, mitigation, administration, and the role of the Tree Protection Advisor; and

WHEREAS, Section 1604 of the 2017 Zoning Ordinance provides that all ordinances or parts of ordinances in conflict with the 2017 Zoning Ordinance are repealed, which effectively replaces Article III — Tree Preservation of the City Code of Ordinances with Section 1011 — Tree Preservation of the 2017 Zoning Ordinance; and

WHEREAS, the Mayor and City Council find and declare that, at the time of adoption of the 2017 Zoning Ordinance, it was the intent of the City that Section 1011 — Tree Preservation of the 2017 Zoning Ordinance would supersede, replace, and control over any prior inconsistent tree-preservation provisions, including Article III — Tree Preservation of the City Code of Ordinances; and

WHEREAS, the Mayor and City Council further find that it is in the best interest of the City and its citizens to remove any ambiguity regarding the applicable tree-preservation regulations by formally repealing Article III — Tree Preservation of the City Code of Ordinances and replacing it with Section 1011 — Tree Preservation of the 2017 Zoning Ordinance; and

WHEREAS, this Ordinance is intended to confirm, clarify, and codify the City’s current tree-preservation regulations and the prior intent of the 2017 Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI, AS FOLLOWS:**

SECTION 1. Findings and Intent.

The foregoing recitals are incorporated herein by reference as findings of the Mayor and City Council.

The Mayor and City Council hereby find, declare, and confirm that the adoption of Section 1011 — Tree Preservation as part of the 2017 Zoning Ordinance was intended to supersede and replace prior inconsistent tree-preservation provisions of the City, including Article III — Tree Preservation of the City Code of Ordinances. This Ordinance is adopted to formally confirm that intent, eliminate any ambiguity created by the continued publication of Article III in the City Code of Ordinances, and establish Section 1011 — Tree Preservation of the Zoning Ordinance as the controlling tree-preservation regulation of the City.

SECTION 2. Repeal of Article III — Tree Preservation.

Article III — Tree Preservation of the City Code of Ordinances is hereby repealed in its entirety and shall be of no further force or effect from and after the effective date of this Ordinance.

To the extent any other ordinance, code section, policy, form, administrative practice, or prior action of the City is inconsistent with Section 1011 — Tree Preservation of the Zoning Ordinance, such inconsistent ordinance, code section, policy, form, administrative practice, or prior action is hereby repealed, superseded, or amended to conform to Section 1011 — Tree Preservation of the Zoning Ordinance.

SECTION 3. Replacement with Section 1011 — Tree Preservation of the Zoning Ordinance.

Article III — Tree Preservation of the City Code of Ordinances is hereby replaced with Section 1011 — Tree Preservation of the City of Bay St. Louis Zoning Ordinance, as adopted in 2017 and as may be amended from time to time.

Section 1011 — Tree Preservation of the Zoning Ordinance shall be the controlling and operative tree-preservation ordinance of the City, including but not limited to provisions governing protected trees, tree-removal permits, mitigation, enforcement, and administration by the Tree Protection Advisor.

SECTION 4. Tree Protection Advisor.

For purposes of administering Section 1011 — Tree Preservation of the Zoning Ordinance, the City shall utilize the Tree Protection Advisor as provided therein. The Tree Protection Advisor shall satisfy the qualifications set forth in Section 1011, including the requirement that the Tree Protection Advisor be an arborist or horticulturist.

All City departments involved in permitting, development review, code enforcement, or tree-removal approvals shall coordinate with the Tree Protection Advisor to ensure that decisions, approvals, denials, forms, and related records are maintained in the City's permitting or recordkeeping system.

SECTION 5. Permit Fee.

The fee for an application for a tree-removal permit or other permit required under Section 1011 — Tree Preservation of the Zoning Ordinance shall be Seventy-Five Dollars (\$75.00), unless otherwise amended by subsequent ordinance or duly adopted fee schedule of the City.

SECTION 6. Codification and Municode Direction.

The City Clerk, City Attorney, Code Enforcement Department, Building Department, Planning and Zoning Department, and any codifier retained by the City are authorized and directed to take all actions necessary to reflect this Ordinance in the City Code of Ordinances and any online codification platform used by the City.

Such codification actions shall include, without limitation, removing Article III — Tree Preservation from the City Code of Ordinances, replacing it with a reference to Section 1011 — Tree Preservation of the Zoning Ordinance, and including any appropriate cross-reference stating that Section 1011 — Tree Preservation of the Zoning Ordinance is the controlling tree-preservation regulation of the City.

The codifier is further authorized to make nonsubstantive formatting, numbering, capitalization, and cross-reference changes necessary to implement this Ordinance, provided that no substantive change is made to Section 1011 — Tree Preservation except by subsequent ordinance duly adopted by the Mayor and City Council.

SECTION 7. No Revival of Prior Ordinances.

The repeal of Article III — Tree Preservation shall not revive any prior ordinance, code section, rule, or regulation previously repealed, superseded, or rendered ineffective by the 2017 Zoning Ordinance or any other ordinance of the City.

SECTION 8. Pending Applications and Existing Proceedings.

Unless otherwise required by law or expressly directed by the Mayor and City Council, all pending and future applications, permits, permit denials, inspections, enforcement actions, mitigation requirements, and administrative determinations concerning tree preservation or tree removal shall be governed by Section 1011 — Tree Preservation of the Zoning Ordinance from and after the effective date of this Ordinance.

Nothing in this Ordinance shall be construed to invalidate any prior lawful action taken by the City under Section 1011 — Tree Preservation of the Zoning Ordinance.

SECTION 9. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared invalid, unlawful, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 10. Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 11. Effective Date.

This Ordinance shall take effect and be in force as provided by law following its adoption and publication, if publication is required.

ORDAINED, ADOPTED, AND APPROVED by the Mayor and City Council of the City of Bay St. Louis, Mississippi, on this the ____ day of July, 2026.