AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
July 5, 2017 @ 6:30 PM

I. Call to Order

1. **Prayer**

2. **Pledge of Allegiance**

II. Agenda Order Approval

III. Announcements

1. **2nd Saturday City of Gautier Farmers Market will be held July 8th from 8AM - 12PM at the George Martin City Park (Pavilion B).**

IV. Presentation Agenda - None

V. Public Agenda

1. **Agenda Comments**

VI. Business Agenda

1. **Appointment and renewal of employment agreement with City Manager for term of office - Paula Yancey.**

2. **Appointment of Mayor Pro Tem for term of office.**

3. **Appointment and renewal of contractual agreement with City Attorney/City Prosecutor for term of office - Joshua Danos.**

4. **Appointment and renewal of City Judge for term of office - Jason Thornton.**

5. **Appointment of Gautier Planning Commission Members.**

6. **Appointment of Civil Service Commissioner.**

7. **Appointment of three (3) Election Commissioners.**

8. **Authorization for City Park Boat Launch Improvements Project — Change Order #1.**

9. **Approval of Docket of Claims.**

VII. Consent Agenda (All items approved in one motion)

1. **Approval of minutes from Recessed Council Meeting held June 20, 2017.**

2. **Appointment of Mississippi Municipal League 2017 Voting Delegates.**

3. **Approval of a Building Use Agreement with First United Methodist Church Gautier to Host a Free Basketball Camp.**

4. **Authorization of Mississippi Department of Public Safety, Bureau of Narcotics FY 2017 HIDTA Sub-Grantee Cooperative Agreement.**

VIII. STUDY AGENDA

1. **Discuss Citizen Comments**

2. **Discuss Council Comments**

3. **Discuss City Manager Comments**

4. **Discuss City Clerk Comments**

5. **Discuss City Attorney Comments**

Recess until July 18, 2017 at 6:30 PM
www.gautier-ms.gov

CITY OF GAUTIER, MISSISSIPPI
ANNOUNCEMENT AGENDA
July 5, 2017

ITEM DESCRIPTION:

ANNOUNCEMENTS

1. **2nd Saturday City of Gautier Farmers Market will be held July 8th from 8AM – 12PM at the George Martin City Park (Pavilion B).**

NOTES:

GAUTIER
MISSISSIPPI

Nature's Playground

2nd Saturday Farmers MARKET

FARMERS MARKET

FARM FRESH

MAY — OCTOBER
2ND SATURDAY MONTHLY
8:00 A.M. UNTIL 12:00 P.M.
GEORGE MARTIN CITY PARK

902 DE LA POINTE DR.

FOR MORE INFORMATION OR TO BECOME A VENDOR CONTACT RACHEL HONEA AT 228-219-3259

CITY OF GAUTIER, MISSISSIPPI
PRESENTATION AGENDA
July 5, 2017

ITEM DESCRIPTION:

PRESENTATION AGENDA - None

NOTES:

CITY OF GAUTIER, MISSISSIPPI
PUBLIC AGENDA
July 5, 2017

ITEM DESCRIPTION:

AGENDA COMMENTS

NOTES:

CITY OF GAUTIER
Business Agenda Item #1
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Appointment and renewal of employment agreement with City Manager for term of office- Paula Yancey**
Introduced by:	
Contact Person/Telephone	**City Manager 497-8000 ext. 306**

Summary Explanation: Appointment and renewal of employment agreement with City Manager for term of office - Paula Yancey.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment and renewal of employment agreement with City Manager for term of office – Paula Yancey is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #2
Fact Sheet

Council Meeting: July 5, 2017
Title: Appointment of Mayor Pro Tem for term of office

Introduced by:
Contact Person/Telephone City Manager 497-8000 ext. 306

Summary Explanation: Appointment of Mayor Pro Tem for term of office.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Second Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Torjusen	☐	☐	☐	☐
At Large	Martin	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Vaughan	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Colledge	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment of Mayor Pro Tem for term of office is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #3
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Appointment and renewal of contractual agreement with City Attorney/City Prosecutor for term of office – Joshua Danos**
Introduced by:	
Contact Person/Telephone	**City Manager 497-8000 ext. 306**

Summary Explanation: Appointment and renewal of contractual agreement with City Attorney/City Prosecutor for term of office – Joshua Danos.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment and renewal of contractual agreement with City Attorney/City Prosecutor for term of office – Joshua Danos is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #4
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Appointment and renewal of City Judge for term of office – Jason Thornton**
Introduced by:	
Contact Person/Telephone	**City Manager 497-8000 ext. 306**

Summary Explanation: Appointment and renewal of City Judge for term of office – Jason Thornton.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment and renewal of City Judge for term of office – Jason Thornton is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #5
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Appointment of Gautier Planning Commission Members**
Introduced by:	
Contact Person/Telephone	**City Manager 497-8000 ext. 306**

Summary Explanation: Appointment of Gautier Planning Commission Members (Ward 1) Jimmy Green; (Ward 2) Terrance Levy; (Ward 3) Christopher W. Scruggs; (Ward 4) Kay C. Jamison; (Ward 5) Larry Dailey; (At Large) Sandra Walters; and (Mayor) John Hunter.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment of the following Gautier Planning Commission Members is hereby approved.

Ward 1 – Jimmy Green
Ward 2 – Terrance Levy
Ward 3 – Christopher W. Scruggs
Ward 4 – Kay C. Jamison
Ward 5 – Larry Dailey
At Large – Sandra Walters
Mayor – John Hunter

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #6
Fact Sheet

Council Meeting: July 5, 2017
Title: Appointment of Civil Service Commissioner

Introduced by:
Contact Person/Telephone City Manager 497-8000 ext. 306

Summary Explanation: Appointment of Howard W. Butler as Civil Service Commissioner. Appointment is to fill Mayor – Elect Torjusen's vacant position.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Second Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Torjusen	☐	☐	☐	☐
At Large	Martin	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Vaughan	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Colledge	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment of Howard W. Butler as Civil Service Commissioner is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #7
Fact Sheet

Council Meeting: July 5, 2017
Title: Appointment of three (3) Election Commissioners

Introduced by:
Contact Person/Telephone City Manager 497-8000 ext. 306

Summary Explanation: Appointment of Vivian Dailey, Sydney Ray and Cynthia Steen as Election Commissioners.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Second Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Torjusen	☐	☐	☐	☐
At Large	Martin	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Vaughan	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Colledge	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointment of Vivian Dailey, Sydney Ray and Cynthia Steen as Election Commissioners is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Business Agenda Item #8
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Authorization for City Park Boat Launch Improvements Project Change Order #1**
Introduced by:	
Contact Person/Telephone	**April Havens 497-8000 ext. 315**

Summary Explanation: Authorization for Change Order #1 for the City Park Boat Launch Improvements Project. The change order adds pile wraps and caps to extend the lifespan of the associated timber piles, at an increased cost of $1,300.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Guillotte**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Change Order #1 for the City Park Boat Launch Improvements is hereby authorized.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, City Manager
From: April Havens, Grants Administrator
Date: 06/28/2017
Subject: Authorization for City Park Boat Launch Improvements Project — Change Order #1.

REQUEST:
The Grants and Projects Administrator requests City Council authorization for Change Order #1 for the City Park Boat Launch Improvements Project.

BACKGROUND:
The Dingell-Johnson Sport Fish Restoration Program, authorized under the U.S. Fish and Wildlife Service, supports activities designed to restore, conserve, manage, or enhance sport fish populations; the public use and benefits from these resources; and activities that provide boat access to public waters. The Mississippi Department of Marine Resources applied to the U.S. Fish and Wildlife Service on behalf of the City of Gautier for this sport fish grant. The City was awarded $190,310 in federal funds, which requires a 25 percent match of $65,300. Tidelands agreed to cover the local match.

This project includes removing and replacing the two existing deteriorated boat launches, removing and replacing the existing deteriorated boat dock decking, removing and replacing the deteriorated wooden bulkhead, adding an accessible kayak and canoe launch, and installing an accessible route to the dock area.

Bids were opened for this project on April 4, 2017. The engineer's estimate was $221,120. Three bids were received. M&D Construction Co. offered the lowest and best bid, which was over budget at $259,316.40. On May 16, 2017, the City Council voted to award the contract to M&D Construction and pick up the extra costs during the next budget year, rather than cut the scope of work or rebid the project. Also awarded at that time was Alternate #3, which added $1,811.24 for ADA accessible sidewalks to the City Park pavilions. Tidelands will pay 100 percent of the costs for Alternate #3, and City staff will also petition Tidelands to pick up a portion of the project overrun.

DISCUSSION:
This change order adds pile wraps and caps to extend the lifespan of the associated timber piles, at an increased cost of $1,300. Pile wraps and caps for the timber piles were chosen in lien of an alternate that would have substituted concrete piles for the timber piles.

RECOMMENDATION:
The Grants & Projects Administrator requests authorization for Change Order #1 for the City Park Boat Launch Improvements Project as presented.

City Council may:
1) Authorize Change Order #1; or
2) Not Authorize Change Order #1.

ATTACHMENTS:
1. Change Order #1

COMPTON ENGINEERING, INC.

ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES

1706 Convent Avenue
P.O. Box 686
Pascagoula, MS 39568

Phone: 228.762.3970
Fax: 228.769.9079

comptonengineering.com

June 9, 2017

Ms. April M. Havens, Grants & Project Administrator
City of Gautier
3330 Highway 90
Gautier, MS 39553

Re: City Park Boat Launch Improvements
(C.E. Job #: 216-055)

Dear Ms. Havens:

Please find enclosed three (3) originals of Change Order No. 1 for the above referenced project dated May 26, 2017. This change order increases the contract amount by $1,300.00. This change order adds pile wrap and caps on timber piles.

Compton Engineering, Inc. recommends approval of Change Order No. 1 to M&D Construction Co., Inc. increasing the contract in the amount of One Thousand, Three Hundred Dollars and Zero Cents ($1,300.00).

Once approved and signed, please return two (2) originals to our office for further distribution.

If you have any questions or require additional information, please advise.

Sincerely,

COMPTON ENGINEERING, INC.

W. Andrew Douglass, P.E.
Project Engineer

WAD:kl

pc: M&D Construction Co., Inc.

PASCAGOULA

BILOXI

BAY ST. LOUIS

SECTION 00943-01
CHANGE ORDER NO. 1

Date of Issuance: May 26, 2017 Effective Date: _____

Project: City Park Boat Launch Improvements	Owner: City of Gautier	Funding Agent's Contract No.: N/A
Contract: City Park Boat Launch Improvements		Date of Contract:
Contractor: M&D Construction Co., Inc.		Engineer's Project No.: 216-055
P.O. Box 5047		
Moss Point, MS 39563		

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Provide pile wrap and caps on timber piles.

Attachments: Attachment No. 1 to Change Order No. 1

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: $261,127.65	Original Contract Times: ☐ Working days ■ Calendar days Substantial completion (date): 90 days Ready for final payment (date): 120 days
Contract Price prior to this Change Order: $261,127.65	Contract Times prior to this Change Order: Substantial completion (date): 90 days Ready for final payment (date): 120 days
Increase as of this Change Order: $1,300.00	Change of this Change Order: Substantial completion (days): 0 days Ready for final payment (days): 0 days
Contract Price incorporating this Change Order: $262,427.65	Contract Times with all approved Change Orders: Substantial completion (date): 90 days Ready for final payment (date): 120 days

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature) DAVID J. VICE
Date: 6/7/17	Date: _____	Date: June 7, 2017

This Change Order (CO) constitutes full and mutual accord and satisfaction for all time and costs related to this change. By acceptance of this CO, the contractor hereby agrees that the modification is an equitable adjustment to the contract, and waives all right to file any future claims arising out of this change.

To be effective, this CO must be approved by the Funding Agency if it changes the scope or objective of the PROJECT, or as may otherwise be required by the SUPPLEMENTARY GENERAL CONDITIONS.

ATTACHMENT NO. 1 TO CHANGE ORDER NO. 1

Rev - 0

Item #	Description	Units	Unit Price	Bid Amount		Change Order No. 1		Difference in Quantities	Total
				Quantity	Ext. Total	Quantity	Amount		
BID SCHEDULE NO. 1 - CITY PARK BOAT LAUNCH IMPROVEMENTS									
1	Mobilization/Demobilization	LS	$10,235.00	1.00	$10,235.00	1.00	$10,235.00	0%	$0.00
2	Erosion & Sediment control	LS	$1,725.00	1.00	$1,725.00	1.00	$1,725.00	0%	$0.00
3	Construction survey	LS	$4,025.00	1.00	$4,025.00	1.00	$4,025.00	0%	$0.00
4	Temporary silt fence	LF	$3.45	150.00	$517.50	150.00	$517.50	0%	$0.00
5	Sawcut existing Asphalt/Concrete	LF	$5.75	40.00	$230.00	40.00	$230.00	0%	$0.00
6	Remove existing Asphalt	SY	$57.50	5.00	$287.50	5.00	$287.50	0%	$0.00
7	Demolition of existing concrete boat launch and Sidewalk	SY	$10.47	275.00	$2,879.25	275.00	$2,879.25	0%	$0.00
8	Demolish existing dock decking	SF	$2.60	1,310.00	$3,406.00	1,310.00	$3,406.00	0%	$0.00
9	Demolish existing structural member	BF	$2.60	500.00	$1,300.00	500.00	$1,300.00	0%	$0.00
10	Excavate/grade for boat launch improvements	LS	$65,700.00	1.00	$65,700.00	1.00	$65,700.00	0%	$0.00
11	Excavate for ADA accessible route	LS	$575.00	1.00	$575.00	1.00	$575.00	0%	$0.00
12	Aggregate base under concrete launches and sidewalks	SY	$28.92	415.00	$12,001.80	415.00	$12,001.80	0%	$0.00
13	Aggregate base under piers adjacent to launch	SY	$28.92	90.00	$2,602.80	90.00	$2,602.80	0%	$0.00
14	Provide concrete Boat launch and ramp (incl. curbs)	SY	$192.22	340.00	$65,354.80	340.00	$65,354.80	0%	$0.00
15	Provide ADA accessible sidewalks and ramp to pier (incl. curbs)	SY	$90.39	75.00	$6,779.25	75.00	$6,779.25	0%	$0.00
16	Provide vinyl sheetpile bulkhead system (11' long)	SF	$16.45	1,500.00	$24,675.00	1,500.00	$24,675.00	0%	$0.00
17	Provide new dock structural members (incl. hardware)	BF	$9.20	500.00	$4,600.00	500.00	$4,600.00	0%	$0.00
18	Provide new dock decking	SF	$6.27	1,310.00	$8,213.70	1,310.00	$8,213.70	0%	$0.00
19	Provide solar lighting at docks	EA	$1,150.00	2.00	$2,300.00	2.00	$2,300.00	0%	$0.00
20	Provide new timber piles	LF	$17.86	80.00	$1,428.80	80.00	$1,428.80	0%	$0.00
21	Provide accessible floating kayak launch	LS	$40,480.00	1.00	$40,480.00	1.00	$40,480.00	0%	$0.00
			TOTAL BID SCHEDULE NO. 1:		**$259,316.40**		**$259,316.40**		**$0.00**

Item #	Description	Units	Unit Price	Bid Amount		Change Order No. 1		Difference in Quantities	Total
				Quantity	Ext. Total	Quantity	Amount		
ALTERNATE NO. 3 - CITY PARK BOAT LAUNCH IMPROVEMENTS									
1	Provide ADA accessible sidewalks on-site in locations to be determined by Owner	SY	$51.75	35.00	$1,811.25	35.00	$1,811.25	0%	$0.00
			TOTAL ALTERNATE NO. 3:		**$1,811.25**		**$1,811.25**		**$0.00**

ATTACHMENT NO. 1 TO CHANGE ORDER NO. 1

Rev - 0

Item #	Description	Units	Unit Price	Bid Amount		Change Order No. 1		Difference in Quantities	Total
				Quantity	Ext. Total	Quantity	Amount		
CHANGE ORDER NO. 1									
CO1-1	Provide Pile Wrap & Caps on Timber Piles	LS	$1,300.00	0.00	$0.00	1.00	$1,300.00	-	$1,300.00
			TOTAL CHANGE ORDER NO. 1:		$0.00		$1,300.00		$1,300.00

TOTAL BID SCHEDULE NO. 1 + ALTERNATE NO. 3 + CHANGE ORDER NO. 1:	$261,127.65	$262,427.65	$1,300.00

CITY OF GAUTIER
Business Agenda Item #9
Fact Sheet

Council Meeting: July 5, 2017
Title: Approval of Docket of Claims

Introduced by:
Contact Person/Telephone Teresa Montgomery 497-8000 ext. 309

Summary Explanation: Approval of the Docket of Claims.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Second Made by:													
Torjusen	☐	Martin	☐	George	☐	Guillotte	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Torjusen	☐	☐	☐	☐
At Large	Martin	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Vaughan	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Colledge	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Docket of Claims is hereby approved, provided that all entries thereon are true, correct, properly entered and not fraudulent.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	AT&T	172173	07/05/2017	06/21/2017			159.76	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-605 MONTHLY SERVICE			2284972172	06/14/2017			159.76
001	AT&T	172174	07/05/2017	06/21/2017			90.09	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-605 MONTHLY SERVICE			228497070	06/14/2017			90.09
001	AT&T	172175	07/05/2017	06/21/2017			30.12	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-699 NCIC TELECOM SERVS			2284970262	06/14/2017			30.12
001	SECURE NETWORKS LLC	172176	07/05/2017	01/21/2017			2,430.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-698 AUG 2017 NETWORK SERVICES			3093	06/15/2017			2,280.00
	001-092-698 AUG 2017 SYNCHRONIZED EMAIL			3093	06/15/2017			150.00
001	C SPIRE WIRELESS	172184	07/05/2017	06/21/2017			874.38	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-605 POLICE CELLS			0032680896	05/12/2017			874.38
001	DELTA COMPUTER SYSTEMS INC	172185	07/05/2017	06/22/2017			430.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-698 ACCTG SOFTWARE MAINT			MN123563	06/15/2017			300.00
	001-092-698 VOTER REG SOFTWARE MAINT			MN123563	06/15/2017			20.00
	001-092-698 PRIV LIC SOFTWARE MAINT			MN123564	06/15/2017			110.00
001	AT&T	172186	07/05/2017	06/22/2017			3,376.94	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-605 MONTHLY SERVICE			2284978000	06/14/2017			3,376.94
001	FORTNEY, TIM	172212	07/05/2017	06/27/2017			123.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 PER DIEM: IAFF DIST PROGRAM			07112017	06/05/2017			123.00
001	JOSHUA HILL	172213	07/05/2017	06/27/2017			123.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 PER DIEM: IAFF DIST PROGRAM			07112017	06/05/2017			123.00
001	JOSH LATCH	172214	07/05/2017	06/27/2017			123.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 PER DIEM: IAFF DIST PROGRAM			07112017	06/05/2017			123.00
001	MAURICE E MCCLURE	172215	07/05/2017	06/27/2017			36.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 PER DIEM: FIRE SERV CHAPLAIN			07192017	06/09/2017			36.00

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	SAMANTHA GUTHRIE	172216	07/05/2017	06/27/2017			72.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 PER DIEM: ROPE TECH 1			07172017	06/09/2017			72.00
001	TIMOTHY P JONES	172217	07/05/2017	06/27/2017			72.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 PER DIEM: ROPE TECH 1			07172017	06/12/2017			72.00
001	BOYS & GIRLS CLUBS OF JACKSON COUNTY INC	172218	07/05/2017	06/27/2017			550.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-170-645 MENTOR SPONSOR:STEAK & STEAK			06292017	06/29/2017			550.00
001	FUELMAN OF MS	172219	07/05/2017	06/27/2017			2,519.84	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-090-525 UNL FUEL			NP50650756	06/19/2017			85.13
	001-100-525 UNL FUEL			NP50650756	06/19/2017			1,915.97
	001-161-525 UNL & DSL FUEL			NP50650756	06/19/2017			310.77
	001-170-525 UNL & DSL FUEL			NP50650756	06/19/2017			109.31
	001-205-525 UNL & DSL FUEL			NP50650756	06/19/2017			98.66
001	FUELMAN OF MS	172221	07/05/2017	06/27/2017			2,251.11	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-525 UNL FUEL			NP50693996	06/26/2017			39.44
	001-100-525 UNL FUEL			NP50693996	06/26/2017			1,774.57
	001-161-525 UNL & DSL FUEL			NP50693996	06/26/2017			290.79
	001-170-525 UNL FUEL			NP50693996	06/26/2017			109.78
	001-205-525 UNL FUEL			NP50693996	06/26/2017			36.53
001	JACKSON COUNTY ADULT DETENTION CENTER	172224	07/05/2017	06/27/2017			12,857.43	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-010-696 MAY 2017 ADC CHGS			05312017	06/01/2017			12,845.00
	001-010-696 PHARMACY CHGS			05312017	06/01/2017			12.43
001	LAMEY ELECTRIC INC	172225	07/05/2017	06/27/2017			855.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-201-698 SERV CALL: OST-LADNIER TS			214A	06/19/2017			517.50
	001-201-698 SERV CALL: G/VAN-COLLEGE TS			222A	06/22/2017			337.50
001	THE SUN HERALD	172226	07/05/2017	06/27/2017			254.80	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-040-559 ANNUAL SUBSCRIPTION 2003375			7DAYC	06/14/2017			254.80
001	CHARLES R ANDERSON	172227	07/05/2017	06/27/2017			62.13	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-001-615 REIMB SHIRTS (3)			06202017	06/20/2017			62.13
001	RICHARD R JACKSON	172231	07/05/2017	06/27/2017			74.85	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-001-615 REIMB SHIRTS (5)			06222017	06/22/2017			74.85

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	PHIL TORJUSEN	172232	07/05/2017	06/27/2017			44.93	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-001-615 / REIMB SHIRTS (3)			06172017	06/17/2017			44.93
001	ROCIC	172233	07/05/2017	06/27/2017			300.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-699 / JUL 2017-JUN 2018 SERV FEE			0037582-IN	06/01/2017			300.00
001	GLOBALSTAR	172234	07/05/2017	06/27/2017			66.44	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-605 / MONTHLY SERVICE			0008429752	06/16/2017			66.44
001	PITNEY BOWES PURCHASE POWER	172236	07/05/2017	06/27/2017			621.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-607 / POSTAGE METER			20060869	06/20/2017			621.00
001	SINGING RIVER E P A	172237	07/05/2017	06/28/2017			827.80	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-631 / BROWN FD 95237002			06152017	06/22/2017			365.54
	001-161-631 / MARTIN BLUFF FD	58380001		06162017	06/23/2017			225.06
	001-201-629 / SIGNAL LIGHTS	17546		06162017	06/23/2017			38.41
	001-092-631 / CITY LIMIT SIGN	17546		06162017	06/23/2017			28.73
	001-100-631 / MBLUFF SUB STN	58521002		06162017	06/23/2017			170.06
001	SINGING RIVER E P A	172238	07/05/2017	06/28/2017			8,488.22	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-201-633 / STREET LIGHTING	10554		06172017	06/26/2017			5,067.82
	001-201-629 / SIGNAL LIGHTS	10554		06172017	06/26/2017			923.76
	001-092-631 / CITY HALL	10554		06172017	06/26/2017			1,001.58
	001-170-631 / FRAZIER PARK	10554		06172017	06/26/2017			53.32
	001-170-631 / SENIOR BLDG	10554		06172017	06/26/2017			507.48
	001-161-631 / CENTRAL FD	10554		06172017	06/26/2017			431.22
	001-170-631 / CITY PARK	10554		06172017	06/26/2017			155.54
	001-092-631 / PUBLIC WORKS	10554		06172017	06/26/2017			318.18
	001-092-631 / HWY 90 SIGN	10554		06172017	06/26/2017			29.32
001	SINGING RIVER E P A	172239	07/05/2017	06/28/2017			2,412.93	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-631 / POLICE STATION	66298004		06172017	06/26/2017			1,592.19
	001-201-629 / SIGNAL LIGHT	89113001		06172017	06/26/2017			54.61
	001-170-631 / CITY PARK RESTRMS	89912001		06172017	06/26/2017			309.73
	001-201-633 / STREET LIGHTS	90345002		06172017	06/26/2017			227.66
	001-092-631 / RECORDS BLDG	90790001		06172017	06/26/2017			189.04
	001-170-631 / FRAZIER RESTRMS	98546001		06172017	06/26/2017			39.70
001	SINGING RIVER E P A	172240	07/05/2017	06/28/2017			1,226.64	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-201-633 / DOLPHIN ST	94987002		06172017	06/26/2017			100.84
	001-201-633 / DOLPHIN ST	94988002		06172017	06/26/2017			127.41
	001-201-633 / DOLPHIN ST	94989002		06172017	06/26/2017			156.05

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	SINGING RIVER E P A	172240	07/05/2017	06/28/2017			1,226.64	(CONTINUED)

Account Number	Description		Invoice #	Date	P.O.	Amount
001-201-633	DOLPHIN ST	94990002	06172017	06/26/2017		556.32
001-201-633	WM PAYNE	100244001	06672017	06/26/2017		131.26
001-201-633	WM PAYNE	100245001	06172017	06/26/2017		154.76

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	DANTE ELBIN,CUSTODIAN	172244	07/05/2017	06/28/2017			751.43	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-559	IPHONE6 BELT CLIP	06232016	06/26/2017		22.46
001-100-559	PLANNER	06272016	06/26/2017		35.30
001-100-559	9MM AMMO (3)	06282016	06/26/2017		51.36
001-100-559	GLOCK GRIP EXT	07072016	06/26/2017		10.99
001-100-559	VINYL UNIT NUMBERS	07142016	06/26/2017		10.00
001-100-559	VINYL UNIT NUMBERS	07262016	06/26/2017		20.00
001-100-559	CAR TAG (HIDTA TRUCK)	07282016	06/26/2017		17.20
001-100-559	RTN POSTAGE: BODY CAMERA	08022016	06/26/2017		15.46
001-100-559	SHIPPING: REFINISH BADGES	08162016	06/26/2017		8.70
001-100-559	VINYL UNIT NUMBERS	08182016	06/26/2017		10.00
001-100-559	SHIPPING: REFINISH BADGES	08182016	06/26/2017		10.44
001-100-559	GLOCK GRIP EXTENSION (2)	08262016	06/26/2017		19.98
001-100-559	BINDERS AND CDS	09122016	06/26/2017		54.27
001-100-559	CHARGESYNC USB CORD (2)	09262016	06/26/2017		37.42
001-100-559	SD CARD (CID)	09272016	06/26/2017		16.04
001-100-559	SHIPPING: WARRANTY REPAIR	10192016	06/26/2017		11.34
001-100-559	TAGS: 300, CR0WN VIC, F-250	11212016	06/26/2017		45.45
001-100-559	SHIPPING: BODY CAMERA	11212016	06/26/2017		9.92
001-100-559	PAPER BAGS,BOXES,PAPER	12192016	06/26/2017		19.26
001-100-559	SHIPPING: WARRANTY REPAIR	01182017	06/26/2017		11.34
001-100-559	TAG RENEWAL-TRUCK	01182017	06/26/2017		15.95
001-100-559	PLANNER,MOUSE,MARKERS,CABLE	01262017	06/26/2017		55.06
001-100-559	VINYL UNIT NUMBERS	02102017	06/26/2017		20.00
001-100-639	TIRE REPAIR: GATOR	02102017	06/26/2017		20.90
001-100-559	VINYL UNIT NUMBERS	03032017	06/26/2017		20.00
001-100-559	RTN SHIPPING: SIREN	03062017	06/26/2017		14.70
001-100-559	VINYL UNIT NUMBERS	03092017	06/26/2017		10.00
001-100-559	NAMEPLATE: CID	03142017	06/26/2017		9.50
001-100-559	TAGS:F150,F250,CHGR,PATHFNDR	03212017	06/26/2017		60.20
001-100-559	RTN SHIPPING: ALLEY LIGHT	04042017	06/26/2017		10.97
001-100-559	SHIPPING: REFINISH BADGES	05122017	06/26/2017		11.20
001-100-559	SHIPPING: REFINISH BADGES	05152017	06/26/2017		11.25
001-100-559	CERTIFIED MAIL	06072017	06/26/2017		19.14
001-100-559	TAG: NEW EXPLORER	06132017	06/26/2017		13.20
001-100-559	RECEIPT BOOKS	06132017	06/26/2017		22.43

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	THE SUN HERALD	172245	07/05/2017	06/28/2017			384.03	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-030-615	TEST MACHINES: GEN ELECTION	44792364	06/25/2017		384.03

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	ESTABROOK MOTOR CO INC	172246	07/05/2017	06/28/2017			661.19	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-638	DIAGNOSTIC AIR BAG: U #10949	425868	06/06/2017	170872	142.42
001-100-570	SEATBELT KIT ASSY: U #12801	225360	06/08/2017	170871	414.73
001-100-570	WIRE ASY: U #12801	225360	06/08/2017	170871	104.04

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	GALLS, LLC	172247	07/05/2017	06/28/2017			37.67	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-559	LEATHER BELT (2)	BC04297	06/12/2017	170892	26.72
001-100-559	SHIPPING: POLICE EXPLORERS	BC04297	06/12/2017	170892	10.95

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	REYNOLDS WHOLESALE CO	172248	07/05/2017	06/28/2017			1,014.92	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-092-510	CS HS TISSUE (5)	55457	06/22/2017	170917	192.50
001-092-510	CS VB PAPER TOWEL (6)	55457	06/22/2017	170917	155.40
001-092-510	CS BROWN MF TOWELS (10)	55457	06/22/2017	170917	199.50
001-092-510	CS 4/1GAL NABC CLEANER	55457	06/22/2017	170917	46.00
001-092-510	CS/3 144OZ PINE-SOL	55457	06/22/2017	170917	32.85
001-092-510	CS 10/100 PF LATEX GLOVES	55457	06/22/2017	170917	59.50
001-092-510	CS/100 CAN LINERS 38X58	55457	06/22/2017	170917	32.95
001-092-510	CS/200 CAN LINERS 30X36 (2)	55457	06/22/2017	170917	37.90
001-092-510	CS/500 CAN LINERS 24X33 (2)	55457	06/22/2017	170917	45.90
001-092-510	TOILET BRUSH (2)	55457	06/22/2017	170917	5.98
001-092-510	CS/12 LYSOL SPRAY	55457	06/22/2017	170917	68.28
001-092-510	CS/12 409 CLEANER	55457	06/22/2017	170917	41.88
001-092-510	PLASTIC ANGLE BROOM	55457	06/22/2017	170917	7.95
001-092-510	CS RAGS	55457	06/22/2017	170917	35.44
001-092-510	BX/12 URINAL SCREEN	55457	06/22/2017	170917	15.00
001-092-510	PK/2 D-BATTERY	55457	06/22/2017	170917	3.49
001-092-510	CS/6 CLOROX WIPES	55457	06/22/2017	170917	29.70
001-092-510	TOILET BRUSH HOLDER (2)	55457	06/22/2017		4.70

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	ACTION PRINTING CENTER INC	172249	07/05/2017	06/28/2017			50.50	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-559	BUSINESS CARDS: KILLINGSWORTH	91962	06/15/2017	170841	50.50

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	MS FIRE ACADEMY	172250	07/05/2017	06/28/2017			535.65	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-161-681	NFPA 1002 DRIVER/OPERATOR (3)	25414	06/16/2016	170689	535.65

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	BELL AUTO PARTS INC	172251	07/05/2017	06/28/2017			1,122.85	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-092-639	BATTERY: CITY HALL GENERATOR	42063	06/12/2017	170886	236.95
001-170-639	SCAG BLADE (12)	42088	06/20/2017	170918	233.52
001-092-639	WATER FILTER	42087	06/20/2017	170916	14.82
001-092-639	OIL FILTER	42087	06/20/2017	170916	28.93
001-092-639	FUEL FILTER	42087	06/20/2017	170916	12.33
001-092-639	FUEL FILTER	42087	06/20/2017	170916	10.90
001-092-639	1GAL 15W40 SHELL OIL (5)	42087	06/20/2017	170916	107.50
001-092-639	4DXHD INTERSTATE BATTERY (2)	42087	06/20/2017	170916	427.90
001-092-639	DIESEL TREATMENT	42087	06/20/2017	170916	18.40
001-092-639	BIO KLEEN:CITY HALL GENERATOR	42087	06/20/2017	170916	31.60

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	GULF COAST BUSINESS SUPPLY CO	172253	07/05/2017	06/28/2017			246.72	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-092-510	100/CT 43X47 CAN LINER (4)		150704	06/15/2017	170906		67.96
	001-092-510	CS BROWN MF TOWELS (4)		150704	06/15/2017	170906		71.48
	001-092-510	1GAL PINE TREE CLEANER (16)		150704	06/15/2017	170906		73.44
	001-092-510	1GAL BLEACH (4)		150704	06/15/2017	170906		8.36
	001-161-500	LABEL TAPE		150704-1	06/16/2017	170906		25.48
001	MUNICIPAL CODE CORPORATION	172256	07/05/2017	06/28/2017			150.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-001-559	PDF COPY CODE: SUPPLEMENT 13		00291449	06/19/2017	170898		150.00
001	CUSTOM PRODUCTS CORPORATION	172257	07/05/2017	06/28/2017			61.20	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-576	SPEED LIMIT 5 (2): SIGN		290736	06/16/2017	170914		46.72
	001-201-576	FREIGHT		290736	06/16/2017	170914		14.48
001	MS TROPHY LLC	172258	07/05/2017	06/28/2017			87.27	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-559	NAME/SERVING BAR (3)		9635	06/22/2017	170843		87.27
001	HAYGOODS INDUSTRIAL ENGRAVERS INC	172260	07/05/2017	06/28/2017			145.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-001-559	2X10 INSERT: MAYOR TORJUSEN		25310	06/13/2017	170895		10.00
	001-001-559	2X10 INSERT: WARD 1 GEORGE		25310	06/13/2017	170896		10.00
	001-001-559	2X10 INSERT: WARD 2 JACKSON		25310	06/13/2017	170820		10.00
	001-021-513	PLAQUE RECOGNITION: GOLLOTT		25308	06/13/2017			25.00
	001-021-513	PLAQUE RECOGNITION: GUILLOTTE		25308	06/13/2017			25.00
	001-021-513	PLAQUE RECOGNITION: JONES		25308	06/13/2017			25.00
	001-021-513	PLAQUE (2): PLEIN ART EVENT		024750	05/31/2017			40.00
001	SOUTHERN WATERWORKS SUPPLY INC	172262	07/05/2017	06/28/2017			1,012.85	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-576	50# BAG PERM-PATCH (63)		70465	06/26/2017	170934		1,012.85
001	NARTEC INC	172264	07/05/2017	06/28/2017			400.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-559	BA-1 NARTEC DRUG ID KIT (16)		9487	06/14/2017	170900		400.00
001	STAPLES BUSINESS ADVANTAGE DEPT ATL	172265	07/05/2017	06/28/2017			285.81	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-021-559	3-RING GREEN VIEW BINDER (8)		3342748906	06/10/2017	170881		56.72
	001-021-559	8-TAB INSERT DIVIDER (10)		3342748906	06/10/2017	170881		25.10
	001-021-559	WHITE LETTER CARDSTOCK PK		3342748906	06/10/2017	170881		10.69
	001-001-559	AVERY TAB READY INDEX (5)		3343127750	06/15/2017	170899		51.95
	001-001-559	3-RING BLACK VIEW BINDER (5)		3343127750	06/15/2017	170899		34.90
	001-100-500	32GB FLASH DRIVE 3.0 (5)		3343127752	06/15/2017	170903		54.95
	001-100-500	12/PK PRECISE XFN PEN (2)		3343229150	06/16/2017	170903		27.98
	001-100-500	10/PK ECO STORAGE BOX (3)		3343229150	06/16/2017	170903		23.52

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	CUPIT SIGNS INC	172267	07/05/2017	06/28/2017			35.98	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-021-513 / 24X18 SIGN (2):FARMERS MARKET			141250	06/15/2017	170905		35.98
001	OUT ON A LIMB TREE SERVICE	172268	07/05/2017	06/28/2017			800.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-201-576 / REMV PINE TREE: 1508 EAGLE			170605	06/16/2017	170870		800.00
001	LANDERS CHRYSLER DODGE JEEP	172269	07/05/2017	06/28/2017			129,594.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-740 / 2017 DODGE CHARGER #29684			LD150069	06/19/2017	170560		21,599.00
	001-100-740 / 2017 DODGE CHARGER #29685			LD150068	06/19/2017	170560		21,599.00
	001-100-740 / 2017 DODGE CHARGER #29686			LD150066	06/19/2017	170560		21,599.00
	001-100-740 / 2017 DODGE CHARGER #29687			LD150063	06/19/2017	170560		21,599.00
	001-100-740 / 2017 DODGE CHARGER #29688			LD150070	06/19/2017	170560		21,599.00
	001-100-740 / 2017 DODGE CHARGER #29689			LD150064	06/19/2017	170560		21,599.00
001	PANDLE INC	172271	07/05/2017	06/28/2017			196.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-201-576 / 2.80 TNS HOT MIX ASPHALT			17-0222	06/26/2017	170930		196.00
001	ECONOMY BOOTS SALES & SERVICE	172272	07/05/2017	06/28/2017			200.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-535 / SZ DUTY BOOTS: PARKER			40657	05/16/2017	170776		100.00
	001-100-535 / SZ DUTY BOOTS: ALLDAY			42313	05/23/2017	170809		100.00

FUND TOTAL 1 Claims to Checks 50 Total 179,126.48 Manual Held Total 179,126.48

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
130	PEOPLES BANK CORPORATE TRUST SERVS	172208	07/05/2017	06/27/2017			412,959.38	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
130-680-813	GAUTIER GO BNDS 2010	3194	05/22/2017		92,959.38
130-680-812	GAUTIER GO BNDS 2010	3194	05/22/2017		320,000.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
130	MICHAEL BAKER INTERNATIONAL	172209	07/05/2017	06/27/2017			12,244.06	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
130-130-770	ENGINEERING: MARTIN BLUFF	27FINAL	12/31/2016		12,244.06

FUND TOTAL 130 Claims to Checks 2 Total 425,203.44 Manual Held Total 425,203.44

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
157	AUDIOWAVE INC	172273	07/05/2017	06/28/2017			805.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
157-100-799	WINDOW TINT/LABOR: U #19684	A 47710	06/22/2017	170921	180.00
157-100-799	WINDOW TINT/LABOR: U #19685	A 47710	06/22/2017	170921	180.00
157-100-799	WINDOW TINT/LABOR: U #19686	A 47710	06/22/2017	170921	180.00
157-100-799	WINDOW TINT/LABOR: U #19687	A 47710	06/22/2017	170921	180.00
157-100-799	WINDOW TINT/LABOR: U #17530	A 47710	06/22/2017	170921	85.00

FUND TOTAL 157 Claims to Checks 1 Total 805.00 Manual Held Total 805.00

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
160	MERCHANTS & MARINE BANK	172210	07/05/2017	06/27/2017			17,747.28	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
160-161-815	COMMAND VEHICLE PMT 4	320218	06/21/2017		17,747.28

FUND TOTAL 160 Claims to Checks 1 Total 17,747.28 Manual Held Total 17,747.28

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
171	BROWN MITCHELL & ALEXANDER INC	172211	07/05/2017	06/27/2017			3,807.75	

Account Number	Description	Invoice #	Date	P.O.	Amount
171-021-779	PRELIM ENGINEERING	21927	06/08/2017		3,158.25
171-021-779	PERMIT COORDINATION	21927	06/08/2017		649.50

FUND TOTAL 171 Claims to Checks 1 Total 3,807.75 Manual Held Total 3,807.75

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
172	JACKSON-GEORGE REGIONAL LIBRARY	172170	07/05/2017	06/20/2017			3,911.15	_____
	Account Number 172-350-650	Description LIBRARY SUPPORT		Invoice # JUN 2017	Date 06/20/2017	P.O.	Amount	3,911.15

FUND TOTAL 172 Claims to Checks 1 Total 3,911.15 Manual Held Total 3,911.15

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
176	AD2 INC	172177	07/05/2017	01/21/2017			151.50	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-699 HOSTING FEE JUN 2017			3087	06/15/2017			36.50
	176-170-699 SHOPPING CART FEE JUN 2017			3087	06/15/2017			115.00
176	AT&T	172178	07/05/2017	01/21/2017			286.20	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-605 MONTHLY SERVICE			2284972244	06/14/2017			286.20
176	AT&T	172179	07/05/2017	01/21/2017			275.80	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-605 JUN 2017 DSL			2284970676	06/14/2017			110.00
	176-170-605 MONTHLY SERVICE			2284970676	06/14/2017			165.80
176	FUELMAN OF MS	172220	07/05/2017	06/27/2017			70.47	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-525 UNL FUEL			NP50650756	06/19/2017			70.47
176	FUELMAN OF MS	172222	07/05/2017	06/27/2017			80.21	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-525 UNL FUEL			NP50693996	06/26/2017			80.21
176	WHITEHEAD CONSTRUCTION CO INC	172254	07/05/2017	06/28/2017			278.03	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-635 10.11 TNS LIMESTONE BASE			5851	06/19/2017	170874		278.03

FUND TOTAL 176 Claims to Checks 6 Total 1,142.21 Manual Held Total 1,142.21

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	CITY OF GAUTIER	172149	07/05/2017	06/16/2017			43,427.11	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-680-821	ST LNS #3 90/57 SWR		06092017	06/09/2017			7,877.45
	400-680-822	ST LNS #4 90/57 WTR		06092017	06/09/2017			10,948.67
	400-680-822	ST LNS #4 90/57 SWR		06092017	06/09/2017			9,019.22
	400-680-823	ST LNS #5 ALLEN RD		06092017	06/09/2017			2,149.95
	400-680-824	ST LNS #6 OLD SPAN TR		06092017	06/09/2017			3,765.83
	400-680-825	ST LNS #7 OLD SPAN TR		06092017	06/09/2017			9,665.99
400	AT&T	172180	07/05/2017	06/21/2017			102.32	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-605	MONTHLY SERVICE		2284974594	06/14/2017			102.32
400	AT&T	172181	07/05/2017	06/21/2017			57.34	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-605	MONTHLY SERVICE		2284972276	06/06/2017			57.34
400	SOUTHERN PEST CONTROL INC	172182	07/05/2017	06/21/2017			60.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-635	PUBLIC WORKS BLDG: FLEA TRMT		317860	06/09/2017			60.00
400	IRBY'S ANSWERING SERVICE	172183	07/05/2017	06/21/2017			309.19	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-698	SERVICES 6/14/17 - 7/11/17		277-061417	06/14/2017			309.19
400	AT&T	172187	07/05/2017	06/22/2017			142.05	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-605	MONTHLY SERVICE		2284975234	06/14/2017			142.05
400	2012 GUD BONDS DEBT SERVICE	172201	07/05/2017	06/26/2017			116,516.67	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-680-816	JUL 2017 PRN PMT		07012017	06/30/2017			110,833.34
	400-680-817	JUL 2017 INT PMT		07012017	06/30/2017			5,683.33
400	ARISTA INFORMATION SYSTEMS INC	172202	07/05/2017	06/26/2017			4,123.55	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-698	MAY 2017 STATEMENTS		23425	06/12/2017			1,123.55
	400-650-698	MAY 2017 POSTAGE		1425201706	06/12/2017			3,000.00
400	MISSION COMMUNICATIONS LLC	172203	07/05/2017	06/26/2017			1,079.87	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-651-698	M800 SERVICE RENEWAL (2)		1008937	06/09/2017			1,079.87
400	MSC 7511	172204	07/05/2017	06/26/2017			296.74	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-698	FGYJ00-01 RENTAL FEE		INV1908700	06/09/2017			166.49
	400-650-698	MPC4504 USAGE: B/W		INV1908700	06/09/2017			58.59
	400-650-698	MPC4504 USAGE: COLOR		INV1908700	06/09/2017			71.66

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	MSC 7511	172205	07/05/2017	06/26/2017			375.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-650-698 SERVICE CALL: LANIER LP222CN			INV1918809	06/16/2017			375.00
400	FUELMAN OF MS	172223	07/05/2017	06/27/2017			1,011.35	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-559 DSL FUEL FOR GENERATORS			NP50693996	06/26/2017			1,011.35
400	SINGING RIVER E P A	172241	07/05/2017	06/28/2017			1,909.69	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-631 LIFT STATIONS 20649			06152017	06/22/2017			979.99
	400-651-631 LIFT STATIONS 28779			06152017	06/22/2017			122.67
	400-651-631 SCHOONER WELL 20688			06112017	06/20/2017			638.79
	400-651-631 LIFT STATIONS 20688			06112017	06/20/2017			168.24
400	SINGING RIVER E P A	172242	07/05/2017	06/28/2017			4,677.70	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-631 LIFT STNS 17881			06162017	06/23/2017			2,601.27
	400-651-631 WATER WELLS 17881			06162017	06/23/2017			1,956.18
	400-651-631 LIFT STNS 89627001			06152017	06/25/2017			70.97
	400-651-631 LIFT STNS 89702001			06152017	06/25/2017			49.28
400	SINGING RIVER E P A	172243	07/05/2017	06/28/2017			8,985.59	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-631 IONIZATION PLANT 99216002			06172017	06/26/2017			258.92
	400-651-631 LIFT STATIONS 17882			06172017	06/26/2017			2,820.15
	400-651-631 WATER WELLS 17882			06172017	06/26/2017			4,247.05
	400-651-631 CITY HALL SOUTH 17882			06172017	06/26/2017			1,659.47
400	BELL AUTO PARTS INC	172252	07/05/2017	06/28/2017			1,477.55	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-581 BATTERY: WELL GENERATOR (8)			42064	06/12/2017	170887		1,263.60
	400-651-584 BATTERY: LIFT STATION			42064	06/12/2017	170887		213.95
400	SHERWIN-WILLIAMS COMPANY	172255	07/05/2017	06/28/2017			340.19	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-650-635 SPRAY PAINT HIGHWAY YEL (22)			2836-7	06/16/2017	170897		88.00
	400-650-635 GAL EXTERIOR LATEX			2836-7	06/16/2017	170897		33.20
	400-650-635 INDUSTRIAL ENAMEL BASE GAL (2)			2836-7	06/16/2017	170897		92.58
	400-650-635 ROLLER FRAME 12"			2836-7	06/16/2017	170897		2.55
	400-650-635 ROLLER COVER 4X3/16 MOHAIR (2)			2836-7	06/16/2017	170897		9.70
	400-650-635 GLOSS BLACK (8)			2836-7	06/16/2017	170897		32.00
	400-650-635 GRAY SANDABLE PRIMER (4)			2836-7	06/16/2017	170897		20.72
	400-650-635 SANDING SPONGE ANGLE (4)			2836-7	06/16/2017	170897		20.36
	400-650-635 SANDING SPONGE FINE/MED (4)			2836-7	06/16/2017	170897		8.36
	400-650-635 MINI ROLLER GAL GRID (6)			2836-7	06/16/2017	170897		11.34
	400-650-635 DESERT STORM RAGS			2836-7	06/16/2017	170897		11.45
	400-650-635 ROLLER CVR 4.5 PJ-COL 2PK (2)			2836-7	06/16/2017	170897		17.18
	400-650-635 SIL AC LTX CAULK (2)			2836-7	06/16/2017	170897		4.78
	400-650-635 HIGHWAY WHITE (2)			2836-7	06/16/2017	170897		8.00

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SHERWIN-WILLIAMS COMPANY	172255	07/05/2017	06/28/2017			340.19	(CONTINUED)

Account Number	Description	Invoice #	Date	P.O.	Amount
400-650-635	ACR LTX 11OZ CAULK (2)	2836-7	06/16/2017	170897	3.98
400-650-635	DISCOUNT	2836-7	06/16/2017	170897	-9.32
400-650-635	CRDT RTN: GAL PRO PARK WHITE	2677-5	06/10/2017	170897	-24.69
400-650-635	HIGHWAY YELLOW (2)	2677-5	06/10/2017	170897	10.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	MICRO METHODS INC	172259	07/05/2017	06/28/2017			150.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-667	BACTI SAMPLE: LARK WELL #1	1706241186	06/15/2017	170889	75.00
400-651-667	BACTI SAMPLE: LARK WELL #1	1706266186	06/15/2017	170889	75.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SOUTHERN WATERWORKS SUPPLY INC	172263	07/05/2017	06/28/2017			1,449.50	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-581	36" ANCHORS W/ACCY (100)	70257	06/12/2017	170883	1,449.50

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	WESCO DISTRIBUTION INC	172266	07/05/2017	06/28/2017			160.20	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-584	FUSETRON DUEL ELEMENT (6)	784665	06/09/2017	170818	49.20
400-651-584	CLASS R REDUCER(6):CAMPBELL LS	785763	06/15/2017	170818	111.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	PROFESSIONAL SYSTEMS USA INC	172270	07/05/2017	06/28/2017			780.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-559	WATER QUALITY REPORT (7500)	355495	06/12/2017	170812	780.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	J H WRIGHT & ASSOCIATES INC	172274	07/05/2017	06/28/2017			2,979.03	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-767	M802 WIRELESS ALARM SYSTEM	400228	06/15/2017	170880	2,200.03
400-651-767	M580 SERVICE PACKAGE 1YEAR	400228	06/15/2017	170880	564.00
400-651-767	SHIPPING: HOLLY HEATH LS	400228	06/15/2017	170880	30.00
400-651-584	M651 WET ALARM MODULE	400403	06/22/2017	170920	175.00
400-651-584	SHIPPING: HOLLY HEATH LS	400403	06/22/2017	170920	10.00

FUND TOTAL 400 Claims to Checks 22 Total 190,410.64 Manual Held Total 190,410.64

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
421	COAST CHLORINATOR & PUMP CO INC	172261	07/05/2017	06/28/2017			1,219.00	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
421-652-712	BOOSTER PUMP: MALL WELL	66323	06/14/2017	170902	1,219.00

FUND TOTAL 421 Claims to Checks 1 Total 1,219.00 Manual Held Total 1,219.00

Docket of Claims
Release date from 07/05/2017 thru 07/05/2017

SUMMARY OF ALL FUNDS

FUND 1	Claims	to	Checks	50 Total	179,126.48	Manual	Held	Total	179,126.48
FUND 130	Claims	to	Checks	2 Total	425,203.44	Manual	Held	Total	425,203.44
FUND 157	Claims	to	Checks	1 Total	805.00	Manual	Held	Total	805.00
FUND 160	Claims	to	Checks	1 Total	17,747.28	Manual	Held	Total	17,747.28
FUND 171	Claims	to	Checks	1 Total	3,807.75	Manual	Held	Total	3,807.75
FUND 172	Claims	to	Checks	1 Total	3,911.15	Manual	Held	Total	3,911.15
FUND 176	Claims	to	Checks	6 Total	1,142.21	Manual	Held	Total	1,142.21
FUND 400	Claims	to	Checks	22 Total	190,410.64	Manual	Held	Total	190,410.64
FUND 421	Claims	to	Checks	1 Total	1,219.00	Manual	Held	Total	1,219.00
	Total for all Funds		Checks	85 Total	823,372.95	Manual	Held	Total	823,372.95

CITY OF GAUTIER
Consent Agenda Item #1
Fact Sheet

Council Meeting: July 5, 2017
Title: Approval of minutes from Recessed Council Meeting held June 20, 2017

Introduced by:
Contact Person/Telephone Cynthia Russell 497-8000 ext. 302

Summary Explanation: Approval of minutes from Recessed Council Meeting held June 20, 2017.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☐
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Second Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Torjusen	☐	☐	☐	☐
At Large	Martin	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Vaughan	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Colledge	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the minutes from Recessed Council Meeting held June 20, 2017 are hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

Tuesday

June 20, 2017

Gautier, Mississippi

BE IT REMEMBERED THAT A RECESSED MEETING of the Mayor and Members of the Council of the City of Gautier, Mississippi was held June 20, 2017 at 6:30 PM in the City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Gordon Gollott, Council Members, Mary Martin, Johnny Jones, Hurley Ray Guillotte, Casey Vaughan, Rusty Anderson, and Adam Colledge. Also present were Paula Yancey, City Manager; Cindy Russell, City Clerk; and Josh Danos, City Attorney and other concerned citizens.

AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
June 20, 2017 @ 6:30 PM

I. Call to Order

1. **Prayer**

2. **Pledge of Allegiance**

II. Agenda Order Approval

III. Announcements

1. **Official swearing in ceremony for the City of Gautier Mayor and Council Thursday, June 29th at 6PM at the MGCCC Jackson County Campus Cafeteria.**

2. **Office closed Monday, July 3rd and Tuesday, July 4th in observance of Independence Day.**

3. **2nd Saturday City of Gautier Farmers Market will be held July 8th from 8AM-12PM at George Martin City Park (Pavilion B).**

IV. Presentation Agenda

1. **Presentation of Vancleave Live Oak Choctaw Tribe Proclamation.**

V. Public Agenda

1. **Agenda Comments**

VI. Business Agenda

1. **Consideration of Clarification Text Changes to the Unified Development Ordinance. (City Initiated) GPC Case #17-06-UDO.**

2. **Approval of Docket of Claims.**

VII. Consent Agenda (All items approved in one motion)

1. **Approval of the Revised Employee Handbook.**

2. **Receive May 2017 Finance Report.**

3. **Approval of minutes from Regular Council Meeting held June 6, 2017.**

4. **Approval of Cable One Business Services Agreement for Wi-Fi installation for Senior Center and security cameras throughout George Martin City Park.**

5. **Authorization to remove Police Department office furniture from inventory and declare surplus.**

6. **Receive May 2017 Privilege License Report.**

7. **Approval and authorization to pay warranty deed-1063 sq. foot of land and improvements to Pringle and Roemer, PLLC Trust Account for Anderson-Wells, LLC. for the Martin Bluff Road Widening Project STP-9194-00(001) LPA/105069-801000**

VIII. STUDY AGENDA

1. **Discuss Citizen Comments**

2. **Discuss Council Comments**

3. **Discuss City Manager Comments**

4. **Discuss City Clerk Comments**

5. **Discuss City Attorney Comments**

Adjourn until Wednesday, July 5, 2017 at 6:30 PM
www.gautier-ms.gov

Councilwoman Martin made the motion to approve the agenda as follows:

1. Add Consent Agenda Item #8 - Approval of an amendment to the lease agreement between the City of Gautier and the American Legion #160, Inc. relating to the property designated therein as "American Legion - Bacot Park".

2. Add Consent Agenda Item #9 - Approval of Proclamation of Local Emergency and Continuation Thereof relating to Tropical Storm Cindy.

3. Add Consent Agenda Item #10 - Authorization to enter into a professional services agreement with Waggoner Engineering, Inc. in connection with the Gautier Rate Study.

Councilman Jones seconded the motion and the vote carried unanimously carried.

Announcements

1. Official swearing in ceremony for the City of Gautier Mayor and Council Thursday, June 29th at 6PM at the MGCCC Jackson County Campus Cafeteria.
2. Office closed Monday, July 3rd and Tuesday, July 4th in observance of Independence Day.
3. 2nd Saturday City of Gautier Farmers Market will be held July 8th from 8AM-12PM at George Martin City Park (Pavilion B).
4. Presentation and the unveiling of the Mississippi Sandhill Crane National Wildlife Refuge Pine Savanna Mural @ City Hall on June 27th at 6:30pm.

Presentation

1. Presentation of Vancleave Live Oak Choctaw Tribe Proclamation.

You're Invited

GAUTIER
MISSISSIPPI

Nature's Playground

TO THE OFFICIAL SWEARING IN CEREMONY

FOR THE CITY OF GAUTIER MAYOR AND COUNCIL

THURSDAY, JUNE 29, 2017 AT 6:00 P.M.

MGCCC JACKSON COUNTY CAMPUS CAFETERIA

2300 HIGHWAY 90 GAUTIER, MS

REFRESHMENTS WILL BE SERVED

STATE OF MISSISSIPPI

Office of the Governor

A PROCLAMATION

BY THE

GOVERNOR

WHEREAS, under the provisions of Miss. Code Ann. Section 3-3-7, Independence Day, the fourth day of July, is declared a legal holiday in the State of Mississippi; and

WHEREAS, during the Fourth of July holiday, many state employees will spend time with their families in Mississippi and in other states:

NOW, THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, pursuant to the authority vested in me under the Constitution of the State of Mississippi and applicable statutes of the State of Mississippi, do hereby authorize the closing of all offices of the State of Mississippi on Tuesday, July 4, 2017, in observance of Independence Day.

IN ADDITION, I hereby authorize the executive officers of all state agencies, in their discretion after considering the interests of the people of the State of Mississippi and the staffing needs of their respective agencies, to close all offices of the State of Mississippi on Monday, July 3, 2017, in further observance of Independence Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 22nd day of May in the year of our Lord, two thousand and seventeen, and of the Independence of the United States of America, the two hundred and forty-first.

Phil Bryant

PHIL BRYANT
GOVERNOR

BY THE GOVERNOR

C. Delbert Hosemann, Jr.

C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE

GAUTIER
MISSISSIPPI

Nature's Playground

2nd Saturday Farmers MARKET

FARMERS MARKET

FARM FRESH

MAY — OCTOBER
2ND SATURDAY MONTHLY
8:00 A.M. UNTIL 12:00 P.M.
GEORGE MARTIN CITY PARK

902 DE LA POINTE DR.

FOR MORE INFORMATION OR TO BECOME A VENDOR CONTACT RACHEL HONEA AT 228-219-3259

CITY OF GAUTIER, MISSISSIPPI
PROCLAMATION

WHEREAS, *the Mississippi Gulf Coast and central Mississippi was inhabited by a group of Muskogean speaking Choctaw and other indigenous people long before the French under Slieur de Bienville came to the area known as present day Ocean Springs; and*

WHEREAS, *they later settled in and around the Vancleave area and came to be called the Vancleave Indians. They maintained their tribal integrity-strongly encouraging marriage among fellow tribal families and founding several churches in the area, two of which still stand today. They built two cemeteries, Vancleave Holiness Cemetery and Beulah Cemetery, where they still lay members of their tribe to rest; and*

WHEREAS, *the Vancleave Indian Tribe was incorporated as the* ***Vancleave Live Oak Choctaw Corporation*** *in 2013, a Mississippi nonprofit corporation. However, this corporation was sued by a splinter group, Live Oak Indian People of SE MS, Inc., who was seeking judicial clarification as to which group had the right to file to obtain federal recognition of the tribe within the Department of the Interior, Bureau of Indian Affairs. The resolution of this suit dissolved both corporations and formed a merger-a new Mississippi nonprofit corporation-****Vancleave Live Oak Choctaw****-which was recognized by the Chancery Court in Jackson County Mississippi in 2015; and*

WHEREAS, *we recognize and honor the* ***Vancleave Live Oak Choctaw*** *in this geographical area and the history it has written in our state. We acknowledge their identity as a Native American Tribe distinct from any other tribe and unique in its heritage and history. We, alone with the state of Mississippi offer our best wishes for the Vancleave Live Oak Choctaw's quest for federal recognition.*

NOW, THEREFORE BE IT RESOLVED*, that I,* ***Gordon T. Gollott****, along with the members of the Gautier City Council, do hereby commend and congratulate the* ***Vancleave Live Oak Choctaw Tribe*** *for their start recognition as a Native American Tribe and offer our most sincere wishes as they continue their pursuit of a federal designation by the Bureau of Indian Affairs and all other future endeavors pursued by the tribe.*

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Gautier, Mississippi to be affixed. This the ***20th*** *day of* ***June****, 2017.*

CITY OF GAUTIER
MISSISSIPPI

Gordon T. Gollott, Mayor

March 8, 2017

VANCLEAVE LIVE OAK CHOCTAW TRIBE
Po Box 6042
Vancleave, Ms 39565

City of Gautier

Mayor Gordon Gollott
1713 Pat Drive
Gautier, Ms 39553

Re: Recognition Proclamation

Dear Mayor Gordon Gollott:

I am a tribal member of Vancleave Live Oak Choctaw Tribe in Jackson County, Mississippi.
We are asking the Great City of Gautier, Mississippi for a Recognition Proclamation for our Tribe. It would be greatly appreciated by all of our tribal members. I am enclosing copies of proclamations from the House of Representative of Mississippi,
Great City of Ocean Springs, Great City of Gulfport, Great City of Long Beach,
Great City Pass Christian and Jackson County.
We are now presently seeking Federal Recognition from [BIA] the Bureau of Indian Affairs. All Public awareness is very important to our recognition and to the BIA Process.

Sincerely:

Christine Smith

Christine Waltman Holloman Smith [North Star]
Tribal Member of VLOC
1020 MILLS Avenue
GULFPORT, MS 39501
228-234-2074

Encloser: proclamtions

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 235-2017

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; ADOPTING CLARIFICATION TEXT CHANGES TO THE UNIFIED DEVELOPMENT ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CLARIFICATION TEXT CHANGES TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER BE ADOPTED AS FOLLOWS:

Section 1. Authority & Intent

A. The authority for enactment of this ordinance is contained in Mississippi Code Annotated, Section 17-1-11.
B. The Staff finds the need for clarification text changes to the Unified Development Ordinance.
C. The Gautier Planning Commission held a public hearing, after giving due public notice, and considered this ordinance on June 1, 2017. The City Council considered the amendments on July 20, 2017.

Section 2. Adoption of Clarification Text Changes to the Unified Development Ordinance

The City of Gautier hereby adopts the attached Clarification Text Changes to the Unified Development Ordinance.

Section 3. Conflicts

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

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon completion of the statutory requirements.

Motion made by **Councilwoman Martin**, seconded by **Councilman Colledge** and the following vote was recorded:

AYES:	**Gordon Gollott** **Mary Martin** **Johnny Jones** **Casey Vaughan** **Rusty Anderson** **Adam Colledge**
NAYS:	**Hurley Ray Guillotte**

Adopted: June 20, 2017

_____
Gordon Gollott, Mayor

Attest:

_____
Cynthia Russell, City Clerk

CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, City Manager
From: Joan Craswell, Customer Service
Date: 06/09/2017
Subject: Consideration of clarification changes to the Unified Development Ordinance. (City Initiated) (GPC #17-06-UDO).

REQUEST:
The City Manager directed Staff to draft a comprehensive amendment to the Unified Development Ordinance (UDO) to incorporate changes/clarifications for the purpose of improving the usability of the document and to include any known errors/omissions.

BACKGROUND:
Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

DISCUSSION:
The City's original Unified Development Ordinance was adopted in 2009. Comprehensive amendments are needed periodically to correct miscellaneous errors/omissions, to address changes needed in text due to City Department and Staff reconfigurations, and to clarify UDO text in order to make the document more user friendly.

RECOMMENDATION:
The Gautier Planning Commission and Staff recommend that City Council approved the proposed Comprehensive UDO Amendment.

The City Council may:
Approve the proposed Comprehensive UDO Amendment; Approve the proposed Comprehensive UDO Amendment with changes; orDeny the proposed Comprehensive UDO Amendment.

ATTACHMENTS:
1. GPC COMBINED 17-06-UDO
2. EXCERPT FROM JUNE 1, 2017 GPC MEETING

Gautier Planning Commission

Regular Meeting Agenda

June 01, 2017

Clarification Changes UDO

VII. NEW BUSINESS

1. REQUEST TO ADOPT CLARIFICATION CHANGES TO THE UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED) (GPC #17-06-UDO) **(ATTACHMENT)**

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.

2. Chairman makes statement, “This is a Public Hearing and all statements to be made need to be true and accurate for the record.”

3. Staff gives brief overview of case.

4. Applicant presents their case.

5. Anyone to speak in support of the Request? Please state your name and address for the record.

6. Anyone to speak in opposition of the Request? Please state your name and address for the record.

7. Any final comments from the applicant?

8. Questions from Commission?

9. Chairman closes public hearing – “This closes the Public Hearing portion of this case” bang of gavel

10. Motion/Deliberation/Vote

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 22, 2017

Subject: Consideration of an Amendment of the Unified Development Ordinance. (City Initiated) GPC #17-06-UDO

REQUEST:

The City Manager directed Staff to draft a comprehensive amendment to the Unified Development Ordinance (UDO) to incorporate changes/clarifications for the purpose of improving the usability of the document and to include any known errors/omissions.

BACKGROUND:

Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

DISCUSSION:

The City's original Unified Development Ordinance was adopted in 2009. Comprehensive amendments are needed periodically to correct miscellaneous errors/omissions, to address changes needed in text due to City Department and Staff reconfigurations, and to clarify UDO text in order to make the document more user friendly.

STAFF FINDINGS:

Staff finds that these amendments are necessary for process clarity and to correct errors/omissions to the current Unified Development Ordinance.

Staff further finds the amendments are consistent with the policies of the Comprehensive Plan.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council not approve the UDO Amendment.

ATTACHMENTS:

1. Draft Ordinance reflecting proposed changes.

UNIFIED DEVELOPMENT ORDINANCE

CITY OF GAUTIER, MISSISSIPPI

Adopted: September 29, 2009
Updated: June 20, 2017

TABLE OF CONTENTS

Article, Section or Subsection	Title	Page No.
ARTICLE I	**GENERAL PROVISIONS**	**I-1**
Section 1.1	Short Title	I-1
Section 1.2	Authority	I-1
Section 1.3	Jurisdiction	I-1
Section 1.4	General Purpose and Intent	I-1
Section 1.5	Minimum Requirements	I-2
Section 1.6	Severability	I-2
Section 1.7	Clarity Provision	I-2
Section 1.8	Existing Approved Uses	I-2
Section 1.9	Previously Granted Variances	I-2
Section 1.10	Conflicts and Abrogation	I-3
Section 1.11	Redevelopment	I-3
Section 1.12	Protection and Preservation of Archeological and Historic Resources	I-3
ARTICLE II	**DEFINITIONS**	**II-1**
Section 2.1	Definitions	II-1
ARTICLE III	**ADMINISTRATIVE AND ENFORCEMENT POWERS & DUTIES**	**III-1**
Section 3.1	City Council	III-1
Section 3.2	Planning Commission	III-1
Section 3.3	Technical Review Committee	III-3
Section 3.4	Other Advisory Bodies	III-4
Section 3.5	City Staff	III-4
Section 3.6	Appeals	III-6
Section 3.7	Enforcement of Unified Development Ordinance	III-7
ARTICLE IV	**GENERAL PROCEDURES**	**IV-1**
Section 4.1	Development Process - General	IV-1

Article, Section or Subsection	Title	Page No.
Section 4.2	Not Used	IV-3
Section 4.3	Not Used	IV-3
Section 4.4	Not Used	IV-3
Section 4.5	Building Permits	IV-3
Section 4.6	Submittals	IV-5
Section 4.7	Procedures for Subdivision or Resubdivision of Land (See Article IX)	IV-5
Section 4.8	Not Used	IV-5
Section 4.9	Guarantees and Sureties	IV-5
Section 4.10	Future Improvement Payment	IV-11
Section 4.11	Criteria for a Request to Extend the Two (2) Year Deadline to Obtain a Building Permit and Commence Construction	IV-12
Section 4.12	Development Agreements	IV-13
Section 4.13	Building Permits and Certificate of Occupancy	IV-17
Section 4.14	Actions Requiring a Planning Commission and/or City Council Review	IV-17
Section 4.15	Zoning Map Change (Rezoning)	IV-21
Section 4.16	Comprehensive Rezoning	IV-22
Section 4.17	Conditional Uses Both Minor and Major	IV-22
Section 4.18	Variance	IV-25
Section 4.19	Administrative Waivers for Infill Development	IV-26
Section 4.20	Unified Development Ordinance Text Changes	IV-27
Section 4.21	Home Occupation Permit	IV-27
Section 4.22	Major Development	IV-28
Section 4.23	Actions Requiring Approval by Planning Department Staff	IV-28
4.23.1	Land Alterations and Disturbance Permit	IV-29
4.23.2	Tree Removal Permit	IV-31
4.23.3	Temporary Use Permit	IV-32
4.23.4	Permit for Moving of Buildings	IV-32

Article, Section or Subsection	Title	Page No.
4.23.5	Mobile Home/MEMA Cottage Placement Permit	IV-34
ARTICLE V	**ZONING DISTRICTS AND SPECIFIC REGULATIONS**	**V-1**
Section 5.1	Official Zoning Map	V-1
Section 5.2	Districts Established	V-3
5.2.2	Uses Permitted by Right and Conditional Uses	V-4
Section 5.3	General District Descriptions	V-19
Section 5.4	General Regulations	V-24
5.4.2	AG, Agricultural District	V-25
5.4.3	R-E, Residential Estate District	V-26
5.4.4	R-1, Low Density Single-Family Residential District	V-27
5.4.5	R-1A, Medium Density Single-Family or Two-Family Residential District	V-28
5.4.6	R-2, High Density Multi-Family Residential District	V-29
5.4.7	R-3, Mobile/Manufactured Home Residential District	V-31
Section 5.5	Commercial Districts	V-33
5.5.1	C-1, Neighborhood Commercial District	V-33
5.5.2	C-2, Community Commercial District	V-34
5.5.3	C-3, Highway Commercial District	V-35
Section 5.6	Industrial Districts	V-36
Section 5.7	Public Land	V-38
Section 5.8	Mixed Use Districts	V-39
5.8.1	TCMU, Town Center Mixed Use District	V-41
5.8.2	MURC -1, Mixed Use Recreation Commercial	V-43
5.8.3	MURC – 2, Mixed Use Recreation Commercial - 2	V-44
5.8.4	MURC – MW, Mixed Use Recreation Commercial - MW	V-45
5.8.5	MUMS, Mixed Use Main Street	V-46
Section 5.9	PUD, Planned Unit Development	V-47
Section 5.10	COR, Corridor Overlay District	V-48

Article, Section or Subsection	Title	Page No.
Section 5.11	Tiered Land Use System and Bonus Provisions	V-49
ARTICLE VI	**SUPPLEMENTAL REGULATIONS**	**VI-1**
Section 6.1	General	VI-1
Section 6.2	Accessory Uses and Buildings	VI-1
Section 6.3	Retrofit of Existing Commercial Sites	VI-3
Section 6.4	Development Standards for Certain Uses	VI-4
6.4.1	Regulation of Sale of Alcoholic Beverages	VI-4
6.4.2	Bed and Breakfast Inn	VI-5
6.4.3	Cemeteries	VI-5
6.4.4	Area and Setback Regulations for Churches or Places of Worship	VI-6
6.4.5	Day Care Centers, Commercial (Nurseries and Kindergartens)	VI-6
6.4.6	Dog Kennels and Dog Runs	VI-6
6.4.7	Group Homes	VI-7
6.4.8	Junkyard	VI-7
6.4.9	Nightclubs, Bars, Taverns and Similar Uses	VI-7
6.4.10	Outdoor Recreational Facilities	VI-7
6.4.11	Outdoor Serving Areas for Restaurants, Coffee Shops and Similar Businesses	VI-7
6.4.12	Outdoor Storage in Conjunction with Commercial and Industrial Uses	VI-8
6.4.13	Rooming and Boarding Houses	VI-8
6.4.14	Satellite Dish Antennae	VI-8
6.4.15	Swimming Pools	VI-9
6.4.16	Community Tennis Courts	VI-9

Article, Section or Subsection	Title	Page No.
6.4.17	Mini-Warehouse (Self-Service) Storage Facilities	VI-10
6.4.18	Vehicle Sales, Leasing and Rentals	VI-11
6.4.19	Junk Yards, Vehicle and Boat Wrecking Yards	VI-11
Section 6.5	Specifications for Recreational Vehicle (RV) Travel Trailer Parks	VI-11
Section 6.6	Specifications for Fish Camps and/or Commercial Marinas	VI-14
Section 6.7	Regulations for Home Occupations	VI-18
Section 6.8	Regulations for Temporary Uses	VI-19
ARTICLE VII	**PARKING, LOADING, DRIVEWAY, LIGHTING AND RELATED REQUIREMENTS AND SPECIFICATIONS**	**VII-1**
Section 7.1	Intent and Application	VII-1
Section 7.2	Off-Street Parking	VII-1
Section 7.3	Accessible Parking for Physically Disabled Persons	VII-7
Section 7.4	Parking and Loading Design Standards	VII-8
Section 7.5	Off-Street Loading and Unloading Space	VII-9
Section 7.6	Vehicle Stacking Areas	VII-10
Section 7.7	Driveways and Access Specifications for Multi-family, Commercial, Industrial and Civic Uses	VII-11
Section 7.8	Driveways for Single-Family and Two-Family Residential Uses	VII-12
Section 7.9	Pedestrian Facilities for Infill Development	VII-13
Section 7.10	Fire Lanes	VII-14
Section 7.11	Construction Specifications and Required Maintenance	VII-14
Section 7.12	Traffic Impact Analysis	VII-15
Section 7.13	Exterior Lighting Standards	VII-16
Section 7.14	Sidewalks	VII-16
Section 7.15	Setbacks for Gasoline Pumps and Canopies	VII-17

Article, Section or Subsection	Title	Page No.
ARTICLE VIII	**ARCHITECTURAL STANDARDS**	**VIII-1**
Section 8.1	Intent, Purpose and Applicability	VIII-1
Section 8.2	General Requirements	VIII-1
Section 8.3	Building Design and Materials	VIII-2
Section 8.4	Fencing and Mechanical Equipment	VIII-5
ARTICLE IX	**PROCEDURES FOR SUBDIVISION OF LAND**	**IX-1**
Section 9.1	Purpose	IX-1
Section 9.2	Pre-Application Process	IX-2
Section 9.3	Minor Subdivision Process	IX-3
Section 9.4	Major Subdivision Process - General	IX-4
Section 9.5	Major Subdivision Preliminary Plat Process	IX-4
Section 9.6	Major Subdivision Infrastructure Installation Process	IX-6
Section 9.7	Major Subdivision Final Plat Process	IX-8
Section 9.8	Master Development Plan	IX-10
ARTICLE X	**REQUIRED UTILITIES AND IMPROVEMENTS FOR SUBDIVISIONS**	**X-1**
Section 10.1	General	X-1
Section 10.2	Classification of Residential Development	X-1
Section 10.3	Lots	X-2
Section 10.4	Blocks	X-3
Section 10.5	General Grading	X-3
Section 10.6	Monuments	X-3
Section 10.7	Streets	X-4
Section 10.8	Storm Drainage Systems	X-8
Section 10.9	Easements	X-9
Section 10.10	Sidewalks	X-10
Section 10.11	Recreational Areas, Open Space, Lakes and Ponds	X-11

Article, Section or Subsection	Title	Page No.
Section 10.12	Water Supply System	X-12
Section 10.13	Sanitary Sewer System	X-13
ARTICLE XI	**TREE PRESERVATION, LANDSCAPING, SCREENING, BUFFERING AND FENCES**	**XI-1**
Section 11.1	Intent and Purpose	XI-1
Section 11.2	Applicability	XI-1
Section 11.3	Prohibited Acts	XI-2
Section 11.4	Tree Preservation and Protection	XI-2
Section 11.5	Landscaping Requirements	XI-6
Section 11.6	Transitional Landscaped Buffer Yards	11-6
Section 11.7	Screening Around Loading Areas, Mechanical Equipment and Dumpsters	XI-15
Section 11.8	Installation, Irrigation, Maintenance and Protection	XI-16
Section 11.9	Reduced Parking Bonus	XI-17
Section 11.10	Fences, Walls and Hedges	XI-17
Section 11.11	Clear Visibility Triangle	XI-18
ARTICLE XII	**SIGNS, BILLBOARDS AND ADVERTISING MATERIAL**	**XII-1**
Section 12.1	Signs, Billboard and Advertising Material	XII-1
Section 12.2	Exempt Signs	XII-2
Section 12.3	Prohibited Signs	XII-3
Section 12.4	Permits, Fees, Inspections, Etc.	XII-4
Section 12.5	Standards of Sign Construction	XII-5
Section 12.6	Maintenance, Repair, and Removal	XII-5
Section 12.7	Signs Permitted in Residential Districts	XII-6
Section 12.8	Signs Permitted in Commercial, Mixed Use and Industrial Districts	XII-6
Section 12.9	Wall, Roof, Projecting, Canopy, Incidental and Directional Signage	XII-10
Section 12.10	Temporary Promotional Signs/Banners	XII-12

Article, Section or Subsection	Title	Page No.
Section 12.11	Off-Site Directional Signage	XII-13
Section 12.12	Billboards (Non-Digital) Standards and Conditions	XII-13
Section 12.13	Billboards (Digital) Standards and Conditions	XII-14
Section 12.14	Historic Districts, Sites or Landmark Protection Areas	XII-14
Section 12.15	Signs on Trust Lands	XII-16
Section 12.16	Nonconforming Signs	XII-16
Section 12.17	Miscellaneous Rules	XII-17
Section 12.18	Sign Overlay District	XII-17
ARTICLE XIII	**NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND**	XIII-1
Section 13.1	Purpose and Intent	XIII-1
Section 13.2	Nonconforming Structures	XIII-1
Section 13.3	Nonconforming Use of Structures and Premises	XIII-2
Section 13.4	Catastrophic Provisions	XIII-2
Section 13.5	Outdoor Advertising and Structures	XIII-2
Section 13.6	Nonconforming Lots of Record	XIII-2
ARTICLE XIV	**TELECOMMUNICATION FACILITIES**	**XIV-1**
Section 14.1	Purpose and Intent	XIV-1
Section 14.2	Applicability and Exceptions	XIV-1
Section 14.3	General Standards	XIV-2
Section 14.4	Types of WTF Permitted	XIV-3
Section 14.5	Zoning District	XIV-3
Section 14.6	Minimum Distances and Setbacks on Lots	XIV-3
Section 14.7	Tower Specifications	XIV-4
Section 14.8	Accessory Utility Buildings	XIV-5
Section 14.9	Buffering and Landscaping	XIV-5

Article, Section or Subsection	Title	Page No.
Section 14.10	Removal of Abandoned or Unused Facilities	XIV-5
Section 14.11	Applications for New Construction of WTFs	XIV-6
ARTICLE XV	**MOVING OF BUILDINGS**	**XV-1**
Section 15.1	Purpose	XV-1
Section 15.2	Structure Inspection	XV-1
Section 15.3	Refusal of Applications	XV-1
Section 15.4	Prefabricated or Modularly Constructed Buildings	XV-2
Section 15.5	Necessary Repairs	XV-2
Section 15.6	Prohibited Activities	XV-3
ARTICLE XVI	**MINIMUM PROPERTY MAINTENANCE AND APPEARANCE STANDARDS**	**XVI-1**
Section 16.1	Maintenance and Appearance Standards	XVI-1
Section 16.2	Duties of the Code Enforcement Official	XVI-1
Section 16.3	Violations	XVI-1
Section 16.4	Notification Procedures	XVI-2
Section 16.5	General Requirements	XVI-2
Section 16.6	Care of Property and Premises	XVI-2
Section 16.7	Rubbish and Household Garbage	XVI-5
Section 16.8	Extermination Requirements	XVI-5

LIST OF TABLES

Table No.	Title of Table	Page No.
1	Required Reviews	IV-18
2	Notification Distance	IV-20
3	Uses Permitted in Residential Districts	V-4
4	Uses Permitted in Non Residential, Public Land and Town Center Districts	V-6
5	Uses Permitted in Solely Mixed Use Districts	V-11
6	Additional Setback Requirements	V-16
7	Intensity and Dimensional Standards	V-17
8	Area Regulations for Places of Worship	VI-6
9	Off-Street Parking Spaces Required	VII-2
10	Schedule of Shared Parking Calculations	VII-7
11	Number of Accessible Spaces Required	VII-8
12	Minimum Parking Stall Width and Depth	VII-9
13	Traffic Lane Width Between Rows of Stalls	VII-9
14	Vehicle Stacking Requirements	VII-10
15	Number of Driveways for Multi-family, Commercial, Industrial and Civic Uses	VII-11
16	Additional Driveway Specifications for Multi-family, Commercial, Industrial and Civic	VII-12
17	Driveway Specifications for Single-family and Two-family Residential Uses	VII-13
18	Classes of Building Material	VIII-2
19	Development Type and Required Improvements	X-1
20	Horizontal Alignment - Centerline Radius	X-5
21	Vertical Alignment	X-5
22	Required Street R.O.W. Widths and Paving Widths	X-6
23	Not Used	
24	Schedule for Replacement of Protected Trees	XI-5
25	Credit for Existing Trees	XI-7
26	Minimum Tree Species Required	XI-8
27	Width of Transitional Landscape Buffer Yard Required	XI-13

ARTICLE I: GENERAL PROVISIONS

SECTION 1.1: Short Title
This Ordinance shall be known as the "UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI," and may be so cited, and further referenced elsewhere as "UDO," and herein as "the Ordinance" or "this Ordinance," shall imply the same wording and meaning as the full title.

SECTION 1.2: Authority
This Ordinance is adopted pursuant to authority granted to the City of Gautier by *Mississippi Code Annotated Section 17-1-1, et seq.*

SECTION 1.3: Jurisdiction
The provisions of this Ordinance shall apply to all properties within the jurisdiction of the City of Gautier and shall govern development and use of land.

SECTION 1.4: General Purpose and Intent

1.4.1 It is the purpose of this Ordinance, to promote the health, safety and general welfare of the residents of Gautier, Mississippi.

1.4.2. In support of these purposes, this Ordinance has been formulated following a Comprehensive Plan for the future of the community and is designed to:

A. implement the adopted Comprehensive Plan;

B. promote the public health and general welfare;

C. lessen congestion in the streets;

D. secure safety from fire, panic, natural disasters and other dangers;

E. provide adequate light and air;

F. prevent overcrowding of land and avoid undue concentrations of population;

G. facilitate adequate transportation, water supplies, wastewater treatment, schools, parks, and other public facilities;

H. examine the most appropriate use of land;

I. conserve the value of buildings;

J. protect existing neighborhoods, preventing their decline and promoting their livability;

K. conserve natural resources and the environmental quality of the City;

L. protect developments in, and residents of the community from flooding and other hazards; and,

M. establish specific procedures, minimum standards and requirements to be followed in the development or redevelopment of land; and

N. provide for the orderly, efficient and economic development of the City by providing for:

1. The coordination of streets, highways and other public facilities within proposed subdivisions with existing or planned streets and highways or other public facilities;

2. The dedication or reservation of rights-of-way, easements or sites for streets, utilities, open space, recreational areas, and other public facilities; and

3. The protection of historic resources and the natural environment.

SECTION 1.5: Minimum Requirements
The provisions of this Ordinance are intended to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other ordinances, regulations, or any applicable state or federal law, the provisions of this Ordinance shall prevail. Where the provisions of other ordinances, regulations, or any applicable state or federal laws impose greater restrictions, the more restrictive provision shall prevail.

SECTION 1.6: Severability
Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.7: Clarity Provision
Before entering this Ordinance on the Minutes, the City Clerk is authorized to make any correction therein regarding spelling, punctuation and grammar in order to more clearly state the purpose thereof.

SECTION 1.8: Existing Approved Uses
Where a complete application for development approval is pending and being diligently pursued on the date of adoption of the UDO, the provisions of the regulations in effect on the date of filing the application shall govern the review and approval of the application for development approval, provided that the application is approved by City Council within six (6) months of the date of adoption of this revised UDO.

An existing use which is lawful on the date of adoption of the revised UDO, whether permitted as a "permitted use" or a "conditional use" in the zoning district in which it is located, shall remain a lawful use. If the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained.

SECTION 1.9: Previously Granted Variances
All variances granted before the adoption of this UDO shall remain in full force and effect, including any conditions of that variance, and the property owner or agent with the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires,

or if the variance is not subject to a time frame for construction and six (6) months have expired, the provisions of the UDO shall govern and the variance shall have no further force and effect.

SECTION 1.10: Conflicts and Abrogation

This UDO is not intended to repeal, abrogate or interfere with any existing public easements duly recorded in the public records of Jackson County or to repeal any lawful approval by official city action of any development agreement or development order, planned unit development, or subdivision, nor to negate any recorded agreement which the City has executed. However, if any ordinance or parts of ordinances of other volumes of the Code of Ordinances are in conflict with any other provision of this Unified Development Ordinance, the provisions of this Ordinance and the amended Unified Development Ordinance shall prevail.

SECTION 1.11: Redevelopment

The City shall continue to promote a town center urban design plan which calls for unified redevelopment of the Town Center. Any such project to redevelop or renew the Town Center (Section 7.3 Comprehensive Plan) or any blighted or underutilized areas shall be considered for density and intensity bonuses in accordance with Article IV.

SECTION 1.12: Protection and Preservation of Archeological and Historic Resources

Any time a proposed development may impact a historic or archeological site within the City, the following subsections of this section shall apply.

A. Historic structures shall be exempted from the provisions of the International Code Council, if any modification, repair or restoration activity would jeopardize their historical integrity.

B. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.

C. An archaeological and historic review summary shall be submitted to the City with applications seeking approvals or permits for the following activities: parking lots, grading, earth moving, excavation and fill, drainage, and utilities placement; permits for coastal zone dredge and fill activity and dock construction; permits for tree removal; park and recreation area construction; and subdivision and planned unit developments; site and development plan reviews and comprehensive plan amendments.

ARTICLE II: DEFINITIONS

SECTION 2.1: Definitions

2.1.1 Rules for Words and Phrases

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied; the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation, as well as an individual; the word "lot" includes "building lot" or "parcel."

2.1.2 Interpretation of Definitions

For the purpose of this Ordinance certain words, phrases, and terms used herein shall be interpreted as stated in this *Article II*. Any word, phrase, or term not defined herein shall be defined by the Planning Department, the interpretation based on its common and ordinary usage.

2.1.3. Definitions

A.A.S.H.T.O.: American Association of State Highway and Transportation Officials

A-FRAME SIGN: A double faced, back to back sign attached at the top and separated at the bottom to form an open triangle front and back.

ABANDONED SIGN: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available on or off the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.

ABANDONED VEHICLE: Abandoned motor vehicle is defined as one that has remained on the same property for thirty (30) or more days, is in a state of disrepair and/or incapable of being moved under its own power, regardless of whether or not is has a current license or inspection sticker.

ACCESS MANAGEMENT: A technique to improve traffic operations and safety along a major roadway through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

ACCESSORY STRUCTURE: Any building or structure on the same site with, and customarily incidental and secondary to the main structure (primary building). An Accessory Structure may not be placed or constructed on a site without a primary building meeting the minimum standards of the zoning district.

ACCESSORY USE: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related and zoned in the same manner as the principal use.

ACCESS WAY: Any area intended to provide an entrance or exit for vehicular traffic from a public right-of-way to an off-street parking or loading area. (See Driveway)

ADDITION: Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "new construction".

ADULT DAY CARE CENTER: A facility which provides care for more than five (5) adults for less than twenty-four (24) hours.

ADULT USES: Any establishment or use which is defined and regulated in the City of Gautier *Adult Entertainment, 3.5-21--3.5-42 Section* of the Code of Ordinances.

ADVERTISING BENCH: A bench, as a park bench, for the use of the public which bears a commercial message and is not located on the premises which is being advertised.

ALLEY: A public or private right-of-way primarily designed to serve as a secondary access to abutting properties and not intended for general traffic circulation such as alleys in residential areas for access to carports and garages and alleys in commercial and industrial areas for loading/unloading goods or bulk items.

AMBULANCE SERVICE: A non-profit or for-profit business, authorized by the local municipality and responds to emergency calls, offering acute medical care and rapid transportation in a special vehicle to medical facilities for care. Services are provided by trained and licensed paramedics and work in conjunction with the local Emergency Medical Service.

AMUSEMENT ARCADE: A building or part of a building in which any combination of five (5) or more pinball machines, pool tables, video games, or other similar player-operated amusement devices are maintained.

AMUSEMENT PARK, OUTDOOR: A facility engaged in providing amusements or entertainment as a commercial business for a fee or admission charge and includes such activities as games, rides on mechanical equipment or horses, mini-golf courses, and similar activities.

ANCHOR TENANT, MAJOR: Store or stores located within a shopping center exceeding fifteen thousand (15,000) square feet of floor space.

ANCHOR TENANT, MINOR: Store or stores located within a shopping center having fifteen thousand (15,000) square feet or less floor space.

ANIMAL SHELTER: A non-residential facility that houses homeless, lost or abandoned animals, primarily dogs and cats for the purpose of providing animals for adoption. Such facilities shall be staffed by full-time personnel and offers humane treatment of animals.

ANIMATED SIGN: Any sign which includes action or motion, either electronic, mechanical, or optical.

ANNUAL PLANT: Seasonal flowering plants that must be replaced after blooming.

ANTENNA: Any exterior apparatus designated for telephonic, radio, television, personal communications service, pager network, or any other communication through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.

APARTMENT BUILDING: A single structure divided into individual dwelling units having a common entrance.

APPLICANT: The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION: The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate City Department, Board, or Commission as a part of the review for a development permit or approval reviewed under this Ordinance.

ARBOR: A light open structure, self-supporting lattice framework, or closely planted trees and shrubs twined together.

ARBORETUMS OR BOTANICAL FACILITIES: Public Gardens or greenhouses displaying trees and flowers.

ARCADE: A line of arches on piers or columns, either freestanding or as part of a wall. Usually a covered walkway lined with shops or offices on one side.

ARCHES: Curved construction spanning an opening and supported by structural members. Arches vary in shape from horizontal flat through semicircular and semi-elliptical shapes to pointed arch shapes.

ART GALLERY: A commercial establishment which shows and offers for sale fine art, sculpture, and/or pottery.

ARTICULATION: A joining together of various elements to express an overall idea or concept. The use of detail to convey meaning. Offsets in flat walls to provide visual relief.

ARTISAN'S STUDIO: The workplace of an artist, craftsman, photographer, sculpture or potter where individually crafted artwork, jewelry, sculpture, pottery, leather craft, hand-woven and related items are produced, displayed and sold.

ASSEMBLY: The process of putting together or packaging.

ASSISTED LIVING FACILITY: A facility which offers non-convalescent nursing care to between five (5) and sixteen (16) individuals by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. Such facilities offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

AUTOMOBILE DEALERSHIP: A retail establishment that is a franchised dealer for one (1) or more automobile manufacturers, whose primary business is the sale and leasing of new cars, light passenger trucks, cargo vans and sport utility vehicles (SUVs). A limited number of used vehicles may be offered for sale. Auxiliary services include servicing of vehicles.

AUTOMOBILE DETAIL SHOP: Any premises that is primarily used for performing extremely thorough cleaning and polishing of automobiles, trucks, recreational vehicles, boats, and other vehicles. Auxiliary services include sale of accessories such as air fresheners, vehicle interior organizers, floor mats, etc. Auxiliary services may also include minor cosmetic repairs or alterations to vehicles such as tinted window installation, antenna repair, roof rack installation, etc.

AUTOMOBILE GAS AND/OR SERVICE STATION: Any premises that is primarily used for retail sale of gasoline and other petroleum products or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term shall not include premises where major vehicular repair such as engine overhauls, painting or body work are conducted. This does not include Truck Stops.

AUTOMOBILE/WRECKING YARD: An open area other than a street or alley or place used for the dismantling or wrecking of used automobiles or other vehicles; or the storage, sale or dumping of dismantled or wrecked automobiles, other vehicles, or their parts.

AUTOMOBILE RECOVERY BUSINESS: An enterprise that engages in the recovery of vehicles for lien holders by picking up vehicles offsite with a wrecker and storing such vehicles in an open fenced area for a limited time. This does not include wrecked or junk vehicles.

AUTOMOBILE REPAIR SHOP, MAJOR: Any premises that is primarily used for general repair, rebuilding, or recondition of engines, motor vehicles, trailers and trucks less than seven thousand (7,000) pounds gross weight to include the following services: rebuilding or reconditioning of engines, bodywork, framework, welding and major painting.

AUTOMOBILE SALES, USED: (See Used Car Sales)

AUTOMOBILE SERVICE CENTER, MINOR: Any premises used primarily for the servicing and minor repair of passenger automobiles and trucks less than seven thousand (7,000) pounds gross weight to include the following services: oil change, installation of shock absorbers, brake lining, muffler installation.

AWNING: A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

BACKGROUND AREA: The entire area of a sign on which copy could be placed as opposed to the copy area, when referred to in connection with wall signs.

BANK OR FINANCIAL INSTITUTION: A business chartered by the State authorized to accept deposits, clear checks, make loans, pay interest on savings and certificates of deposit, issue certified checks to customers and offer other financial services to its customers. Financial institutions shall include: Commercial banks, Savings and Loans, and Credit Unions but shall not include Check Cashing Businesses or other types of businesses which only loan money on personal possessions or titles held by the lender.

BANNER SIGN: Any sign possessing characters, letters, illustrations, or ornamentations, or designed so as to attract attention by scenic effect, including pennants, with or without characters, or other devices applied to cloth, paper, fabric, or like kind or material, either with or without frame, and which is not of permanent construction.

BAR OR TAVERN: An establishment whose primary business is the serving of alcoholic beverages for consumption on the premises and which may also provide pool tables and serve food.

BEAUTY AND BARBER SHOP: A commercial establishment where licensed barbers and/or beauticians cut and style hair and sell hair products.

BED AND BREAKFAST INN: An owner-occupied dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging and where meals may be served to lodgers and guests of receptions and other private functions. A bed and breakfast inn is distinguished from a motel in that it only has one set of kitchen facilities, employees only living in the house and up to one additional employee, and has a façade style consistent with surrounding houses.

BEDROOM: Any room used principally for sleeping purposes, provided that no room having less than seventy (70) square feet of floor area shall be considered a bedroom.

BERM: A man-made or natural mound of earth that is molded into a landform as a landscaped feature. When berms are used for screening, buffering or any other purpose, they shall be constructed in such a manner as to prevent soil erosion and shall be completely covered with landscape material so that bare soil is not visible.

BIG BOX RETAIL STORES: Retail facilities located in large, industrial-style buildings or stores with footprints that generally range from twenty thousand (20,000) square feet to two hundred thousand (200,000) square feet. Big-box retail stores may fall within any of the following subcategories:

A. Discount Department Stores offering a wide variety of merchandise including automotive parts and services, housewares, home furnishing, apparel, cosmetics, and groceries. Examples of such retailers include Wal-Mart and Target.

B. Category Killers which offer a large selection of merchandise and low prices in a particular type of product category and includes retailers such as Circuit City, Office Depot, Lowe's, Home Depot and Toys "R" Us.

C. Outlet Stores which are typically the discount arm of a major department store such as J. C. Penny, Nike, Bass Shoes, Burlington Coat Factory and J. Crew.

D. Warehouse Clubs which offer a limited variety of goods, in bulk to customers who join a club. Examples are Sam's Club and Costco Wholesale.

BILLBOARD: A free-standing, outdoor advertising, super structure sign with large panels designed to carry outdoor advertising of a use, product or service not found on the premises.

BINGO HALL: A facility used primarily for the conduct of bingo games, open to the public and operated in compliance with State Statute.

BLOCK: A piece or parcel of land surrounded by highways, streets, streams, railroad rights-of-way, parks, or any other barrier, or a combination thereof.

BOARDING HOUSE OR ROOMING HOUSE: Any building, or part thereof, containing two (2) or more guest rooms, other than a hotel, motel, or bed and breakfast establishment, that is kept as, used as, maintained as, advertised as, or held out to be a place where, for any type of compensation, sleeping accommodations are furnished for periods of one (1) week or more. A Boarding House may provide meals.

BOAT HOUSE: An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boat houses are generally attached to or closely associated with a pier.

BOAT YARD: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services. In commercial and mixed-use recreation commercial district, Boat Yards may only be located on sites adjacent to navigable waterways, but may be located on any site within industrial districts.

BODY PIERCING BUSINESS: Any business which predominantly specializes in the piercing of body parts and the retail sale of body jewelry.

BOILER WORKS: A heavy manufacturing plant that makes products by using a boiler during the manufacturing process.

BOND, MAINTENANCE: A surety bond for the purposes of guaranteeing the maintenance of all improvements required by the City.

BOND, PERFORMANCE: A surety bond in an amount that will provide for the improvements required by the City.

BOND, SURETY: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit.

BOOKSTORE: A retail establishment which engages in the sale of books, magazines, newspapers, greeting cards, movies, and musical compact disc and which may contain a coffee shop and conduct literary readings and book signings.

BORROW PIT: An area from which soil or other unconsolidated material are removed to be used without further processing as fill for activities such as landscaping, building construction or highway construction and maintenance.

BOWLING ALLEY: An establishment which devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment and playing areas.

BRACKET: A horizontally projecting support for an overhanging weight such as a cornice or eaves.

BUFFER YARD, LANDSCAPING: An area set aside as a non-buildable area, which may

include landscaping, berms, walls, fences or any combination thereof that partially blocks, in a continuous manner, the view from one area to another, and which shall not be penetrated by vehicular access.

BUFFERING: The use of landscaping, berms, walls, fences or any combination thereof, that blocks in a continuous manner, the view from one (1) area to another.

BUILDABLE AREA: The space remaining on a lot after the minimum open space offset, and setback requirements have been complied with; excepting any floodplain wetland, or similarly designated unbuildable lands.

BUILDABLE WIDTH: Width of the building site left after the required yards have been provided.

BUILDING: (ALSO SEE STRUCTURE) Any structure, excluding fences, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include barns, storage sheds, garages, greenhouses, pole barns, or similar structures.

BUILDING OFFICIAL: The administrative official responsible for enforcement of the City Building Codes and issuance of building permits.

BUILDING CODE: The International Building Code adopted by the City of Gautier.

BUILDING ENVELOPE: The building envelope is the separation between the interior and exterior environments of a building.

BUILDING FACE: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: That side of a building which faces and is parallel to or most nearby parallel to a public street. The linear feet of the frontage is determined by measuring along the width of the outside wall of the building from side to side. There can be only one building frontage for each street upon which a building faces.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface. Except that for buildings in special flood hazard areas defined by the Federal Flood Insurance Rate Maps (FIRMS) as adopted by the City of Gautier the building height shall be defined as the vertical distance measured from the minimum building elevation established in chapter 10, sections 10-72 and [10-76] of the building to the highest point of the roof surface.

BUILDING MATERIAL AND SUPPLY ESTABLISHMENT: A retail/wholesale establishment which stocks and sells large quantities of material used in the construction of houses such as lumber, plywood, carpet, tile, bath and kitchen equipment. Such establishments have large outdoor storage areas within fenced and partially covered areas.

BUILDING PERMIT: A certificate issued by the Building Official and in some cases the Planning Director, permitting the construction, erection or placement of a dwelling unit upon a lot of an approved recorded development, or any other building or structure constructed, erected or placed for the support, enclosure, shelter or protection of a person or persons, animals, chattels or property of any kind.

BUILDING, PORTABLE: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Portable storage buildings are typically used on residential lots.

BUILDING, PRINCIPAL: A building which houses the main use or uses of the lot on which said building is located.

BUILDING SETBACK LINE: (SEE SETBACK).

BUILDING SIGN: A sign giving the name of a building itself, as opposed to the name of occupants or services.

BUILDING SITE: A single lot of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

BUILT OUT: Development of land to its full potential or theoretical capacity as permitted under current zoning requirements. (i.e. A Subdivision is "built-out" when all platted lots contain a permitted structure.)

BULK STORAGE: (SEE WAREHOUSE)

BULKY WASTE: means stoves, refrigerators, water heaters, automobile parts, washing machines, furniture and other waste materials other than construction debris, dead animals, or hazardous waste with weights or volumes greater than those allowed for containers.

BUSINESS IDENTIFICATION SIGN: A sign bearing the name, trademark, or symbol of a business situated on a particular parcel of land.

CALIPER: A horticultural method of measuring the diameter of nursery stock or trees. For trees less than four (4) inches in diameter, the measurement should be taken at six (6) inches above ground level. For trees greater than four (4) inches in diameter up to and including twelve (12) inches, the caliper measurement must be taken at twelve (12) inches above the ground level. For trees greater than twelve (12) inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is four and one half (4.5) feet above the ground.

CANOPY, BUILDING: A roof element, hood, or covering suspended over a door, window or niche. A covered area which extends from the wall of a building.

CANOPY FOR GASOLINE PUMPS: The structure covering the gasoline pumps at a convenience store, automobile gas station or anywhere fuel dispensing operations are conducted.

CANOPY SIGN: A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway, awning, mansard roof, or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles or braces extended from the ground.

CANOPY TREE: Large deciduous shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

CAR WASH, AUTOMATED: An establishment containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and which uses automatic or semi-automatic application of cleaner, brushers, rinse water and heat for drying. Such facilities usually offer personalized services such as hand vacuuming and drying of vehicles and may contain gasoline pumps.

CAR WASH, SELF-SERVICE: A structure housing coin operated equipment used by the customer to spray wash automobiles and light trucks.

CATERING SERVICE: A commercial establishment that prepares, delivers and serves food for special events and off the premises, in accordance with Jackson County Office of the Mississippi State Department of Health.

CELL ON WHEELS (COW): A portable mobile cellular site that provides temporary network and wireless coverage to locations where cellular coverage is minimal or compromised.

CEMETERY: A lot of record, private or public, divided into plots for interment of the dead in compliance with applicable state statute and including a columbarium and/or a mausoleum when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Official and in some cases the Planning Director, which acknowledges that such use, structure, or building complies with the provisions of duly adopted ordinances of the City and is habitable.

CERTIFICATE OF ZONING COMPLIANCE: A document issued by the Planning Director indicating that the use of the building or land in question is in conformity with the Unified Development Ordinance, or that there has been a legal variance granted, or that a legal non-conforming use exists which is allowed to continue.

CERTIFIED SURVEY: A survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

CHANGE IN USE: The change in the use of a structure or land from one use to another use listed in the table of uses as a permitted use.

CHANGEABLE COPY SIGN (MANUAL): A sign on which copy is changed manually in the field, i.e. reader boards, with changeable letters or changeable panels.

CHANGING SIGN (AUTOMATIC): A sign, such as an electronically or electrically controlled time, temperature, and date sign, or message center or reader board, where different copy changes are shown.

CHARACTER: The physical characteristics of a structure or area that set it apart from other areas and contributes to its individuality.

CHECK CASHING BUSINESS: Any person or entity engaged in the business of cashing checks for a fee, service charge or other consideration, including deferred deposit (post-dated checks); but not including federal or state chartered banks, savings and loan associations, credit unions, mortgage brokers, pawnbrokers or insurance companies.

CHILD CARE CENTER/COMMERCIAL: Any facility operated by a person, agency, corporation, institution or any other entity that is licensed by the State and where children under the age of 17 are offered personal care and/or after school activities on a regular basis.

CHURCH OR PLACE OF WORSHIP: An institution that people regularly attend to: participate in or hold religious services, meetings, and related activities. The term *church* shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

CIRCULATION: Systems, structures and physical improvements for the movement of people, goods, fuel, water, air, sewage or power by such means as streets, highway, railways, waterways, towers, airways, pipes and conduits.

CITY: The City of Gautier, Mississippi.

CITY CONSULTING ENGINEER: The person or firm, licensed by the State of Mississippi, that is selected by the City Council to provide certifications of physical conditions as may be applicable to this and other Ordinances of the City.

CITY COUNCIL: The legislative body of the City of Gautier comprised of duly elected members.

CLEAR CUTTING: Removal of an entire stand of trees and shrubs.

CLEAR VISIBILITY TRIANGLE: The area on either side of an access-way, at its junction with a street, forming a right-triangle shape, within which clear visibility of traffic and pedestrians shall be maintained.

CLEARING: The removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

CLERK: Shall mean the City Clerk of Gautier.

CLINIC, MEDICAL OR DENTAL: A facility staffed by medically licensed professions who provide medical, psychiatric, surgical or dental services for sick or injured persons exclusively on an out-patient basis, including emergency treatment and diagnostic services. The term “clinic” includes immediate care facilities, where emergency treatment is the dominate form of care provided at the facility.

CLOCK TOWER: A tall slender structure, either independent or part of a building, which contains one (1) or more functional clocks.

CLUB PRIVATE: A corporation, association or group of individuals whose primary purpose is social, educational or recreational in nature, but not for profit or to render a service that is normally carried on as a business.

CLUBHOUSE OR LODGE: A facility not open to the general public, providing any or all of the following to members and their guests only: meeting rooms, recreational facilities, food, and beverage services.

CLUSTER DEVELOPMENT: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally-sensitive areas, or agriculture.

CO-LOCATION: The practice of placing communication attachments to any existing tower, building or structure that currently accommodates other communication attachments.

CODE ENFORCEMENT OFFICIAL: The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative.

COLLEGE OR UNIVERSITY: An institution of higher learning charted by the State which offers a two-year Associate Degree and/or a four-year Bachelor's Degree. Such institutions may be managed or owned by the State, a religious domination or a private entity.

COLUMBARIUM: A structure, building or designated area intended to be used for the interment of the cremated remains of a deceased person.

COMMERCIAL COMMUNICATION TOWER: A freestanding structure that is intended for transmitting or receiving television, radio, telephone, or similar communications, excluding STL's (Studio to Transmitter Link) transmitting devices which have the following characteristics: (a) line of sight transmission, (b) a height no greater than the minimum height above a tree line for a transmission to a taller tower, (c) transmission that is limited to radio or television broadcast purposes, and (d) the STL is located on appropriately zoned property in accordance with the Ordinance

COMMERCIAL USE: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven (7) days during a calendar year.

COMMERCIAL VEHICLE: Any vehicle bearing, or required to bear, commercial license plates and which falls into one or more of the categories listed below:

A. Truck tractor;

B. Semi-trailer, which shall include flat beds, stake beds, roll-off container, tanker bodies, dump bodies and full or partial box type enclosures;

C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented containers;

D. Tow trucks;

E. Commercial hauling trucks;

F. Vehicle repair service trucks;

G. Any other vehicle with a commercial license plate having gross vehicle weight in excess of ten thousand (10,000) pounds and a total length in excess of twenty-two (22) feet.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public. Commercial wireless telecommunication service facilities shall not be considered public utility uses.

COMMERCIALLY DEVELOPED PREMISES: A premises on which there is at least one walled and roofed structure used, or designed to be used, for other than residential purposes.

COMMON AREAS: The elements of a real estate development or subdivision which are owned collectively by the homeowners or the Homeowners Association for the benefit of the residents of the development or neighborhood. These are usually recreational in nature including open spaces, parks, walking trails and/or lakes.

COMMON DEVELOPMENT: A commercial development, consisting of three (3) or more businesses, which is planned and built as a unit, shares common access and common parking areas; or a multi-family residential development, consisting of three (3) or more residences, which operates as a unit and shares common amenities.

COMMON GROUND: (See Open Space)

COMMUNICATION ATTACHMENT: Any and all devices intended for transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

COMMUNICATION TOWER: (**SEE WIRELESS COMMUNICATION FACILITY)**

COMMUNITY CENTER: A private facility where people living in the same community may schedule cultural, recreational or social activities and which may have the following outdoor recreational facilities: patios and decks, tennis courts, swimming pools, badminton and volleyball courts. All outdoor facilities must be fenced.

COMMUNITY SHOPPING CENTER: A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property, with on-site parking provided. The Community Shopping Center is larger and offers a wider range of stores and goods than the Neighborhood Shopping Center and has a market trade area of three (3) to five (5) miles.

COMPATIBILITY: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLEMENTARY LAND USES: These land uses allow a person to meet multiple daily needs by walking from one use to a second use within a small area, typically either on the same site or on adjacent sites with a direct pedestrian connection between the two sites. Complementary uses are categorized into the following six land uses: long-term residential (live), short-term residential/hotel/motel/bed and breakfast/other commercial transient living

accommodations (stay), office/government/industrial (work), commercial (shop), civic/recreational (play), educational (learn).

COMPREHENSIVE PLAN: A compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both public and private, of the City as adopted by the City Council pursuant to Section 17-1-1 and Section 17-1-11 of the revised Statutes of Mississippi, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

CONDITIONAL USE: Specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” are transferable from one (1) owner of land to another. See subparagraphs below:

> **MAJOR CONDITIONAL USE:** These uses are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and conditions before a business license may be issued.
>
> **MINOR CONDITIONAL USE:** These uses are not allowed by right but require a “Finding of Compatibility”. Upon review, the Planning Director may issue the FOC or require a recommendation by the Planning Commission and the approval of the City Council. These uses do not "run with the land" and may not be transferred from one owner to the next without application for an FOC.

CONDOMINIUM: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be in fee simple, leasehold or any other estate in real property recognized by law.

CONDOMINIUM PROJECT: The entire parcel of real property to be developed in accordance with *Mississippi Code Annotated Section 89-9 (1972*).

CONDOMINIUM, RESIDENTIAL: A condominium project which contains residential dwelling units.

CONDOMINIUM UNIT: That portion of the condominium which is not owned in common with the other owners.

CONFERENCE OR MEETING FACILITY: A privately owned building which is designed and built for the purpose of rental for limited time periods to small groups, associations, or neighborhood groups for the purpose of education, training or social functions.

CONFORMING USE: Any lawful use of a building or lot which complies with the provisions of this Ordinance.

CONSERVATION SUBDIVISION: A new home development that seeks to permanently preserve natural areas on the site such as wetlands, treed areas, historic sites and open fields by using a site plan design process which identifies areas to be preserved and then places residences around or in between these natural conservation areas.

CONSTRUCTION: On-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities.

CONSTRUCTION PLANS: The details, drawings and specifications showing the specific location and design of public improvements to be installed in accordance with the requirements of the City.

CONSTRUCTION SIGN: A sign identifying the architects, engineers, contractors, and other persons involved in a construction project as well as the project itself.

CONTRACTOR'S SHOP: A building or portion there of used by a contractor both as an office and for the storage of a limited quantity of materials inside a building.

CONTRACTOR'S STORAGE YARD: A fenced storage facility where building contractors store vehicles, equipment and/or building supplies.

CONVALESCENT OR NURSING HOME: A licensed facility, either governmental or private, profit or nonprofit, which provides group living arrangements for four (4) or more persons who are unrelated to the operator and who are provided food, shelter and personal care, and which employs at least one (1) registered nurse or licensed practical nurse. It does not include hospitals, clinics, personal care homes and other institutions devoted primarily to providing medical services.

CONVENIENCE STORE: A store of not more than three thousand (3,000) square feet of retail sales area, not counting storage, which sells convenience goods such as beverages, snacks, tobacco products and over-the counter pharmaceuticals. Also may have self-service gasoline pumps, an automated drive-through car wash, and less than one-third (1/3) of the indoor retail areas as a fast-food restaurant

CONVENTION CENTER: A public or civic use that is used for community meetings, conventions of groups or associations for the purpose of educational, training or social functions and which is managed by the County or City.

COPY: The wording or other message of a sign, either in permanent or removable form.

COPY AREA: The total area encompassing the actual copy of a sign. For wall sign, the copy area limits refer to the message, not to the illuminated background.

CORNER LOT: A lot located at the intersection of two public roadways that has frontage on each roadway.

CORNER SITE: A site located at the intersection of two public roadways that has frontage on each roadway.

CORNICE: Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line to throw rainwater clear of the structure as used as a decorative architectural element.

CORRECTIONAL FACILITY: Any jail, prison, detention center, or work release site operated by an authorized governmental agency, where the treatment and rehabilitation of adult and/or juvenile offenders through a program involving penal custody, occurs.

CORRIDOR, WILDLIFE: A strip of land having vegetation that provides habitat and safe passageway for wildlife from one area to another.

COUNTRY CLUB: A private facility providing recreational and related services to members and their guests only, characterized by substantial land and improvements committed to such facilities as golf courses, tennis courts, swimming pools, clubhouses, and the like.

COURTYARD, EXTERIOR: An open space without a roof surrounded on three (3) sides by a building or structure and with an end open.

COURTYARD, INTERIOR: An open space without a roof surrounded on four (4) sides by a building or structure.

COVERAGE: The percentage of the lot area covered by the building area.

CROWN: The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

CROWN SPREAD: The distance measured across the greatest diameter of the crown.

CUL-DE-SAC: A street having only one end open to traffic and being permanently terminated by a vehicle turnaround.

CUPOLA: Small tower on roof.

CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

DAY SPA: A facility offering personalized beautification and relaxation treatment by professional licensed personnel and therapists or staff which is open ten (10) or less hours during the daytime. Examples of treatment which may be offered include: body packs and wraps, exfoliation, heat treatments, body toning, waxing, aromatherapy, cleansing facial non-surgical face lift, electrolysis, hydrotherapy, steam and sauna treatment, manicures, and pedicures and make-up consultation and application.

DBH: See definition of “Diameter at Breast Height”.

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DEMOLITION: The intentional dismantling or tearing down of all or a part of a structure and all operations incidental thereto.

DENSITY: The intensity of land use and also the maximum intensity of land use possible on a minimum lot observing all yard, height, and lot coverage provisions of the Unified Development Ordinance.

DEPARTMENT STORE: A retail establishment that sells a wide range of products in individualized departments such as apparel, appliances, jewelry, cosmetics, housewares and home accessories.

DETENTION AREA: An area that is designed to capture specific qualities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding or excessive runoff from impervious surfaces.

DEVELOPED AREA: That portion of a parcel of land, excluding public rights-of-way, upon which any manmade change or improvement is proposed, built or in the process of being built.

DEVELOPMENT: Including but not limited to buildings, pavement, landscape material, mining, dredging, filling, grading and/or excavation. Also (a) any manmade change to improved or unimproved lands, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling. (b) the act, process or result of developing; and (c) a developed site.

DEVELOPMENT ORDER: An order granting, denying, or granting with conditions an application for approval of a development permit. A distinction is made between the two distinct types of development permits: final development order and development permit. See subparagraphs below.

> **DEVELOPMENT PERMIT:** For purposes of this code a development permit is that official city document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, permits, tree removal permits, sign permits, development order, zoning permit, subdivision approval, rezoning, certification, conditional use, variance, or any other official city action having the effect of permitting the development of land.
>
> **FINAL DEVELOPMENT ORDER:** The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this code the final development plan approval is the final development order.

DEVELOPMENT PLAN: (SEE SITE PLAN.)

DIAMETER AT BREAST HEIGHT (DBH): the diameter of a tree trunk measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half feet (4.5) feet, then the trunk is measured at its most narrow point beneath the split.

DIRECTIONAL SIGN: Any sign which serves solely to designate the location or direction of a place or area.

DISK ANTENNA: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources, commercial dish antennas for the purposes of this ordinance is defined as being less than four (4) meters in diameter, while the commercial dish antennas are usually those larger than four (4) meters in diameter and typically used by broadcasting stations.

DISPLAY WINDOW: Window used for merchandising goods or services, typically lit from the interior and with exterior architectural detailing.

DISTRICT: Any parcel of land within the City of Gautier, Mississippi, for which zoning regulations governing the use of building and premises, the height of buildings, the size of yards, and the intensity of use are established.

DRIP LINE: The outer perimeter of the crown or outer extent of limb growth of a tree or plant projected vertically to the ground.

DRIVEWAY: A private roadway or area which provides access to a public right-of-way.

DRUG STORE: A retail establishment which sells pharmaceutical goods, cosmetics, magazines, limited household goods, and fills prescriptions.

DRY CLEANING PICK-UP STATION: A facility where retail customers drop off or pick up laundry or dry cleaning.

DRY CLEANING PLANT: A building or premises used or intended to be used for the large volume cleaning of fabrics, textiles or wearing apparel.

DUMP, SOLID WASTE: A tract or portion of tract of land which is used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DUMPSTER: A container that is designed for temporary storage of trash or garbage and which has a housing mechanism that permits it to be raised and dumped into a garbage or sanitation truck.

DWELLING, MEMA COTTAGE: (See MEMA Cottage).

DWELLING, MOBILE/MANUFACTURED HOME: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act and is a movable residential dwelling designed for year-round occupancy with no foundation other than wheels, jacks, or skirting, and capable of being moved, towed, or transported by another vehicle. Minimum width shall be fourteen (14) feet. Minimum length shall be sixty (60) feet. Mobile and/or Manufactured Homes are classified as a separate type of dwelling and not considered the same as a conventional single family dwelling. Removal of the wheels and placement upon a permanent foundation shall not warrant re-classification to a conventional single-family dwelling.

DWELLING, MODULAR HOME: A modular home is a factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide. It is a residential dwelling manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site by a trailer or other similar carrier which is not designed to be permanently

attached to the dwelling or remain with it after the structure is placed on its permanent foundation. Modular homes are not constructed with an integral chassis, permanent hitch, wheels, axles, or other device allowing transportation. Modular homes must meet International Code Council (ICC) standards and be inspected and approved by the Building Official.

DWELLING, MULTI-FAMILY: A detached residential building containing three (3) or more separate dwelling units, sharing either a common entrance, stairs, elevators, and/or other essential facilities, including what is commonly known as an apartment building.

DWELLING, PATIO HOME: A Single-family detached dwellings located on reduced lots which have outdoor living areas, such as decks and/or patios within the side or rear yards.

DWELLING, SINGLE-FAMILY, ATTACHED (ALSO SEE TOWNHOUSE): Two (2) or more residential buildings, each with a separate entrance, having a common or party wall separating dwelling units.

DWELLING, SINGLE-FAMILY, DETACHED (SEE DWELLING, ZERO LOT LINE): A residential building containing not more than one dwelling unit entirely surrounded by open space.

DWELLING, TOWNHOUSE: (SEE TOWNHOUSE)

DWELLING, TWO-FAMILY: A residential building designed with two (2) separate dwelling units, but located on an undivided lot.

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ZERO LOT LINE: A detached single-family dwelling unit which is constructed against the lot line on one side of the lot provided however, that there shall be no windows, doors, or other openings of any kind on this side. This type of dwelling is also sometimes referred to as a court-garden house or patio house. Such dwellings shall meet current code requirements for all construction methods.

EASEMENT: A right-of-way granted, but not dedicated for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road of service drive, and within which the owner of the property shall not erect any permanent structures.

ELECTRICAL SIGN: Any sign containing electrical wiring which is attached to or intended to be attached to an electrical energy source.

EMERGENCY SHELTER/MISSION: A facility operated by a non-profit, charitable organization, or governmental agency which provides single night, temporary lodging, with or without meals, at no charge for people with no regular home or residential address.

EMPLOYEE: This word includes any individual who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purpose of this Ordinance, the maximum number of employees at an establishment at one time constitutes its number of employees.

ENCROACHMENT: The act of illegally trespassing upon the domain of another such as the building of a structure across the legal property line of a lot or tract of land or extending beyond the normal limits such as parking vehicles on landscaped areas. Used in a non-legal sense to indicate the partial or gradual displacement of an existing use by another use; as locating commercial or industrial improvements in a residential district where they may become intrusive or disruptive to residential uses.

ENCROACHMENT BARRIER: The protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Protection for all landscaping from vehicular encroachment shall be provided by curbing, wheel stops, landscape timbers, railroad ties or bumper rails.

ENGINEER: means a registered professional engineer, licensed in the State of Mississippi, whose seal shall appear on all subdivision construction drawings.

ERECTED: Means attached, altered, built, constructed, reconstructed, enlarged, or moved and shall include the painting of wall signs, but does not include copy changes on any sign equipped for changeable copy.

EVERGREEN TREE: Trees that have green foliage throughout all seasons of the year. Large evergreen trees mature to a height of at least twenty (20) feet tall.

EXCAVATE: To dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

EXEMPT SIGN: Any sign designated as exempt from the permit requirements of this Ordinance.

EXTERIOR FEATURES: The color, kind, texture of the building material and the type and style of all windows, doors and appurtenances.

EXTERMINATION: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FACADE: Principal face or exterior walls of a building.

FACE OF SIGN: The entire area of a sign on which copy could be placed.

FAMILY: A group of two (2) or more persons related by blood, marriage, or adoption. Only for the purposes of defining "single-family", "two-family", and "multi-family" residences in this Ordinance, the term "family" may also mean a household of not more than four (4) persons, excluding domestic help, who need not be related by blood, marriage, or adoption, living together in a single housekeeping unit. Individuals not related by blood, marriage, or adoption

occupying a group home for the handicapped, boarding house, lodging house, hotel, club, fraternity or sorority house, or other similar business type establishments requiring membership dues, transfer payments, rent, or other compensation, in exchange for lodging, do not constitute a household for purposes of this Ordinance.

FARM: Any parcel of land two (2) acres or larger in size which is used for the raising of agricultural products, livestock, poultry and dairy products. It may include the domicile of the property owner, necessary farm structures and storage of equipment used on the farm. It does not include riding academies, livery or board stables or dog kennels.

FARMERS MARKET: An area which is used on a temporary basis by one (1) or more operators of bona fide farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

FASCIA: The finishing board used to conceal the ends of the rafters.

FENCE: A wooden, masonry or metal barrier intended to mark a boundary, screen a view or prevent intrusion. All fences shall be able to withstand normal wear, function as a barrier and keep an attractive appearance, and shall be built in a sound workmanlike manner, with adequate footings and in compliance with the provisions of this Ordinance.

FIRE CHIEF: The person appointed or hired in the legally permitted manner having line responsibility and being in charge of the fire department.

FIRE MARSHAL: The person designated as Fire Marshal of the City of Gautier. When no person has been formally given that title, any reference to the Fire Marshal shall be deemed a reference to the Fire Chief of the City of Gautier.

FISH CAMP: A facility adjacent to a body of water which may provide fishing facilities such as boats for rent, marinas and piers and may also offer cabins for rent on a daily or weekly basis but does not offer permanent residential dwellings other than that of the owner or operator.

FLAGS: A piece of fabric or distinctive design that is used as a symbol, with or without characters, or, as a signaling device and is displayed hanging free from a staff or halyard to which it is attached by one edge.

FLAMMABLE LIQUIDS: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below, a temperature of one hundred (100) degrees Fahrenheit, is flammable.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs, such as time, temperature, and date signs or electronically controlled message centers area classified as "changing signs" not "flashing signs."

FLOOD, BASE*:* Base flood means the flood having a one-percent (1) chance of being equaled or exceeded in any given year (also called the "one hundred-year flood").

FLOOD DAMAGE PREVENTION & CONTROL ORDINANCE: An overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and land use and control measures.

FLOODPLAIN: Lands at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas.

FLOODPROOFING: Structural and/or nonstructural adjustments to a Commercial building which make it watertight below the base flood level and which enable the building to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood level. Said adjustments to be certified by a registered professional engineer, licensed by the State of Mississippi.

FLOODWAY: The channel of a river, bayou, or other water course, and the adjacent land areas that must be reserved to carry and discharge the high tidal water, or land areas that are inundated by the base flood of the water course, including marsh land.

FLOOR AREA, RESIDENTIAL: The sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area excludes unfinished basements, attics, attached garages, breezeways, and enclosed or unclosed porches. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

FOOT CANDLE: A unit of luminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

FOUNDATION PLANTING: Plant materials placed in close proximity to building base, located in planting beds arranged to complement the building elevations and visually connect the building to the landscape.

FREE-STANDING SIGN: A ground sign or a sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

FRIEZE: A visually rectangle or square “tablet,” often bearing a figure or ornament in relief and affixed to a structure.

FRONT BUILDING LINE: A building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building.

FRONT YARD (SEE YARD)

FRONTAGE, STREET: The linear dimension of a lot measured along the street right-of-way line.

FUEL OIL STORAGE: The storage of fuel oil or kerosene for heating purposes in aboveground containers.

FULL CUT-OFF FIXTURE: An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

FUNERAL HOME (OR MORTUARY): A building or part thereof used for human funeral services. The building shall not contain facilities for cremation; but may contain space and facilities for: (a) Embalming and the performance of other services used in preparing the dead for burial; (b) The performance of autopsies and other surgical procedures; (c) The storage of caskets, funeral urns, and other related funeral supplies; (d) The storage of funeral vehicles, and (e) a funeral chapel.

GABLE: A vertical triangular wall shape at the end of a structure.

GARAGE, PRIVATE: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

GARAGE APARTMENT: An accessory dwelling unit built above a private garage.

GARAGE SALE SIGN: A temporary sign announcing a garage, yard, rummage, or like sale.

GATED COMMUNITY: A residential area in which access to the subdivision streets is restricted by the use of a guard house or electronic arms, and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

GOLF COURSE: A professional designed outdoor recreational use consisting of a series of holes, each consisting of a teeing ground, fairway, rough or other hazards and a green with a flagstick (pin) and cup all designed for the game of golf. Golf courses may include a clubhouse and maintenance sheds for equipment.

GOLF DRIVING RANGE: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting and which may include a snack-bar and pro-shop, but excludes miniature golf courses.

GOVERNING AUTHORITY: The Gautier City Council.

GRADE OR GRADE LEVEL: The average finished elevation of land, either horizontal or sloping, after completion of site preparations for the construction of structures.

GRASS, TURF: Low growing plants which creep along the earth surface to form a solid mat or lawn. Only perennial grasses (those which live for more than one (1) growing season) shall qualify to satisfy the requirements of this Ordinance.

GREEN SPACE: That area that is reserved for the purpose of establishing lawns or landscape planting.

GROUND AREA: The total geometric area of a lot as defined within its boundaries.

GROUNDCOVER: Low growing plants which grow in a spreading fashion to form a more or less solid mat of vegetation, and which are generally included in landscaped areas to prevent soil erosion by providing permeable cover for bare earth.

GUEST HOUSE: A secondary residential structure which is detached from and incidental to the primary residence and which is designed and built to provide temporary living quarters for guests and relatives of the occupants of the principal residence.

GUN SHOP: An establishment where the principal activity involves the sale and/or repair of firearms and related supplies.

GUYED TOWER: A telecommunications tower that is supported in whole or in part by guy wires and ground.

HALF-WAY HOUSE: An establishment of four (4) or more persons primarily engaged in the provision of residential, social and personal care for individuals wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently, but where medical care is not a major element. This includes establishments for persons involved in a program of recovery from addiction to alcohol or a controlled substance and those establishments engaged in parole and/or probation programs.

HARDSHIP: Hardship means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HEALTH CLUB OR FITNESS CENTER: A commercial use with interior spaces designed and used for physical exercise and sports which shall include private athletic clubs or recreational clubs and/or fitness centers offering exercise rooms, locker rooms, sauna and whirlpool facilities, weight training facilities, gymnasiums, racquetball and basketball courts and swimming facilities.

HEALTH DEPARTMENT: The State of Mississippi Department of Health or its successor agency such as the Jackson County Office of the Mississippi State Department of Health.

HEAVY EQUIPMENT SALES AND RENTAL: An establishment which rents and/or sells apparatus used in construction of commercial and industrial building, or roadways, such as but not limited to, trucks, trailers, loaders, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

HEDGE: Shrubs planted in a continuous line which will block at least eighty (80) percent of a view in a maximum of two (2) growing seasons after installation.

HEIGHT: (SEE BUILDING HEIGHT, SIGN HEIGHT OR TOWER HEIGHT)

HEIGHT CLEARANCE/STREETS: A completely open clearance suitable for the passage of vehicles, height specified by signs, at least from grade to twelve (12) feet above grade.

HIP: The inclined ridge formed by the intersection of two (2) sloping roof surfaces, whose eaves lines are not parallel.

HIP ROOF: A roof whose sides and ends both slope. Distinguished from a pyramid roof in that the end slopes are connected by a ridge, the length of which is commonly referred to as a “run” while all slopes of a pyramid roof meet so that virtually no ridge remains.

HOBBY: An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation, provided that the items produced or constructed in said shop, studio or work room are not sold on the premises, and provided such use will not permit the storage of materials outdoors and will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

HOME OCCUPATION: An occupation carried on in a residential dwelling unit by the resident thereof; provided that the use is limited, incidental and secondary to the residential use of the building. A Home Occupation permit is non-transferable to future residents.

HOMELESS SHELTER: (SEE EMERGENCY SHELTER/MISSION).

HOMEOWNERS ASSOCIATION: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, parks and other activities and facilities.

HORIZONTAL WINDOW: An opening with proportions such that the vertical height is less than the horizontal height.

HOSPICE: A non-profit or for-profit facility which offers specialized inpatient care for the terminally ill patient and family as a unit, and which employs a medically-directed interdisciplinary team, providing relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses which are experienced during the final stages of illness and during dying and bereavement.

HOSPITAL: A facility designed and used to provide primary health services or surgical care to inpatients in need of medical care. This shall include related facilities such as laboratories, outpatient clinics and medical offices.

HOTEL OR MOTEL: A facility built as a cohesive unit and containing twenty (20) or more individual sleeping rooms or suites, off-street parking and indoor and outdoor recreational facilities with each sleeping room having a private bathroom attached thereto. Hotels and Motels provide overnight lodging facilities to the general public for compensation and shall not be rented for less than a twenty-four (24) hour period. Ingress and egress to and from all rooms is made through an inside lobby or individual access off of a private parking lot. Hotels and Motels shall provide an office supervised by a person in charge at all hours.

HOUSEHOLD GARBAGE: The accumulation of waste from the household, primarily in home kitchens, and also may originate in restaurants, hotels, markets, and other places where food is prepared. It consists of animal and vegetable waste resulting from the preparation, cooking and serving of food. Also paper and other kitchen type wastes generated from normal household activities.

HOUSEHOLD PET: An animal that is customarily kept for personal enjoyment within the home. Household pets shall include, but not necessarily be limited to, domestic dogs, domestic cats, domestic tropical birds, and rodents.

IDENTIFICATION SIGN: An on-site sign that displays no more than the name, street address, crest, insignia, or trademark, occupation or profession of an occupant of the site or the name of any building on the site.

ILLUMINATED SIGN: Any sign which emanates light either by means of exposed tubing or lamp on its surface or by means of illumination transmitted through its face or faces.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that is more impervious than the natural surface, including, but not limited to, buildings, structures, decks and porches, parking and driveway areas, sidewalks and paved recreation areas.

IMPROVEMENT, LAND: To increase the productivity or value of land by land clearing, grading, filling, or excavation and/or installation of sewer, gas, water, or electrical service (underground) or the placement or erection of retaining walls, bulkheads, and drainage ways.

IMPROVEMENT, SUBSTANTIAL: Shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during a ten-year (10) period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the building either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

C. This term includes structures that have incurred "substantial damage" or "repetitive loss," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or

2. Routine maintenance such as painting, replacement of roof shingles, replacement of appliance, fixtures, carpeting or other non-structural items;

3. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure. "Substantially improved existing manufactured home parks or subdivision is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

IMPROVEMENTS, OFFSITE: Improvements made off the development site to mitigate the effect of development such as installation of utilities, turn lanes or de-escalation lanes or traffic lights.

IMPROVEMENTS TO THE SITE: Street pavements with curbs, sanitary and storm sewers, permanent street monuments, water mains, survey monuments, sidewalks, street name signs, traffic control signs, fire hydrants, street lights, and other utility lines.

INDEXING: Turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three (3) messages in the same area.

INDIRECTLY ILLUMINATED SIGN: Any sign which reflects light from a source externally directed upon it, for example, by means of floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

INDIVIDUAL LETTER SIGN: Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

INDUSTRIAL PARK: A planned industrial development with individually platted lots of considerable acreage that is accessible to major highways or arterial streets and which contains transportation facilities such as interior roads, railroad spurs, and/or airports. Such facilities may contain light industrial, manufacturing, wholesale facilities and auxiliary uses such as guard houses, daycare, or private automobile service and gasoline pumping facilities.

INDUSTRY, HEAVY: (SEE MANUFACTURING, HEAVY)

INDUSTRY, LIGHT: (SEE MANUFACTURING, LIGHT)

INFESTATION: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INFILL DEVELOPMENT: A type of development occurring in developed areas of the City. Infill can occur on long-time vacant lots or on pieces of land with dilapidated buildings, or can involve changing the land use of a property from a less to a more intensive one—i.e. from a parking lot to an office building.

INSTITUTIONAL BULLETIN BOARD: An on-site sign containing a surface upon which is displayed the name of a religious institution, school, library, or community center, and the announcement of its services or activities.

INSTRUCTIONAL STUDIO, PRIVATE: A permitted Home Occupation which involves teaching, tutoring, or one-on-one instruction to students in musical or artistic or academic functions such as piano lessons, dance, drawing or art. Such functions shall be limited to one (1) pupil per

teacher at any given time.

INSTRUCTIONAL STUDIO, PUBLIC: Any facility where licensed teachers provide instructions to individuals or groups in dance such as ballet, line dancing, tap dancing; aerobics; swimming, or other artistic or athletic activities but not to include health clubs or gymnasiums where sports skills are taught.

INTEGRAL SIGN: Signs as for churches, temples, or names of public buildings, dates of erection, monument citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material, or which are made of bronze, aluminum, or other permanent material of construction and made an integral part of the structure to which they are attached.

INTERIOR LOT LINE: A lot line other than one fronting on a public street.

IRRIGATION SYSTEM: The water supply system to support the landscaping which may be an underground sprinkler system or outlets for manual watering.

ISLAND, PLANTING: An area dedicated for landscaping in the interior parking lot of a development which is curbed. Landscaped islands divide continuous rows of parking spaces.

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

KENNEL, COMMERCIAL: An enclosed building with outdoor dog runs where domestic animals such as dogs, cats, or similar pets (at least eight (8) weeks of age) are boarded for compensation.

KENNEL, PRIVATE: Any building or buildings, or land designed or arranged for the care of three (3) or more dogs and cats, or a combination thereof, six (6) months of age or older, belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

KINDERGARTEN: A school for children of preschool age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum and is operating in conjunction with a state approved education program public, private, or parochial. (*Classified with Child Care Center, Commercial*)

LABORATORY, DENTAL: An establishment which makes and repair dentures, crowns, bridges and dental implants as a specialized service to licensed dentists.

LABORATORY, RESEARCH: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

LAND USE CONTROL ORDINANCES: Official Ordinances such as Zoning Ordinances, Subdivision Ordinances, Unified Development Ordinances and other adopted ordinances which provide standards and effective enforcement provisions for the prudent use and development of land.

LAND SURVEYOR, LICENSED: A land surveyor certified and registered by the State Board of Registration for Professional Engineers and Land Surveyors pursuant to *Title 73. Article 13, Sections 1-99 inclusive of the Mississippi Code 1972, Annotated*, to practice in Mississippi.

LANDSCAPE ARCHITECT: A person qualified and licensed as a landscape architect under the laws of the State of Mississippi.

LANDSCAPE MATERIAL: Plant materials such as live trees, shrubs, groundcovers, grass, flowers, and native landscape material. Artificial plants do not qualify as landscape material.

LANDSCAPING SERVICE: An establishment which provides moving and plant maintenance off-site but which stores light equipment at the landscaping service business location.

LAUNDROMAT: A commercial business equipped with self-service clothes washing and drying machines for use by retail customers.

LAWN GRASS: Lawn grass shall be planted in species normally grown as permanent lawns in Gautier. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion, and providing that in areas where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

LIGHT EMITTING DIODE (LED) SIGN: Any sign, which uses light emitting diodes to display information or images.

LIGHT MANUFACTURING: (SEE MANUFACTURING, LIGHT)

LINTEL: A horizontal beam used as a finishing piece over a door or window.

LIVING AREA: That area of a residential structure that is protected from the elements and is normally heated and cooled. Living area does not include patios, porches, garages, carports or accessory structures that are normally not heated and cooled. Calculations of living area will be taken from inside wall to inside wall about the parameter of the living area.

LOGGIA: An arcade or colonnade structure, open on one or more sides.

LOT: A parcel of land that may be occupied by a building and accessory buildings, together with such open spaces and parking spaces or areas as are required under this Ordinance and having principal frontage upon a public or private street or right-of-way.

LOT, FLAG: A lot or parcel not fronting a public roadway or which has less lot frontage than is normally required, and where vehicular and pedestrian access is provided by means of a narrow corridor which is usually considered a part of the Flag lot itself. Flag lots allow buildings to be built behind one another on separate lots.

LOT, INTERIOR: A lot other than a corner lot.

LOT, NON-CONFORMING (SUBSTANDARD): A lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the Ordinance codified in this title.

LOT, THROUGH (*DOUBLE FRONTAGE*): A lot having its front and rear yards each abutting on a street.

LOT AREA: The total area included within the front, side and rear lot lines.

LOT AVERAGING: The design of individual adjoining lots within a residential subdivision in which the average lot equals the minimum prescribed area for the zoning district. To maintain an average, some lots may be reduced to a maximum of ten (10) percent below the minimum lot size while a corresponding number of lots shall each maintain a lot area of at least ten (10) percent above the minimum lot size. Allowable density shall be within the prescribed maximums.

LOT CONSOLIDATION: The combining of one (1) or more existing parcels of land into a single new parcel with one (1) legal description.

LOT CORNER: A lot located at the intersection of and abutting two (2) or more streets.

LOT COVERAGE: A measure of intensity of land used that represents the portion of a site that is impervious including but not limited to: all areas covered by buildings, driveways, roads, sidewalks and any area of concrete asphalt as well as portions of the lot that are covered by open sided buildings

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT LINE ADJUSTMENT: The sale or exchange of parcels of land between owners or adjoining properties for the purpose of adjustments in boundaries or of adjusting building lines, wherein no new lots are created.

LOT LINES: The lines bounding a lot as such parcel of land is defined herein.

LOT OF RECORD: A lot that has been legally recorded or registered in a deed or on a plat at the Jackson County Chancery Courthouse and subdivided according to City regulations.

LOT WIDTH: The horizontal distance between side lot lines, measured at the required front setback line.

LUMBERYARD: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MACHINE SALES AND SERVICES: A commercial establishment that sells various types of mechanical or electronic machines and which offers repair services either onsite or at customer's place of business or residence.

MACHINE SHOP: A shop or part of a factory where power-driven tools are used for making, finishing or repairing machines or machine parts.

MACHINING: A series of processes in which power driven tools such as lathes, milling machines and drill presses are used in the manufacturing process of metal products.

MAINTAIN: To permit a sign, sign structure, or any part of either to continue to exist at a particular place, or to repair or refurbish a sign, sign structure, or any part of either.

MAJOR DEVIATION(S): A deviation from a final development plan, including any change to a condition in the final development order that was expressly imposed by the City Council; or any change that adversely affects the compatibility of the proposed project; or any change that the City Manager, or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change.

MALL, REGIONAL: (SEE SHOPPING MALL, REGIONAL)

MANSARD ROOF: A roof with two (2) slopes or pitches on all four (4) sides, the lower slopes steeper than the upper.

MANUFACTURED HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)

MANUFACTURED HOME SUBDIVISION: A planned subdivision where lots for mobile/manufactured homes are for sale and in which the purchaser receives fee simple title to the lot.

MANUFACTURING, HEAVY: (Heavy Industry) A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of raw materials used in manufacturing. The following uses are considered Heavy Manufacturing or Industrial uses:

A. Manufacture of chemicals such as alcohol, ammonia, bleaching powder or chlorine

B. Manufacture of concrete or cement products, brick, tile, or terra cotta

C. Asphalt manufacture or refining; and/or

D. Any other industrial or manufacturing facility which has the potential of negatively impacting surrounding uses as determined by the City Council.

MANUFACTURING, LIGHT: (Light Industry) The manufacture or assembly predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.

MANUFACTURING, "WET-TYPE": Those heavy industrial uses which require the discharge of byproducts or processed waste water through the sewer system. Such industrial uses shall be permitted as a Conditional Use only in the Industrial District.

MARINA: A facility that provides storage, servicing, fueling, berthing and securing of pleasure boats and yachts.

MARINA, COMMERCIAL: A facility that provides storage, servicing, fueling, berthing and securing of pleasure boats and yachts and which may offer ancillary services such as servicing, pumping-out, chartering, launching, and dry storage of boats and boating equipment.

MARINA, PUBLIC: A marina that is owned by a public entity such as the City, County or State.

MARINE SALES AND SERVICES: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels, including marine accessories and equipment.

MARQUEE SIGN: Any sign attached to or constructed in or on a marquee.

MASTER PLAN: The general layout plan of a master-planned development or phased subdivision.

MASTER PLANNED COMMUNITY: A mixed use development, by one (1) or more developers, or real estate consisting of residential, commercial, industrial, educational, health care, open space, employment-based and recreational land use components that is developed pursuant to a Master Plan as defined in this Ordinance.

MEDICAL CLINIC: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners.

MEMA COTTAGE: A manufactured single or multi-bedroom structure provided by the State of Mississippi to victims of Hurricane Katrina.

MESSAGE: The copy of a sign.

METES AND BOUNDS DESCRIPTION: A description of real property described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.

MILLWORK, CABINET OR WOODWORKING SHOP: A facility where finished wood products such as doors, windows, blinds, mantels, stairway components (balusters and rails), moldings and interior trim is produced.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of personal property.

MINI-WAREHOUSE (CONTROLLED CLIMATE): A building with one (1) to two (2) floors which is built in the style of an office building but with limited windows, common access (front door) and which is air-conditioned and heated with varying sizes of individual stalls or rooms for the storage of personal property.

MINOR DEVIATION(S): A deviation from a final development plan that does not meet the definition of a major deviation.

MINOR REPLAT: The re-subdivision of two (2) lots into two (2) lots or parcels or the subdivision of a parcel into two (2) or more lots solely for the purpose of increasing the area of two (2) or more adjacent lots or parcels of land, and where the resultant lots comply with the standards of this Ordinance.

MIXED USE BUILDING: A single building containing more than one (1) type of permitted use including but not limited to: residential, retail and office space.

MIXED USE DEVELOPMENT: A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. Such developments maximize space usage, have amenities and architectural expression and tend to mitigate traffic and sprawl with pedestrian-oriented destinations.

MOBILE HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)

MOBILE HOME PARK: A parcel of land that has been planned and improved for the rent or lease of sites for the placement of mobile homes for dwelling purposes.

MOBILE HOME SALES: A commercial establishment which stocks and sells mobile homes.

MODULAR HOME: (SEE DWELLING, MODULAR HOME)

MORATORIUM: A legally enacted and temporary halting or severe restriction on specified development activities, pending the completion, adoption, or revision of a revised plan, ordinance or regulation.

MORTUARY: (**SEE FUNERAL HOME**)

MOTEL: (SEE HOTEL OR MOTEL)

MOTORCYCLE SALES AND REPAIR SHOP: An establishment which stocks, sells and performs minor repairs motorcycles within an enclosed area.

MOVING SERVICES: A commercial business which leases or rents dollies, vans, and/or light trucks to individuals to move personal chattels. May also define a commercial moving service which offers moving services. Both uses are characterized by large outdoor storage of trucks and vans.

MULTI-FAMILY RESIDENTIAL DEVELOPMENT: A planned development which contains multifamily units, common ground, off-street parking, internal streets, and recreational facilities for the use of residents.

MULTI-PRISM SIGN: A sign made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

MUSEUM: A permanent institution, usually non-profit, which is open to the public and which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, cultural, historical or historical artifacts such as fine art, sculpture, artistic compositions, pottery, personal possessions of famous persons, or graphic depictions of nature, people or historic events.

NAMEPLATE SIGN: A non-electric sign identifying only the name and occupation or profession of the occupant of the site on which the sign is situated. If the site includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

NEIGHBORHOOD RETAIL COMMERCIAL GOODS AND SERVICE ESTABLISHMENTS: Establishments primarily engaged in the provision of: 1) frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies; and 2) frequently or recurrently needed services, such as laundromats, cleaners, alterations, banking, drug stores and other personal services. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

NEIGHBORHOOD SHOPPING CENTER: A group of retail or other commercial establishments that are planned, developed, owned and managed as a single property, with on-site parking provided. The neighborhood shopping center is architecturally designed and landscaped as one (1) unit and contains uses which provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood or within a mile radius.

NEW CONSTRUCTION: The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, and the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading and filling.

NIGHTCLUB: An establishment which sells or allows customers to bring alcoholic beverages for consumption on the premises, provides space for customers to dance and which provides live or recorded entertainment.

NON-CONFORMING BUILDING: A building or structure lawfully existing at the time of the adoption, revision, or amendment of this Ordinance which, by reason of such adoption, revision, or amendment, does not conform to the regulations of the zoning district in which it is located.

NON-CONFORMING LOT: (SEE LOT, NON-CONFORMING)

NON-CONFORMING SIGN: Any sign that had been lawfully erected and maintained prior to the effective date of this section and which does not conform to the applicable regulations of this section.

NON-CONFORMING USE: A use of land lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which by reason of such adoption, revision, or amendment, does not comply with the regulations for its zoning district.

NON-ELECTRICAL SIGN: Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical source.

OCCUPANT: Any individual living or sleeping in a building, or having possession of a space within a building.

OFF-SITE DIRECTIONAL SIGN MARQUEE: An off-site sign which is placed within the Sign Overlay District to improve wayfinding for tourism related businesses.

OFF-SITE SIGN: A sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on premises other than those on which the sign is located.

OFF-STREET PARKING: A parking lot or facility either controlled or uncontrolled, provided for the use of occupants, employees, visitors, patients, patrons or students, without charging for its use.

OFFICE, ANCILLARY: A room or group of rooms used for conducting the affairs of the business of which it is a part.

OFFICE PARK: A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

ON-SITE SIGN: A sign which pertains to the property on which it is situated.

OPAQUE: Not transparent; dull; obscure.

OPAQUE LANDSCAPING OR BUFFERING: Placement of trees, shrubs and possibly a wall which is non-transparent and obscures the view from the development onto adjacent property.

OPEN SPACE: A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

OUTDOOR EATING AND/OR DRINKING AREA: A secondary serving area, usually on a deck, patio or concrete area which may be covered or uncovered; used by customers of an establishment serving food or beverages to have food served or where they may consume food or beverages outside the main dining area. In certain circumstances, such areas may require buffering from adjacent uses.

OUTDOOR SEATING AREA: An outdoor service area with seats and tables located outside of a restaurant, coffee shop, bookstore, or other type of food establishment.

OUTDOOR STORAGE FOR RETAIL: The keeping or storage of goods related to the establishment on the same premises but not within the enclosed area of a building.

A. Bulk: Goods for sale or display that have a large size, mass, or volume and are not easily moved or carried, and which may require mechanical lifting devices or assistance from store personnel to move to the customer's vehicle such as large bags of feed, concrete blocks, etc.

B. Non-bulk: Goods for sale, storage or display that are moved to the inside of the business during the time the business is not open but which may be more effectively displayed outdoors such as bikes, outdoor furniture, lawn accessories and outdoor grills.

C. Seasonal: Goods for retail sale that are by their nature sold during peak season, including fruit, vegetables, Christmas trees, pumpkins, and bedding plants.

OVERLAY DISTRICT (ZONE): A district to be applied to a site in combination with the underlying base district, intended to create a special sense of place and established by ordinance to prescribe special regulations and/or lessen certain planning standards and otherwise apply redevelopment strategies.

OWNER OCCUPIED: A dwelling is "owner-occupied" when it is the primary residence of the owner or the owner's assignee or designee.

OWNER OR OWNER OF RECORD: An "owner" is an individual who has twenty-five (25) percent or more legal title to the property in question, or twenty-five (25) percent or more equity interest in a corporation, partnership, or other legal entity owning such dwelling. For the purpose of the sign ordinance, an “owner” is any person who holds fee simple title to, is lessee of, or who lawfully occupies and uses a parcel of real property.

OWNER’S REPRESENTATIVE: A person, legal entity, or employee with legal written authority to act on behalf of the titleholder or lessee.

PACKAGE LIQUOR STORE: Any retail establishment licensed by the State which sells, and advertises for sale, pre-packaged alcoholic beverages containing more than four (4) percent alcohol by weight, to the general public.

PALMS: Single-trunk palms that are planted to meet the requirements of this article shall be planted in a ratio of three (3) single-trunk palms to one (1) tree under this article and with the exception of large species, they shall be planted in a cluster. Each palm shall have a minimum of five (5) feet of clear trunk at the time of installation.

PARAPET: That portion of a building wall that rises above the roof level.

PARCEL: A lot or continuous group of lots in single ownership or under single control, considered a unit for purposes of development.

PARK: Any public or private land which is predominately landscaped open space used principally for active or passive recreational, scenic or leisure activity.

PARK, PRIVATE: Land owned or controlled by private persons or groups of persons used for active and/or passive recreational, scenic or leisure activity.

PARK, PUBLIC: Land owned by a public entity which is predominately open space and is used principally for active or passive recreational, scenic or leisure activity.

PARK MODEL HOME: Movable resort homes that are designed exclusively for part-time recreational use. Park models are built on a single chassis and mounted on wheels. Typically upscale in appearance, they can include electric range, frost-free refrigerator, bay windows, hardwood floors or carpeting, cathedral ceilings, window treatments, and covered patios.

PARKING, OFF-STREET: Parking places not located on a public street which offers parking to customers, clients, employees and/or persons using the facility on the site.

PARKING, SHARED: The development and use of parking areas for the joint use by the businesses located on those properties.

PARKING, SURFACE: A parking lot or area for motor vehicles where there is no building area below or above the parking area.

PARKING GARAGE: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles.

PARKING LOT, ANCILLARY (OR OFF-SITE): A surface parking lot which is built or is used specifically for the use of a church or civic use which is either not immediately adjacent to the use it serves, or is zoned in a residential classification. Ancillary parking lots for churches and places of worship located in residentially zoned districts are considered a Conditional Use and require a public hearing.

PARKING LOT, COMMERCIAL: A lot or structure designed and primarily used for the parking and storage of automotive vehicles, operated as a business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

A. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

B. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

PARKING SPACE: An area within or outside of a building sufficient in size to store one (1) automobile and which meets the dimensional requirements of the City and Federal standards.

PARTY WALL: A wall common to but dividing contiguous buildings.

PATIO: A level surface area directly adjacent to a principal building used for outdoor lounging, dining and the like.

PATIO HOME: (SEE DWELLING, PATIO HOME).

PAWN SHOP: A regulated business engaged in the business of lending money on the security of tangible personal property where such property is deposited with the lender; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PEAKED ROOF: A roof with two (2) or more slopes that rises to a single ridge or point.

PEDESTRIAN ACCESS: A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

PEDESTRIAN-ORIENTED DEVELOPMENT: Development designed with an emphasis on pedestrian access and connectivity between uses, containing an abundance of landscaped sidewalks, controlled vehicular traffic and areas where shoppers may sit in outdoor areas.

PEDESTRIAN WAY: A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

PERENNIAL PLANT: A plant whose root remains alive more than two (2) years.

PERIMETER: The aggregate of the lines of the lot or lots comprising the development.

PERMITTED USE: That legally permitted use which is among those itemized within applicable sections of this Ordinance in accordance to the zoning of the property.

PERSON: An individual, firm, partnership, limited partnership, corporation, company, limited liability company, association, joint stock association, or similar organization, and includes a trustee, a receiver, an assignee, or a similar representative, and includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PIER: A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

PITCHED ROOF: A single sloped roof with a pitch greater than ten (10) degrees.

PLANNING COMMISSION: The duly constituted Gautier Planning Commission herewith cited as being the Advisory Committee to the City Council on planning and zoning matters.

PLANNING DIRECTOR: The City of Gautier Department Director responsible for all planning, building code, and City Unified Development Ordinance enforcement activity within the City.

PLANNED UNIT DEVELOPMENT (PUD): An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses; open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing, densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A planned unit development also includes "cluster developments," which are development design techniques that concentrates buildings in a specified area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.

PLANT NURSERY, RETAIL: A commercial business that sells products related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities directly to the consumer. Also known as a “garden center.”

PLANT NURSERY, WHOLESALE: A non-retail facility that is engaged in the business of growing, storage and sale of garden plants, shrubs, trees or vines for resale to a retail or commercial outlet.

PLAT: (SEE SUBDIVISION PLAT).

PLAYGROUND: An area developed for active play and has appropriate facilities for use by children.

PLAZA: A hard surface outdoor area which serves adjacent commercial uses and may contain fountains, landscaping or tables for consumption of beverages or food.

PLINTH COURSE: a projecting course of stones at the base of a wall; earth table.

POCKET PARK: A relatively small green area which may be a vacant residential or commercial lot.

PONDS FOR LIVESTOCK OR FISHING: A relatively small body of water which is man-made, privately owned and created for the purpose of providing water to livestock. Such ponds may be stocked with fresh-water fish.

PORCH: A roofed structure not more than seventy-five (75) percent of perimeter is enclosed by walls, attached to the main building, and not heated or cooled.

PORTABLE SIGN: Any sign not permanently attached to the ground or a building and which is designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be moved on a trailer, wheeled carriage or other non-motorized mobile structure, and is not a temporary sign as defined herein below. A portable sign which has its wheels removed shall still be considered a portable sign.

PORTICO: A covered drop-off, porch, or covered walkway supported by columns on at least three sides.

PRELIMINARY PLAT: (SEE SUBDIVISION PLAT, PRELIMINARY).

PREMISES: Land together with structures or structures occupying it.

PRIMARY CONSERVATION AREA: Land which must be set aside due to environmental, cultural and regulatory constraints within Conservation Subdivisions.

PRIMARY RESIDENCE: The residence of an "owner" who spends a majority of nights at such dwelling.

PRINCIPAL BUILDING: A single structure or, where the context so indicates, a group of structures in which is conducted the principal use of the lot on which such structure is located.

PRINCIPAL USE (ACTIVITY): The primary use and chief purpose of a lot or structure, or the major activity occurring within such a structure.

PRINT SHOP/BLUEPRINT PRINTING SHOP: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment and includes collating services, facsimile, transfer and shipping services as well as limited supplies for same.

PRIVATE CLUB SWIMMING POOL: A pool owned by a private association or club which is not open to the general public but to an association of property owners or by members of the private club for use and enjoyment by members, their families and guests.

PRIVATE PROFESSIONAL OFFICE: A home office maintained by the occupant as an ancillary work place which does not involve the sale or transfer of goods on the premises and which does not involve visits by clients. A Private Professional Office is considered a permitted Home Occupation and must be granted approval as such.

PRIVATE ROAD: Any road which is to be privately maintained and has not been accepted for maintenance by the City, but which meets the requirements of this Ordinance and has been approved as a private road by the City.

PRIVATE TRAFFIC DIRECTIONAL SIGN: A sign that directs vehicular or pedestrian traffic onto a site or within a site.

PRODUCE STAND: A retail establishment which sells seasonal produce and blooming plants with indoor and outdoor sales display areas.

PROFESSIONAL OCCUPATION: A recognized occupation requiring specialized skill and knowledge and often long and intensive academic preparation, such as engineers, architects, planners, artists, attorneys, ministers, counselors and similar professions.

PROFESSIONAL OCCUPATION OFFICE: A building or a portion of a building where the offices are located for the use of professional occupations and which does not involve the sale or transfer of goods by the business to the customer, but where clients visiting the office receive professional assistance. For the purpose of this Ordinance, Doctors and Dentists are not included in this category, but are considered a “Medical Clinic.”

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a building face. The area of double-faced projecting signs is calculated on one face of the sign only, which shall be the larger if different in size.

PROTECTED TREES: (See Tree, Protected)

PUBLIC HEARING: A meeting which is announced and advertised in accordance with State Statute and conducted by a commission or board of the City or the City Council, in which members of the public have an opportunity to give comments.

PUBLIC MEETING: An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project or plan.

PUBLIC RIGHT-OF-WAY WIDTH: The perpendicular distance across a public street, measured from property line to property line.

PUBLIC SERVICE INFORMATION SIGN: Any sign intended primarily to promote items of general interest to the community, such as time, temperature, and date, atmospheric conditions and the like.

PUBLIC SIGNS: Signs of a noncommercial nature and in the public interest erected by or upon the order of a public officer in the performance of his duty, such as safety signs, memorial plaques, signs of historic interest, signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

PUBLIC UTILITIES AND FACILITIES: Any City approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to City standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City for operation and maintenance and the facilities, other than a utility substation or transportation facility, which house or contain facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricity services. This does not include recycling and salvage operations.

PUBLIC 'WARNING SIGNS: Any sign which warns the public of possible danger or informs the public of certain restrictions such as "Beware of the Dog" or "No trespassing" or "No Dumping".

RADIO AND T. V. BROADCASTING STUDIO: A facility where radio or television programs are recorded and/or broadcast from and which offer limited access to the public. Such facilities may have outdoor equipment such as satellite dishes.

REAL ESTATE SIGN: Any sign pertaining to the sale, lease, or rental of land or buildings.

REAR YARD: (SEE SETBACK, REAR)

RECREATIONAL FACILITIES FOR USE OF RESIDENTS: A facility which is approved by the City or is permitted within a development or subdivision which is privately owned but offers facilities for the exclusive use of residents of that particular neighborhood or development. Examples are: Tennis or basketball courts; paved walking trails, swimming pools or community meeting facilities.

RECREATIONAL VEHICLE (RV): A self-contained or towable vehicle designed to provide temporary shelter for persons who are traveling or on vacation. Various types of "Recreational Vehicles" include:

A. Travel trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

B. Pickup camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

C. Motor home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

RECREATIONAL VEHICLE (RV) PARK: A parcel of land upon which sites are rented or leased for the temporary or periodic placement of recreational vehicles as temporary living quarters for recreational or vacation purposes.

RECREATIONAL VEHICLE (RV) SITE: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle on a temporary basis.

RECYCLING CENTER: A facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand. The term "recycling" as used herein shall not include the speculative accumulation of materials in anticipation of recycling opportunities and shall not include the recovery of materials unless the materials recovered have a commercial value.

REFUSE STORAGE: Any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted

adjacent to vehicular use areas.

REHABILITATION CENTER: A medical facility where temporary inpatient treatment is given by licensed and trained professional health care counselors, doctors and other staff to persons seeking rehabilitation from addictive behavior and use of alcohol, drugs and/or controlled substances, but not including facilities where such persons are committed for an inestimable length of time.

REMODELING: The act of reconstructing a building or site for the purpose of making improvements. Any change or modification in existing exterior construction.

REPLATTED LOTS: Lots which are consolidated and re-subdivided with different size and/or number of lots from that shown on the original plat.

RESIDENTIAL STRUCTURE: A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels, and motor lodges.

RESTAURANT, CARRY-OUT: An establishment such as a pizza delivery service whose method of operation involves sale of prepared food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises. The establishment may deliver food to the customer, or the customer may pick the food up. A Carry-out Restaurant does not contain areas where food may be consumed on the premises.

RESTAURANT, DRIVE-IN OR FAST FOOD: An establishment whose principle business is the sale of foods, frozen desserts, or beverages in paper, plastic, or other disposable containers for consumption either on or off the premises. Food or beverages may be served directly to the customer in the restaurant building or in a motor vehicle either by a carhop or by a drive-through facility which eliminates the need for the customer to exit the motor vehicle.

RESTAURANT, NEIGHBORHOOD: A commercial establishment where food and beverages are prepared, served and consumed primarily within the restaurant and ancillary outdoor eating areas, but does not provide a “drive-through window” or deliver food to patrons in their car. “Carry-out” service may be provided.

RESTAURANT, SPECIALTY: An establishment with a limited menu that specializes in certain food items such as coffee, baked goods, delicatessen food, ice-cream or frozen desserts. Limited food preparation occurs at the facility. Food may be consumed on the premises or carried out.

RIGHT-OF-WAY: A portion of land used or intended to be used for a street, crosswalk, railroad, road, or other public use not included within the dimensions or areas of lots or parcels

ROCK, SAND, GRAVEL OR EARTH EXCAVATION, CRUSHING, OR DISTRIBUTION: An industrial use that mines, crushes, stores and/or distributes natural materials such as rock, sand, gravel or dirt.

ROOF SIGN: Any on-site sign erected upon, against or directly above a roof or on top of or above the parapet of a building and which are not canopy signs.

ROOFLINE: The top edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette.

ROOMING HOUSE: (SEE BOARDING HOUSE)

ROTATING SIGN: Any sign or portion of a sign that revolves, but not including multi-prism indexing signs.

RUBBISH TRASH: A variety of both combustible and noncombustible solid waste from materials from homes, stores, and institutions. Normally, trash consists of general yard waste, small tree branches, grass clippings, leaves, small appliances and other residential rubbish, and any or all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage or hazardous waste.

RUG CLEANING PLANT: A commercial enterprise which picks up rugs at residential and/or commercial businesses, takes rugs to a centralized cleaning facility, cleans and dries the rug and then delivers the rug back to the customer. Such cleaning facilities shall be conducted indoors.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface of any configuration. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based transmitters. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCHOOL: A facility, whether public or private, that provides a curriculum of elementary, secondary, and post-secondary academic instruction, including kindergartens, day care centers, elementary schools, junior high schools, high schools, and accredited two (2) and four-year (4) degree granting institutions of higher learning. For purposes of this Ordinance, the term "school" shall include accessory student athletic facilities when located on the same or adjacent parcels. The term "school" shall not include vocational schools for instruction in business, beauty or barber, technical or trades.

SCHOOL, ELEMENTARY: A facility whether public or private, that provides a curriculum of instruction of children in any or all of the grades between first and sixth grade.

SCHOOL, MIDDLE: A facility whether public or private, that provides a curriculum of instruction of youth in any or all of the grades between elementary and secondary school grades.

SCHOOL, SECONDARY OR HIGH SCHOOL: A facility whether public or private, that provides a curriculum of instruction of youth in any or all of the grades following the middle school grades up to the 12th grade.

SCINTILLATING SIGN: A sign with moving parts and/or lights, except a message center sign. A scintillating sign shall also include a sign which has "chasing action" or "scintillating action". "Chasing action" is the action of a row of lights commonly used to create the appearance of motion, the effect of which is obtained by turning a sequence of lights off at timed intervals so that a group of shadows appear to flow in one direction. "Scintillating action" is that effect which gives the appearance of twinkling lights with such lights blinking on and off in a random manner.

SCREENING: Landscaping, berms, fences, walls, or any combination thereof, used to block or significantly obscure, in a continuous manner, the view from one area to another.

SEASONAL OR HOLIDAY SIGNS: Signs, such as Christmas decorations, used for a holiday and installed for a limited period of time.

SECOND HAND STORE: An establishment which acquires used merchandise from individuals and resells such merchandise to other individuals, engaging primarily in used household items and clothing. Does not include pawn shops, used car lots, or antique stores

SECONDARY CONSERVATION AREA: Land which may be set aside to preserve natural resources or cultural sites within Conservation Subdivisions.

SELF-SUPPORT/LATTICE TOWER: A telecommunication tower that is constructed without guy wires and ground anchors.

SETBACK: (SEE YARD*)* The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building as measured to the outside face at the enclosing wall or in structures lacking walls (as in the case of a carport) to the face of the supporting columns and beams. Setback does not include roof overhangs, except that they shall not encroach on more than fifty (50) percent of the required setback.

A. **SETBACK, FRONT:** The yard area extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

B. **SETBACK, REAR:** The yard area extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

C. **SETBACK, SIDE:** The yard area lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of a front yard or a rear yard, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

SHADE TREE: ***(****See Canopy Tree)*.

SHOOTING RANGE: means the use of a structure or portion of land for archery and/or discharge of firearms for recreational or training purposes.

SHOPPING CENTER: A group, consisting of two or more commercial establishments, planned, developed, owned and managed by one (1) entity**,** with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic consideration and protection from the elements, and landscaping and signage in accordance with a cohesive plan. The type and size of stores are related to the trade area or neighborhood which the unit serves.

SHOPPING CENTER, MAJOR: A group of commercial establishments planned and designed with common parking or using a common name, or both, and the total building square footage is greater than one hundred thousand (100,000) square feet. For the purpose of this sign

ordinance, a major shopping center shall require a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

SHOPPING CENTER, MINOR: A group of commercial establishments planned and designed with common parking or using a common name, or both, and the total building square footage is less than one hundred thousand (100,000) square feet and greater than twenty five thousand (25,000) square feet. For the purpose of this sign ordinance, a minor shopping center shall require a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

SHOPPING MALL, REGIONAL: A self-contained shopping center where stores front an interior hallway and which serves a regional market area.

SHORELINE*:* That point at which the mean level, at normal state, a body of water meets dry land.

SHRUB: Woody or semi-woody perennial plants which are customarily included in landscape designs to provide for lower scale buffering and visual interest.

SIDE YARD: (SEE SETBACK, SIDE)

SIDEWALK: A hard-surface, all-weather area of a minimum of four (4) feet in width on local roads and a minimum of five (5) feet in width at all other locations, designed for the convenience of pedestrian access, which is normally located immediately adjacent to the public roadway within the public right-of-way or an easement.

SIGN: Any structure or device that is erected and maintained outside of an enclosed building or structure for the purpose of display, conveying information, advertising, or the attraction of attention for any purpose, including, but not limited to, posters, pictures, pictorial or reading matter and any letter, word, model, device or representation used in any advertisement, announcement, attraction, or direction.

SIGN AREA OR SIZE: The total area of the space enclosed by one (1) continuous line, connecting the extreme points or edges of a sign. This does not include the main supporting sign structure, but does include all other ornamental attachments, inner connecting links and general background. Sign area for a back to back or V -type sign shall consist of only the area of one (1) face.

SIGN HEIGHT: the vertical distance from the lowest point on the surface of the roadway on the nearest public street to the topmost point on the sign or its supporting structures, if any. If the nearest roadway is a bridge or overpass, or is at a level lower than the ground upon which the sign is located, then the height shall be measured from the ground.

SIGN OVERLAY DISTRICT: A district within the City of Gautier where off-site directional sign marquees can be placed for tourism related businesses.

SIGN STRUCTURE: Any structure which supports, has supported, or is capable of supporting a sign, including supports, frame, and decorative cover.

SIGNIFICANT TREE: A healthy hard wood tree that is five inches (5”) in diameter or larger and is a native species to the area.

SITE: Any lot or unplatted parcel or any combination of contiguous lot or unplatted parcels of land with its appurtenances and buildings having a unity of use and ownership.

SITE PLAN: A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, including topography, infrastructure, protected trees, and landscaping proposed for a specific parcel of land.

SKETCH PLAN: Written and graphic documents that indicate in conceptual form the proposed land uses and their location.

SLOPE: Describes the steepness, incline, gradient or grade of a straight line. A higher slope value indicates a steeper incline.

SPECIAL EVENT: A temporary outdoor use on private or public property which extends beyond the normal uses and standards normally allowed by the zoning district such as festivals, fairs, block parties or parades. Such events are scheduled and designed to attract substantial crowds and traffic and require a Temporary Use Permit.

SPECIAL EVENT SIGN: Any sign or display which advertises an event such as a fair, special or annual city-wide event.

SPECIAL PAVING: Interlocking pavers, bricks or special materials that are distinct from monolithic surfaces and call attention to entry areas, crosswalks and sidewalks.

SPECIAL SALES AND PROMOTION SIGN: Limited to pennants, banners, streamers, and air/gas filled figures for grand openings, anniversaries and special events.

SPECIALTY RETAIL SHOP: A commercial business that sells a limited range of merchandise, such as clothing and clothing accessories; jewelry; home and decorating accessories; crafts; antiques; musical instruments; floral arrangements; candy; hardware, bicycle and fitness equipment; cameras and electronic equipment, stationery and cards; hobby, toys and games; luggage and leather; and culinary stores. Most stores have an extensive width and depth of stock in the item they specialize in and provide high levels of service and expertise.

SPORTS FACILITY, PUBLIC: An indoor or outdoor recreational facility with seating or standing areas for the public where group sports such as baseball, softball, soccer, or hockey are played.

STABLE, PRIVATE: An accessory building which is designed and equipped to keep horses or other livestock for the private use of the property owner and not for remuneration, hire, or sale.

STABLE, PUBLIC: A principal building which is designed and equipped to keep horses or other livestock for commercial use including boarding, hire, and sale.

STEALTH ANTENNA: Antennas which are designed to be concealed within an architectural feature of a building or a tower that is built to look similar to a natural element in the environment such as a tree.

STEEL MILL, MINI: A heavy manufacturing use that produces steel from scrap and returned steel rather than molten iron, coke-making and iron-making operations.

STORM WATER RUNOFF: The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

STORY: That portion of a building above ground between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY AND ONE HALF: A space under a sloping roof that has the line of intersection of the roof and the exterior wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

STORY, TWO: The first floor of a building plus a story immediately above which is the same size and configuration as the first story.

STREAMERS: A series of small flags or pennants attached on a narrow strip of cloth, paper, fabric, plastic, or like kind of material and which is not of permanent construction.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designed as a road, avenue, highway, boulevard, drive, lane, place, or court and which affords the principal means of access to abutting property. Various types of roads are described below:

A. Arterial street or roadway: A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Gautier area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.

B. Collector street: A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties.

C. Cul-de-sac: A street or road that terminates in a vehicular turnaround.

D. Expressways: Limited access interregional arterial routes, such as I-10, designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.

E. Highways: Streets and roadways which are under the jurisdiction of the Mississippi Department of Transportation such as Highways 57 and 90. Highways may also be classified as expressways or arterial roadways.

F. Local or minor street: A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways.

G. Local streets are designed for low volumes and speeds of twenty (25) mph or less, with numerous curb cuts.

H. Public Street: Any road or portion of a road which has been dedicated to and accepted for maintenance by the City of Gautier.

STREET, DEDICATED: A street with its right-of-way which has been given by the owner for public use and has been accepted by the City and is so dedicated and recorded in the office of the County Chancery Clerk.

STREET LINE: The right-of-way of a street.

STREETSCAPE: The physical street environment comprised of architectural elements, landscaping and possibly street furniture.

STRIP DEVELOPMENT: Commercial development, usually one (1) store deep, that fronts on a major street.

STRUCTURAL ALTERATION: Any repair, reconstruction or improvement of a structure.

STRUCTURE: Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

STRUCTURE, ATTACHED: A structure with a common or party wall with another structure.

STRUCTURE, DETACHED: A structure with no common or party wall with another structure.

STRUCTURE, ENCLOSED: A structure with a solid roof and a minimum of three (3) exterior walls shall be considered an enclosed structured.

STRUCTURE, NONCONFORMING: A structure or portion thereof, that no longer conforms to the required minimum site area, coverage, setbacks, or other open space, height, or other regulations prescribing physical development standards for the district in which a structure is located.

STUCCO: A textured exterior finish made from Portland cement, lime and sand mixed together with water and other binders.

STUDIO/MULTIMEDIA PRODUCTION: A facility for the staging and recording of video or audio productions such as but not limited to music, commercials, programs and motion pictures.

SUBDIVIDER: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity that subdivides land or places an application for same with the City of Gautier.

SUBDIVISION: An area of land divided into two (2) or more lots for development by means of an appropriately recorded legal document.

SUBDIVISION, MAJOR: A subdivision of land which requires a public hearing and City Council approval.

SUBDIVISION, MINOR: A subdivision of land which may be approved by the Planning Department and does not require a public hearing or City Council approval.

SUBDIVISION OR APARTMENT COMPLEX SIGN: A permanent sign that identifies a subdivision which is located within the subdivision, usually at its entrance or entrances.

SUBDIVISION PLAT

> **PLAT, PRELIMINARY:** A conceptual plan for subdivision indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision, including the number of lots and proposed right-of-way widths.
>
> **PLAT, FINAL:** A complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries and proposed streets, dedications, easements, and other improvements.

SUPERMARKET: Large retail establishments, which primarily sell food items but may also sell prescription and over the counter drugs, flowers, small appliances, magazines and books, freshly baked goods.

TATTOO AND TATTOOING: those activities as defined in *Mississippi Code Annotated Section 73-61-1*, said statutory definitions being hereby adopted by reference.

TATTOO PARLOR: A commercial use which engages in the business of marking or coloring of the skin by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

TECHNICAL REVIEW COMMITTEE (TRC): That group of staff persons, architecture review ad hoc members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance. The Technical Review Committee also has authority to approve minor development plans, plats and conditional uses as described in Section 3.3.1 Powers and Duties.

TEMPORARY SIGN: A sign that is not permanently affixed to the ground or building, including, but not limited to, sandwich signs, sidewalk signs, curb signs, balloons, and posters stapled to posts, posters or the like posted, nailed or stapled to an object, or similar signs.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

THEATER, MOTION PICTURE: An enclosed building with permanent seating and a motion picture screen used to show motion pictures on a paid admission basis not to include facilities which show adult films which are regulated under City of Gautier *Sec. 3.5-21 Adult Entertainment Ordinance.*

THEATER, PROFESSIONAL: An enclosed building with seating and a raised stage used for presenting stage performances by professional and/or amateur actors not to include “adult uses” regulated separately under City of Gautier *Sec. 3.5-21 Adult Entertainment Ordinance.*

THROUGH LOT: A lot, except for a corner lot, having frontage on two public streets.

THROUGH SITE: A site, except for a site on a corner, having frontage on two public streets.

TITLE-LOAN BUSINESS: A business that regularly makes either loans to individuals secured by the title to a vehicle or title pledge agreements with pledgers, unless the business or individual is exempt from the definition of "title pledge lender" under *Mississippi Code Annotated Section 75-67-403 (1972),* or unless more than ninety (90) percent of the loans that the business makes which are secured by vehicle titles are made in the context of the purchase of the vehicle.

TOWER: A structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas.

TOWER HEIGHT: The height of a tower generally is the distance from the base of the tower to the top of the structure.

TOWNHOUSE: A structure designed for single-family occupancy on a separate lot and having a front and rear entrance but which is one of a series of dwelling units structurally connected or immediately adjacent to each other without side yards between individual dwelling units. *A townhouse is classified as an Attached, single-family residence.*

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND): A development that is primarily residential but also contains limited, small-scale specialty retail; boutique hotels; public parks and open space; and office uses. TND's are compact with higher densities and a variety of housing products. A TND diversifies and integrates land uses within close proximity to each other, and provides for the daily recreational and shopping needs of residents. Its design adopts the urban conventions which were the norm in the United States from colonial times until the 1940's.

TRADITIONAL URBAN COMMERCIAL DEVELOPMENT (TUCD): A commercial or mixed use development which is under common ownership, developed in accordance to a master plan and has neo-traditional design attributes similar to historic downtowns such as: (a) centrally located main street (b) sidewalks and buildings built to the edge of the sidewalk, (c) parallel or angle parking in the front of stores rather in parking lots, and (d) pedestrian amenities such as fountains, gathering places and/or outdoor cafes.

TRAFFIC CALMING: A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually requires providing more space for pedestrians and cyclists and reducing vehicle speeds with traffic tables at intersections, roundabouts, curved streets, and other creative designs.

TRAILER: (SEE DWELLING: MOBILE HOME)

TRANSIENT VENDOR: Any person who transacts transient business in this state either in one (1) locality or by traveling from place to place in this state. The term includes a vendor who for the purposes of carrying on such business; hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property.

TRANSOM: A horizontal window above a door.

TREE: Any self-supporting, woody plant of a species with a single main trunk at least four (4) inches in diameter measured at DBH which normally grows to an overall height of at least fifteen (15) feet and normally develops an average mature spread of crown greater than fifteen (15) feet.

TREE, PROTECTED: Any Live Oak or Magnolia tree that is twenty-four (24) inches in circumference or ten (10) inches in diameter or greater measured at a DBH. Any tree which meets the definition of a "Protected Tree", but is damaged or diseased may be deemed non-protected by the Planning Director if the condition of the tree poses an immediate threat to public safety.

TREE, PROTECTED ZONE: The entire City of Gautier is a protected tree zone.

TREE SIZE: The following definitions apply to tree sizes:

A. Large tree: Average height > 50 feet at maturity

B. Medium tree: Average height 30-50 feet at maturity

C. Small tree: Average height < 30 feet at maturity

TRUCK STOP: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another; cannot be used for permanent or long-term accessory storage for principal land uses at other locations; facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A truck terminal is an industrial use.

TURNAROUND: A space at the end of a public street or drive that permits the turning around of any vehicle including emergency vehicles without such vehicles having to back out of the street.

UNDER-CANOPY SIGN: A sign that is situated beneath a permanent roofed shelter covering a sidewalk, driveway, awning, mansard roof, or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles, or braces extended from the ground.

UNDERSTORY TREE: Trees with a mature height of ten (10) feet to thirty (30) feet which for the purpose of this Ordinance may be an evergreen or a deciduous variety.

UNLAWFUL SIGN: A sign that is in violation of this ordinance and does not have the status of a nonconforming sign.

UNSAFE SIGN: Any sign which, because of its location, coloring, illumination, or animation interferes with or has the potential to interfere with a motorist's view of general vehicular traffic, pedestrian traffic, intersectional traffic, traffic control devices, traffic directional signs, or causes confusion with law enforcement or emergency vehicles, or any sign which, because of its

construction or state of repair, is likely to fall, be blown down, or cause possible injury to passersby.

USED CAR SALES: A retail business which stocks and sells used cars, light passenger trucks, cargo vans and SUVs to the public. Such businesses may offer financing assistance to customers; however no major repair may be conducted on-site.

UTILITY SUBSTATION: Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services between the point of generation or treatment and the end user. This shall not include broadcasting studios, satellite dish antennas or wireless telecommunications facilities.

VALUE: Value shall be determined as the true value as provided by the Tax Assessor, for tax purposes, or the property owner may provide an appraisal obtained from a certified licensed appraiser completed within the past three (3) months or less.

VARIANCE: A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

VEHICULAR USE AREA: Any ground surface area, except public rights-of-way, used by any type of vehicle for driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, activities of a drive-in nature in connection with banks, restaurants, service stations, grocery and convenience stores and other open lot uses, but shall not include areas under, on, or within buildings. In calculations of an area, a vehicular use area shall include interior property landscaped area, but shall not include perimeter landscaped area.

VERTICAL WINDOW: An opening with proportions such that the horizontal width is less than the vertical height.

VETERINARY CLINIC: An institution where sick or injured small animals are given medical care, and in the course of same are housed overnight, fed, and provided related services.

VINES: Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

VOCATIONAL SCHOOL: (Trade School and Business College) A privately owned instructional facility with limited curriculum which offers a course of study of two (2) years or less and prepares adults for specific types of jobs such as secretarial, medical transcription, paralegal, computer programming, data entry, legal transcription, beauty or barber or other types of trades. Such schools must meet state requirements for a vocational facility.

WALKWAY: An all-weather area intended for pedestrian circulation within a development.

WALL: An enclosing structure made of brick, stone, earth, or other materials intended to mark a boundary, screen a view, or prevent intrusion.

WALL SIGN: Any sign attached to and parallel with any wall, including signs painted or printed thereon.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.

WATERFRONT PROPERTY: A parcel of land in compliance with the land development regulations of City of Gautier adjacent to the waterway or body of water that offers the use of recreational watercraft (motorized and non-motorized) swimming, fishing and similar activities.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated conditions. In all cases, a final wetland determination must be made by a licensed professional using the US Corps of Engineers determination criteria.

WIRELESS TELECOMMUNICATION FACILITY (WTF): Any and all devices intended for the purpose of transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

WRECKER TOWING SERVICE: A commercial use which provides a service of moving inoperable motor vehicles from one (1) place to another and which provides temporary storage for same. This may also include automobile recovery businesses.

YARD: Any open space located on the same lot or site with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. Front, Rear, and Side Yards are only established once a principle Building is placed on the site. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Front, Rear, and Side Yards. **(ALSO SEE SETBACK)**

YARD, FRONT: The Front Yard is the portion of the yard between the front facade of the principle building; the roadway right-of-way (ROW)/front property line; and the side property lines. For corner lots and through lots, see YARD, FRONT (PRIMARY) and YARD, FRONT (SECONDARY). For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Front Yard.

YARD, FRONT (PRIMARY): For corner and through lots, The Primary Front Yard is the portion of the yard between the front facade of the principle building; the roadway right-of-way (ROW)/front property line; and the side property lines. A Primary Front Yard shall be treated as a Front Yard regarding standards of this Ordinance and accessory structure placement. For corner lots where the principle building is facing both roadway frontages (such as a diagonally facing building), the Primary Front Yard shall be determined based on the roadway which the building is addressed from. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Primary Front Yard.

YARD, FRONT (SECONDARY): For corner and through lots, The Secondary Front Yard is the portion of the yard fronting a public roadway adjacent to the Primary Front Yard. The Secondary Front Yard is the portion of the yard between the front facade of the principle building; the roadway right-of-way (ROW)/secondary front property line; and the rear property line. Any portion of a Secondary Front Yard contained within the minimum front yard set-back shall be treated as a Front Yard regarding the standards of the Ordinance and accessory structure placement. Any portion of the Secondary Front Yard remaining outside of the minimum front yard set-back may be treated as a side yard for corner lots or a rear lot for through lots. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Secondary Front Yard.

YARD, REAR: The Rear Yard is the portion of the yard between the rear facade of the principle building; the rear property line; and the side property lines. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Rear Yard.

YARD, SIDE: The Side Yard is the portion of the yard between the front façade of the Principle Building; rear facade of the principle building; the rear property line; and the side property lines. For irregularly shaped lots and/or buildings, the Building Official shall determine the limits of the Side Yards.

YOUTH CAMP: Any facility operating on a permanent campsite with sleeping, eating and recreational accommodations for children six (6) to eighteen (18) years of age; who are supervised by trained counselors and which is run by a qualified supervisory staff. Hunting and fishing camps shall not be included in this definition.

YOUTH CENTER (QUASI-PUBLIC): A permanent facility run by a qualified staff with indoor and outdoor facilities which provides organized youth-oriented activities and recreation, after-school and during the summer months including but not limited to Boys' and Girls' Clubs.

ZERO LOT LINE HOME: (SEE DWELLING, ZERO LOT LINE).

ZONING MAP: The Official Zoning Map or maps of the City of Gautier, which are a part of the Unified Development Ordinance and delineate the boundaries of the zoning districts.

ARTICLE III:
ADMINISTRATIVE & ENFORCEMENT POWERS AND DUTIES

SECTION 3.1: City Council

The City Council of the City of Gautier shall exercise all powers vested in the governing body as provided in *Mississippi Code Annotated Section 17-1-11 (1972)* and shall have final authority over certain zoning and planning related matters as itemized in *Section 3.1.1*

3.1.1 Powers and Duties

As the governing body of the City of Gautier the City Council shall be responsible for final action regarding the following:

A. Amendments to the text of the Comprehensive Plan

B. Amendments to the text of this Ordinance

C. Applications for zoning map changes

D. Applications for Conditional Use-Major

E. Applications for Major Development

F. Applications for Variance

G. Applications for Major Subdivision Preliminary Plat

H. Major Subdivision Final Plat

I. Development Agreements

J. Appeals of Staff Decision

SECTION 3.2: Planning Commission

The Planning Commission shall exercise all powers vested in such bodies as provided in *Mississippi Code Annotated Section 17-1-17 (1972)* and shall act as the Advisory Committee to the City of Gautier in zoning and planning matters. The Planning Commission shall adopt reasonable rules and regulations governing the conduct of its zoning affairs and in keeping with the provisions of this Ordinance.

3.2.1 Powers and Duties.

The Planning Commission shall have the following powers and duties as hereinafter listed:

A. Establish rules of procedure and official bylaws as needed to perform the functions of the commission.

B. To hear and recommend to City Council appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in carrying out any provision of this ordinance.

C. To initiate and recommend to City Council approval of area-wide re-zonings, and text amendments to this ordinance.

D. To prepare and recommend to City Council adoption of a Comprehensive Plan for the City and to recommend amendments as needed.

E. To prepare and recommend to City Council for adoption zoning regulations and to recommend zoning boundaries, including the power to hold public hearings on re-zonings.

F. To prepare and recommend to City Council approval or denial of conditional uses for each zoning district in accordance with the provisions of this Ordinance.

G. To hear and recommend on Variances from Dimensional Requirements of this Ordinance.

H. To call on any department for assistance in its duties regarding information needed for Public Hearings and it shall be the duty of such departments to render all such assistance as may reasonably be required.

I. To compel attendance of witnesses at hearings and to administer oaths.

J. To prepare and recommend action on urban conservation, rehabilitation and redevelopment programs allowed by state law.

K. To prepare reports and recommendations on general planning and zoning problems referred or remanded by the City Council for review.

3.2.2 Membership; Term; Officers; Vacancies

The Gautier Planning Commission shall be composed of seven (7) members who serve at the will and pleasure of the City Council. The City Council shall appoint members to represent each of the five (5) wards and two (2) at-large positions. Each member of the Council shall nominate a person who is a resident of Gautier and who resides in their respective ward and the Mayor and Council person at large shall each nominate a person to be on the Commission. If a Council member is unable to find an eligible nominee from their ward, then the position may be filled from another ward. There shall be no more than two (2) Planning Commissioners from any one (1) ward at any time.

The Council shall vote on the nomination of appointees and the appointed members of the Planning Commission serve at the will and pleasure of the City Council.

Officers shall consist of a Chairperson and a Vice Chairperson. Officers for the Planning Commission shall be elected by members of the Planning Commission annually at the first meeting of the calendar year.

Should a Planning Commission member have three (3) consecutive absences or five (5) non-consecutive absences within a period of twelve (12) months, such member shall be replaced by the City Council.

3.2.3 Meetings Dates and Proceedings

The Planning Commission shall have a meeting on the first Thursday of each month at a regularly established schedule, time, and place open to the public, except as described below when there are no items to be considered and/or the meeting falls on a holiday. Additional meetings may be scheduled on the third Thursday of each month or on additional dates at the call of the Chairperson if additional meetings are required to discharge the duties and responsibilities of the Commission. If there are no Planning Commission Cases to be heard or items to be considered, the Planning Commission Chairman upon recommendation of the Planning Director may authorize the staff to issue a notice of cancellation of Planning Commission meetings a minimum of five (5) working days prior to the meeting. Said notice shall be posted at City Hall. If the regularly scheduled Planning Commission meeting falls on an

official City holiday, the meeting shall be held at the next available Thursday following the holiday.

3.2.4 Quorum, Rules and Records

Four (4) members of the Planning Commission shall constitute a quorum for transaction of business and a majority vote of the quorum shall rule. To preserve order during conduct of meetings and public hearings, the Planning Director or designee shall act in the capacity of Sergeant at Arms. Meetings shall be conducted in accordance with Roberts Rules of Order.

The Planning Commission may adopt bylaws or necessary rules and regulations to govern the performance of duties which shall include:

A. Order and allocation of time for presentations.

B. Role of spokesperson for Commission to the press.

C. Conflicts of Interest.

D. Voting procedures.

E. Establishment of Committees.

F. Any other matter concerning the conduct or meeting procedures that does not conflict with the provisions of this Ordinance.

A record of proceedings shall be taken and maintained by the City Clerk's Office and shall be a matter of public record. The Planning Commission may secure the services of a Court Reporter to assist in recording the meeting which shall become the official transcript of the meeting and shall be available upon request from the Court Reporter. Fees for such transcripts shall be payable by the requesting party.

3.2.5 Planning Commission Recommendation

The Planning Commission shall hold a vote at which time the majority shall formulate a recommendation of "for," or "against" each petition presented at the public hearing. A matter which does not receive a majority vote shall be sent to the City Council as having "no recommendation."

In circumstances where approval or denial by the City Council is required, the recommendation of the Planning Commission shall be sent to the City Council for their consideration and official action. The Planning Director shall provide a Finding of Fact to the City Council along with the recommendation of the Planning Commission and other data and materials on all zoning or development related proceedings of the Planning Commission's Meeting.

SECTION 3.3: Technical Review Committee (TRC)

The Technical Review Committee (TRC) is that group of staff persons, architecture review ad hoc members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance.

To expedite review, the provided plans, sketches, photos, etc. will be e-mailed to the TRC members for comments. Any comments will be forwarded to the applicant. If the applicant prefers to meet in person with the TRC, a meeting will be scheduled and a TRC Application fee shall be charged in accordance with the adopted fee schedule.

3.3.1 Powers and Duties

The Technical Review Committee shall be responsible for providing review of the following items. A verbal development update will be provided at Planning Commission meetings.

A. Signs

B. Exterior design of all structures including signs.

C. Use of parking or access surface other than asphalt, concrete or pavers in accordance with Section 7.11.

D. Solid Fences/Walls within front yards in accordance with 11.10.2

In the event the Planning Director does not receive comments from any of the concerned departments, he/she shall act in their behalf based on his/her knowledge of the needs and requirements of that particular department.

3.3.2 Membership

The Technical Review Committee shall be chaired by the Planning Director or his/her designee and consists of one (1) representative from each of the following county or city departments, divisions, or committees as applicable.

A. Fire Marshall Office

B. Building Official

C. Public Works Director

D. Police Department

In addition, the Technical Review Chairman may invite representatives from the County Health Department, Pascagoula Public Schools, utility providers or other entities that may be affected by the proposed development within the City on a case-by-case basis.

SECTION 3.4: Other Advisory Bodies

From time to time, other boards or committees may be asked by the City Council to participate in an advisory capacity to planning or development projects or processes including but not limited to:

A. Recreation Advisory Committee

B. The Economic Development Committee

C. The Historic Preservation Commission

D. Waterfront Advisory Committee

Modifications to the exterior of any structures or the yards of any structures which are designated as local landmarks, or are within a legally recognized local historic district shall be reviewed and approved by the Historic Preservation Commission in accordance with review process adopted by the City.

SECTION 3.5: City Staff

3.5.1 Planning Director

The Planning Director shall have the following general duties:

A. Maintain the Official Zoning Map in good and useful condition and properly

recording on the Map all of the amendments to the Ordinance that change boundaries of the Zoning District.

B. Process applications for all Public Hearings, Rezonings, Conditional Uses, Variances, and Home Occupations.

C. Provide information to the public and property owners related to growth management and zoning matters.

D. Issue letter of zoning compliance upon request.

E. Maintain records and maps on non-conforming uses, structures and undeveloped lots.

F. Provide staff for Planning Commission meetings, preparing routine staff reports and recommendations on zoning and planning matters to be heard by the Commission.

G. Keep permanent records of zoning decisions, Technical Review Committee decisions, and other zoning and development matters.

H. Act as advisor to the Planning Commission and the City Council on zoning and zoning-related matters including the preparation of staff recommendations on applications for rezoning, conditional use and variance applications.

I. Administer and advise City Council on all matters related to Flood Ordinance and Maps.

J. Enforce or assist in enforcing the provisions of the Unified Development Ordinance.

K. Grant certain Administrative Variances and Waivers pursuant to *Article IV.*

L. Issue Finding of Compatibility upon request for a Conditional Use-Minor.

3.5.2 Administrative Interpretation of this Ordinance

In addition the Planning Director shall also have the following responsibilities:

A. Interpretation of the Zoning Text, Zoning Map and Procedural Process

In the event there is a question concerning the general intent or meaning of any provision of this Ordinance text, or the positioning of district boundaries, or of district designation, or other matters relating to the Official Unified Development Ordinance, the Planning Director shall have the right to make such administrative decisions and interpretations. In making these interpretations, Planning Director shall:

1. Consider provisions of this Ordinance to be minimum requirements;

2. Make decisions construed in favor of the governing body and the overall community benefit;

3. Consider applicable Federal, State and Local laws, ordinances and standards;

4. Require application of the more stringent provisions wherever the provisions of this ordinance appear to impose conflicting provisions that cannot otherwise be reconciled.

B. Consultation with Appropriate Bodies or Persons

The Planning Director may from time to time defer interpretations to the appropriate Board and/or Governing Body.

C. Appeal from Planning Director's Decisions

Final action on an official interpretation of this Ordinance by the Planning Director may be appealed in accordance with Section 3.6.

3.5.3 Building Official

Under the direction of, and in consultation with the Planning Director, the Building Official shall serve as the City's Building Official and shall issue official building permits. The Building Official may also be assigned other duties as determined by the Planning Director.

3.5.4 Fire Marshall

The Fire Marshall shall have the following general duties:

A. Reviews all non-residential developments for impact and compliance regarding the adopted fire codes.

B. Performs a Fire Inspection of each business within the City each year.

3.5.5 Public Works Director

The Public Works Director or authorized representative shall have the following general duties:

A. Reviews all non-residential developments for impact and compliance regarding drainage, stormwater management, traffic, utilities, off-site improvements, easement, proposed right-of-ways, and infrastructure proposed to be dedicated to the city.

B. Issue "Will Serve" approval for new developments regarding potable water capacity.

C. Review applications to the Mississippi Department of Health (MDOH), Mississippi Department of Environmental Quality (MDEQ), and Jackson County Utility Authority regarding fire protection/potable water, sanitary sewer, and drainage improvements for proposed developments.

3.5.6 City Clerk

The City Clerk or authorized representative shall have the following general duties:

A. Process applications for all Privilege Licenses, Special Events, and Transient Vendor Licenses.

B. Record the actions taken of the Planning Commission, prepare the official meeting minutes for the Planning Commission, and maintain a permanent record of the Planning Commission meeting minutes.

C. Obtain signatures on Major Subdivision Final Plats and ensure the plats are recorded at the Jackson County Circuit Clerk's office.

SECTION 3.6: Appeals

Persons aggrieved with decisions of administrative staff may appeal the decisions.

3.6.1 Appeal of Administrative Decision

Appeals from written administrative decisions of the Planning Director in the administration and enforcement of the provisions of this Ordinance shall be heard by the City Planning Commission

and the City Council. A Staff Decision Appeal shall be filed on the appropriate application form in the Planning Department outlining the circumstances and the grounds of the appeal. The Planning Director shall send the appeal application to the City Attorney for a Review of Legal Sufficiency. Once cleared by the City Attorney, the Planning Director shall place the Notice of Appeal on the agenda of the Planning Commission meeting. Appropriate fees shall apply.

Upon hearing such appeal the Planning Commission shall make a recommendation to City Council to reverse, modify, or affirm, wholly or partially, any order, requirement, decision, or determination of the Planning Director and/or his staff.

Upon receiving a recommendation from the Planning Commission, the appeal shall be placed on the next available City Council meeting agenda. The City Council shall render a decision to reverse, modify, or affirm the staff decision.

3.6.2 Appeals to a Court of Law

An appeal from the decision of the City Council may be made as provided by law for appeals from any order of the governing authorities of a municipality.

SECTION 3.7: Enforcement of Unified Development Ordinance

The Unified Development Ordinance shall be enforced by the Planning Director or his/her designee. Where and when violations of the provisions of this Ordinance are found, the Planning Director or his/her designee shall notify in writing, by mail, the person or persons responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Planning Director or his/her designee shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, its provisions.

3.7.1 Penalties for Zoning Related Violations

Zoning violations shall be considered to be a misdemeanor and fines may be assessed up to one hundred dollars ($100) per offense with each day constituting a new and separate offense.

3.7.2 Penalties for other sections of this Ordinance

Violation of any other section of this Ordinance other than zoning shall be punishable as a misdemeanor and fines may be assessed up to one thousand dollars ($1,000) per offense with each day constituting a new and separate offense.

ARTICLE IV: GENERAL PROCEDURES

SECTION 4.1: Development Process – General

This section sets forth application and review procedures required for obtaining development approval and permits as may be required.

Although each development is different, the general development process is as follows. Not all of these steps apply to all projects. This generic process is for information purposes only. The Planning Department can assist with determining exactly what step and process a particular development will need to get approval and permits.

A. Preapplication

1. **Fact Finding** – The developer will usually call or meet with the City development review staff early in their process to gather information. At this time, usually the developer does not have specific information on the development, but are mainly offering scenario to determine feasibility or the best approach for the project.

2. **Preapplication Conference** – A preapplication conference is not required, but is highly encouraged by the City. This is a meeting between City staff and the developer to discuss specific information and requirements can be obtained prior to submittals being generated and an application being submitted.

B. Application

1. **Application Submittal** – The developer will submit the required application for the proposed activities along with all required attachments such as plans, flood related documents, stormwater documents, outside agency permits, etc.

2. **City Staff Review** – Once the application is received, the appropriate City staff will review the information and notify the applicant of any missing information or corrections needed at that time. The applicant will also be notified at this time of any required Public Hearings or other special processes needed.

3. **Site Visit** – City staff will visit the site if needed to verify existing site conditions.

C. Public Hearing and Other Special Processes Conducted

1. **Determination** – Staff will determine if any special processes need to be conducted during their initial review of the application such as a Conditional Use, Master Development, Subdivision, etc. These processes will need to be completed prior to a construction permit being issued.

2. **Application** – The developer will need to provide application and supporting documents for any special processes.

4. **Staff Review** - Once the applications are received, the appropriate City staff will review the information and notify the applicant of any missing information or corrections needed at that time. The applicant will also be notified of the date and time for any public hearings and the general process.

3. **Approval Process** – See specific procedures for special processes throughout this Article of the Ordinance.

D. Permitting

1. **Final Submittals** – Once all comments are addressed by the developer, any corrected documents or paperwork are submitted to the City.

2. **Final Staff Review** – Staff will review the documents and comments until all deficiencies are corrected.

3. **Permits Issued** – Once all submittals are correct and received and all special processes are complete, the developer's contractor may apply for permits. Once permits are issued, construction may begin.

E. Construction

1. **Inspections** – During construction, the contractor will notify the City when required inspections need to be performed.

2. **Construction Paperwork** – The contractor will provide the City with any needed paperwork during construction such as stormwater forms, and flood related paperwork, etc.

F. Close-Out

1. **Final Inspection** – Once construction is complete City staff will inspect the project for compliance. Comments will be provided if any deficiencies are noted.

2. **Final Paperwork** – The developer will provide any necessary paperwork to close the project out such as: flood related documents, outside agency final approvals, etc.

3. **Certification of Occupancy** – Once all deficiencies are corrected and all required documentation has been received, the City will issue a Certificate of Occupancy.

4.1.1 Withdrawal of Applications

An application for development approval may be withdrawn at any time. Caution: The withdrawal of any application for development approval which occurs after the publication of any

notices which may be required by this Code or other law will result in the application losing its relative position in priority for plan review and will require the applicant to resubmit its application at the initial step in the development review process required for the particular development. Such resubmittal will require payment of the necessary fees in order to activate the plan review process and reestablish relative position and priority for plan review.

Note: Nothing in this section shall be construed to prevent the Planning Commission or the City Council from delaying action or decision on any application. In the event the Commission or City Council votes to delay review or decision on any application, said application will retain its relative position and priority for plan review purposes.

4.1.2 Warning and Disclaimer of Liability for Staff Review

Staff approvals are reviewed only for general conformance with local codes and ordinances. They are not reviewed for accuracy of data or design, nor does the City of Gautier warrant such. These permits and approvals do not relieve the owner nor any of his representatives of the responsibility of compliance with the requirements of all local codes and ordinances.

4.1.3 Prerequisites to Issuance of a Development Permit

No development permit shall be issued unless the proposed development activity:

A. Conforms to the requirements of this Ordinance; and

B. Conforms to the building codes and fire codes as adopted by the City; and

C. Conforms to technical construction standards and any other engineering standard for stormwater, sewage, water, streets, traffic and other engineering concerns as may be adopted by the City of Gautier.

4.1.4 Pre-Application Procedures

Prior to filing for a formal and scheduled review of proposed development plans, the applicant may request the Planning Director, or designee, to set a time for discussion of the proposed development. Checklists appropriate to the proposed development shall be provided to the applicant by the Planning Director, or designee. In addition, the applicant will be directed to the appropriate City departments or other agencies so that the applicant may obtain information from such department(s) and/or agency(s) prior to filing for formal review.

SECTION 4.2: Section Not Used

SECTION 4.3: Section Not Used

SECTION 4.4: Section Not Used

SECTION 4.5: Building Permits

A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Building Official or his designee. No building permit shall be issued by the Building Official or his designee except in conformity with the provisions of this article.

B. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been reviewed and approved by the Planning Director or his or her designee.

C. No nonconforming use shall be maintained until a certificate of zoning noncompliance shall have been issued by the City Manager or his designee. The certificate of zoning noncompliance shall state specifically wherein the nonconforming use differs from the provisions of this article; provided that, upon amendment of this article owners or occupants of nonconforming uses shall have six (6) months to apply for certificates of zoning noncompliance. In cases where nonconforming uses existed at the time of enactment of this Ordinance, certificates of zoning noncompliance shall be issued based upon facts stated in affidavits. Failure to make such application within six (6) months shall be presumptive evidence that the property was in nonconforming use at the time of the enactment or amendment of such ordinance.

D. The City Manager or his designee shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

E. Upon application, the City Manager or his designee may issue up to a twelve (12) month permit for the temporary parking of a construction trailer on a lot during the construction of a permanent structure on such lot; the construction trailer is to be removed within two (2) weeks following the completion of construction. Extension of a twelve (12) month permit shall be at the discretion of the City Manager or his designee.

F. In addition to all other building permit requirements, all construction involving the paving or increasing of the impervious coverage of properties will require a building permit subject to the Public Works Director's approval.

4.5.1 Application for Building Permit

A. Applications for a Building Permit may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals.

B. One (1) copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved. One (1) copy of the plans, similarly marked, shall be retained by the City Manager or his designee for at least two (2) years.

4.5.2 Expiration of Building Permit

If the work described in any building permit has not been initiated within six (6) months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new building permit has been obtained.

4.5.3 Certificates of Conditional Use or Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly

altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Building Official or his designee stating that the proposed use of the building or land conforms to the requirements of this article. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance.

4.5.4 Construction and Use to be as Provided in Application, Plans, and Permits
Building permits issued on the basis of plans and applications approved by the Building Official or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorization shall be deemed a violation of this article.

SECTION 4.6: Submittals

Applications for development review shall be available from the Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan. Signatures by other parties will be accepted with notarized proof of authorization by the owners. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

SECTION 4.7: Procedures for Subdivision or Resubdivision of Land (See Article IX)

SECTION 4.8: Section Not Used

SECTION 4.9: Guarantees and Sureties

Applicability. The provisions of this section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions and private developments.

A. Nothing in this section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Ordinance or the Comprehensive Plan.

B. Any item which may be deemed as a health, safety and welfare issue by the City Manager, or his or her designee, is not subject to the posting of security/surety.

C. Infrastructure items are the only items which are subject to the posting of a security/surety. No buildings or portions thereof shall be applicable for the posting of security/surety under this section. Securities/sureties may be posted for provisions of the landscape plan in accordance with this Ordinance.

D. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.

4.9.1 Improvements, Agreements Required.
The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, street lights, signage, striping, parking facilities, sidewalks,

open space and recreation facilities shall be satisfactorily constructed according to the approved development plan.

A. The following information shall be provided by applicant:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.

2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty (30) percent occupancy of the development, whichever comes first. NOTE: Nothing in this section shall be construed to relieve the applicant of meeting any concurrency requirements applicable to the project.

3. The projected total cost for each improvement. Cost for construction shall be proposed by an estimate prepared and provided by a Mississippi-registered Professional Engineer (signed, sealed and dated).

4. Specification of the improvements to be made together with the time table for making improvements.

5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making said improvements, the City shall utilize the security/surety provided in connection with the agreement.

6. The amount and type of security/surety provided to insure performance.

7. Provisions that the amount of the security/surety may be reduced periodically as construction proceeds and improvements are made.

8. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officer, employees and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.

9. Developers agree to provide property access to City employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.

10. Prior to release of bond or security/surety, the City shall review the project account records for any unpaid invoices or fees due to the City. All developers and applicants agree and consent to the City recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.

B. Amount and type of security/surety:

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security or any other form of guarantee.

2. Security/Surety requirements may be met but are not limited to the following:

a. Deposit in the form of Cash, Certified Check, Cashier's Check or Money Order (required for Certificate of Occupancy);

b. Irrevocable letter(s) of credit (Commercial/Designated Places of Assembly/Multi-Family only);

c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Mississippi (Commercial/Designated Places of Assembly/Multi-Family, subdivision, P.U.D., Plat release only); or

d. Certificates of Deposit issued by State or Federally licensed banks provided that the Certificate of Deposit can be converted to cash (or any other asset) only with the prior approval of the City (for Commercial/Designated Places of Assembly/Multi-Family only).

NOTE: Interest earned on the Certificate of Deposit shall be retained by the applicant if the applicant completes the required improvements secured by the Certificate of Deposit within the time limits established in the Final Development Order. The City shall retain all interest earnings on the Certificate of Deposit if, for any reason, the City is required to use the Certificate of Deposit, or any portion thereof, for completion of improvements required of the applicant. Use of this technique will require evidence of agreement between the applicant, the bank issuing the Certificate of Deposit, and the City.

3. The amount of security/surety for single family residential development shall be a minimum of fifteen hundred dollars ($1,500) or one hundred percent (100%) , whichever is greater, of the total construction costs for the required improvements (public and private). The amount of security/surety for all other developments shall be a minimum of five thousand dollars ($5,000) or one hundred percent (100%), whichever is greater, of the total construction costs for the required improvements (public and private). Upon approval of the City Manager, or his or her designee, the amount of security/surety may be reduced commensurate with the completion and final acceptance of required improvements not more than once during the term of the improvements. In no case,

however, shall the amount of the security/surety be reduced to less than the designated minimum, necessary for completing the remaining required improvements. The following conditions also will apply to the posting of any security/surety:

a. Amount of security/surety which will be permitted shall not exceed ten percent (10%) of the project cost provided on the building permit application.

b. Administrative fee of two hundred fifty dollars ($250) shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.

c. Security/surety handling fee of ten percent (10%) of the total amount of security/surety shall be assessed and paid prior to reduction or release of said security/surety.

d. Inspection fees are outlined in most current fee resolution and shall be assessed and paid prior to reduction or release of security/surety.

4. Security/surety documents must reflect the names of the subdivision or planned unit development and the developer and developer's authorized agents.

5. Security/surety shall be provided prior to the issuance of the final development order.

6. Expiration of surety may be extended in time, not more than two (2) occasions for a total of sixteen (16) months, after which the security/surety shall be forfeited in accordance with this section. Extension of time shall be based on merits of completion of bonded items as inspected and determined by the City Manager or his or her designee.

C. Inspection of improvements:

1. Inspection of the following phases of construction may be conducted by the Public Works Director. These phases shall be inspected and certified by the developer's engineer:

a. Subgrade or stabilized subgrade;
b. Curbs and concrete work;
c. Roadway base;
d. Surface course;
e. Drainage structures and systems.

2. The developer's engineer shall provide certification(s) that all infrastructure, including potable water and wastewater systems, have been constructed in accordance with the approved development plan. Testing documentation shall be provided to the Public Works Director,

along with copies of Mississippi Department of Health (MDH) and Mississippi Department of Environmental Quality certification(s). Inspection by the developer's engineer will not preclude the Public Works Director from inspecting any and all aspects of construction.

3. The Public Works Director shall be given forty-eight (48) hour advance notification of scheduled inspections.

4. The Public Works Director shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.

5. If a developer does not schedule any inspections required by this section, the inspection fees for that unscheduled inspection shall be triple the usual inspection fee.

D. Procedures for acceptance by the City

1. Preliminary acceptance. Preliminary acceptance of physical improvements is subject to:

a. Within two (2) weeks prior to presentation to City Council for preliminary acceptance, the Public Works Director shall inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.

b. The developer has posted the required security/surety as specified in section 4.9 to insure maintenance for a period of one (1) year from the date of preliminary acceptance by the City Council. The security/surety provided for the installation of physical improvements shall not expire until the installation of physical improvements has been preliminarily accepted by the City. Responsibility of acquiring preliminary acceptance shall be the developer's.

2. Permanent acceptance. The infrastructure will not be permanently accepted into the City's maintenance program until all defects are corrected by the developer within sixty (60) days of notification of deficiencies by the Public Works Director. In addition, failure to make required corrections specified by the Public Works Director shall result in a forfeiture of securities/sureties. Responsibility for acquiring permanent acceptance shall be the developer's.

3. The City of Gautier shall establish an administrative procedure for the acceptance of developments in the City. These developments shall include, but not be limited to subdivisions, planned unit developments (PUD's), private road subdivisions and private developments.

E. Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments).

1. A maintenance agreement and security/surety shall be provided for all streets to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to roads, streets, stormwater drainage, sidewalks, street lights, open space and recreation areas.

a. There shall be a minimum maintenance period of one (1) year.

b. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements.

c. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer and a representative of the developer. These inspections shall be scheduled at mid-year and prior to permanent acceptance by the City Council. The City Engineer shall advise the developer, in writing, of any corrective measures to be made during the maintenance period. It shall be the developer's responsibility to make required corrections prior to the expiration of the maintenance security/surety.

d. The security/surety shall be in an amount equal to twenty-five (25) percent of the construction cost of the improvements and will be held for a period of eighteen (18) months or upon permanent acceptance, whichever is greater.

2. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

a. When the proposed development is to be organized as a condominium, common facilities and property shall be conveyed to the condominium association pursuant to that law.

b. When no condominium is to be organized, an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.

c. When a development requires an owner's association, proof of the establishment of the association must be filed with the Planning Director prior to a development order being issued. A recorded copy of the documents must be provided to the City before preliminary acceptance.

d. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the Public Works Director.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land. Such covenant shall be included with the Final Plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City.

SECTION 4.10: Future Improvement Payment

The provisions of this section apply to all proposed developments in the City of Gautier or adjacent to public rights-of-way.

A. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.

B. This section does not modify existing agreements between a developer and the City for final development orders granted prior to the effective date of this section.

C. This section shall apply to situations when improvements cannot be installed or constructed within a public right of way, easement, or City owned property within the City of Gautier, due to circumstances outside of the City of Gautier or the developer's immediate control. Examples of such situations include, but are not limited to, improvements to and along the U.S. Highway 90 corridor and unimproved public rights of way within the City of Gautier and when a City improvement schedule coincides with an adjacent development.

4.10.1 Improvements Required

The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public right-of-way, easement, or City owned property, including, but not limited to, sidewalks, pedestrian tracks or pathways, signage other than traffic control, handrails and permanent striping will be constructed according to the approved development plan at an undisclosed later date by the City of Gautier. The following information shall be provided by the developer:

A. The projected total cost for each improvement. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Mississippi Professional Engineer.

B. The amount and type of payment provided to assure construction.

4.10.2 Amount and Type of Future Improvement Payment

A. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.

B. Payment requirements shall be one of the following:

1. Certified check;

2. Cashier's check;
3. Money order; or
4. Cash.

C. The amount of payment shall be one hundred percent (100%) of the total construction cost for the required improvements ("future improvement payment").

D. In addition to the future improvement payment, the developer shall pay an administrative fee.

4.10.3 Sufficiency of Future Improvement Payment

A. The payment shall be made prior to the issuance of a development order for commercial projects or a building permit for residential projects.

B. At such time that the improvements can be made to the public right-of-way, easement, or City-owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to the developer. If the future improvement payment is not sufficient to pay for the improvements, the developer shall pay any shortfall to the City.

4.10.4 Final Development Order and Extension of the Commencement of Construction Deadline

A final development order is valid for a period of two (2) years from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said two (2) year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within two (2) years from the date of issuance of the final development order or a building permit is issued and construction has not commenced within two (2) years from the date of issuance of the final development order, then the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one (1) year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 4.11.

SECTION 4.11: Criteria for a Request to Extend the Two (2) Year Deadline to Obtain a Building Permit and Commence Construction

An applicant who desires to extend the two (2) year deadline shall submit a written request to the Planning Department, no less than thirty (30) days, prior to the expiration of the two (2) year deadline to obtain a building permit and commence construction.

A. An applicant may receive only one (one) extension, and such extension shall not exceed one (1) year.

B. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.

4.11.1 Determination Regarding Request for Extension

All applications for extensions shall be reviewed by the Planning Director with input from the appropriate Technical Review Committee members for approval, approval with conditions, or disapproval.

4.11.2 Establishing an Application Fee

The City reserves the right to establish, by resolution, an application fee, for processing and reviewing requests for extensions of time.

SECTION 4.12: Development Agreements

A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time. All development agreements shall, at a minimum, include the following:

A. A legal description of the land subject to the agreement.

B. A statement identifying the legal and equitable interest of all persons having any interest in the property described in (A) above. The statement of ownership interests of any joint ventures, partnerships or corporations shall reveal all principals or directors and officers, as appropriate. Such statements shall be certified by a title company or an attorney-at-law licensed to practice in the State of Mississippi.

C. The duration of the agreement, which shall meet the terms set forth in subsection 4.12.1 of this section.

D. The development uses permitted on the land, including population densities, and building intensities and height.

E. The land use designation under the City's Comprehensive Plan for all property included within the terms of the proposed agreement.

F. The current zoning classification of the property.

G. A description of public facilities that will service the development, including who shall provide and maintain such facilities.

H. The date any new facilities, if needed, will be constructed.

I. Schedule to assure public facilities are available concurrent with impacts of the development.

J. Description of any reservations or dedications of land for public purposes.

K. Description of all local development permits approved or needed to be approved for the development of the land.

L. A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.

M. Description of any conditions, restrictions, terms, or other requirements determined to be necessary by the City for the public health, safety or welfare of its citizens.

N. Statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the development of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

4.12.1 Duration of Development Agreements

The term of a development agreement shall not exceed five (5) years. A development agreement may only be extended by mutual consent of the City Council and the developer, subject to public hearings in accordance with Section A, below.

A. General requirements for notices and hearings:

1. Before entering into, amending, modifying, canceling, or revoking a development agreement, the City shall conduct at least two (2) public hearings, one (1) of which shall be held by the Planning Commission prior to a final public hearing before the City Council.

2. The day, time and place at which the next scheduled public hearing will be held shall be announced at the prior public hearing.

3. Notice of intent to consider a development agreement at a scheduled public hearing shall be provided by advertising the required notice in a newspaper of general circulation and readership in Jackson County approximately seven (7) days before each public hearing on the application.

4. Required notice of intent to consider a development agreement shall specify:

a. The time, place, and location of the scheduled hearings (2);
b. The location of the land subject to the development agreement;
c. The development uses proposed on the property, including the proposed population densities and proposed building intensities and height; and
d. Instructions for obtaining further information, including the place(s) where a copy of the proposed agreement can be obtained.

4.12.2 Development Agreement Procedures

Applications requesting consideration by the City of a developer's proposed or amended development agreement shall be submitted on such forms as may be provided by the City. In addition to the information required by section 4.12, the application shall contain such information as is reasonably necessary to process and fully consider the application.

Application packages shall be accompanied by such fees and charges as may be imposed by the City Council by resolution for proper filing and processing.

Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

4.12.3 Negotiation of Development Agreements

The City Manager and City staff shall review the developer's application package and negotiate such further terms and conditions as the City Manager shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.

Once a tentative agreement has been reached as to the terms and conditions of a development agreement, or further negotiations are not anticipated or will not reach a consensus on the development agreements' terms or conditions, the City Manager and staff shall draft a report, including any recommendations, to the City Council for consideration along with the tentative agreement.

The existence of a tentative agreement, staff report or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that further expenditures by a developer would vest any right to continue development; nor shall such actions constitute partial performance entitling the owner to a continuation or extension of the development agreement.

4.12.4 Adoption, Amendment, Extension, Modification, Revocation and Cancellation Procedures

Following such notice and public hearings as may be otherwise required, the City Council by majority vote, may act to adopt, amend, extend, modify, revoke or cancel any proposed or existing development agreement.

Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the Mayor and the representatives of all other parties.

4.12.5 Recording the Development Agreement

Within fourteen (14) days after the City enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Chancery Clerk Court in the Official Records of Jackson County.

Prior to the City's review of the status of a development agreement, the developer or property owner shall, within fourteen (14) days of the City's annual review of the development agreement, submit to the City a progress report indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.

The City may review the land and progress of development subject to the development agreement at least once every twelve (12) months to determine if there has been compliance with the terms and conditions of the development agreement during the period under review. The agreement shall continue in force as is, pending the next review.

If, as part of its review, the City makes a finding on the basis of substantial competent evidence that there has been a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions, may:

A. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or

B. Revoke the agreement in order to protect the public's interest, health, safety or welfare.

4.12.6 Amendment, Modification, Extension, Revocations and Cancellation of Agreements

In addition to being extended pursuant to Section 4.12.4 development agreements may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest upon proper notice and hearing set forth in section 4.12.4.

In the event state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms or conditions of a development agreement, then such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws upon proper notice and hearing set forth in section 4.12.1(A).

4.12.7 Legal Status of Development Agreements

The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

The City's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.

The City may only apply subsequently adopted laws and policies to then existing development agreements if, after one (1) duly noticed public hearing, the City determines any one (1) of the following:

A. That such laws and policies are specifically anticipated and provided for in a development agreement; or

B. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or

C. That such laws and policies are essential to the public health, safety or welfare, and expressly state that they shall apply to existing development agreements; or

D. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or

E. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

SECTION 4.13: Building Permits and Certificate of Occupancy

It shall be a violation of this Ordinance for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit has been obtained. No permits or Certificate of Occupancy shall be issued for any building or structure that has outstanding or unpaid fees, or taxes relating to the use or care of the property, or that has outstanding code violations until such violations are satisfied.

A. Building Permits

Whenever any structure or building is to be improved in an amount exceeding one thousand dollars ($1,000) or is erected, moved, structurally altered, or if the use of land is to be changed; a building permit shall be obtained from the Building Official. The Building Official shall require every applicant for a Building Permit to furnish the following information:

1. A site plan, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration

2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housing units proposed or which exists

3. Additional information relating to the proposed improvement needed to determine compliance with these regulations

4. A survey prepared by an engineer or surveyor registered or approved in the State of Mississippi of the boundaries of the lot on which the improvement is proposed to be located

5. Any other information requested by the Building Official and/or the Planning Director

6. No building permit will be issued for any parcel of property which has outstanding and unpaid fines, fees or taxes relating to the use or care of the property.

B. Certificate of Occupancy

A certificate of occupancy shall be obtained from the Building Official certifying that all of the provisions of these regulations are complied with prior to occupancy.

SECTION 4.14: Actions Requiring a Planning Commission and/or City Council Review

The following items are required to be reviewed by Planning Commission and/or City Council as shown in Table No. 1 below:

Table No. 1: Required Reviews		
Application for Approval of	**Planning Commission (Public Hearing)**	**City Council (Review & Decision)**
Zoning Map Change (Rezoning)	**X**	**X**
Comprehensive Rezoning	**X**	**X**
Conditional Use – Major	**X**	**X**
Variance	**X**	**X**
Subdivision Preliminary Plat – Major	**X**	**X**
Subdivision Final Plat – Major		**X**
Unified Development Ordinance Text Change	**X**	**X**
Major Development		**X**
Development Agreement		**X**
Appeal from Staff Decision	**X**	**X**

4.14.1 General Process for Actions Requiring Planning Commission and/or City Council Review

A. Preapplication Conference

B. Application

C. Staff Review

D. Public Notice, as applicable

E. Planning Commission Review, as applicable

F. City Council Review & Decision

G. Order, Resolution, or Ordinance Authorization, as applicable

4.14.2 Published Notification

All application reviews which require a public hearing shall be advertised in a local newspaper of general circulation in accordance with Mississippi Annotated Code of 1972.

A. Published Notice for Rezoning, Conditional Use-Major, Variance, and Home Occupation

Legal advertisements for Rezonings, Conditional Uses-Major, Variances and Home Occupations (if necessary):

1. Parcel Identification Number

2. Address of the subject property (if available)

3. A description of the action requested

4. The time, date and location of the public hearing

5. A phone number to contact Planning Department

6. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard.

B. Published Notice for Text Changes to the Unified Development Ordinance or Comprehensive Plan

Legal advertisements for text changes to the Unified Development Ordinance or adoption or amendments to the Comprehensive Plan shall include the following information:

1. A general description of the changes being requested

2. The time, date and location of the public hearing

3. The office at which the proposed text changes may be reviewed by the public

4. A phone number and e-mail address to contact Planning Department

5. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

C. Published Notice for Comprehensive Rezoning of Property or a City-Wide Rezoning Map Amendment

Legal advertisements for Comprehensive Rezoning of Property or for a City-Wide Rezoning Map Amendment shall include the following information:

1. A general description of the changes being requested

2. The time, date and location of the public hearing

3. The office~~s~~ at which the proposed map changes or the proposed zoning map may be reviewed by the public

4. A phone number to contact Planning Department

5. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

D. Published Notice for a Preliminary Plat for Major Subdivision of Land

Legal advertisements for Preliminary Plat for Major Subdivision of Land shall include the following information:

1. Parcel Identification Number(s) for the land to be subdivided

2. General Description of location of the property to be subdivided

3. The number of lots proposed for the subdivision

4. Total area for all property included in the subdivision of land

5. General description of the proposed use of land once subdivided

6. The time, date and location of the public hearing

7. A phone number to contact Planning Department

8. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

4.14.3 Notification by Mail

A. Mailed Notice for Certain Actions which are not a Comprehensive Rezoning or a City-Wide Zoning Map Amendment

The Planning Director, or his designee, shall notify by first class mail all property owners within the appropriate notification distance from the property under consideration for a Rezoning, Conditional Use, Variance or Home Occupation. Such notices shall be mailed not less than fifteen (15) days prior to the public hearing. Such notices for an in-house hearing shall be mailed not less than ten (10) days prior to the in-house hearing. Table No. 2 shows the property owners that must be notified by mail. Approval processes not listed do not require a mailed notice.

The Planning Department staff shall supply the names and addresses of persons with a certain distance from the parcel being considered as a part of the application process. Said names and addresses shall be obtained from Jackson County tax listings of property ownership and shall be measured from property line to property line not including street right-of-ways.

Table No. 2: Notification Distance

Type of Public or In-house Hearing Request	Number of Feet from Subject Property
Rezoning	500 feet
Conditional Use-Major	
Wireless Telecommunication Facilities	500 feet
All Other	250 feet
Variance	Adjoining
Home Occupation	Adjoining

4.14.4 Public Hearing Process

A. General Procedures

Applicants or a representative of the applicant shall appear before the Planning Commission at the appropriate time and place as advertised to present compelling evidence for the action they are requesting. Persons wishing to speak for or against the applicant's request shall also be given the opportunity to address the Planning Commission.

Proceedings of the hearing at the City Planning Commission Meeting shall be taken down in shorthand and/or by mechanical or tape recording, which cannot be altered. The hearing at the meeting shall use Robert's Rules of Order but

without strict compliance with rules of evidence. The Chairman of the Planning Commission shall act as moderator.

B. City Planning Commission

The Planning Commission shall make a recommendation to the City Council. The recommendation shall be to approve, approve with changes, or to deny the request. The Findings of Fact shall support the Planning Commission's recommendation.

C. City Council Consideration

The Planning Director shall submit the findings of fact and the recommendations of the Planning Commission to the City Clerk no later than one (1) week prior to the next available City Council meeting. If necessary, the applicant shall submit a modified site plan to the Planning Director, which shall show the requirements and/or conditions recommended by the Planning Commission prior to forwarding the request to the City Council.

Within sixty (60) calendar days after the Planning Commission hearing, the City Council shall approve or deny, in whole or in part, the recommendation of the City Planning Commission, or where there is need for additional information, may remand the case to the City Planning Commission for further consideration.

D. Official Transcript

If no appeal is filed by a party of record or authorized representative, it will not be necessary for the court reporter's stenographic notes to be transcribed; however, if an appeal is taken, the party filing the appeal shall order a transcript from the court reporter and pay any expense associated with such a transcript.

SECTION 4.15: Zoning Map Change (Rezoning)

A zoning map change involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. When the public welfare justifies such action, the City Council may amend the Official Zoning Map.

4.15.1 Who May Initiate

A zoning map change may be initiated by the City Council, the Planning Commission or the property owner or agent of the owner provided that:

A. Said property has not been denied a previous request for the same property or portion a property within the past twelve (12) months; and

B. All procedures and provisions for a public hearing have been met.

4.15.2 Requests for Zoning Map Change (rezoning)

Applications for a Zoning Map Change (rezoning) may be filed on the appropriate application available from the Planning Department and shall provide all requested information and provide all requested attachments/submittals.

4.15.3 Criteria for Rezoning of Property

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

A. There was a mistake in the original zoning, or

B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

4.15.4 Three-Fifths Council Vote Needed

In accordance with *Mississippi Code Annotated Section 17-1-17 (1972)*, in case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the City Council who are not required by law or ethical considerations to recuse themselves.

4.15.5 Rezoning by Court Order

In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the Unified Development Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Planning Director after all available time for appeal has expired. The Planning Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the City Council.

SECTION 4.16: Comprehensive Rezoning

A comprehensive rezoning may be initiated by the following: property owners of twenty-five (25) contiguous parcels of land, the owner(s) of ten (10) acres of contiguous land, a recognized neighborhood association which includes the property involved and/or the Planning Director in consultation with the property owners affected.

4.16.1 Study Required

Prior to recommending a Comprehensive Rezoning, the Planning Director shall conduct a study that demonstrates:

A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan, **and**

B. The need for additional land in the City having the same zoning classification as the one proposed; **and**

C. A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**

D. The probability of a mapping error in the Comprehensive Plan or the Unified Development Ordinance has occurred.

4.16.2 Public Notification

In addition to the required public notices in a newspaper of regular and general circulation in the City at least fifteen (15) days prior to the public hearing, a notice shall be posted at City Hall for the benefit of the public prior to a public hearing for a comprehensive rezoning.

SECTION 4.17: Conditional Uses Both Minor and Major

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Certain uses may be allowed as enumerated in each of the zoning districts established in *Article V* in accordance with the standards and procedures of this Article and the standards enumerated for each Conditional Use in the district regulations.

A hearing for a Conditional Use-Major may be conducted under two separate circumstances: (a) in conjunction with the rezoning of the property, or (b) if the property is already zoned correctly, but the use is not permitted by right. In the case of a rezoning, the Conditional Use must meet the legal threshold required for any rezoning action.

4.17.1 Who may initiate

A request for a conditional use may be initiated by the property owner or agent of the owner provided:

A. The proposed use is listed as a Conditional Use in the specific district requirements of the existing or proposed zoning district of the property, **and**

B. Said property has not been denied a previous request for the same property or portion of the property within the past twelve (12) months; **and**

C. All procedures and provisions for a public hearing have been met.

4.17.2 Application for Conditional Use-Minor

A Conditional Use-Minor requires a Finding of Compatibility (FOC) by the Planning Director. Upon application review and after consideration of the surrounding properties and nature of the proposed use, the Director may approve, approve with conditions, or deny the application. These uses do not "run with the land" and may not be transferred from one owner to the next without application for a FOC by the Director.

4.17.3 Criteria for Approval of a Conditional Use-Minor

A Minor Conditional Use Permit is required when projects possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses. Minor Conditional Use Permits may be granted, in whole or in part, from the facts available in the application and determined by investigation, all of the following written findings can be made:

A. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts.

B. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

C. The proposed use will be consistent with the Comprehensive Plan.

D. The proposed use is in conformance with specific site location, development, and operation standards as required by this Ordinance.

4.17.4 Application for Conditional Use

Applications for a Conditional Use-Minor and Major may be filed on the appropriate applications available from the Planning Department and shall include all requested information, attachments, and submittals.

4.17.5 Criteria for Approval of a Conditional Use-Major

A Conditional Use-Major is not allowed "by right" but requires a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and conditions before a business license may be issued.

When considering application for a Conditional Use-Major, the Planning Commission and the City Council shall consider the extent to which:

A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;

B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity;

C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;

D. If the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools;

E. If the proposed use is in harmony with the Comprehensive Plan;

F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District;

G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances; and

H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

4.17.6 Authority for Conditions

A Conditional Use-Major may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to:

A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster

B. Off-street parking and loading areas with particular attention to item (A) above and the economy of the City, and to noise or glare effects of the conditional use on adjoining properties generally in the district

C. Refuse and service areas, with particular reference to item (A) and (B) above

D. Utilities with reference to location availability and compatibility

E. Screening and buffering with reference to type, dimensions, and character

F. Control of any proposed exterior lighting with reference to glare, traffic safety economic effect and compatibility and harmony with properties in the district

G. Required yards and open spaces

SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this Ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Planning Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Planning Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

A. 30% of required off-street parking spaces and/or

B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;

B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;

C. That the special conditions and circumstances do not result from actions of the applicant; and

D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

4.19 Administrative Waivers for Infill Development

Purpose: Administrative waivers for infill development provide a process for city consideration of requests to waive or modify certain standards of this UDO when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property provides a challenge that may deter redevelopment privileges enjoyed by other property owners in the vicinity and in the same zoning district.

A. **Applicability:** An administrative waiver may be granted to waive or modify any requirement of this UDO except: permitted land uses; residential density; specific prohibitions for example, prohibited signs, or procedural requirements except as established within the Corridor Overlay District, Article V.

B. **Review authority:** An application for an administrative waiver shall be completed, filed, and processed in compliance with this section. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection E. below.

C. **Project review, notice and hearing:** Each application shall be reviewed by the Planning Director to ensure that the proposal complies with this section, and other applicable requirements of this UDO. The Planning Director may approve or deny an administrative waiver without a public hearing. See subsection D. below.

D. **Findings and decision:** The Planning Director may approve or deny an application for an administrative waiver. The Planning Director shall record the decision and the findings on which the decision is based.

1. **General findings:** The Planning Director may approve an administrative waiver only after first making all of the following findings.

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the provisions of this UDO deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does

not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

c. The administrative waiver is consistent with the comprehensive plan, and any applicable specific plan.

2. **Reasonable accommodation:** The Planning Director may also grant an administrative waiver to the site planning or development standards of this UDO in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act, as amended.

E. **Conditions of approval:** In approving an administrative waiver, the Planning Director:

1. Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

2. May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection D. above.

SECTION 4.20: Unified Development Ordinance Text Changes

Whenever changes in the text of this Ordinance are needed to reflect updated practices or standards desired by the community, the Planning Director may prepare a draft of the proposed changes for approval.

4.20.1 Public Hearing Held

A public hearing on the proposed text amendment shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against such amendments.

4.20.2 City Council Approval

The recommendations of the Planning Commission shall be sent to the City Council along with the staff report and any other documentation. The City Council shall have the power to approve, disapprove or suggest modifications to the proposed changes to the Ordinance.

SECTION 4.21: Home Occupation Permit

Applications for Home Occupation Permits shall be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals.

4.21.1 In-House Hearings

The Planning Director will conduct an in-house hearing on Applications for Home Occupations no sooner than ten (10) days following notices and letters to adjoining property owners. If there are no objections received in writing, the Director may grant a permit for the Home Occupation provided the applicant has met all of the requirements as given in this Ordinance.

Should there be objections to any Home Occupation request, the application will then be brought before the Planning Commission at a duly announced time and place.

SECTION 4.22: Major Development

4.22.1 Determination of a Major Development

A Major Development is a development defined as meeting one or more of the following conditions:

A. The proposed development will require off-site improvements which will require dedication to the City of any public infrastructure, right-of-way, or land; and

B. The proposed development will significantly impact traffic, the fire protection/potable water system, the sanitary sewer system, and/or public safety services.

C. The proposed development requests Tier Land Use System Bonuses.

4.22.2 Application for Major Development

Applications for a Major Development may be filed on the appropriate applications available from the Planning Department and shall include all requested information, attachments, and submittals.

4.22.3 Criteria for Approval of a Major Development

A Major Development requires approval of the City Council.

When considering application for a Major Development, the City Council shall consider the extent to which:

A. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;

B. If the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools;

4.22.4 Authority for Conditions

A Major Development may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the area or significant impacts to the City's systems and services.

SECTION 4.23: Actions Requiring Approval by Planning Department Staff

Certain permits may be issued by Planning Department Staff upon review and approval of the appropriate application and fees:

A. Land Alteration and/or Disturbance Permit

B. Tree Removal Permit

C. Temporary Use Permit

D. Conditional Use Permit-Minor

E. Permit for Moving of Buildings

F. Mobile Home/MEMA Cottage Placement Permit

4.23.1 Land Alterations and Disturbance Permit

The purpose of this section is to set forth regulations governing the excavation, clearing and draining of properties within the City of Gautier. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and storm water volumes and rates beyond that which existed prior to alteration or disturbance.

A. Clearing and grubbing, haul roads, waste areas, plant sites or other areas occupied by the contractor.

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as required by DEQ and the City shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

B. Loading, hauling and removal of tree limbs and debris

1. All persons, firms or corporations hereafter performing tree removal or trimming services for compensation within the City shall remove and dispose of all debris created by the performance of such services.

2. The debris shall be properly disposed of by the person, firm or corporation performing the services of their agent. Said debris shall be removed within forty-eight (48) hours of completion of construction activities.

C. Excavation

Excavations shall be made in an acceptable manner to the City Consulting Engineer and shall be left in an aesthetically pleasing condition when completed:

1. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property and entrances and exits shall be submitted.

2. Excavations shall be dug on a 3 to 1 slope.

3. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.

4. Bottom of pits shall be graded in a generally level contour.

5. Edge of slope at ground level shall be no closer than thirty-five (35) feet from any property line, nor closer than three hundred (300) feet from a public road.

6. The maximum depth of the excavation shall be determined by the City Consulting Engineer.

7. Upon approval, a permit for an excavation shall be issued for a one (1) year period and shall be reviewed and considered for additional periods of time by the Planning Commission.

D. Land clearing and drainage

1. Parcels of land greater than one (1) acre but less than five (5) acres

No parcel of property in excess of one (1) acre but less than five (5) acres or series of contiguous lots the combined area of which exceeds one (1) acre but is less than five (5) acres shall be cleared prior to submitting to the Planning Director a site clearing plan and a Stormwater Pollution Prevention Plan (SWPPP). Such plans shall include but are not limited to access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control. Plans of this nature may be included with and made a part of the building permit application.

2. Best Management Practices

Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Planning Director. The Planning Director may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.

3. Parcels of land greater than five (5) acres

Proposed new developments in excess of five (5) acres shall not be cleared until an overall project plan and a Stormwater Pollution Prevention Plan (SWPPP) has been submitted to the Planning Director. Such plans shall include detailed storm water run-off control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of storm water equal to a five-year (5) storm based on south Mississippi average rainfalls for urbanized areas wherein the rainfall duration is one (1) hour at a rainfall intensity of three (3) inches per hour. Run off shall be drained onsite to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.

4. Compliance with City, State and Federal Regulations

All clearing of land, excavations and grading shall be conducted in strict compliance with all City regulations including Stormwater Management Policies and State and Federal regulations.

E. Land to be Platted

Provisions for maintenance of storm water control facilities shall be in accordance with the provisions in *Article X.* Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

4.23.2 Tree Removal Permit

A Tree Removal Permit shall be issued by the Planning Director prior to issuance of a building permit, if the site proposed for development contains trees. All tree removal procedures shall comply with the standards in *Article XI*.

A. Submittal Requirements

All plans shall be fully dimensioned, drawn to scale and shall include, at the minimum, the following:

1. The species, size, quantity and location of existing trees to be retained;

2. The species, size, quantity and location of existing trees four (4) inches or more in diameter measured at four (4) feet above the natural ground to be removed; and

3. A detailed landscaping plan, if required.

The Planning Director or his/her designee shall review the tree preservation and replacement plan and if found to be in accordance with this Ordinance, approve such plans.

B. Factors to be considered for Removal of Trees.

The following factors shall be used in determining which trees must be preserved:

1. Native trees on the side including but not limited to oaks, magnolia, cedar, elms and pecan shall take priority in determination of trees to be preserved.

2. The species, size, quantity and location of existing trees to be retained

3. The species, size, quantity and location of existing trees four (4) inches or more in diameter measured at four (4) feet above the natural ground to be removed and the nature and quality of the landscaping to be installed for replacement

4. Topographical constraints on design

5. Drainage, access and egress, and utilities

6. Any factors reasonably related to the health, safety and welfare of the public which necessitated disturbance of the existing natural landscape character

7. The economic usefulness of the property without disturbance of its natural character

8. Any other factors as may be relevant and proper

4.23.3 Temporary Use Permit

Temporary Uses which are allowed in accordance with *Article VI* require a Temporary Use Permit from the Planning Director before the proposed use or activity may begin. The Planning Director may at his discretion elect to take a request for temporary permits to the Planning Commission for review and action should he desire. Applications for a Temporary Use Permit shall be filed with any additional information requested.

A. Approval Criteria

The temporary use may be approved, conditioned or denied by the Planning Director based on the following criteria:

1. Permission of the owner of the land has been obtained as evidenced by a notarized copy of the owner's consent;
2. The site is physically suitable for the type and intensity of the temporary land use;
3. The proposed use is compatible with land uses presently on the site;
4. Adequate provisions have been made for sanitary and medical facilities;
5. Adequate provisions have been made for vehicular access and off-street parking as well as emergency access; and
6. Any negative impacts for the proposed temporary use are mitigated.

B. Revocation

A temporary use permit may be revoked or modified effective immediately upon written notice of violation by the Planning Director if any of the following findings are made:

1. The temporary use permit was obtained by misrepresentation or fraud.
2. One or more of the conditions of the temporary use permit have not been met, or
3. The use is a violation of any statute, ordinance, law or regulations.

4.23.4 Permit for Moving of Buildings

No person, firm or corporation shall move any buildings or structures into or within the City or shall remove any building or structure from the City without first obtaining a permit from the Building Official for each such building or structure to be moved or removed. Only a licensed moving company or individual may move a structure.

A. Exceptions.

Utility buildings and accessory structures proposed for relocation do not require a moving permit provided the structure width does not exceed eight and one-half (8.5) feet. All structures wider than eight and one-half (8.5) feet and proposed for

moving over state, Federal or City roads must be permitted by both the City and the State.

All structures in excess of twelve (12) feet in width must also be properly escorted when being moved. Applicants for moving permits in the City must present a copy of an approved state permit, if required by city officials, prior to city approval.

Building permits must be obtained for any structure proposed for relocation into or within the City of Gautier.

B. Application for Permit

Applications for a building moving permit may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals.

C. Fees

Certain fees are required prior to relocation of any structure:

1. **Site cleaning fee**. A refundable one hundred fifty ($150) deposit is required to guarantee site clean-up following removal of a structure from within the City.

   It shall be the responsibility of the permit holder to remove all debris, building materials or other objects from the site and to generally clean, and/or mow said property so that no unsightly evidence of the structure remains. Should said property not be cleared within thirty (30) days of structure removal, the City will retain the deposit and may use it to offset any cost incurred by the City to have the property cleared properly. The permit holder is required to notify the Planning Department when properties are cleared and call for an inspection. Upon approval by the inspector, a refund will be returned to the applicant.

2. **Moving fee**. A non-refundable moving fee of two hundred fifty ($250) shall be paid to the City of Gautier for each structure proposed for moving into or within the City. If the building being moved to Gautier is located outside Jackson County, additional fees will be charged depending on mileage.

3. **Building permits fee.** A non-refundable building permit fee must be paid upon issuance of a building permit.

D. Insurance

The mover shall be licensed and bonded and shall file with the City of Gautier a statement of insurance coverage in accordance with state regulations.

E. Building permits

If in the judgment of the Building Official, a structure sufficiently meets the requirements as set forth in *Article XV* he may approve the structure to be moved by presenting his/her evaluation report along with his/her recommendation to issue a moving permit to the Planning Director. Said reports shall be presented to the Planning Director no later than three (3) working days following inspection.

Upon receipt of the Building Official's evaluation report, the Planning Director may approve the issuance of a Building Permit in accordance with standard

accepted procedures and fees. Said permit must be applied for prior to actual moving of the structure. Should a structure be moved and relocated within the City prior to issuance of the moving permit and the building permit the fees for said permits will be doubled.

4.23.5 Mobile Home/MEMA Cottage Placement Permit

No person, firm or corporation shall move any mobile home or MEMA cottage into or within the City without first obtaining a permit from the Building Official.

A. General Policies & Procedures Required by the City of Gautier

1. All mobile homes and MEMA cottages must be inspected prior to the issuance of the permit.

2. To receive a pre-permit inspection, a mobile home must be brought to a location within ten (10) miles of the Gautier city limits.

3. Mobile homes must be at least fourteen feet by sixty feet (14' X 60') in size, not including tongue.

4. Mobile homes must be a Zone 2 or Zone 3.

5. Mobile home movers are responsible for contacting the Planning Department twenty-four (24) hours before ***bringing-in, moving-out or relocating*** a mobile home in Gautier. The mover must provide a route plan, and time of movement. If a mobile home is to be moved in or out of Gautier after City business hours or on weekends, the mover or owner is responsible for any City personnel costs incurred as a result of employees being called in to monitor the mobile home placement.

6. Mobile homes must adhere to all applicable state and federal building and fire code requirements and City of Gautier ordinances, or the unit will not be allowed to enter the Gautier City limits.

7. If any of the above procedures and requirements are not followed, or if damage to City property occurs during the moving of any mobile home, deposits may be forfeited and additional damages may be assessed through any legal means possible.

B. Application for Mobile Home Placement Permit

Applications for a Mobile Home Placement may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals.

C. Process for Inspection of Mobile Homes and Criteria

Applicants should call **228-497-1878** to arrange for an inspection. No specific time will be guaranteed for inspection of mobile homes. Inspections will be performed as soon as time and routing allows. The following items must be inspected and found satisfactory prior to the connection of electricity being approved.

1. Must be structurally sound
2. No damaged or missing panels or flashing

3. Paint or outer coating must be clean, undamaged and unstained
4. All windows and doors must be undamaged and operational
5. No insect, bug or rodent infestation
6. Placement within approved setback lines
7. Tie-down installation
8. Power pole installation and service to mobile home electrical panel
9. Sewer system installation and connections
10. Health and safety issues inside and outside of mobile home
11. Mobile homes within a flood zone require permanent foundation (Dry stacked. Blocks do not meet this requirement)
12. Drive and parking
13. Skirting – shall be installed after tie-down inspection and shall be kept in good condition for the life of the mobile home placement.
    a. Mobile home skirting shall be manufactured specifically for intended use or similar to item b.ii. below.
    b. MEMA cottage skirting:
        i. Split face or painted masonry chain wall foundation with venting per Building Code.
        ii. Masonry pier foundation shall be in-filled with painted treated wood or vinyl lattice in square or diamond pattern, or one (1) inch minimum painted treated wood slat or rail panels. All skirting shall be supported by two (2) inch minimum treated wood framing suspended from structure with one and one-half (1 ½) inch minimum ground clearance. The design of the skirting shall be of uniform consistency around the entire structure.
14. Stairs and landings. Landing must be a minimum of four feet by six feet (4’ X 6’) in size and shall apply to all mobile home entrances.
15. Building codes require house numbers to be attached to the structure.

E. Additional Regulations Regarding Mobile Homes and MEMA Cottages

All of the following regulations shall also apply to Mobile Homes and MEMA Cottages except where noted.

1. All mobile home lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to a public street which shall be classified as a collector or arterial street as defined by the City of Gautier.
2. All streets, roadways and driveways within a mobile home park shall be sufficiently illuminated at night with street lights.
3. In Mobile Home Subdivisions, only one (1) modular or mobile home shall be permitted per lot.

4. Each mobile home residence must have two (2) areas for parking of vehicles.

F. General Notes

1. Commencement of any work, prior to obtaining the required permits will result in doubling of all applicable permit fees.
2. Mobile Home permits will be void ninety (90) days from issuance date.
3. Separate permits are required for both electric and plumbing.
4. The National Electric Code requires a four (4) wire hook-up. A separate neutral and ground wire must be run. A 100-amp service requires a four (4) wire hook-up in conduit with three (3) #4 and one (1) #6 wires. A 200-amp service requires two (2) 2/0 wires, one (1) 1/0 and one (1) #6 ground wire in conduit. These wires must be in PVC or rigid conduit.
5. Power poles must be a minimum of three (3) feet and a maximum of thirty (30) feet from the mobile home.
6. Placement of all mobile homes shall comply with the requirements of the 2006 International Residential Code, Mississippi State Regulation MH-5, and the Code of Federal Registry 24CFR and 44CFR and the ordinances of the City of Gautier.

ARTICLE V:
ZONING DISTRICTS AND SPECIFIC REGULATIONS

The purposes of this chapter are to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to conserve the value of buildings and encourage the most appropriate use of land throughout the city, all in accordance with the City's Comprehensive Plan. This chapter is adopted, pursuant to the authority conferred upon the City by law.

SECTION 5.1: Official Zoning Map

5.1.1 Map of District Boundaries

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City.

No changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes by any person or persons shall be considered a violation of this Ordinance and punishable as provided in *Article XVI*.

5.1.2 Location and Updating of Map

The Official Zoning Map shall be in the custody of, and shall remain on file in the Planning Department. The Official Zoning Map shall be available for public inspection in the Planning Department.

When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and addendum thereto has been made to the Official Zoning map. The Planning Director may allow the change yet to be portrayed on the Official Zoning Map to go into effect while the map is being amended.

5.1.3 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of the districts on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

C. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

E. Boundaries indicated as following the center lines of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F above shall be so construed.

G. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through H, the Planning Commission shall recommend and the City Council shall interpret the district boundaries.

I. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may recommend and the City Council may permit the extension of the regulations for either portion of the lot into the remaining portion of the lot.

5.1.4 Classification of Annexed Property

The existing zoning classification of all territory annexed by the City of Gautier shall remain in effect subject to a subsequent change by the City after appropriate notice and hearing.

A public hearing shall be held within one (1) year of the date of annexation for the purpose of rezoning such property should any zoning changes be recommended by the Planning Director.

5.1.5 Regulations and Maps which are a Part of the Unified Development Ordinance

The regulations of this Ordinance including the Official Zoning Map are subject to the provisions of all adopted Flood Insurance Rate Maps and the U.S. Army Corp of Engineer Wetlands Inventory together with all explanatory and regulatory material thereof.

SECTION 5.2: Districts Established

5.2.1 Specific Districts Enumerated

In order to carry out the purposes of this Ordinance and to allow a variety of uses in different districts which are appropriate to the character of the individual district, the City shall be divided into the following zoning districts, the boundaries of which shall be shown on the Official Zoning Map~~s~~.

AG	**Agricultural District**
R-E	**Residential Estate**
R-1	**Low Density Single-Family Residential**
R-1A	**Medium Density Residential**
R-2	**High Density Multi-Family Residential**
R-3	**Mobile/Manufactured Home Residential District**
C-1	**Neighborhood Commercial**
C-2	**Community Commercial**
C-3	**Highway Commercial**
I	**Industrial District**
PL	**Public Land**
TCMU	**Town Center Mixed Use**
MURC-MW	**Mixed Use Recreation Commercial-Mary Walker**
MURC-1	**Mixed Use Recreation Commercial-1**
MURC-2	**Mixed Use Recreation Commercial-2**
MUMS	**Mixed Use Main Street**
PUD	**Planned Unit Development**
COR	**Corridor Overlay District**

5.2.2 Uses Permitted by Right and Conditional Uses

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "P-permitted use" or "C-conditional use-major" or "c-conditional use-minor". The range of uses allowed as "Permitted Uses and Structures" & "Conditional Uses," in each zoning district are summarized in Tables 3, 4 and 5. In the event of a conflict between tables of this Ordinance, the text shall control. The intent of the underlying Future Land Use category of the Comprehensive Plan determines allowable uses in the PUD District.

Table No. 3: Uses Permitted in Residential Districts

		AG	RE	R-1	R-1A	R-2	R-3
	Accessory Buildings *(In accordance with Article VI)*	P	P	P	P	P	P
	Adult Day Care Center, Commercial	C				C	
	Apartment Building-less than 45' in height				P	P	
	Apartment Building – 46' to 60' in height.					P	
	Assisted Living Facility					C	
	Bed & Breakfast Inn			C			
	Boarding House					C	
	Cemetery and/or Columbarium	C		C	C	C	C
	Child Care Center, Commercial	c				c	
	Church or Place of Worship	C		c	c	C	
	Clubhouse or Lodge	c	c			P	
	Cluster Development						
	Community Center	c	c	c	c	c	c
	Condominium, Residential (less than 45' in height).					P	
	Condominium, Residential (46' to 60' in height).					P	
	Conservation Subdivision	P	P				
	Country Club	c	C	c	c	c	
	Dwelling, Mobile/ Manufactured Home	C					P
	Dwelling, Modular Home			c	c		P**
	Dwelling, Multi-family					P	
	Dwelling, Patio Home				c		
	Dwelling, Single-family, Attached				C		
	Dwelling, Single-family, Detached	P	P	P	P		P
	Dwelling, Two-family				C		
	Dwelling, Zero Lot Line				c		
	Farm	P					

Table No. 3: Uses Permitted in Residential Districts							
		AG	**RE**	**R-1**	**R-1A**	**R-2**	**R-3**
	Garage or carport, Private as an Accessory Use	P	P	P	P	P**	P
	Garage Apartment (As an accessory Use)	c	C	c	C	C	C
	Golf Course	P	P				
	Golf-Driving Range	C					
	Guest House (As an accessory Use)	c	C	c	C	C	C
	Home Occupation in accordance with *Article VI.*	P	P	P	P	P	P
	MEMA Cottage	c					P/C*
	Manufactured Home Subdivision						P
	Mobile Home Park						P
	Multi-Family Development					P	
	Park, Private for Residents	P	P	P	P	P	P
	Park, Public	P	P	P	P	P	P
	Playground, Public	P	P	P	P	P	P
	Ponds for fishing and livestock	P		c			
	Public Parks and Open Space	P	P	P	P	P	P
	Public Utility & Facilities	P	P	P	P	P	P
	Recreational Facilities for Use of Residents					P	P
	Recreational Vehicle (In Mobile Home Parks)						C
	Signs in accordance with *Article XII.*	P	P	P	P	P	P
	Schools, Elementary	C	C	C	C	C	C
	Schools, Secondary	C	C	C	C	C	C
	Stable, Private	C					
	Stable, Public	C					
	Traditional Neighborhood Development						
	Wireless Telecommunication Facilities	C					
	Youth Camp	C					

*Permitted in Manufactured Home Park. Conditional Use for all other R-3 lands.
**Permitted in Manufactured Home Subdivision only
***Private Garages may be provided for a limited number of apartments if approved by City Council.

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Accessory Uses (See Section 5.5, Article VI)	P	P	P	P	C	P
	Adult Day Care Center	P	P	P			C
	Adult Uses	Regulated by Adult Entertainment Ordinance					
	Ambulance Service		P	P			
	Amusement Arcade		P	P			C
	Amusement Park, Outdoor			C			c
	Animal Shelter				C		c
	Apartment Building			C			C
	Arboretums, Botanical Fac.	P				C	P
	Art Gallery	P	P	P			P
	Artisan Studio	P	P	P			P
	Assisted Living Facility	C	C	C			C
	Automobile Dealership			P			
	Automobile Detail Shop		C	c			
	Automobile Gas Station		P	P			C
	Automobile Recovery Business			C	C		
	Automobile Repair Shop, Major			P	P		C
	Automobile Service Center, Minor		P	P	P		
	Automobile /Wrecking Yard				C		
	Bank or Financial Institution	C	P	P			P
	Bar or Tavern		C	P			c
	Beauty & Barber Shop	P	P	P			P
	Bed and Breakfast Inn		c	P			c
	Big Box Retail Store			P			c
	Bingo Hall			C			
	Boat Yard		c	P	C		
	Body Piercing Business	C	C	C			C
	Boiler Works				C		
	Book Store	P	P	P			P
	Borrow Pit				C		
	Bowling Alley		C	P			P
	Building Material & Supply Establishment			P	P		
	Car Wash, Automated		C	P			C
	Car Wash, Self-Service		P	P			
	Catering Service	P	P	P			P
	Cemetery					C	
	Check Cashing Business		C	C			C
	Child Care Center, Commercial	P	P	P			C

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Church or Place of Worship	C	C	C		C	C
	Clinic, Medical or Dental	C	P	P			P
	Clubhouse or Lodge	C	P	P			C
	College or University					C	c
	Community Center						C
	Community Shopping Center		P	P			P
	Condominium, Residential			C		C	P
	Conference or Meeting Facility			C		P	P
	Contractor's Shop			P	P		
	Contractor's Storage Yard				P		
	Convalescent or Nursing Home	C	C	C			c
	Convenience Store	P	P	P			C
	Convention Center			C		C	P
	Correctional Facility				C		
	Country Club					C	
	Day Spa		P	P			P
	Department Store			P			P
	Drug Store	C	P	P			P
	Dry Cleaning Pick-up Station	P	P	P			P
	Dry Cleaning Plant				P		
	Dwelling Units above the 1st Floor of Mixed Use Buildings		C	C			P
	Dump, Solid Waste				C		
	Emergency Shelter/Mission			C			
	Farmer's Market	c	c	c			P
	Fish Camp		P	P			
	Funeral Home	C	C	C			C
	Golf Course					P	
	Golf-Driving Range			P			
	Group Home for the Handicapped (less than 12 guests)	C	C	C			c
	Guest House (As Accessory Use)	c					c
	Gun Shop		C	P			C
	Half-Way House			C			
	Health Club or Fitness Center	C	P	P			P
	Health Department			P			P

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Heavy Equipment Sales and Rental			P	P		
	Hospice	C	C	C			C
	Hospital			P		C	P
	Hotel or Motel			P			P
	Industrial Park			C	P		
	Instructional Studio, Public	P	P	P			P
	Junkyard				C		
	Kennel, Commercial			C	C		c
	Laboratory, Dental		P	P	P		C
	Laboratory, Research			P	P		P
	Laundromat	C	C	C			
	Lumberyard			P	C		
	Machine Sales and Services			P			
	Machine Shop			P	P		
	Manufacturing, Heavy			C	P		
	Manufacturing, Light			P	P		
	Manufacturing, Wet Type				C		
	Marina, Commercial		P	P			
	Marina, Public	c				C	
	Marine Sales and Service			P			C
	Millwork, Cabinet or Woodworking Shop			P	P		C
	Mini-Warehouse, Self Service			C	P		
	Mini-Warehouse, Controlled Climate			P	P		
	Mixed Use Buildings	P	P	P			P
	Mixed Use Buildings with dwelling on 2nd floor and above		C	P			P
	Mobile Home Sales			P	C		
	Motorcycle Sales and Repair Shop			P			c
	Moving Services			P	P		
	Multi-family Residential Dev.			C			c
	Museum			P		C	P
	Neighborhood Shopping Center	P	P	P			P
	Nightclub			C			C
	Outdoor Seating Area for restaurants, bookstores	c	P	P	P		P
	Outdoor Storage for Retail			P			c
	Package Liquor Store		C	P			C
	Parking Garage			P	P		C

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Parking Lot, Commercial		C	P			c
	Parking Lot, Ancillary	C	C	C		C	c
	Pawn Shop		C	P			C
	Plant Nursery, Retail		P	P			c
	Plant Nursery, Wholesale			P	P		c
	Playground	c		C		C	P
	Pocket Parks and Plazas						P
	Print/Blueprint Shop		P	P			P
	Produce Stand			C			P
	Professional Occupation Office	P	P	P	P		P
	Public Facilities	P	P	P	P	C	P
	Public Parks and Open Space	P	C	C		c	P
	Public Utilities	P	P	P	P	C	P
	Radio & T. V. Broadcasting Studio				P		P
	Rehabilitation Center		C	P			c
	Recreational Vehicle Park		C	P			
	Recycling Center				C		
	Restaurant, Carry-Out	P	P	P			P
	Restaurant, Drive-in or Fast Food	C	P	P			P
	Restaurant, Neighborhood	P	P	P			P
	Restaurant, Specialty	P	P	P			P
	Rock, Sand, Gravel or Earth Excavation, Crushing or Distribution				C		
	Rug Cleaning Plant				P		
	School, Elementary					C	c
	School, Secondary	C	C	C		C	c
	Second Hand Store		P	P			P
	Signs as regulated in Article XII	P	P	P	P	C	P
	Shopping Mall, Regional			P			P
	Specialty Retail Shop	P	P	P			P
	Sports Facilities, Public					C	c
	Stable, Private					P	c
	Steel Mill, Mini				C		
	Studio/Multimedia Production		P	P			P
	Supermarket			P			P
	Tattoo Parlor	C		C			C
	Theatre, Motion Picture			P			P
	Theatre, Professional		P	P			P

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Title Loan Business		C	P			C
	Truck Terminal			C	P		
	Truck Stop			C			
	Used Car Sales		C	P			
	Utility Substation			C	C	C	c
	Veterinary Clinic	C	P	P			c
	Vocational Schools		P	P	P		c
	Warehouse, Commercial			C	P		
	Wireless Telecommunication Facilities			C	C		C
	Wrecker Towing Service			C	P		
	Youth Camp					C	c
	Youth Center (Quasi-Public)	P	P	P		C	P

	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Accessory Structures			c	
	Accessory Uses (See Section 5.5, Article VI)	P	P	P	P
	Adult Day Care Center	P	P		c
	Adult Uses	Regulated by Adult Entertainment Ordinance			
	Ambulance Service		P	C	P
	Amusement Arcade	c	P	P	P
	Amusement Park, Outdoor		P	C	P
	Animal Shelter		c		c
	Apartment Building	P	P	C	P
	Arboretums, Botanical Fac.	P	P	P	P
	Art Gallery	P	P	P	P
	Artisan Studio	P	P	P	P
	Assisted Living Facility	C	C		C
	Bank or Financial Institution	C	P	P	P
	Bar or Tavern		P	c	P
	Beauty & Barber Shop	P	P	P	P
	Bed and Breakfast Inn	P	P	P	P
	Big Box Retail Store		c		
	Bingo Hall		c		c
	Boat Yard		P	P	
	Body Piercing Business				C
	Boiler Works				C
	Book Store	P	P		P
	Bowling Alley		c		c
	Building Material & Supply Establishment				P
	Catering Service				P
	Cemetery				C
	Check Cashing Business				C
	Child Care Center, Commercial	C	C		P
	Church or Place of Worship				C
	Clinic, Medical or Dental	C	P		P
	Clubhouse or Lodge	P	P	P	P
	College or University	C	P		P
	Community Center	c	P	c	P
	Community Shopping Center		c	P	P
	Condominium, Residential	P	P	P	P
	Conference or Meeting Facility	c	P	c	c
	Contractor's Shop				c

	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Contractor's Storage Yard				c
	Convalescent or Nursing Home	P	P	C	
	Convenience Store		P	c	P
	Convention Center		P	C	P
	Correctional Facility				
	Country Club	P	P	P	P
	Day Spa	P	P	c	P
	Department Store				
	Drug Store	C	C		P
	Dry Cleaning Pick-up Station		P		P
	Dry Cleaning Plant				P
	Dwelling Units above the 1st Floor of Mixed Use Buildings	P	P	P	P
	Dwelling, Multi-Family	P	P	c	
	Dwelling, Park Model Home	P	P	c	
	Dwelling, Single-family, Attached	P	P	P	
	Dwelling, Single-family, Detached	P	P	P	
	Emergency Shelter/Mission			C	
	Farmer's Market	P	P	c	P
	Fish Camp	P	P	P	
	Funeral Home				C
	Golf Course		c		
	Golf-Driving Range		c		
	Group Home for the Handicapped (less than 12 guests)	C	C	C	
	Guest House (As Accessory Use)	P	P	P	
	Gun Shop		C		C
	Half-Way House		C		
	Health Club or Fitness Center	c	P	P	P
	Hospice		C	C	C
	Hospital	c	c		
	Hotel or Motel	P	P	C	P
	Instructional Studio, Public	c	P	P	P
	Kennel, Commercial				C
	Laboratory, Dental				P
	Laboratory, Research				P
	Laundromat				C

	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Machine Sales and Services				P
	Manufacturing, Wet Type		P		
	Marina, Commercial	P	P	P	P
	Marina, Public	P	P	P	P
	Marine Sales and Service	c	P	c	P
	MEMA Cottage	c	c	c	c
	Millwork, Cabinet or Woodworking Shop				P
	Mixed Use Buildings	P	P	P	P
	Mixed Use Buildings with dwelling on 2nd floor and above	P	P	P	P
	Motorcycle Sales and Repair Shop				C
	Museum			P	
	Neighborhood Shopping Center	c	P		P
	Nightclub		c	c	P
	Outdoor Seating Area for restaurants, bookstores	P	P	P	P
	Outdoor Storage for Retail				c
	Package Liquor Store				C
	Parking Garage		C	C	P
	Parking Lot, Ancillary	C	C	C	C
	Pawn Shop				c
	Plant Nursery, Retail	P	P		P
	Plant Nursery, Wholesale				P
	Playground	P	P	P	P
	Pocket Parks and Plazas	P	P	P	P
	Print/Blueprint Shop				P
	Produce Stand	P	P	P	P
	Professional Occupation Office		P	P	P
	Public Facilities	P	P	P	P
	Public Parks and Open Space	P	P	P	P
	Public Utilities	P	P	P	P
	Radio & T. V. Broadcasting Studio	P	P	P	P
	Recreational Vehicle Park		P	P	C
	Recreational Vehicle (RV)			C	
	Rehabilitation Center		C		C
	Restaurant, Carry-Out	P	P	P	P

	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Restaurant, Drive-in or Fast Food	P	P	P	P
	Restaurant, Neighborhood	P	P	P	P
	Restaurant, Specialty	P	P	P	P
	School, Elementary		C		C
	School, Secondary		C		C
	Second Hand Store		c		c
	Signs as regulated in Article XII	P	P	P	P
	Specialty Retail Shop	P	P	P	P
	Sports Facilities, Public		c		
	Stable, Private	c	c		
	Studio/Multimedia Production	P	P	c	P
	Supermarket		c		P
	Tattoo Parlor				C
	Theatre, Motion Picture		c	c	c
	Theatre, Professional		c	c	c
	Title Loan Business	P	P		P
	Utility Substation	c	c		c
	Veterinary Clinic		P	P	P
	Vocational Schools		C		C
	Youth Camp		P	P	P
	Youth Center (Quasi-Public)	P	P	P	P

5.2.3 Similar and Compatible Uses

The Planning Director may determine that a proposed use not listed in this chapter is allowable as follows:

A. The Planning Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after all of the following findings:

1. The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district;

2. The use will be consistent with the purposes of the applicable zoning district;

3. The use will be consistent with the comprehensive plan; and

4. The use will be compatible with the other uses allowed in the district.

B. A determination that a use qualifies as a "similar use" and the findings supporting the determination shall be in writing.

C. Applicable standards and permit requirements. When the Planning Director determines that a proposed, but unlisted use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Ordinance apply.

5.2.4 Area and Setback Regulations shall be in accordance with the dimensions specified within each district except that:

A. The COR, Corridor Overlay District qualifies development to apply for a lessening of dimension standards in exchange for specific public benefits, as established by the tier land use system of this Ordinance.

B. Whenever the specific district regulations of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

C. In any existing residential district, the minimum front yard setback of any new structure built as an infill structure, shall be the same as the adjoining residential structures, or if there are no adjoining residential structures, shall be equal to the average of other residences on the same side of the street within the same block or series of blocks.

D. Structures to be located on the specific thoroughfares listed below require a greater front yard setback than those ordinarily required in the specific zoning district requirements. The additional setback requirement shall be added in accordance with Table No. 6:

Table No. 6 Additional Setback Requirements	
Street/Road	**Additional Setback Requirement***
Martin Bluff Rd.	Twenty (20) feet on the south side from Gautier-Vancleave Rd. to Homestead Blvd. Ten (10) feet on both sides from Homestead Blvd. east and north to terminus
Homestead Blvd.	Ten (10) feet on both sides to terminus
Old Spanish Trail	Fifteen (15) feet on both sides from City Limits on western end to Graveline Road
Gautier-Vancleave Rd.	Ten (10) feet on both sides
Guillotteville Rd.	Fifteen (15) feet on both sides
Dolphin Rd.	Ten (10) feet on both sides of Dolphin Road from Highway 90 South to Starfish
**Note: All setback requirements are from the terminuses of each road, except as noted.*	

5.2.5 Height

The following requirements are intended to provide exceptions or supplement as the case may be, the specific zoning district regulations regarding height.

A. The following structures or parts thereof are hereby exempt from height limitations set forth in specific zoning district regulations:

1. Agricultural buildings such as barns but not including dwellings

2. Chimneys, spires, steeples, flagpoles, ventilators, skylights

3. Commercial telecommunications towers, subject to the standards in Article XIV

4. Water tanks or power transmission towers

5. Other similar or necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the district in which they are located, provided they are not used for human occupancy

B. Churches, schools, hospitals, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the front, side, and rear yards required is increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

Table 7. Intensity and Dimensional Standards

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			*Tier 1	Tier 2	Tier 3	Front	Side	Rear	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3
AG	20,000 SF	100	35	N/A	N/A	50	20/35	25	none	N/A	N/A	N/A	N/A	N/A	15	N/A	N/A
R-E	43,560	150	35	N/A	N/A	50/35	20/35	35	none	N/A	N/A	N/A	N/A	N/A	20	N/A	N/A
R-1	9,600	80	35	N/A	N/A	25/35	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
R-1A	7,200/10,000	60	35	N/A	N/A	25	10/25	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
	9,600	90	35	N/A	N/A	25	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
R-2	9,600 +2,000 per du	80	35	45	60	25	25	25	15 du	18 du	24 du	N/A	N/A	N/A	30	40	50
R-3 (Modular Home Sub.)	3 acres total 5,000 lot	40	20	N/A	N/A	19	5/19	5/19	none	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30
R-3 (Mobile Home Park)	3 acres total 5,000 lot	35	20	N/A	N/A	15	7	10	8 du	10 du	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C-1	None	100	15	25	35	25/15	15/35/40	15/25/35	none	N/A	N/A	N/A	N/A	N/A	75	80	80
C-2	None	100	25	30	35	40/25	15/35	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
C-3	None	None	35	45	60	40/25	15/35/40	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
I	20,000	100	60	N/A	N/A	40	15/40/80/30	25/80/40	none	N/A	N/A	N/A	N/A	N/A	none	N/A	N/A
PL	43,560 total 30,000	80	45	N/A	N/A	same as adjacent zoning	same as adjacent zoning	same as adjacent zoning	none	N/A	N/A	N/A	N/A	N/A	65	N/A	N/A

*Note: A standard development not utilizing Tiered System Incentives = Tier 1

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			*Tier 1	Tier 2	Tier 3	Front	Side	Rear	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3	*Tier 1	Tier 2	Tier 3
TCMU	43,560 total 2,400	40	30	55	75	25/0 80	0/15/35	0/35	18	24	36	4.0	4.5	5.0	0/90	30	30
MURC-1	None	25	20	30	35	15	15	20	8	10	12	2.25	2.50	3.0	65	65	70
MURC-2	None	50	25	45	60	10	7.5	20	24	36	None	3.0	4.0	5.0	70	75	80
MURC-MW	None	None	35	40	45	10	7.5	20	8	12	18	3.5	4.0	4.5	70	75	80
MUMS	None	None	20	40	65	0	0	15	12	18	24	4.0	4.5	5.0	100	100	100
PUD	2 acres total	None	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	75%	TBD	TBD

*Note: A standard development not utilizing Tiered System Incentives = Tier 1

SECTION 5.3: General District Descriptions

5.3.1 AG, Agricultural District

Purpose and intent. The AG District is intended to provide an area for low density residential development and small scale agricultural uses such as farms, and ponds for livestock or fowl. This zoning district is to encourage large lots, open space and single-family detached dwellings in an agricultural environment.

The provision of these zoning regulations shall not be exercised so as to require permits with reference to land used for agricultural purposes, or for the maintenance, repair or extension of farm buildings or farm structures.

5.3.2 R-E, Residential Estate District

Purpose and intent. The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the edge of the City and lots which contain environmentally sensitive areas. It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.

5.3.3 R-1, Low Density Single-Family Residential District

Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

5.3.4 R-1A, Medium Density Residential District

Purpose and intent. The purpose of this district is to provide areas for the development of low to medium density residential uses and structures. These districts should be located in areas of the City where a quiet environment exists which is suitable for moderate density residential uses and adjacent to similar density residential areas. Single-family and two-family principal uses and accessory structures are permitted.

5.3.5 R-2, High Density Multi-Family Residential District

Purpose and intent. The purpose of the R-2 District is to provide for resort-style communities offering a full range of living accommodations for Gautier residents. In addition to uses permitted within the R-1A District, this District allows for multi-family developments, residential condominiums, retirement communities and assisted living facilities. Complementary recreational facilities are also permitted and permanent open space and/or recreational facilities are required for new developments within this district.

5.3.6 R-3, Mobile/Manufactured Home Residential District

Purpose and intent. The purpose of the R-3 District is to provide for affordable housing including student and artist cooperatives for Gautier. The principal use of land is for manufactured home subdivisions, cottage villages, and/or modular home dwellings. Manufactured and mobile homes may only be placed in existing or new Manufactured and Mobile Home Parks or in platted Manufactured Home Subdivisions which are zoned R-3. It is the intent of this Ordinance that these districts be located in areas where they will not adversely affect low- or medium-density residential neighborhoods. This district, and the developments allowed in it, should be located so as to not interfere with or damage environmentally sensitive lands and must insure that

adequate open space and recreational facilities are located within the development to serve the needs of residents in the district. A large amount of land zoned R-3 concentrated within one area should be avoided to prevent crowding and effects of traffic generated by this type of development.

5.3.7 C-1, Neighborhood Commercial District

Purpose and intent. The purpose of this district is to provide relatively quiet, attractive and spacious areas for the development of office and limited retail uses. The C-1 Zoning District implements the comprehensive plan's Low Impact Commercial designation to foster areas which provide convenience shopping for the day-to-day needs of consumers and which are located close to residential neighborhoods. These are located at key intersections on arterial and/or collector streets. The size and scale of commercial buildings should relate to the surrounding buildings. An example of an existing neighborhood center in Gautier is located at Martin Bluff Road and Bluff Point Drive.

5.3.8 C-2, Community Commercial District

Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

5.3.9 C-3, Highway Commercial District

Purpose and intent. The purpose of this district is to provide for areas where relatively high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the permitted uses and the variety of uses, most C-3 uses are not compatible with low- to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

5.3.10 I, Industrial District

Purpose and intent. The purpose of the industrial district is to provide land where light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, distribution centers and industrial parks for such uses can be located by right. All industrial, warehousing or manufacturing uses permitted by right should be conducted in such a manner so that noise, odor, dust, and glare of each operation are completely confined within an enclosed building. It is the intent of this Ordinance that heavy industrial and manufacturing uses be reviewed to ensure compatibility with conditions. Any outdoor industrial, storage or manufacturing use shall be appropriately screened and buffered to mitigate the effect on adjacent property.

5.3.11 PL, Public Land

Purpose and intent. The purpose of this district is to provide for sites where governmental and quasi-governmental uses such as municipal and county facilities, schools, civic, cultural and historic sites as well as recreational facilities can be placed. This type of development is usually developed as a cohesive unit with internal streets and destinations. Due to the diversity of uses allowed, each use shall be considered a conditional use and subject to approval of the City Council. A change of use on land zoned PL shall require approval of the Council.

5.3.12 TCMU, Town Center Mixed Use District

A. Purpose and Intent - The purpose of the TCMU Town Center Mixed-Use District is to encourage the development of a new downtown area that offers shopping, entertainment venues, cultural and community uses and specialized types of residential units to serve residents and visitors to Gautier.

This district will be the core area of the city with quality designed and built structures, streetscapes and amenities. New development and changes to existing buildings should be consistent with recognized pedestrian scale improvements in terms of structural orientation, height, lot dimensional requirements and other site spatial relationships.

B. Design Principals - The general design principals for the Town Center Mixed Use District are as follows:

1. *Create a distinctive "Sense of Place":* All buildings should incorporate high quality architectural treatments, building materials, and site planning that provides visual interest, reduces building mass impacts, respects local character and provides a distinct sense of place. Developers should establish continuity of design with distinctive signs, banners, pedestrian scale lights and street trees which help identify the district.

2. *Strong Street Edge*: All commercial and civic uses, including big box stores, should provide physical definition to streets and public spaces. This can be accomplished by locating buildings or sections of buildings closer to the street. A strong street edge helps mitigate the negative visual impact of surface parking lots and parking garages.

3. *Place Focal Points at Major Intersections*: Development on the corners of major intersections should frame the corners. Public elements including streetscapes, trees, paving and pedestrian elements should help articulate these areas as major Destination points.

4. *Provide Quality Public Amenities and Landscaping*: Development should provide high quality public amenities and landscaping that promote a positive site appearance, pedestrian activity and social interaction.

5. *Create Human Scale Development:* Entrances into buildings should be at the scale of the pedestrian rather than monolithic or monumental scale, pedestrian linkages should be created from parking lots to building entrances, between buildings and to sidewalks and walking trails.

5.3.13 MURC-1, Mixed Use Recreation Commercial-1

Purpose and intent. Mixed Use Recreational Commercial-1 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-1 zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including marinas, dry boat storage, community buildings, public facilities, clubhouses, neighborhood retail commercial goods and

services not exceeding 5,500 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-1 zoning district to specifically not allow all non-residential uses, recreation vehicles and travel trailers in the district. Regulations are intended to create low intensity mixed-use areas that are compatible with adjacent residential areas; to encourage a pedestrian orientation by locating buildings close to public sidewalks; to permit local services and shops within walking distance of residential neighborhoods; and to require buffering of commercial properties from abutting residential neighborhoods.

5.3.14 MURC-2, Mixed Use Recreation Commercial-2

Purpose and intent. The Mixed Use Recreational Commercial-2 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-2 zoning district shall apply to areas suited for tourist-oriented development. Specifically, lands which are developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including recreation vehicles, travel trailers, seasonal cabins, marinas, dry boat storage, community buildings, public facilities, clubhouses, museums, visual and performance arts buildings, neighborhood retail commercial goods and services not exceeding 7,000 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, offices, medical clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-2 zoning district to specifically not allow all non-residential uses to be located in the district.

5.3.15 MURC-MW, Mixed Use Recreation Commercial-MW

Purpose and intent. The MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. The Mixed Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay.

5.3.16 MUMS, Mixed Use Main Street

Purpose and intent. The Mixed Use Main Street zoning district implements the Residential Commercial designation of the Comprehensive Plan. The district is intended to create neighborhood-scale mixed-use areas outside the Town Center that are pedestrian-oriented, with residential units permitted above commercial uses; to provide a continuous commercial frontage along principal streets to facilitate a pedestrian orientation, with parking located on-street or in common parking lots at the center or rear of blocks and behind buildings; and to provide for the reuse of existing buildings and structures, while encouraging new development.

5.3.17 PUD, Planned Unit Development

Purpose and intent. The PUD zoning district is applied to specific areas to encourage flexibility in the development of land, in order to promote its most appropriate use; to improve the design,

character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; to mitigate the problems which may be presented by specific site conditions; and to encourage subdivisions which address the affordable housing goals, objectives and policies of the city's comprehensive plan. Uses permitted “by right” are established by the intent of the underlying Comprehensive Plan Future Land Use Map. It is anticipated that PUDs will offer one or more of the following advantages:

A. Provide substantial buffers and transitions between areas of different land use and development densities;

B. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;

C. Counteract urban monotony and congestion on streets;

D. Promote architecture that is compatible with the surroundings;

E. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development; and

F. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.

5.3.18 COR, Corridor Overlay District

Purpose and intent. The purpose of establishing this overlay district is to implement Section 7.8 of the Comprehensive Plan. Specifically, to provide bonus incentives for development by implementing a tier land use system, expedite permitting when appropriate, and to protect the aesthetic and visual character of lands in Gautier adjacent to the major roads, the waterfront, and the Town Center, as defined herein. All development proposed within this District shall be subject to the procedures, standards and guidelines specified in the Article IV, in addition to those standards pertaining to the particular base district in which the development occurs. In particular, the purpose of the Corridor Overlay District is to encourage the development of a vibrant center city; better articulate positive visual experiences along Gautier's major roads, the waterfront, and Town Center; to provide for the continued safe and efficient utilization of these roads; and to provide for the continued preservation and conservation of the waterfront and the City’s characteristic “historic fishing village and college-town feel”.

SECTION 5.4: General Regulations

5.4.1 Uses Permitted by right in AG, R-E, R-1, R-1A, R-2 and R-3 Residential Districts

The following uses are permitted by right in the specific districts enumerated above provided they the most restrictive regulations of the particular district in which they are to be located are met:

A. Accessory Structures located on the same lot and in accordance with *Article VI* and other provisions of this Ordinance

B. Residential uses, as hereafter regulated

C. Public utility facilities and structures required to provide essential public services

D. Public parks and open spaces

E. Home occupations, in accordance with *Article VI* and other provisions of this Ordinance and the issuance of a Home Occupation Permit

F. Signs as regulated in *Article XII*

5.4.2 AG, Agricultural District

All uses and structures in the AG District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

A. Minimum Lot Area:

Single-Family Dwelling — Twenty thousand (20,000) square feet

Agricultural Uses –-Three (3) acres

Country Clubs –- Five (5) acres

Golf Course and/or Golf Driving Range — Ten (10) acres

B. Minimum Lot Width: One hundred (100) feet for both interior and corner lots at front building line and fifty (50) feet on a public or platted street

C. Minimum Setbacks for Principal structure:

Front—Fifty (50) feet

Side—Twenty (20) feet for interior lots and thirty-five (35) feet for corner lots

Rear—Twenty-five (25) feet

1. Minimum Setbacks for Accessory structure(s):

Front—All accessory structures shall be located in the rear yard of the principal use

Side—Ten (10) feet

Rear—Five (5) feet

2. Maximum Building Height: Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure

3. Maximum Lot Coverage: Fifteen (15) percent for principal structure and accessory structures and accessory structures shall not exceed twenty (20) percent of the rear yard

4. Minimum Living Area of Dwelling Units: Thirteen hundred twenty-five (1,325) square feet

5.4.3 R-E, Residential Estate District

All uses and structures in the R-E District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

A. Minimum Lot Area:

Single-Family Dwelling—One (1) acre

Country Club or similar facilities–Five (5) acres

Golf Course—Ten (10) Acres

B. Minimum Lot Width: One hundred fifty (150) feet for both interior lots and corner lots at the front building line and fifty (50) feet on a public or platted street.

C. Minimum Setbacks for Principal structure:

Front—Fifty (50) feet

Side—Twenty (20) feet for interior lots and fifty (50) feet for corner lots

Rear—Thirty-five (35) feet

D. Minimum Setbacks for Accessory Structure(s):

Front—All accessory structures shall be located in the rear yard of the principal use.

Side—Ten (10) feet

Rear—Ten (10) feet

E. Maximum Building Height: Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure

F. Maximum Lot Coverage: Twenty (20) percent for all structure and accessory structures shall not exceed fifteen (15) percent of the rear lot area

G. Minimum Living Area of Dwelling Units: Eighteen hundred (1,800) square feet

5.4.4 R-1, Low Density Single-Family Residential District

Single-Family detached dwelling units shall meet the following development standards.

A. **Minimum Lot Area**: Ninety-six hundred (9,600) square feet

B. **Minimum Lot Width:** Eighty (80) feet for interior lots and one hundred (100) feet for corner lots at the front building line. All lots shall have a minimum of forty (40) feet on a public or platted street.

C. **Minimum Setbacks for Principal structure:**

Front—Twenty-five (25) feet

Side—Ten (10) feet for interior lots and twenty-five (25) feet for corner lots

Rear—Twenty-five (25) feet

D. **Minimum Setbacks for Accessory structures(s):**

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard, behind the main structure front building line.

Side—Ten (10) feet

Rear—Five (5) feet

E. **Maximum Building Height**—Thirty-five (35) feet for principal dwellings; Twenty-five (25) feet for accessory structures

F. **Maximum Lot Coverage**—Twenty-five (25) percent for the principal structure and accessory structures. Accessory structures shall not exceed twenty (20) percent of the rear lot area or fifty (50) percent of the main building area, whichever is less.

G. **Minimum Living Area of dwelling units–**Thirteen hundred twenty-five (1,325) square feet

5.4.5 R-1A, Medium Density Single-Family and Two-Family Residential District

Single-family and two-family principal uses and accessory structures in the R-1A District shall meet the following development standards, except as otherwise provided by this Ordinance.

A. **Minimum Lot Area:**

Single-Family Dwelling–Seventy-two hundred (7,200) square feet

Two-Family Dwellings–Ninety-six hundred (9,600) square feet

C. **Minimum Lot Width:**

Single-Family Dwelling–Sixty (60) feet for interior lots and seventy (70) feet for corner lots at the front building line

Two-Family Dwellings–Ninety feet (90) feet for interior lots and one hundred (100) feet for corner lots at the front building line

All lots shall have a minimum of forty (40) feet on a public or platted street.

C. **Minimum Setbacks for Principal structure:**

Front—Twenty-five (25) feet

Side—Ten (10) feet for interior lots and twenty-five (25) feet for corner lots

Rear—Twenty-five (25) feet

D. **Minimum Setbacks for Accessory structure(s):**

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard behind the main structure front building line.

Side— Ten (10) feet

Rear—Five (5) feet

D. **Maximum Building Height**: Thirty-five (35) feet for principal dwellings twenty-five (25) feet for accessory structures

E. **Maximum Lot Coverage**: Thirty (30) percent for the principal structure and accessory structures. Accessory structures shall not exceed twenty (20) percent of the rear lot area or fifty (50) percent of the main structure, whichever is less.

G. **Minimum Living Area of Dwelling units**: Eleven hundred (1,100) square feet for single-family dwellings and two thousand (2,000) square feet for two-family dwelling units.

5.4.6 R-2, High Density Multi-Family Residential District

A. Campus Type Multi-Family Developments General Regulations:

1. **Minimum Lot Area**: Multi-family Apartments and Condominiums—Ninety-six hundred (9,600) square feet for the first two (2) units plus two thousand (2,000) square feet for each additional family unit.

2. **Minimum Lot Width**: Eighty (80) feet on a public arterial or collector street at the entrance of the subdivision.

3. **Periphery Boundary**: All buildings including accessory and recreational structures shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet, with two (2) additional feet for each floor above forty-five (45) feet. A fifteen (15) feet landscaped buffer shall be required when the multi-family development is located adjacent to a single family zoning district in accordance *Article XI*.

4. **Distance between Buildings**: Thirty (30) feet

5. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions.

B. Row Type Multi-Family Buildings Facing a Public Street General Regulations:

1. **Minimum Lot Area:**

   Multi-family Apartments and Condominiums—A minimum tract of ninety-six hundred (9,600) square feet for the first two (2) units plus two thousand (2,000) square feet for each additional family unit is required.

   Assisted Living—A minimum tract of two (2) acres

2. **Minimum Lot Width**: Eighty (80) feet for interior lots and ninety (90) feet for corner lots at the front building line. All lots shall have a minimum of forty (40) feet on a public or platted street.

3. **Minimum Setbacks for Principal Structures**:

   Front—Twenty-five (25) feet

   Side—Twenty-five (25) feet for interior and corner lots

   Rear—Twenty-five (25) feet

   Front, side and rear yards shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet

4. Minimum Setbacks for Accessory structure(s):

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard, behind the main structure front building line.

Side—Ten (10) feet

Rear—Ten (10) feet

6. Maximum Building Height: See Table 7 for Tier Bonus Provisions.

6. Maximum Density: See Table 7 for Tier Bonus Provisions.

C. Open Space and Recreational Areas.

For apartments of three (3) or more units, a minimum area equal to five (5) percent of the gross site area shall be set aside for passive recreational use, parks, and/or common ground space. This area shall be in addition to any areas used for swimming pools, tennis courts, basketball courts or other active recreational areas and shall not necessarily include spaces between units, unless such areas are landscaped as usable park areas. All recreational, parks and common space areas shall be located on the site in such a manner as to be easily accessible to all dwelling units within the complex.

D. Site Access Requirements

All multifamily dwellings must have direct access to a collector or arterial street as defined by the City of Gautier.

5.4.7 R-3, Mobile/Manufactured Home Residential District

A. Subdivision and Individually Owned Lot/Parcel General Regulations

1. **Minimum Subdivision Size**: Three (3) acres

2. **Minimum Lot Area** : Five thousand (5,000) square feet

3. **Minimum Lot Width**: Forty (40) feet

4. **Minimum Setbacks for Mobile Homes, Modular Homes and Single Family Dwellings**:

   Front—Nineteen (19) feet for interior and corner lots. Front Yards shall front on a public or platted street

   Side—Five (5) feet for interior lots and nineteen (19) feet for corner lots

   Rear—Five (5) feet

5. **Maximum Building Height**: Twenty (20) feet for Mobile homes and accessory structures; Thirty-five (35) feet for Community Centers and Single Family Dwellings.

6. **Maximum Lot Coverage**: None, except that accessory structures shall not exceed twenty-five (25) percent of the rear yard

7. **Minimum Living Area**: Eleven hundred (1,100) Square feet for Single Family Detached Dwelling

B. Manufactured and Mobile Home Park General Regulations

1. **Minimum park size**: Three (3) acres

2. **Periphery Boundary**: The mobile home park perimeter shall be an unoccupied area which shall be fifteen (15) feet along the sides and rear and fifty (50) feet along the front. The inside twenty (20) feet of the fifty (50) foot front area may be used for an interior street, road, driveway, sidewalk or walking trail. Five (5) feet of the side and rear perimeter area shall be a landscaped buffer yard in accordance with *Article XI*.

3. **Minimum area on which a Mobile or Modular home may be parked**:
   Size— Thirty-five hundred (3,500) square feet
   Width—Thirty-five (35) feet

4. **Minimum Setbacks for a Mobile or Modular home from internal roads, buildings or other mobile homes**:

   Front—Fifteen (15) feet

   Side—Seven (7) feet

Rear—Ten (10) feet

Minimum space between two mobile or modular homes—Twenty-one (21) feet.

5. **Maximum Gross Density**: See Table 7 for Tier Bonus Provisions.

6. **Maximum Building Height:** Twenty (20) feet for Mobile homes; thirty-five (35) feet for Community Centers.

C. Common Ground Green Space

A minimum of five (5) percent of the total gross area of the Mobile Home Subdivision or Mobile Home Park shall be set aside for common group or green space for the benefit of residents of the neighborhood. Such space shall be reserved in no more than two (2) major areas and used for passive and/or active recreational facilities.

Additional Regulations Regarding

All of the following regulations shall also apply to Mobile Homes and MEMA Cottages except where noted.

1. All mobile home lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to a public street which shall be classified as a collector or arterial street as defined by the City of Gautier.

2. All streets, roadways and driveways within a mobile home park shall be sufficiently illuminated at night with street lights.

3. In Mobile Home Subdivisions, only one (1) modular or mobile home shall be permitted per lot.

4. Each mobile home residence must have two (2) areas for parking of vehicles.

SECTION 5.5: Commercial Districts

5.5.1 C-1, Neighborhood Commercial District

1. **Minimum Lot Area**: None required

2. **Minimum Lot Width**: One hundred (100) feet

3. **Minimum Setbacks:**

   Front—Twenty-five (25) feet when parking is in the front of the building, **and** fifteen (15) feet if all parking is on the side and rear of the building

   Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be forty (40) feet and the outside ten (10) feet shall be a landscaped buffer area in accordance with *Article XI*.

   Rear—Fifteen (15) feet when parking is in the front of the building and twenty-five (25) feet when parking is in the side and rear of the building. In cases where lot is adjacent to residentially zoned property, the rear yard requirement shall be thirty-five (35) feet and the outside ten (10) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI.*

4. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions

5. **Maximum Lot Coverage:** See Table 7 for Tier Bonus Provisions

6. **Maximum Building and Shopping Center Size:** No individual building or structure shall exceed twenty-four hundred (2,400) square feet per use. The total square footage of neighborhood shopping centers shall not exceed ten thousand (10,000) square feet.

7. **Additional Regulations**

   1. No exterior storage shall be permitted

   2. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*.

5.5.2 C-2, Community Commercial District

1. **Minimum Lot Area**: None required

2. **Minimum Lot Width**: One hundred (100) feet

3. **Minimum Setbacks**:

   Front— Forty (40) feet when parking is in the front of the building, **and** twenty-five (25) feet if all parking is on the side and rear of the building

   Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be increased to thirty-five (35) feet and the outside ten (10) feet of the side setback shall be a landscaped buffer area in accordance with *Article XI*.

   Rear—None; however, if the commercial lot is adjacent to residentially zoned property, the rear yard requirement shall be increased to thirty-five (35) feet. The outside ten (10) feet of the setback shall be a landscaped buffer area in accordance with *Article XI.*

4. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions

5. **Maximum Lot Coverage**: See Table 7 for Tier Bonus Provisions

6. **Additional Regulations**

   1. No exterior storage shall be permitted

   2. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*

5.5.3 C-3, Highway Commercial District

1. **Minimum Lot Size**: None Required

2. **Minimum Lot Width**: None Required

3. **Minimum Setbacks**:

   Front—Forty (40) feet when parking is in the front of the building, **and** twenty-five (25) feet if all parking is on the side and rear of the building.

   Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be increased to forty (40) feet and all the outside fifteen (15) feet of the side setback shall be a landscaped buffer area in accordance with *Article XI*.

   Rear—None; however, if the commercial lot is adjacent to residentially zoned property, the rear yard requirement shall be increased to thirty-five (35) feet. The outside ten (10) feet of the setback shall be a landscaped buffer area in accordance with *Article XI.*

   Buildings which are forty-five (45) feet in height shall add two (2) additional feet for each floor above forty-five (45) feet to the required side and/or rear setbacks if adjacent to residentially zoned districts

4. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions

5. **Maximum Lot Coverage**: See Table 7 for Tier Bonus Provisions

6. **Additional Regulations**

   1. Outdoor storage for retail uses shall be on the same lot and connected to the retail entity it serves.

   2. Exterior storage shall be screened in accordance with *Article XI*.

   3. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*.

SECTION 5.6: Industrial Districts

5.6.1 General Provisions for Industrial Districts

A. Uses Permitted by Right in All Industrial Districts: The following uses are permitted in all Industrial districts, provided they meet the most restrictive regulations of the particular district in which they are located:

1. Accessory Structures located on the same lot and in accordance with *Article VI*

2. Industrial uses, as hereafter regulated

3. Public utility facilities and structures required to provide essential public services

4. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government

5. Signs as regulated in *Article XII*

5.6.2 I, Industrial District

A. Area and Setback Regulations

1. Minimum Lot Size: Twenty thousand (20,000) square feet

3. Minimum Lot Width: One hundred (100) feet

4. Minimum Setbacks:

Front Yard—Forty (40) feet from street right-of-way. The outside twenty-feet (20) shall be a landscaped yard in accordance with Article XI and no parking is permitted within this area; however, walks, bikeways, trails, drives and signs will be permitted.

Side Yard—Fifteen (15) feet except when on corner lots the side yard shall be the same as the front yard. In cases where the lot is adjacent to a non-industrial use the side yard requirement shall be as follows:

(a) If adjoining use is a residential use, the side yard shall be eighty (80) feet and the outside thirty (30) feet of the setback shall be a landscaped buffer in accordance with *Article XI.*

(b) If the adjoining use is a commercial use, the side yard requirement shall be increased to thirty (30) feet and the outside twenty (20) feet shall be a landscaped buffer yard in accordance with *Article XI.*

Rear Yard—Twenty-five (25) feet except when the industrial lot is adjacent to non–industrial use the rear yard requirement shall be as follows:

(a) If the adjoining use is a residential use, the rear yard shall be eighty (80) feet and the outside forty (40) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI*.

(b) If the adjoining use is a commercial use, the rear yard shall be forty (40) feet and the outside twenty (20) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI.*

5. **Maximum Lot Coverage**: None Required

6. **Maximum Building Height**: Sixty (60) feet.

B. Additional Regulations

1. All principal uses of uses permitted by right must be housed in fully enclosed buildings.

2. All industrial uses must have direct access to a collector or arterial street as defined by the City of Gautier.

3. Loading Docks and Service Areas shall be located on the side or the rear of the property.

4. Outdoor storage areas shall be completely screened in accordance with *Article XI.*

5. Industrial Parks shall have a uniform design master plan which shall coordinate and regulate landscaping, signs and other attributes of the development.

SECTION 5.7: PUBLIC LAND

5.7.1 PL, Public Land

A. Campus Type PL Uses with Buildings

1. **Minimum Lot Area:** One (1) acre

2. **Minimum Lot Width:** Eighty (80) feet on a public street

3. **Periphery Boundary**: All buildings shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet.

4. **Distance between Buildings:** Thirty (30) feet

5. **Maximum Building Height**: Forty-five (45) feet

6. **Maximum Lot Coverage**: Sixty-five (65) percent

B. Area and Setback Regulations when PL uses face a Public or Private Street

1. **Minimum Lot Area:** Thirty-thousand (30,000) square feet

2. **Minimum Setbacks for Principal Structures:** Front, Side & Rear—same as adjacent zoning district

C. Landscaping Buffer Yard

All uses which adjoin AG, RE, R-1, or R-1A districts or low-density residential uses, shall provide a landscaped buffer yard in accordance with *Article XI.*

SECTION 5.8: MIXED USE DISTRICTS

A. Uses Permitted in All Mixed Use Districts:

1. Accessory structures regulated in *Article VI*

2. Public utility facilities and structures required to provide essential public services

3. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government

4. Signs as regulated in *Article XII*

B. Site Characteristics

1. **Underground Utilities:** Every reasonable effort shall be made to place utilities underground.

2. **Uniformity**: Facilities such as sidewalks, landscaping, lighting, street trees and street furniture shall be consistent and in accordance with a master plan of the development area which shall consist of the shopping center, strip center, or in the case of a block, the entire block and facing block.

C. Parking and Access

Required Off-Street parking shall be in accordance with *Article VII* and the additional standards which follow:

1. In the case of stand-alone uses, a minimum of forty (40) percent of the required parking spaces shall be located in the rear or side yard of the principal building.

2. No more than four (4) rows of parking may be placed between out parcel buildings and the street right-of-way.

3. Shared access points are required for adjoining properties in order to eliminate unnecessary curb cuts and to channel traffic into a main entrance point.

4. Cross access to parking lots is required to allow customers to drive to other locations without re-entering the major roadway network.

5. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property with in accordance with *Article XI.*

6. Shared access and shared parking shall be required for shopping centers and master planned developments.

7. Drive-through service windows and drive-in facilities shall not be located

between the principal structure and an intersection or corner of a street.

D. Existing Buildings and Development within Mixed Use Districts

Existing buildings and sites that do not conform to the provision of this Section may continue in use until a substantial modification is requested, at which time the Technical Review Committee shall determine the extent to which the provisions of this Section shall apply.

The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this section.

5.8.1 TCMU, Town Center Mixed Use District

A. Minimum Lot Area:

1. Master planned development sites: One (1) acre

2. Individual lots not a part of a master planned development: Twenty-four hundred (2,400) square feet

B. Minimum Lot Width:

1. Sites for detached buildings: Forty (40) feet of frontage on a public street, public courtyard or alley

2. Lots for attached buildings: Twenty-four (24) feet of frontage on a private or public street, public courtyard or alley

C. Front Yard Setbacks (See Table 7 for Bonus Provisions):

1. Individual lots or master planned developments that are not part of a Traditional Urban Commercial Development: Twenty-five (25) feet

2. Lots for attached buildings fronting on a private or public street which are part of Traditional Urban Commercial with public sidewalks: none required

3. Maximum front yard depth: Eighty (80) feet from the property line adjacent to the public streets

D. Side Yard Setbacks - None required except on corner lots the side yard shall be fifteen (15) feet. Attached buildings shall not require side yards except for the end units. In cases where the lot is adjacent to residentially zoned property, the side yard requirement shall be increased to thirty-five (35) feet and the outside ten (10) feet of the side setback shall be a landscaped buffer are in accordance with *Article XI.*

E. Rear Yard Setbacks - None required except when adjacent to a residentially zoned property, the rear yard requirement shall be thirty-five (35) feet and the outside ten (10) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI.*

F. Maximum Building Height:

1. Parcels with frontage on streets with one hundred (100) feet width or wider—seventy-five (75) feet

2. Parcels with frontage on streets with between sixty (60) and one hundred (100) feet–sixty (60) feet

3. Parcels with frontage on streets less than sixty feet—forty-five (45) feet

4. See Table 7 for Tier Bonus Provisions

G. Maximum Lot Coverage:

1. Commercial, civic and industrial—not regulated

2. Residential or mixed use buildings—Ninety (90) percent

3. See Table 7 for Tier Bonus Provisions

5.8.2 MURC-1, Mixed Use Recreation Commercial

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** - Sites for detached buildings: Twenty-five (25) feet of frontage on a public street, public courtyard or alley

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)**:

1. Individual lots or master planned developments that are not part of a Traditional Urban Commercial Development: Fifteen (15) feet

2. Lots for attached buildings fronting on a private or public street which are part of Traditional Urban Commercial with public sidewalks: none required

D. **Side Yard Setbacks** - Fifteen (15) feet

E. **Rear Yard Setbacks** - Twenty (20) feet

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions.

5.8.3 MURC-2, Mixed Use Recreation Commercial-2

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** - Sites for detached buildings: Fifty (50) feet of frontage on a public street, public courtyard or alley

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)**:

Individual lots or master planned developments that are not part of a Traditional Urban Commercial Development: Ten (10) feet

Lots for attached buildings fronting on a private or public street which are part of Traditional Urban Commercial with public sidewalks: none required

D. **Side Yard Setbacks** - Seven and a half (7.5) feet

E. **Rear Yard Setbacks** - Twenty (20) feet

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions

5.8.4 MURC-MW, Mixed Use Recreation Commercial-MW

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** – Varies

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)** - Ten (10) feet

D. **Side Yard Setbacks** - Seven and a half (7.5) feet

E. **Rear Yard Setbacks** - Twenty (20) feet

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions

5.8.5 MUMS, Mixed Use Main Street

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** – None

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)** - Individual lots or master planned developments that are part of a Traditional Urban Commercial Development with public sidewalks: None required

D. **Side Yard Setbacks** - None. As part of a master planned development, a view corridor or alleyway shall be required for pedestrian connectivity when no setbacks are provided

E. **Rear Yard Setbacks** - Twenty (20) feet. For rear parking, no setbacks shall be required

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions.

SECTION 5.9 PUD, Planned Unit Development

A. **Area Requirements -** A PUD is a “floating zoning district” and as such, the allowable uses shall meet the intent of the Future Land Use Designation within the Comprehensive Plan.

B. **Minimum Lot Area:**

Total Site or Development Area: Two (2) acres

Lots for single-family detached dwelling units: Seventy-five hundred (7,500) square feet

Lots for single-family detached patio home or zero lot line dwelling units: Five thousand (5,000) square feet

Lots for single-family attached dwelling units: Twenty-four hundred (2,400) square feet

C. **Periphery Boundary** - To be determined based on PUD

D. **Minimum Setbacks for Single Family detached Units including patio homes and zero lot line homes** - To be determined based on PUD

E. **Distance between Multi-family Buildings** - To be determined based on PUD

F. **Maximum Building Height** - Based on underlying zoning

G. **Maximum Overall Density for Development**: Based on the underlying zoning. In the case that the PUD encompasses more than one district, an aggregate of the districts shall apply. See Table 7 for Tier Bonus Provisions.

SECTION 5.10 COR, Corridor Overlay District

Area Requirements
The Corridor Overlay District shall include:

1. The rights-of-way and all parcels lying in whole or in part within four hundred fifty (450) feet of each side of the rights-of-way of any road designated as a principal or minor arterial in accordance with the Comprehensive Plan.

2. All parcels lying in whole or in part within five hundred (500) feet of the Town Center District.

3. All parcels in the MURC and MUMS District.

A. The approximate boundary of this district shall be shown on the Official Zoning Map Series.

B. All new development and changes to existing development located in the Corridor Overlay District shall be reviewed by the Technical Review Committee. Applications for a Tier 3 Project shall be approved by the City Council after recommendation by the Planning Commission.

Targeted Area for Expediting Permitting
The challenges of redeveloping aging shopping centers and infill development in urbanized areas are of critical concern for Gautier. Expedited permitting may be granted within a certain boundary of the Overlay District and may, from time to time, be modified by the City Council after recommendation by the Planning Commission once redevelopment occurs. The intent of the expedited review is to allow the issuance of all permits and approvals at staff level by the Technical Review Committee within the confines of the adopted Unified Development Ordinance and Mississippi Statutes. Upon review of the request for expedited permitting, the Planning Director may determine a public hearing necessary in accordance with Article III. Any proposed change to the City's adopted regulations shall require review and approval by the appropriate Board according to Article III. The targeted area for expedited permitting shall include:

All parcels lying south of Highway 90 and north of Spanish Trail, east of Beasley Road and west of Johnson Road.

Design Review Guidelines
The compatible relationship of proposed development in the Corridor Overlay District is of critical public concern for any buildings or site improvements. The intent of the design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience. To accomplish this, the Technical Review Committee shall utilize the latest edition of the Gautier Architectural Standards Handbook 2010, and the City's Comprehensive Plan.

Streetscape Improvement Guidelines
Streetscape improvements include those architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to

decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences. These improvements shall be designed to be consistent with all guidelines of this Section, and shall be reviewed for aesthetic functionality and compatibility with Gautier character.

SECTION 5.11 Tiered Land Use System and Bonus Provisions

A. Purpose and Intent. The intent of the bonus provisions in the tiered land use system is to offer applicants incentives for investing in quality, innovative development that enhances site and building design, enhances compatibility, enhances non-motorized mobility, and provides the opportunities for achieving extraordinary public benefit. The tiered land use system implements the City's Comprehensive Plan.

B. Applicability. This section shall apply to all development within the COR, Corridor Overlay District and zoned one of the following: TCMU, MUMS, MURC, C-1, C-2, C-3, R-2 and R-3. The height, intensity, and density limits of each of the Tiers is set forth within the Table 7 of this Ordinance.

C. Establishment of Tiers. The following land use tiers are hereby established in order to designate the maximum height, density and intensity of development.

Tier 1. Unless otherwise specified, Tier 1 standards represent the maximum "by-right" building height, density and intensity, which can be achieved by adherence to the standard site development criteria established in this code.

Tier 2. Tier 2 standards allows for the attainment of additional building height, density and intensity beyond Tier 1.

Tier 3. Tier 3 standards provide for additional building height, density and intensity beyond Tier 2.

D. Design Review Requirements. The following design review requirements shall be adhered to when applying for Tier 2 or Tier 3 approval:

1. Applicants seeking Tier 2 height, density and intensity bonuses shall submit a Major Development application, in accordance with the major development review process established in Article IV, requesting Tier 2 approval and must meet the specified supplemental standards specified in subsection F, below.

2. Applicants seeking Tier 3 height, density and intensity bonuses shall meet all of the Tier 2 supplemental standards specified in subsection F, Tier 3 supplemental design analysis, and provide public benefits.

E. The height, intensity, and density limits of each of the Tiers are set forth within the Table 7 of this Ordinance. The Planning Director may also grant at his/her discretion the following administrative variances in accordance with Section 4.18.3:

1. 30% of required off-street parking spaces and/or

2. 30% of required setbacks from property lines

F. **Tier 2 Supplemental Design Standards**. The following supplemental standards shall be met in order to qualify for Tier 2 height, intensity and density bonuses:

1. **Design criteria.** All developments shall meet the following design criteria requirements, in addition to the standards established by Article VIII.

2. **Building footprint.** Buildings shall be located and designed so as to maximize the "functional open space" on the site. Such functional open space shall take the form of *view corridors, outdoor gardens, walking areas, or areas for the congregation of people for special events*. Such areas may be an integral part of building features such as entranceways and pedestrian amenities providing pedestrian access through buildings and throughout the site. Additionally, buildings shall be oriented towards the public street frontage and shall be constructed as close to the adjacent right-of-way as possible in order to improve access from the transportation network. A continuous facade line shall be used along a block to provide an accessible and attractive streetscape. It is the intent of this section to have building facades along the length of the adjacent rights-of-way, if applicable, except where vehicular or pedestrian access ways are required or needed. In no case however, shall a building or structure be located so as to block the clear visibility triangle for a vehicular access way from the subject property onto adjacent rights-of-way.

3. **Building facade and public art.** Facades shall be designed to provide visual interest that will be consistent with the community's character and identity as “Nature’s Playground” through the use of artistic detail. Such detail may include nautical and/or natural elements such as metal fabricated to look like marine knots or natural grasses and reeds. To break up large unadorned walls, sidewalk displays, public art displays, or other such features that provide visual interest shall be used in the design and construction of facades.

4. **Roofline design:** The use of varied rooflines, through the utilization of parapets and/or sloped roofs, is required.

5. **Supplemental setback and buffering requirements from single-family, duplex, or townhome uses.** All development located in C-1, C-2, C-3, MURC and TCMU zoning designations that abut single-family, duplex or townhome uses located in zoning designations different from abutting uses shall meet the following supplemental setbacks and buffers requirements:

   a. **Setbacks.** Any portion of a building that abuts single-family, duplex or townhome uses shall provide a setback from those uses that is the greater of one (1) foot for every foot in height (e.g. 160-foot tall project will have an 160-foot setback), or the distance

required so as not to cast a shadow on such residential uses, as measured to the property line of the residential use, between 9:00 a.m. and 4:00 p.m. central time. The date used in the shadow study shall be the autumnal equinox for the year that the study is performed. The autumnal equinox (the day of the year when night and day are nearly of the same length and the first day of autumn) is typically the date between the summer solstice (longest day of the year and the first day of summer) and the winter solstice (shortest day of the year and the first day of winter). Applicants that prefer to use the shadow option may be required to submit a shadow study to demonstrate that a project provides adequate setbacks.

b. **Buffers.** Minimum supplemental buffers shall be provided by the more intense use or zoning district when abutting single-family, duplex, or townhome uses.

i. Areas used or set aside for parking, loading, accessways, or service and utility areas shall not be located within twenty (20) feet of the property line when such property line abuts single-family, duplex or townhome uses.

ii. A minimum of six (6) feet and not higher than eight (8) feet tall decorative, opaque, masonry wall shall be located within five (5) feet of the property line along the extent of any parking, loading, accessway, or service and utility area located adjacent to a single-family, duplex or townhome use.

iii. Supplemental landscaping shall be provided along the property line within the required ten (10) foot wide landscape buffer. One (1) of the following landscaping designs shall be provided.

a. For every ten (10) linear feet of landscape buffer, a minimum of one (1) tree and fifteen (15) shrubs must be planted. The required landscaping may be planted on either side of the required wall. Trees shall be a minimum of fourteen (14) feet in height and have a three and one-half (3.5) inch caliper at the time of planting. Shrubs shall be a minimum of twenty-four (24) inches in height at the time of planting; or

b. For every fifty (50) linear feet landscape buffer, a minimum of one (1) tree and fifteen (15) shrubs, as specified above, must be planted and a continuous row of evergreen trees, not less than fourteen (14) feet in height, spaced in staggered groupings to form a minimum of an eighty (80) percent opaque

buffer when planted. Trees may be located on either or both sides of any required wall; or

c. Any combination of the above to achieve effective buffering and good landscape design.

d. Where space allows, berms at a slope of not greater than three to one (3:1) may reduce required tree height by one (1) foot for each two (2) feet of berm height for those trees planted on the top of the berm. All berms must have at least a three (3) foot wide crest.

6. **Open space.** Development proposed in the R-2, R-3, MURC, and TCMU zoning designations shall provide an additional five (5) percent open space in addition to the required minimum. Developments proposed in the MURC and TCMU zoning designations can omit this provision, provided it meets the definition of infill development.

7. **Landscaping.** All developments shall meet the following landscaping requirements.

a. *Trees.* The number of required trees shall be increased by twenty (20) percent above the minimum requirements for trees set forth in Article XI. Palm trees cannot comprise more than forty (40) percent of the total number of all required trees.

b. *Shrubs.* The number of required shrubs shall be increased by twenty (20) percent above the minimum requirements for shrubs set forth in Article XI. All shrubs shall be sized in accordance to the following specifications: one-third (1/3) shall be a minimum of thirty-six (36) inches in height at the time of planting; one-third (1/3) shall be a minimum of eighteen (18) inches in height at the time of planting; and one-third (1/3) shall be ground cover plantings of a one (1) gallon size.

c. *Landscaping south of the coastal construction control line (CCCL).* For that portion of a development area that lies along the CCCL, all landscaping shall only meet the landscaping standards set forth in the permit issued by the Department of Environmental Quality.

8. *Pedestrian amenities.* All developments shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities: benches, waste containers, planters, and pedestrian lighting fixtures. Other types of pedestrian amenities may be incorporated and include: decorative water fountains, sculptures, drinking fountains, phone booths and bicycle racks.

G. **Tier 3 Standards.** In order to qualify for Tier 3 height, density and intensity bonuses, an applicant must demonstrate that they have met the Tier 2

supplemental standards, Tier 3 supplemental design analysis, and are providing "public benefits" as stated in subsection 2, below.

1. *Supplemental design analysis*. As part of the application for a Tier 3 project, the applicant shall demonstrate the impact of the project on access to light, impact on airflow dynamics, as well as the visual impacts that may adversely affect adjacent properties, motorists, pedestrians, or segments of the population. This shall be demonstrated by submitting architectural renderings, shadow analysis and/or other analyses that are appropriate to the character of the development proposed as determined by the Planning Director or designee.

2. *Public benefits*. The Planning Director shall be responsible for consulting with the applicant concerning the Tier 3 public benefit requirement of subsection b. The applicant shall bear the burden of demonstrating that the specific character, design, and investment commitment is a significant overall public benefit. The City retains the decision making power to determine whether the specific private investment, including the project amenities, together with the public benefits, commensurate with the increment of increased height, density or intensity that the applicant seeks. The final determination for what satisfies the Tier 3 public benefit requirement lies with City Council. In order for a project to be approved for the additional height, density, or intensity provided for in Tier 3, the applicant must meet, to the satisfaction of City Council, one (1) of the items listed below in subsections a thru e.

a. Must provide one (1) of the following.

i. Develop senior and/or student housing in the mixed use, medium or high density residential future land use designations in the comprehensive plan. An applicant must satisfy one of the following items or an equitable combination of the two (2).

b. Developments located on property within the R-1 and R-2, TCMU, MUMS and MURC zoning designation shall either:

i. Build one senior or student housing unit on the development site for each ten thousand (10,000) square feet of floor area developed, excluding areas devoted to structured parking and access ways; or

ii. Dedicate two dollars ($2) per square foot of floor area developed into a dedicated "community housing fund" maintained by the City or a housing cooperative within the City of Gautier that would be used for the purpose of providing units owned and operated by seniors/ students.

iii. Provide a proportionate combination of i. and ii. in such a manner that, for example, if half of the required housing units are physically provided, then one-half (1/2) of the two

dollars ($2) per square foot dedication would be required. If seventy-five (75) percent of the required housing units are physically provided, then only twenty-five (25) percent of the two dollars ($2) per square foot dedication would be required.

c. Relocation and conversion of above ground utilities to below ground locations. An applicant can qualify for Tier 3 bonuses by relocating and converting all above-ground utilities to below ground locations for that portion of the above ground utilities that are located on the subject property and that are in an adjacent right-of-way. Additionally, the applicant can choose to pay the City the amount it would cost for the relocation and conversion of the above ground utilities to below ground locations, based on a binding cost estimate provided by the power company, instead of performing the work. The City would then place the money into a separate fund (underground utility improvement fund), which would be used to accomplish several projects at once instead of piecemeal.

d. Construct open space malls and arcades equipped with pedestrian-oriented furniture and streetscape that serve as gathering spaces for the general public. Encourage private investment in public gathering places. Site plans must demonstrate architecturally designed open space malls and arcades equipped with pedestrian-oriented furniture and streetscape. Pedestrian-oriented furniture and streetscape includes benches, trash receptacles, decorative light poles, paver blocks or stamped and colored concrete, water fountains, statues, splash pads, playgrounds, high quantity and quality landscaping, etc.

e. Create and/or reinforce a pedestrian friendly transit system. Proposed developments shall provide wayfinding signage and construct a transit stop where the City has the greatest need for one in closest vicinity to the project, or make a monetary contribution to the City in the amount that would equal the cost of constructing a transit stop, or some combination of the two (2).

3. Additional required public benefits (must provide at least one (1)).

a. *Waterway access improvements.* For improved access to the Waterways, this objective shall be carried forth through dedicating pedestrian easements to the public for access from public areas to the shoreline (public access points); the design, permitting, and construction of wetland and/or marsh walkovers facilities; boardwalks along creek, bayous.

b. *Off-site public parking garage.* Non-residential uses located in the TCMU, MURC, MUMS, C-1, C-2, and C-3 districts are allowed to have up to eighty (80) percent of their required parking located in

an off-site parking garage. However, the applicant must also provide an equivalent of thirty (30) percent of the total required parking space for the proposed development in the proposed off-site parking garage be dedicated to the City for public use. This dedication shall be in the form of a license and shall cover the above-mentioned parking spaces and the ingress/egress to said parking spaces. The off-site parking garage is not required to be located within the same district as the non-residential use. All required handicap parking spaces and loading spaces must be provided for on-site.

c. *Preserve significant view of Waterways.* This incentive is applicable to sites that have direct access to rivers and bays and that have exceptional waterfront views that would clearly be imperiled without this incentive provision. In order to achieve the preservation of a significant view of the waterway the applicant shall be required to take the cumulative total of both side setbacks, minus fifteen (15) feet, and provide the entire combined setback on one (1) side of the property. The opposite side of the property shall provide a minimum fifteen (15) foot setback.

d. *Significant improvements to public infrastructure.* In order to satisfy this objective, the applicant must prove that they are encouraging private investment in off-site infrastructure improvements. Such off-site improvements may be located anywhere within the City. This may be achieved by: purchasing and/or dedicating land for needed rights-of-way as indicated in the comprehensive plan or multi-modal plan, improving median landscaping; designing and building public parking located within city rights-of-way; constructing needed multi-use pathways or bikeways identified by the City, constructing recreational improvements; contributions, either in monetary or real property, that will hasten the implementation of any project identified in the Comprehensive Plan; and any other significant public benefit that enhances public infrastructure throughout the City.

4. *Wetlands mitigation.* Wetlands properties seeking mitigation for development and larger than five (5)acres shall be eligible for Tier 3 status contingent on approval of said mitigation by the appropriate agencies.

5. Additionally, it is the expressed intent of this code that any Tier 3 public benefit has to be met prior to the issuance of any certificate of completion or occupancy for any portion of the development. Bonding a public benefit/improvement to receive Certificate of Completion or Occupancy for the development prior to the completion of the public benefit/improvement is expressly prohibited, unless special circumstances exist that are beyond the developer's control. In this case the City Manager may allow the developer to post a bond to ensure completion of the public benefit/improvement. If the City Manager decides against allowing the developer to post a bond to ensure completion of the

public benefit/improvement, then the developer may appeal the City Manager's decision to the City Council.

ARTICLE VI: SUPPLEMENTAL REGULATIONS

SECTION 6.1: General

This Chapter gives additional use, area and other standards for specific uses or situations which may be applicable to more than one district. The following sections within this Article specifically address requirements relative to:

Accessory Uses and Buildings *(SECTION 6.2)*

Retrofit of Existing Commercial Developments *(SECTION 6.3)*

Development Standards for Certain Uses *(SECTION 6.4)*

Specifications for Recreational Vehicle Travel Trailer Parks *(SECTION 6.5)*

Specification for Fish Camps and/or Commercial Marinas *(SECTION 6.6)*

Regulations for Home Occupation *(SECTION 6.7)*

Regulations for Temporary Uses *(SECTION 6.8)*

SECTION 6.2: Accessory Uses and Buildings

Accessory uses, buildings, and structures, located on the same site as the principal use, vary from district to district. The following general rules apply in all districts.

A. Accessory uses and buildings shall be incidental to the principal use established on the same site.

B. They shall be subordinate to and serve said principal use.

C. They shall be subordinate in area, extent, and purpose to such principal use.

D. In residentially zoned districts, all accessory uses shall be located in the side or rear. For corner lots, accessory uses shall be non-adjacent to the street.

6.2.1 Permitted Accessory Structures:

The use of land, buildings, and other structures permitted in each specific district are intended to follow the general guidelines listed above and all stipulated area, bulk and height regulations cited elsewhere in this Ordinance.

A. For single and two-family dwellings:

1. Children's playhouse and playground equipment

2. Decks, gazebos, trellises, and barbeques

3. Dog Houses for domestic pets, not to exceed two (2) shelters per dwelling

4. Private greenhouse for the growing of vegetables, fruit, or flowers from which no products are sold or offered for sale

5. Piers, boathouse, slips or similar structures as an accessory use

6. Private garage or carport

7. Private swimming pool and bath house

8. Structure for storage of household items and equipment used on the premises

9. Private workshop/woodworking equipment, from which no products are sold or offered for sale

B. For Places of Worship:

1. One (1) parish house or residence for clergyman
2. Non-profit counseling service
3. Maintenance equipment storage shed(s)
4. Youth Center including a Gymnasium
5. Education Building

C. For Educational Institutions:

1. Dormitories
2. Power or heating plant
3. Gymnasium, field house, game courts or field house
4. Maintenance equipment storage shed(s)

D. For Golf Courses, Tennis, Swim and Country Clubs:

1. Maintenance equipment storage shed(s)
2. Pro shop
3. Lounge and dining area

E. For Hospitals and Health Institutions:

1. Staff accommodations
2. Laundry, incidental to principal use only
3. Medical and nursing instruction classrooms
4. Maintenance equipment storage shed(s)
5. Chapel

F. For Industrial Uses in Industrial Districts:

1. Offices within the industrial use complex
2. Restaurant or cafeteria for employees
3. Watchman's guard station
4. Maintenance equipment storage shed(s)

G. For Automobile Dealerships (Does not include Use Car Lots)

1. Car Washes and Gas Pumps for use of business owned vehicles only
2. Vehicle Repair and Body Shop within an enclosed building

H. For Banks, Credit Unions, and other Lending Institutions:

1. ATM Structures (Detached)

6.2.2 Limitations for Guest Houses in Residential Districts:

Guest houses or living quarters for family members, temporary guests, or domestic help are permitted in all residential districts as a conditional use except in R-2 and R-3 districts. The total square footage of such structures shall not exceed fifty (50) percent of the heated and cooled square footage area of the principal residence or seven hundred fifty (750) square feet, whichever is less.

The Applicant shall provide a restrictive covenant agreement which must be filed with the Jackson County Chancery Clerk's Land Record Office which runs with the land that the accessory structure will never be made available for lease or rental.

All utilities shall be connected to and master metered from the principal residence.

SECTION 6.3: Retrofit of Existing Commercial Sites

The purpose of a commercial retrofit is to encourage the redevelopment of existing shopping centers, big-box retail sites, and other sites which are characterized by large expanses of surface parking. It is the intent of this provision to create new buildings between the existing building and the street which will help define and frame main entries onto the property and help provide an interesting edge to existing roads and highways.

6.3.1 Applicability

Properties with existing parking lots which are excessive or not being used due to the closure of a business or a change in the use of the principal building may have a portion of the parking lot replaced with buildings in accordance with the regulations of this section. New development sites are not eligible for this process, although new sites may utilize similar design principals.

6.3.2 Parking and Access Requirements

Owners and developers of commercial retrofit sites must agree that:

A. Both the new (infill) and existing uses on the site will participate in shared access and shared parking, **and**

B. If shared parking facilities are not adequate to meet the requirements of both the existing and proposed use, the use of the existing building must be changed to a less intensive use which requires fewer off-street parking spaces or auxiliary parking must be provided for.

6.3.3 General Processing Procedures

A. If new lots are to be created, a platting process may be required.

B. All projects are subject to site plan and architecture review.

C. If uses are proposed which are not in compliance with the zoning district, a public hearing for a rezoning action must be held in accordance with Article III and IV.

6.3.4 Uses Permitted

Any use legally permitted in the zoning district of the property is allowed provided that:

A. Residential uses are located within a mixed use building which has retail spaces exclusively on the ground floor and office or residential uses on upper floors.

B. All new buildings and renovated parking facilities are built in accordance with the current requirements of this ordinance.

6.3.5 Required Site Layout

A. New buildings shall be constructed between the street right-of-way and the existing buildings on sites of one hundred (100) feet in depth.

B. The facade of any new buildings shall face the public right-of-way and if located on a corner lot shall have articulated construction features or an additional entrance on the both sides that face a street.

6.3.6 Parking and Access

Required Off-Street parking shall be in accordance with *Article VII* and the following additional standards shall apply:

A. No more than four (4) rows of parking may be placed between the new outparcel building and the street right-of-way.

B. Additional parking may be placed to side and rear of the new building except that buildings on corner lots shall have not more than four (4) rows of parking between the new building and the street right-of-way.

C. Parking areas may be connected to side or rear parking lots on adjoining properties in order to allow customers to drive to other locations without re-entering the major roadway network and adding to traffic volumes provided this does not allow cut through traffic in residential areas.

D. Service entrances and service yards shall be located only in the rear or side yard.

E. Cross access between adjacent uses shall be provided.

SECTION 6.4: Development Standards for Certain Uses

6.4.1 Regulation of Sale of Alcoholic Beverages

A. Minimum Distances between Certain Uses

In accordance with *Section 67-1-51(3), Mississippi Code of 1972*, as amended, no person shall sell or offer for sale any alcoholic beverages within four hundred (400) feet of any church, school, park, kindergarten or funeral home; however, if both the subject property and the church, school, kindergarten or funeral home are both zoned commercial or industrial such minimum distance shall not be less than one hundred (100) feet.

In instances in which a church, school, kindergarten or funeral home is located in a residential district and the place of sale of any alcoholic beverages is located in an adjacent commercial or industrial district, such minimum distance between the place of sale of the alcoholic beverages and the church, school, kindergarten or funeral home shall be four hundred (400) feet.

B. Waiver by Church or Funeral home

A church or funeral home may waive the distance restrictions in favor of allowing issuance by the Mississippi Alcoholic Beverage Commission of a permit authorizing the sale of alcoholic beverage that would otherwise be prohibited under the minimum distance requirements.

C. Measurement of Distance

Such distance shall be measured in a straight line, such as air line distance, rather than the usual route of pedestrian travel. Distances shall also be measured from building to building, rather than from property line to property line.

6.4.2 Bed and Breakfast Inn

A. Qualified Structures

Structures to be used as Bed and Breakfast Inns (B & B) must be listed on the National Register of Historic Places; or structure designated as a Gautier Landmark by the Gautier Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or said structure must be deemed eligible for designation as a Gautier Landmark by the Gautier Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History and is granted designation within one (1) year from the date of eligibility. A Bed and Breakfast may also be permitted in strategic areas of the community based on compatibility with the surrounding natural and built environment, if approved by the Planning Commission and City Council.

B. General Regulations

1. A Bed and Breakfast Inn may only be operated by an owner who also resides in the building.

2. No retail sale of goods or merchandise will be allowed on the premises.

3. A Bed and Breakfast Inn must be operated in the principal building on the site and not in accessory structures.

4. Off-street parking is regulated in *Article VII.* The maximum length of stay for a transient paying guest is limited to thirty (30) days within a twelve (12) month period, and the owner shall maintain a guest register.

5. No receptions, meetings or other functions shall be permitted unless otherwise approved by the City Council as a legitimate function of the facility.

6. At least one (1) bathroom for use exclusively by guests is required on each floor of the building.

7. All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences. No required off-street parking shall be allowed in the front yard.

6.4.3 Cemeteries

A. Size, Suitable Location and Access

Any new commercial cemetery shall be located on a site containing not less than twenty (20) acres. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, the proposed site shall have direct access to a major arterial or collector street.

B. Required Setbacks

All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line. All other structures including, but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

C. Perpetual Maintenance

A perpetual maintenance agreement shall be recorded that makes provisions for landscaping and maintenance of the cemetery.

6.4.4 Area and Setback Regulations for Churches or Places of Worship

The setback yard requirements for Churches and Places of Worship shall be based on the dimensions in Table No. 8 regardless of the zoning district within which the building is located.

Table No. 8: Area Regulations for Places of Worship

Lot Size	Maximum Lot Coverage (Percent)	Setback (Feet)					Maximum Height***	
		Front	Side		Rear			
			1*	2**	1*	2**	1	2**
Up to three acres	50	35	25	15	25	15	45	60
Three to five acres	30	35	25	15	25	15	45	60
Above five acres	10	45	35	15	35	15	45	60

* Adjacent to single-family residential use(s).
**Not adjacent to single-family residential use(s).
***Height of Principal building only; does not include accessory uses such as youth buildings, schools gyms or other structures.

6.4.5 Day Care Centers, Commercial (Nurseries and Kindergartens)

All day care facilities shall meet all applicable State requirements for standards, licensing and inspections. Applications for a business license with the City shall include copies of a current State Permit stating the maximum number of children to be kept at the facility and a city permit.

A. Loading and Unloading of Children

1. No loading or unloading of children shall be permitted in the street.

2. A circular drive may be required to facilitate safe loading and unloading of children.

B. Play Area

1. A usable outdoor play area shall be provided and no portion of the fenced play area shall be located closer than thirty-five (35) feet to any public street. Parking and loading areas may not be counted toward play spaces.

2. All play areas for residential day care facilities shall be located in the rear

yard, fenced and buffered in accordance with *Article XI.*

6.4.6 Dog Kennels and Dog Runs

Dog kennels and dog runs in commercial areas shall be for exercise of animals that are boarded by Veterinarian clinics. Such areas shall not be used for twenty-four (24) hour storage of animals except where expressly allowed. Any yards that contain dog kennels or runs shall be fenced with a solid wooden fence and additional landscaping to screen the area from neighboring property. All such areas shall be maintained in a good state of repair, kept clean and be odor-free.

6.4.7 Group Homes

Group Homes shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking or other activities.

6.4.8 Junkyard

A. A minimum of five (5) acres of land shall be required.

B. Open storage business are referred to herein, junk cars or materials shall not be allowed within one-half (1/2) mile of any designated federal or state highway or within five hundred (500) feet of any other public road or street.

C. Stacking of vehicle bodies, junk or salvage material shall not be stacked over six (6) feet in height.

D. Storage of any immobile vehicles or parts, tires or accessories outside the screened area is prohibited.

6.4.9 Nightclubs, Bars, Taverns and Similar uses

With the exception of nightclubs or bars located within mixed-use districts; the applicant shall demonstrate that no existing place of worship is located within two hundred fifty (250) feet of the proposed nightclub or similar establishment. Within mixed use districts, the applicant shall demonstrate that no existing place of worship is located within fifty (50) feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed night club or similar establishment and from the property line of any separate parking lots to be used by the nightclub or similar establishment.

6.4.10 Outdoor Recreational Facilities

Lighted facilities (such as tennis courts, ball fields, basketball courts) shall maintain a one hundred (100) foot setback from property lines adjacent to residentially zoned or used property. This setback may be reduced at the time of site plan approval if the site plan depicts measures used to reduce light and glare onto adjacent residentially zoned or used property. Possible measures include, but are not limited to directional lighting, lower fixture heights, berms, vegetation, and fences. In addition, the site plan shall include documentation from a registered professional with experience in lighting certifying that the lighting does not exceed 0.5 foot candle at the property line of adjacent residentially zoned or used properties.

6.4.11 Outdoor Serving Areas for Restaurants, Coffee Shops and Similar Businesses

A. Location

Outdoor eating areas for restaurants, coffee shops or other facilities serving beverages or food may be located within a required yard area with permission from the Planning Director and the Chief of Police. If located within the public

right-of-way, permission from the appropriate jurisdiction is required, and a six (6) foot clear space between the outdoor eating area and the curb must be provided for pedestrian movement. An adequate radial clear space must also be provided for outdoor eating areas located at the intersection of two (2) streets.

B. Barriers and Buffering

Temporary or permanent decorative walls or fencing must enclose an outdoor eating area. Such barriers must be no less than three (3) feet in height and in accordance with *Article XI.*

C. Enclosures

Awnings or umbrellas may be used in conjunction with an outdoor eating area, although permanent roofs or shelters may not be installed within a required yard. Awnings must be adequately secured, retractable, and must comply with the provisions of the building code.

D. Hours of Operation

The hours of operation for an outdoor eating area shall be limited to between 6:00 a.m. and 12:00 a.m. unless subject property has been approved as an "entertainment" district by the State of Mississippi in which case State regulations regarding hours of operations shall prevail.

6.4.12 Outdoor Storage in Conjunction with Commercial and Industrial Uses

A. Commercial Uses

Certain equipment and materials, lawn and garden items and building supplies and materials may be stored and sold in an adjunct covered structure which shall be attached or unattached to the main commercial store and which is similar in architectural character.

B. Industrial Uses

Lumber sales yards shall require a minimum site of three (3) acres or more. Open storage or storage of lumber under covered areas is permitted provided these items are not piled or stacked over twenty (20) feet in height above normal ground elevation.

6.4.13 Rooming and Boarding Houses

Rooming and boarding houses shall be located on an arterial or collector street. All required off-street parking shall be located at the side or rear of the structure and screened by landscaping as a barrier from adjacent residences in accordance with Articles XI.

6.4.14 Satellite Dish Antenna

Non-Residential Districts

Satellite dish antennas accessory to a permitted use may be located in any non-residential district under the following opacity.

A. The satellite dish antenna shall not be located in any required front or side yard.

B. Roof-mounted antennas may be erected on the roof of the principal building to a maximum height of fifteen (15) feet above the roof of the existing building. However, roof-mounted satellite dish antennas shall not be visible between ground level and ten (10) feet above ground level from any street or from

residentially zoned property adjoining the lot.

C. Satellite dish antennas with a diameter less than one (1) meter may be installed in a manner consistent with typical television antennas.

D. Ground mounted satellite dish antennas shall be screened from the street and from any adjacent residentially zoned property by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.

6.4.15 Swimming Pools

A. Accessory Use in Residential Districts.

A private swimming pool shall include any pool or open tank having a depth of more than thirty (30) inches which is designed and built for swimming and bathing; however, this definition shall not include spas and hot tubs which are securely covered when not in use by a sturdy insulated top capable of restricting access by children. Private swimming pools are permitted in any Residential District provided:

1. It is used solely for enjoyment of the occupants of the property on which it is located and their guests.

2. No swimming pool area or part thereof, including aprons, walks and equipment rooms, shall protrude into any required front or side yard (without City approval).

3. Swimming pools shall be maintained in a clean and sanitary condition and in good repair. Pools may be drained or covered to maintain a sanitary condition.

4. The swimming pool area is enclosed by a wall or gate fence with a self-latching gate to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height, shall not have opening that would allow a four (4) inch diameter sphere to pass through it, and shall be maintained in good condition.

B. Private Club Swimming Pool

A swimming pool owned by a private association or club shall comply with the following conditions and requirements:

1. The swimming pool and all of the area used by the bathers shall be enclosed by a wall or fence with a self-latching gate to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not have openings that would allow a four (4) inch diameter sphere to pass through it, shall be at least four (4) feet in height and shall be maintained in good condition. The area surrounding the enclosure, except for parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

2. The pool and accessory structures thereto, including the areas used by bathers, shall not be closer than fifty (50) feet to any property line of the property on which located.

6.4.16 Community Tennis Courts

A community tennis club not open to the general public shall be any tennis court constructed by an association of property owners or by a private club for use by members, their families and guests. Community and club tennis courts shall comply with the following conditions and regulations:

A. The tennis court(s) is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the tennis court is operated.

B. The tennis court and appurtenances shall not be closer than twenty-five (25) feet to any property line of the property on which located.

6.4.17 Mini-Warehouse (Self-Service) Storage Facilities

The following regulations shall apply to self- service storage facilities:

A. Accessibility and Off-Street Parking

1. Access to the site shall be from a street identified as a major collector or arterial on the City of Gautier Thoroughfare Plan.

2. Paved, off-street parking, access and driveways must be provided, as regulated in *Article VII*. In addition, a minimum twenty-six (26) foot parking-driveway lane shall be provided adjacent to all buildings when the buildings open only to one side of the lane and a minimum thirty (30) feet when buildings open to both sides of the lane.

B. Size of Units and Development

1. Maximum size for each individual storage unit shall be six hundred (600) square feet.

2. Total lot area shall not be less than two (2) acres.

C. Lighting and Screening

1. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

2. Self Service Storage facilities shall be subject to landscaped buffers as outlined in *Article XI.*

D. Outdoor storage areas

Outside storage of RVs, Boats and similar vehicles may be included as a part of the site if such outdoor storage facilities are fenced and screened. Parking areas or driveways shall not be used for storage.

E. Prohibited Uses

The following uses shall be prohibited in mini-warehouse facilities:

1. Auctions, wholesale and retail sales, miscellaneous or garage sales

2. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn movers, appliances, or other similar equipment

3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment, except for purposes of construction and repair of the self-service storage facility

4. Transfer and storage business

5. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations

6. The storage of hazardous materials

6.4.18 Vehicle Sales, Leasing and Rentals

Vehicle sales, leasing, and rentals in all districts shall be subject to the following:

A. No junked or inoperable vehicles or equipment shall be permitted except for limited periods of time in order for repairs to be made and such vehicles shall be kept within a completely enclosed building.

B. Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right-of-way.

6.4.19 Junk Yards, Vehicle and Boat Wrecking Yards

Because of the nature and character of their operations, automobile wrecking, junk, or salvage yards, and similar uses of land can have a detrimental effect upon surrounding properties. These uses tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance.

A. Location

No junk or salvage yard may be permitted closer than three hundred (300) feet from any established residential district.

B. Screening

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall in accordance with *Article XI*. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.

C. Ingress and Egress

The number of vehicular access driveways permitted on any single street frontage should be limited to:

1. One (1) driveway where the parcel to be used has a maximum street frontage of one hundred (100) feet or less.

2. Two (2) driveways where the street frontage exceeds one hundred (100) feet.

3. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width, exclusive of curb returns.

SECTION 6.5: Specifications for Recreational Vehicle (RV) Travel Trailer Parks.

6.5.1 General Regulations:

The purpose of Recreational Vehicle (RV) campgrounds is to provide areas where travelers may park recreational vehicles and have access to campground type facilities while in the City of Gautier. In addition to other regulations in this Ordinance, such facilities shall conform to the requirements of this section and any other conditions and safeguards the Planning Commission or City Council may require for the public health and welfare of the public.

A. Temporary in Nature

1. RV parks are intended for use on a temporary basis by campers, vacationers and travelers and are not intended as a place for permanent abode dwelling or business or for an indefinite period of time.

2. Any action toward removal of wheels of a recreational vehicle except for temporary purposes or to attach the vehicle to the ground for stabilizing purposes is hereby prohibited.

B. Permit Required

Pursuant to *Mississippi State Statute Section 41-25-13*, the Mississippi State Department of Health has provided regulations governing recreational campgrounds.

1. It shall be unlawful for any person to construct, maintain or operate any RV campground within the City of Gautier unless they hold a valid permit issued by the Mississippi State Department of Health.

2. Satisfactory evidence of such permit shall be provided to the Building Official prior to the issuance of a Certificate of Occupancy (CO) to the campground.

3. Such permit shall be posted in a conspicuous place on the premises and shall be available for review by any interested persons.

4. In the event of a conflict between those regulations and this section, the higher standard shall govern.

6.5.2 Permitted Uses and Accessory Uses

A. The following uses are permitted as a part of the RV Park:

1. Management headquarters.

2. One (1) permanent residential dwelling for on-site occupancy by management.

B. The following Accessory Uses are permitted provided the total area including parking areas do not occupy more than five (5) percent of the gross area of the park and are restricted in use to occupants of the park:

1. Buildings for toilets, showers, coin-operated laundry facilities

2. Dumping stations

3. Piers and Boat Docking Facilities

6.5.3 Conditional Uses

In addition to the uses listed in 6.5.2, the following uses are permitted provided they are established in accordance with the procedures and provisions contained in *Articles III and IV*.

A. Marina, Commercial or for the Use of RV Park visitors

B. Conference or Meeting Facility

C. Restaurant, Neighborhood for the use of RV Park visitors and the general public

6.5.4 Area requirements For RV Park:

A. Minimum size of park: Five (5) acres

B. Maximum density: Twenty-four (24) recreational vehicles per acre

C. Minimum setbacks for Campground Perimeter: The campground perimeter shall be an unoccupied landscaped open space fifty (50) feet in width with no encroachments permitted, including parking lots, patios, or other structures except for entrance/exits driveways which may be within the inside twenty (20) feet. The outside twenty (20) feet shall be a buffer area in accordance with *Article XI.*

6.5.5 Streets, Driveways and Access

A. All access points to public streets and highways shall be approved by the City of Gautier including the City Consulting Engineer, department heads, and, if applicable, the Mississippi Department of Transportation.

B. Streets in recreational vehicle campgrounds shall be private and shall be composed of a minimum four (4) inch sub-base with shell or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel. Roads shall be constructed to support a minimum of seventy-five thousand (75,000) pounds.

C. Driveways and streets shall have the following minimum stabilized travel-way requirements:

1. Twenty (20) feet two-way traffic

2. Twelve (12) feet one-way traffic

3. Maximum grade of six (6) percent

4. Minimum curve radius shall be fifty (50) feet.

5. Turnarounds shall be provided for all dead-end roads. The minimum radius shall be adequate for fire equipment to maneuver.

6.5.6 Open space and recreational area.

A minimum of five (5) percent of the gross recreational vehicle park area shall be set aside and developed as common use areas for open or enclosed recreation facilities such as playgrounds, badminton or tennis, parks or similar facilities which shall be in addition to any land or marine facilities such as piers, marinas, conference or meeting facilities or restaurants. No required buffer strip, street, storage area, recreational vehicle site or utility site shall be placed within the area set aside for recreational purposes.

6.5.7 Utilities and Drainage

Utilities (electrical power, natural gas, water, and sanitary sewerage and storm drainage) shall be provided and connected according to all applicable codes and ordinances of the City of Gautier. On-site utilities shall be underground.

A. Electrical Requirements and Lighting

1. Electrical outlets shall meet the minimum standards of the National Electrical Code.
2. Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use.
3. Outdoor lighting is required along pathways to restrooms at a maximum of fifty (50) feet apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Building Official to provide adequate visibility.
4. Washrooms or toilet facilities shall remain lighted at night.

B. Refuse disposal

1. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
2. Durable watertight refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station or at a central storage area readily accessible and located not more than three hundred (300) feet from any camp or picnic site unless provided at the campsite.
3. For parks exceeding thirty (30) spaces, dumpsters will be required at a rate of four (4) cubic yards per thirty (30) spaces; otherwise, refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual campsites. Refuse shall be picked up not less than twice weekly.
4. All solid waste generated by a recreational vehicle park shall be stored and disposed of in accordance with the State Board of Health regulations governing solid waste management and the codes and ordinances of the City governing solid waste.

SECTION 6.6: Specifications for Fish Camps and/or Commercial Marinas

6.6.1 General Regulations

The purpose of Fish Camps and/or Commercial Marinas is to provide areas where recreational fishermen and families can access waterways and temporary housing. In additional to other

regulations in the Ordinance such facilities shall conform to the requirements of this section and any other conditions and safeguards the Planning Commission or the City Council may require for the public health and welfare of the public.

A. Overnight Accommodations Temporary in Nature

1. Overnight accommodations in Fish Camps and Commercial Marinas are intended for use on a temporary or seasonal basis by recreational fishermen, vacationers and travelers and are not intended as a place for permanent dwelling.

2. Temporary lodging facilities shall be rented on a daily, weekly, monthly or seasonal basis not to exceed a three (3) month continuous stay within any twelve (12) month period and shall not be used as a permanent year-round residence. Continuous occupancy of lodging facilities extending beyond this period shall be presumed to be permanent occupancy and shall be prohibited.

3. Any existing fish camp which was established prior to the adoption of this Ordinance and which has permanent residential lodging shall be considered exempt from this regulation provided such lodging is used as a single-family dwelling house by either the owner or his/her family.

B. Permit Required

Pursuant to *Mississippi State Statute Section 41-25-13*, the Mississippi State Department of Health has provided regulations governing recreational campgrounds.

1. It shall be unlawful for any person to construct, maintain or operate any recreational campground within the City of Gautier unless they hold a valid permit issued by the Mississippi State Department of Health.

2. Satisfactory evidence of such permit shall be provided to the Building Official prior to the issuance of a Certificate of Occupancy of the campground.

2. Such permit shall be posted in a conspicuous place on the premises and shall be available for review by any interested persons.

3. In the event of a conflict between those regulations and this section, the higher standard shall govern.

6.6.2 Permitted Uses and Accessory Uses

A. The following uses are permitted as a part of the Marina and/or Fish Camp:

1. Management Headquarters

2. One (1) permanent residential dwelling for on-site occupancy by management

3. Facilities for the sale of bait, tackle, equipment rental, snacks, beverages and other similar services

4. Boat ramps and launching facilities

5. Boat storage

6. Boat Rental Facilities

7. Cabins for rental to guests on a temporary or seasonal basis

8. Commercial boat slips

9. Docks, Piers and Board walks

10. Boat Lifts

B. The following Accessory Uses are permitted

1. Buildings for toilets, showers, coin-operated laundry faculties

2. Parking Areas

3. Dumping stations

4. Other uses and structures customarily incidental to operation of a marina or fish camp

6.6.3 Conditional Uses

In addition to the uses listed in *6.6.2,* the following uses are permitted provided they are approved by the City Council in accordance with the procedures and provisions of *Articles III and IV.*

A. Restaurants for the use of the general public and guests of the marina or fish camp

B. Boat Charter services

C. Repair and maintenance areas for recreational watercraft

D. Boat Servicing Facilities for recreational watercraft

E. Areas for Recreational Vehicle Parking

6.6.4 Prohibited Uses

The following uses are not permitted in Marinas or Fish Camps:

A. Mobile Homes

B. Boats used as permanent residences

6.6.5 Area Requirements for Fish Camp or Commercial Marina

A. Minimum size of park: None

B. Minimum setbacks for Fish Camp and/or Commercial Marina Perimeter:

1. When located adjacent to or AG, RE, R-1, R-1-A, R-2, R-3 or PUD district, the campground perimeter shall be an unoccupied open space fifty (50) feet in width with no encroachments permitted, including parking lots, permanent buildings or RV pads, except for entrance/exits. The outside twenty (20) feet shall be a buffer area in accordance with *Article XI.*

2. When located adjacent to single-family residential uses, the campground perimeter shall be an unoccupied open space twenty-five (25) feet in width with no encroachments permitted, including parking lots, permanent buildings or RV pads, except for entrance/exits. The outside fifteen (15) feet shall be a buffer area in accordance with *Article XI.*

3. If located adjacent to any other district or use not previously enumerated the campground perimeter shall be unoccupied open space fifteen (15) feet in width with no encroachments permitted, including parking lots, permanent buildings or RV pads, except for entrance/exits. The outside five (5) feet shall be a buffer area in accordance with *Article XI.*

6.6.6 Streets, Driveways, Access and Boat Launches

A. Access to Public Street and Highways.

All access points to public streets and highways shall be approved by the City of Gautier including the City Consulting Engineer, department heads and, if applicable, the Mississippi State Department of Transportation.

B. Private Streets (driveways) within the Fish Camps and Commercial Marinas.

Streets in fish camps and commercial marinas shall be private and shall be composed of a minimum four (4) inch sub-base with shell or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.

C. Driveways and Private Street:

Driveways and streets shall have the following minimum stabilized travel-way requirements:

1. Twenty (20) feet two-way traffic

2. Twelve (12) feet one way traffic

3. Maximum grade of six (6) percent

4. Minimum curve radius shall be fifty (50) feet

D. Turnarounds.

Turnarounds shall be provided for all dead-end roads. The minimum radius shall be adequate for fire equipment to maneuver.

E. Boat Launches

Launches may be hard surface and sufficient in width and depth to accommodate boats up to twenty-four (24) feet in length. All boat lunch plans must be approved by the Planning Department and other applicable regulatory agencies.

F. Utilities

Utilities (electrical power, natural gas, water, and sanitary sewerage and storm drainage) shall be provided and connected according to all applicable codes and ordinances of the City of Gautier.

1. Electrical Requirements and Lighting.

a. Electrical outlets shall meet the minimum standards of the National Electrical Code.

b. Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use.

c. Outdoor lighting is required along pathways to restrooms at a maximum of fifty (50) feet apart, not exceeding three (3) feet

above ground and reflected downward, or as may be approved by the Building Official to provide adequate visibility.

d. Washrooms or toilet facilities shall remain lighted at night.

2. Refuse disposal:

a. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.

b. Durable watertight refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station or at a central storage area readily accessible and located not more than three hundred (300) feet from any camp or picnic site unless provided at the campsite.

c. For fish camps and marina exceeding thirty (30) spaces, dumpsters will be required at a rate of four (4) cubic yards per thirty (30) spaces; otherwise, refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual campsites. Refuse shall be picked up not less than twice weekly.

d. All solid waste generated by a fish camp or marina shall be stored and disposed of in accordance with the State Board of Health regulations governing solid waste management and the codes and ordinances of the City governing solid waste.

SECTION 6.7 Regulations for Home Occupations

6.7.1 General Regulations

A Home Occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and that:

A. No stock in trade or commodity shall be sold on the premises.

B. There shall be no employment of help other than members of the resident family.

C. Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the Home Occupation.

D. There shall be no change in the outside appearance of the building or premises, no outdoor storage of anything, or any other visible evidence of the conduct of such Home Occupation other than one (1) sign in accordance with regulations of Article XII not exceeding one (1) non-illuminated sign no larger than one (1) square foot, mounted flush against the principal building.

E. No Home Occupation shall be conducted in any accessory building.

F. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be off the street and other than in the required front yard.

G. No equipment or process shall be used in such Home Occupation which

increases noise, vibration, glare, fumes, odors, or electrical interference to adjoining properties.

H. The Planning Director shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The Planning Director is authorized to notify any business found to not be in compliance to cease operations and to revoke said permits.

6.7.2 Home Occupations Permitted

The following occupations, subject to the requirements of the above section, may be permitted as Home Occupations:

A. Artist, sculptor, author

B. Catering Service when they are a part of operator's residence

C. Computer programming and word processing

D. Cooking and preserving

E. Dressmaker, seamstress, tailor, interior decorator

F. Home office

G. Instructional Studio, Private. Teaching, including tutoring, musical instruction or dancing, but limited to one (1) pupil per teacher at any given time

H. Private Professional Office

I. Telephone answering service

J. Any other similar use which the Planning Director determines is compatible. The Planning Director may elect to take any Home Occupation request to the Planning Commission for consideration.

6.7.3 Prohibited Home Occupations

The following are not permitted as Home Occupations:

A. Animal hospitals or animal rescue operations

B. Child Care Facilities including kindergartens

C. Convalescent homes

D. Repair Shops requiring outside or major repair to equipment and/or vehicles

E. Coffee Shops, restaurants or any facility serving beverages or food to the public.

F. Boarding House

SECTION 6.8: Regulations for Temporary Uses

6.8.1 General Regulations

A Temporary Use permit may be issued for any of the uses itemized in *Section 6.8.2* subject to the stipulations and regulations given for each use and in addition:

A. The Temporary Use permit shall be for a specific period of time and at the end of such time, all activities shall cease.

B. The permission of the property owner shall be required signifying their permission to place the temporary use on the property in question.

C. Upon expiration or revocation of a Temporary Use permit, the applicant shall clean the site of all debris, whether generated by the temporary use or not.

D. Adequate off-street parking shall be provided if needed.

E. Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the State Board of Health.

F. Suitable safety precautions are taken in accordance with conditions approved by the Planning Director to insure that human health and welfare are not jeopardized.

6.8.2 Temporary Uses Permitted

A. Christmas Tree Sales Lot

The sale of Christmas Trees at Christmas is permitted in Commercial Districts or on the campus of Churches or Places of Worship only as an open-lot sale situation. Such permits shall not be issued for a period of longer than thirty (30) days.

B. Contractor's Temporary Office and Equipment Sheds

In any district, a permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such facilities shall not contain sleeping or cooking accommodations. Such permits shall be valid for not more than one (1) year but may be renewed for a maximum of one (1) year if needed. Such facilities shall be removed upon completion of the project or the expiration of the permit whichever occurs first.

C. Garage or Rummage Sales

Garage or Rummage Sales on residential property are not required to obtain a Permit, but must adhere to the criteria below. Temporary Use Permits for garage or rummage sales on commercial property may be granted provided:

1. The sale period does not exceed three (3) days.

2. Suitable safety precautions are taken in accordance with conditions approved by the Planning Director to insure that human health and welfare are not jeopardized.

3. No more than three (3) such sales are conducted at any one (1) address during any single year and no more than three (3) such permits are issued to any applicant during any single year.

D. Portable Storage Container (POD)

In any residential district, a Temporary Use Permit may be issued for a POD subject to the following regulations:

1. The use of one (1) container shall be limited to no more than thirty (30) consecutive days in any year. In the event of a catastrophic loss of property due to fire, flood or other physical calamity occurring on the property in question, the permit may be extended for two (2) additional thirty (30) day periods.

2. The container shall be placed on an all-weather surface such as a driveway on the lot it serves, and shall not be placed on a street right-of-way or in the rear of the property.

E. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision. The permit shall be valid for one (1) year but may be renewed a maximum of three (3) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit whichever occurs sooner.

F. Seasonal Sale of Farm Produce Outdoors

Farm produce and seafood which is in its harvested form, may be sold from vehicles which are mobile in Commercial Districts on private property, but shall be placed no earlier than 6:00 a.m. and shall be removed daily no later than 9:00 p.m. Such uses shall be limited to the preparation and sale of human food stuffs only and shall provide property owner approval. The permit shall be valid for three (3) months and each applicant is limited to one (1) permit per year.

G. Outdoor Sale of Non-Perishable Goods or Items

Outdoor sale of goods other than farm produce or seafood may be granted a Temporary Use Permit by the Planning Director provided that:

1. The Permit Period does not exceed ten (10) days

2. No more than three (3) such permits are issued to any applicant during any single calendar year

3. All requirements of *Section 6.8.1 General Regulations* are met

4. The sale is in Commercial Districts only on private property. Property owner approval shall be provided.

H. Special Events

A Special Event may be granted a Temporary Use Permit by the City Clerk provided that:

1. A permit application is submitted to the City Clerk's Office at least thirty (30) days prior to the event. The following information will be required on the application:

- **a.** Event details with timeline
- **b.** Number of people expected
- **c.** Organization name, type and Federal Tax ID number
- **d.** Detailed map of proposed route/event area along with request for possible street closures.
- **e.** Requested City services such as trash receptacles, barricades, etc.
- **f.** If any donated services are requested.

2. The applicant shall submit a hold harmless agreement in a form approved by the City agreeing to hold the City of Gautier free and harmless of any

liability which may result from said event, and accept full responsibility for any liability.

3. The applicant must provide a Certificate of Commercial General Liability Insurance listing the City of Gautier as an additional named insured in the amount prescribed by the City Clerk or designee.

4. An applicant for a permit to hold an event where alcohol is to be sold must provide a Certificate of Insurance in the amount of $1,000,000 as liquor liability insurance, in addition to the general liability insurance requirements.

5. All requirements of *Section 6.8.1 General Regulations* are met.

ARTICLE VII: PARKING, LOADING, DRIVEWAY, LIGHTING AND RELATED REQUIREMENTS AND SPECIFICATIONS

SECTION 7.1: Intent and Application

7.1.1 Intent and Purpose

It is the intent of this Article to set minimum standards for vehicular and pedestrian access; off-street parking; accommodations for physically disabled persons; off-street loading facilities and lighting for parking lots and commercial and industrial areas. The purpose of these regulations is to provide for efficient and safe accessibility to buildings and destinations for all users. The regulations recognize the differences in development styles and offer some flexibility.

7.1.2 Applicability

The regulations in this Article shall apply to all new buildings constructed and all new uses established in all districts.

SECTION 7.2: Off-Street Parking

The purpose of this section is to ensure that uses have minimum levels of off-street parking while encouraging shared and cooperative parking facilities which will reduce the cost of development, flooding and non-point source pollution.

7.2.1 General Requirements

A. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

B. The storage of merchandise, motor vehicles for sale or the repair of vehicles on required off-street parking facilities is prohibited.

C. Approval of driveways and other access ways to parking facilities shall be obtained from the proper City or State agency prior to issuance of a Building Permit.

7.2.2 Reduction or Reallocation of Parking Spaces

Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than herein after required for a similar new building or use. Any reallocation of spaces or aisles shall require approval of the appropriate City official or staff person.

7.2.3 Change of Use

A. Additional off-street parking spaces shall be required to accommodate a change in the use of a structure or parcel of land when the new use requires twenty-five (25) percent or more parking spaces than the previous use or twenty-five (25) or more additional spaces. In such situations, the new use must provide at least eighty (80) percent of the number of parking spaces required for the new use on the site.

B. New structures which are built on existing off-street parking areas have the potential of limiting the land use of the building for which the original off-street parking was originally created. A statement from property owner(s) shall be required stating an understanding of this provision and a willingness to comply.

7.2.4 Administrative Variance

The Planning Director shall have the authority to issue an administrative variance for a reduced number of off-street parking spaces not to exceed thirty percent (30%) if, in his opinion, unusual circumstances exist which warrant such a relief from the requirements of this Ordinance.

7.2.5 Required Off-Street Parking Spaces

A. In any determination of parking requirement as set forth in this section, where the resultant figure contains a fraction less than one-half (1/2) may be dropped and any fraction one-half (1/2) or more shall be counted as one (1) parking space.

B. For uses not specifically mentioned, off-street parking requirements shall be interpreted by the Planning Director, based on the similarity of the proposed use with those in Table No. 9.

C. Every company car, truck, tractor and trailer normally stored at the place of business shall be provided with off-street parking space in an area reserved for such use as determined by the Planning Director.

D. The number of off-street parking spaces to be provided shall be determined in accordance with the following table.

GLA = Gross Leased Area

TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
Commercial Buildings	
Amusement Arcade	1 per 50 sf GFA or 1 per game table, video game or amusement device plus employee parking
Artisan Studio	1 per each 300 sf GFA
Automobile and Truck Sales, new or used	1 per each 3,000 sf devoted to the sale, display, lease, rental or repair of vehicles
Automobile Gas Station	2 plus 2 per service bay and required stacking spaces for pumps. (Service Bay is not a parking space.)
Automobile Repair Shop	1 per 375 sf GFA including service bays, wash tunnels, and retail areas plus adequate parking lot for overnight storage of vehicles, if needed
Automobile, Truck, Trailer or RV Leasing	1 per 1000 sf GFA
Bank or Financial Institution	1 per 250 sf. GFA plus required stacking spaces for drive through windows
Bar, Tavern or Nightclub	1 per 2 seats
Barber or Beauty Shop, or Day Spa	1 per 250 sf. GFA
Big Box Retail Store	1 per 300 sf GFA
Car Wash, Automated	4 per site plus required stacking spaces. A washing space is not a parking space.
Car Wash, Self Service	No parking required. One (1) drying space plus two (2) stacking spaces required per washing space

TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
Community Shopping Center	1 per 300 sf GFA
Convenience Store	1 per 200 sf of GFA
Dry Cleaning, pick up station	3 plus 1 per 500 sf of GLA
Farmer's Market	5 plus 1 per 300 sf of market area
Fish Camp and/or Marina	2 per each 3 boat moorings or storage spaces or boats for rent. If public boat launching facilities are provided, the parking spaces shall be increased by fifty (50) percent.
Furniture Store	1 per 500 sf of GLA
Health Club/Fitness Center	1 per 250 sf of GLA
Neighborhood Shopping Center	1 per 300 sf of GFA of all retail shops and restaurants
Office, General or Professional	1 per 300 sf of GLA
Plant Nursery, Retail	1 per two hundred (200) square feet of retail stock area
Plant Nursery, Wholesale	1 per two hundred (200) square feet of retail stock area
Print Shop or Blueprint Shop	1 per 400 sf of GLA
Radio or T. V. Broadcasting Studio	1 for each employee plus five (5) for visitors
Regional Shopping Center or Mall	1 per 300 sf of GFA (1 per 300 sf of GFA of all retail shops and restaurants)
Restaurant, Carry-Out only	1 per 75 sf of GFA
Restaurant, Drive-in or Fast Food	1 per 75 sf of GFA
Restaurant, Neighborhood or Specialty	1 per 75 sf of GFA
Retail Store, (stand-alone)	1 per 250 sf of GFA
Hotels, Motels, or other temporary accommodations	
Bed and Breakfast Inn	1 per guest room plus 2 spaces for owner plus 1 per each 250 sf of floor area devoted to receptions and social gatherings
Hotel or Motel	1 per room plus 1 per 800 sf. of meeting area and restaurant space
Recreational Vehicle Park	1 per RV space plus required spaces for other uses in accordance with use
Rooming or Boarding House	1 per guest room plus 2 for owner
Industrial, Manufacturing, Warehouse or Storage Facility	

TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
Manufacturing, warehouse or other industrial use	1 per motor vehicle used and based for operational purposes on the premises; plus: a. 1 for the first 20,000 sf of GFA, plus 1 for each seven hundred fifty (750) square feet of gross floor area over 20,000 sf; and b. For any amount over 20,000 sf of GFA, but less than 120,000 sf of GFA 1 for each additional 1,500 sf of GFA; and c. For any amount over 120,000 sf of GFA, 1 for each additional 3,000 sf of GFA.
Mini-warehouse, climate controlled	1 per 10,000 sf of GFA
Mini-warehouse, self service	5 per each 50 units
Medical or Related Facilities	
Day Care--Adult or Child, Commercial	1 per each 5 adults or children being cared for
Hospital	2 ½ per bed
Medical or Dental Offices/Clinic	1 for each 250 sf of GFA
Rehabilitation Center	1 per each two (2) resident beds
Veterinary Clinic	1 per each two hundred (200) square feet
Public Assembly or Recreational or Community Facilities	
Amusement or Theme Park	1 per 600 sf outdoor recreational area
Art Gallery or Museum	1 per each 400 sf of GFA
Auditorium, Convention Center	1 for each 4 seats or 1 for each 50 square feet of facility less kitchen area
Ballpark or Sports Stadium or Arena	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats
Bowling Alley	5 per alley or lane
Church or other Place of Worship	1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship *(or 1 per 3 seats)*
Clubhouse or Lodge	1 per 200 sf of GFA
Community Center (Meeting Spaces and/or Recreational venues)	1 per 200 sf of GFA
Convention Center	1 per 6 seats or 1 per 30 GFA if no permanent seats
Country Club	1 per 5 members
Elementary and Middle Schools	2 per classroom plus 1 for each 6 sf of GFA in the auditorium or assembly hall
Funeral Home	7 for each parlor plus 1 space for each 3 seats in the chapel, if applicable

TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
High School, Trade or Vocational School, College or University	5 per classroom plus 1 per each 60 sf. of GFA in the auditorium or assembly hall
Laundromat (coin operated laundry)	1 per each 2 clothes washing machines plus 1 per employee
Library	1 per 400 sf of GFA
Miniature Golf	1 per hole
Skating Rink	5 per 100 sf GFA
Theatre, Professional or Motion Picture	1 per each 5 seats
Residential	
Assisted Living Facilities	1 space for every 4 beds plus 1 for each employee of the largest shift
Day Care, Residential	1 space for each employee in addition to resident parking and drive-way or drop-off parking spaces for a minimum of 3 cars
Group Home for the Handicapped	1 space for every 4 beds plus 1 for each employee of the largest shift
Guest House	None
Manufactured or Mobile Home	2 per each mobile home plus 2 for staff if any
Multi-family dwellings or Residential Condominiums	2 per housing unit plus 1 for staff if any
Nursing Home, Hospice	1 space for every 4 beds plus 1 for each employee of the largest shift
Single-Family attached dwellings including townhouses	2 for main residence plus 1 for guest house or garage apartment, if any
Single-Family detached dwellings including patio homes and zero lot homes	2 for main residence plus 1 for guest house or garage apartment, if any
Two-Family Dwelling Unit (Duplex)	4 spaces

7.2.6 Location and Construction

A. Off-street parking required for single-family detached; two-family (duplex); single-family, attached (townhouse); and mobile home lots shall consist of a driveway, garage, or parking lot or a combination thereof and shall be located on the specific lot they are intended to serve. Additional guest parking may be provided for medium density dwellings in a separate parking area.

B. All off-street parking required in Commercial, Multi-family, Industrial, or Mixed Use Districts shall be located on land owned by the owner or owners of the principal use it is intended to serve except under the Off-Site Cooperative Agreement or Shared On-Site Parking described in 7.2.7 and 7.2.8.

C. Off-street parking for RV Parks, Mobile Home Parks and/or Fishing Camps or Marinas offering overnight facilities shall be on or adjacent to the residential facility or pad. Additional parking for restaurants or other accessory facilities may be provided for in a separate parking area.

D. The parking of all motor vehicles shall be confined to established, defined non-vegetated parking areas such as driveways or designated parking areas. Parking of motor vehicles in non-designated portions of yards shall not be permitted on a permanent basis, unless screened from view.

E. All off-street parking required shall be provided in a zoning district which permits the principal use proposed to be served by the parking, except that an ancillary parking lot for certain uses may be permitted as a conditional use in Residential Districts upon approval by the City Council.

7.2.7 Off-Site Cooperative Parking

A. Off-street parking for other than residential use shall be either on the same lot or within four hundred (400) feet of the building or complex it is intended to serve. The distance shall be measured from the nearest building within the complex to the nearest point of the off-street parking lot, without crossing any major thoroughfares.

B. Places of worship may establish agreements with other facilities whereby parking lots within five hundred (500) feet are shared; provided that there is no conflict in parking demand and provided parishioners are not required to cross any major thoroughfares. The place of worship must provide fifty percent (50%) or more of the required parking on-site.

C. The owners or lessee of all properties involved in such situations must enter into a formal agreement or lease of five (5) years or longer in duration stating the hours of use and the terms of the agreement. A notarized copy of the formal agreement or lease shall be furnished to the Planning Director at the time of site plan review.

D. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Article.

7.2.8 On-Site Shared Parking or Combined Parking Lots

Developments that contain different types of uses which may have different peak parking hours and which are located within the same development or on the same parcel may share off-street parking thereby reducing the number normally required.

A. An application for approval of a cooperative parking plan shall be filed with the Planning Director by the owner(s) of the development site and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided.

B. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common.

C. In the future, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with the number of off-street parking spaces required.

D. The following methodology shall be used to calculate the number of parking spaces required:

1. Determine the minimum parking requirements in accordance with Table 9 for each land use as if it were a separate use;

2. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (E) of Table 10.

3. Calculate the total for each time period; and

4. Select the total with the highest value as the required minimum number of parking spaces.

Table No. 10: Schedule of Shared Parking Calculations

General Land Use Classification	Weekdays		Weekends		All days 6:00 pm-Midnight
	A	**B**	**C**	**D**	**E**
	Daytime: 9 a.m. – 4 p.m.	**Evening: 4 p.m. – midnight**	**Daytime: 9 a.m. – 4 p.m.**	**Evening: 4 p.m. – midnight**	
Office and Industrial	100	100	19	5	5
Service/Retail	60	90	100	5	5
Mixed Use Residential	80	100	100	100	85
Restaurant	100	100	100	10	10 percent
Hotel/Motel	75	100	75	75	10 percent
Entertainment	40	100	80	100	10 percent

SECTION 7.3: Accessible Parking for Physically Disabled Persons

7.3.1 Number of Accessible Spaces Required

A. Non-residential Uses

All parking lots for non-residential uses shall provide the specific number of accessible parking spaces in accordance with Table No. 11. Such spaces shall be level, marked as described in Section 7.4 and identified by above grade signs in accordance with Section 7.4.

Table No. 11: Number of Accessible Spaces Required					
Total Parking Spaces in Lot	**Minimum Number of Required Accessible Spaces**	**Minimum Number of Van Accessible Spaces**	**Total Parking Spaces in Lot**	**Minimum Number of Required Accessible Spaces**	**Minimum Number of Van Accessible Spaces**
1 to 25	1	1	201 to 300	7	1
26 to 50	2	1	301 to 400	8	2
51 to 75	3	1	401 to 500	9	2
76 to 100	4	1	501 to 1000	2 percent of total	1 out of every 8 of required accessible spaces
101 to 150	5	1	1000 and over	20 plus 1 for each 100 over 1000	
151 to 200	6	1			

B. Multi-family dwellings.

Multi-family dwellings containing four (4) or more dwelling units shall provide accessible parking spaces as follows:

1. Two percent (2%) of the dwelling units must be provided with handicapped accessible parking.

2. Designated accessible parking space must be provided for facilities that serve community facilities and clubhouses

C. Location.

Accessible parking spaces must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path. If possible, the spaces shall be located so that handicapped persons are not required to cross a driving aisle or road.

SECTION 7.4: Parking and Loading Design Standards

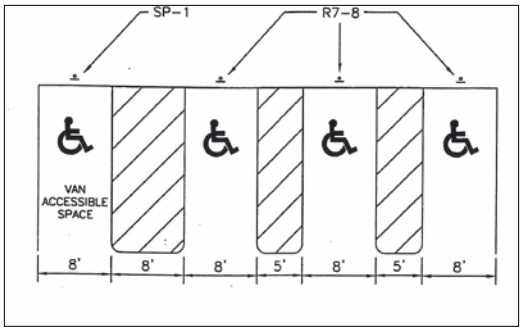
7.4.1 Size of automobile parking spaces and Handicapped Signs

A. Non-Handicapped spaces

Parking stalls shall be in accordance with Table No. 12. A four-inch stripe “hair-pinned” or looped line painted on the pavement, with a minimum of 12-18 inches between the looped lines is required. The width of the parking stalls shall be measured center to center of the hair-pinned lines.

B. Handicapped Spaces and Signs

Spaces reserved for handicapped persons shall be at least nine (9) feet wide with an adjacent six (6) foot pedestrian access aisle. The pedestrian



aisle width shall increase to eight (8) feet for van-accessible stalls. Parking spaces for the handicapped shall meet federal ADA guidelines and shall be marked by signs that meet “Manual of Uniform Traffic Control Devices” (MUTCD) standards. Such signs shall be mounted between fifty-four (54) inches and sixty-six (66) inches high and on a permanently anchored pole or an exterior wall of the buildings. The curb and striping shall be blue for easy identification.

C. Minimum Parking Space Dimensions

Table No. 12: Minimum Parking Stall Width and Depth		
Parking Angle	Minimum Stall Width	Minimum Stall Depth
45 degree	9’	12.7’
60 degree	9’	20’
90 degree	9’	20’
Parallel	8’	22’

7.4.2 Width of traffic lanes between parking aisles

Widths between parking rows shall be in accordance with Table No.13.

Table No. 13: Traffic Lane Width between Stalls		
45 degree	Two-way	26 feet
45 degree	One–way	15 feet
60 degree	Two-way	26 feet
60 degree	One-way	18 feet
90 degree	Two-way	26 feet
90 degree	One-way	26 feet

7.4.3 Curbing and Wheel Stops

All parking areas, loading areas, and other vehicular use areas shall be surrounded by a raised sidewalk, curb, or wheel stops to prevent vehicular access to grassed/landscaped areas.

SECTION 7.5: Off-street loading and unloading space.

Off-street space for all commercial and industrial uses and any other use involving the receipt or distribution of merchandise or other material on a regular basis is required for the loading and unloading of vehicles and for vehicles temporarily stopped while waiting to be unloaded or serviced. Loading and unloading spaces shall be provided on the premises of the use served and shall have access to a public street or alley.

A. Retail business

One (1) space of three hundred (300) square feet in size per location and one (1) space of three hundred (300) square feet in size for each three thousand (3,000) square feet of floor area.

B. Wholesaling and industry

One (1) space of five hundred (500) square feet in size per location or one (1)

space of five hundred (500) square feet in size for each ten thousand (10,000) square feet of floor area, whichever is the greater.

SECTION 7.6: Vehicle Stacking Areas

7.6.1 Required Stacking Spaces

All drive-in and drive-through facilities shall provide vehicle stacking in accordance with Table No. 14 below.

Table No. 14 Vehicle Stacking Requirements	
Activity Type	**Minimum Number of Stacking Spaces**
Automated Teller Machine	2 per machine
Bank Teller Lane	4 per teller or window
Car Wash, Automatic	15 per bay at entrance 1 per bay at exit
Car Wash, Self Service	4 per bay at entrance 1 per bay at exit
Day Care Center, Commercial	10 on each driveway
Dry Cleaning	2 per window
Gasoline Pump Island	2 at each end of the pump island
Pharmacy or other Retail Sales	4 per window service
Photo Processing	2 per window
Public Uses such as Utilities Pay Window	2 per window
Restaurant, Fast Food	4 behind menu board 4 behind first window

7.6.2 Design and Layout of Stacking Spaces:

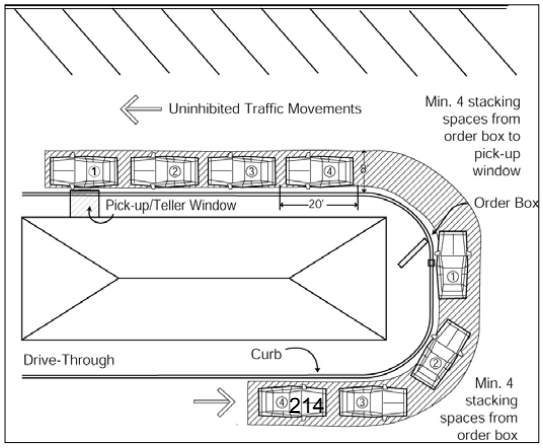
Required stacking spaces are subject to the following design and layout standards.

A. **Size:** Stacking spaces must be a minimum of eight (8) feet by twenty (20) feet in size.

B. **Location:** Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

C. **Design:** Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Planning Director for traffic movement and safety.

D. **Vehicular Traffic Flow:** Shall be in accordance with the exhibit below:



SECTION 7.7: Driveways and Access Specifications for Multi-family, Commercial, Industrial and Civic Uses

A. Vehicular access to property is allowed only by way of driveways. No other portion of the lot frontage may be used for vehicle ingress or egress, nor may any parking area or access drive be arranged in such a way as to require vehicles to back directly onto a street. All driveway cuts must be approved by the City.

B. There must be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with street traffic.

C. Provisions for circulation between adjacent commercial parcels should be provided through coordinated planning or cross access agreements.

D. Driveways shall intersect the street at right angles.

E. Direct access to an arterial street is prohibited except when the subject property has no other reasonable access to the street.

7.7.1 Number of Driveways Permitted for Multi-Family, Commercial, Industrial and Civic Uses

The number of driveways for multi-family, commercial, industrial and civic uses shall be based on the type of development and the amount of street frontage**.** Table No. 15 shows the acceptable number of driveways for these uses.

Table No. 15: Number of Driveways for Multi-family, Commercial, Industrial and Civic Uses

Lot Frontage	Maximum Number of Driveways
Less than 75 feet	1
75 – 149 feet	1 *
150 – 299 feet	2
Each additional 300 feet	1
**Gasoline service stations and other establishments where service is normally provided to customers without the patron leaving the vehicle may have two (2) driveways if separated by a distance equal to the width of the widest driveway.*	

7.7.2 Minimum Distances between Driveways

Width regulations and minimum radius for driveways serving multi-family, commercial, industrial and civic or quasi-public uses shall be in accordance with Table No. 16

Table No. 16: Additional Driveway Specifications for Multi-Family, Commercial, Industrial and Civic

Driveway			Driveway Width Regulations		
Functional Classification of Street	**Minimum Distance Between Driveways on Same Lot**	**Minimum Distance to Intersection**	**Minimum**	**Maximum**	**Minimum Radius**
Local	20 feet	40 feet	24 feet	35 feet	25 feet
Collector	20 feet	40 feet	24 feet	35 feet	25 feet
Arterial	30 feet	50 feet	28 feet	44 feet	25 feet

SECTION 7.8: Driveways for Single-Family and Two-Family Residential Uses

Vehicular access to property is allowed only by way of driveways. No other portion of the lot frontage may be used for vehicle ingress or egress. All driveway cuts must be approved by the City.

7.8.1 Number of Driveways Permitted for Single-Family and Two-Family Uses

Single-family residential uses are allowed one driveway per dwelling and one (1) curb cut per dwelling except that in certain circumstances additional driveways or a circular driveway may be permitted subject to approval of the Planning Director.

A. Additional Driveways Permitted

Lots which are sixty (60) feet or greater in width may be permitted one (1) additional driveway for access to recreational vehicle or boat parking areas or other permitted uses. Such driveways shall be a maximum width of ten (10) feet and shall be located on the opposite side of the lot from the main driveway or in the case of a corner lot may be permitted access on the side of the lot facing the street.

B. Circular Driveways

Lots which are one hundred (100) feet or greater in width or which need additional access due to excessive traffic may be permitted a circular driveway with the approval of the Planning Director.

7.8.2 Driveway Dimensions for Single-Family and Two-Family Uses

A. Minimum Width

The minimum width for a single car driveway shall be nine (9) feet and for a two (2) car driveway shall be twenty (20) feet.

B. Additional Driveway Specifications for Single-Family and Two-Family Uses

Additional specifications for such driveways shall be as follows in Table No. 17.

Table No. 17: Driveway Specifications for Single-Family and Two-Family Residential Uses

Lot Widths	Maximum Width of Driveway	Minimum Radius*
50 feet or less	20 feet	5.5 feet
50 – 60 feet	24 feet	5.5 feet
60 – 74 feet	30 feet	5.5 feet
75 feet or greater w/2 car garage	30 feet	5.5 feet
75 feet or greater w/3 car garage	36 feet	5.5 feet

** Radius shall not extend past the property line, unless written consent is obtained from the owner of the adjacent lot upon which the radius encroachment will occur.*

C. Driveway Turnaround Requirement: Lots that front on a major or secondary arterial and/or where driveways exceed eighty (80) feet in length shall provide a turnaround to allow vehicles to exit property in a forward direction.

D. Emergency Vehicle Turn-around Requirement: Where the farthest point of a structure is located one hundred fifty (150) feet or more from the point of street access, a turnaround area shall be provided which will accommodate the turning radius of fire protection vehicles, unless otherwise waived by the Fire Marshall.

SECTION 7.9: Pedestrian Facilities for Infill Development

New or substantially improved development in developed areas such as commercial, industrial, mixed use, multi-family districts, or any newly subdivided lands, shall be required to provide pedestrian facilities for the convenience of customers and the public.

7.9.1 Sidewalks

A. Along the perimeter: See Section 7.14.

B. Across Driveways: Where a sidewalk intersects a driveway to the property or development, the sidewalk will not be required to cross the driveway, provided that appropriate handicapped access ramps are provided on either side of the driveway access.

C. Connecting perimeter sidewalks with building entrances: Parking lots adjacent to a public street with existing sidewalks shall include a pedestrian point of entry and clear and safe access for pedestrians from existing sidewalks to the entrances of the building.

D. Connecting parking lot with building entrances: A sidewalk shall be provided as a part of required divider medians. *(See Article XI; Section 11.6.2.E Interior Vehicular Use Areas (3 and 4).*

E. Specifications

1. Internal or private sidewalks which are part of a divider median or which provide access from parking lots to store fronts shall be a minimum of four (4) feet in width.

2. Pedestrian walkways or sidewalks in parking lots shall be constructed of concrete, stamped or colored concrete, stone, or brick pavers or exposed aggregate.

3. All sidewalks shall be in compliance with ADA requirements.

7.9.2 Crosswalks

Crosswalks shall be provided both internally and externally to the development as identified by the City Consulting Engineer.

A. Public crosswalks: Public crosswalks shall be striped in conformance with the latest edition of the *Manual on Uniform Traffic Control Devices.*

B. Internal Crosswalks: Internal Crosswalks on private property shall either be delineated by white, reflective pavement striping or by materials of a different color and texture from the surrounding parking lot and coordinated to the color scheme of the development.

SECTION 7.10: Fire Lanes

Every non-residential use shall provide access for fire vehicles and emergency apparatus from a public street as follows:

7.10.1 Fire Lanes Required

Fire lanes shall be provided to any structure which is thirty-five (35) feet or less in height and is located one hundred fifty (150) feet or more from the nearest street right-of-way. When the structure exceeds thirty-five (35) feet in height, a fire lane shall be provided if the structure is fifty (50) feet or more from the nearest street right-of-way. The Fire Chief or Fire Marshall for the City of Gautier may require a fire lane to any part of any building which in their opinion has special characteristics that may inhibit rapid, effective fire extinguishment.

7.10.2 Requirements for Fire Lanes

Fire Lanes shall comply with the following requirements:

A. The fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times.

B. Signs shall be erected prohibiting the parking or standing of motor vehicles within the fire lane.

C. Fire lanes shall be a minimum of twenty (20) feet in width.

D. The fire lane shall be constructed of a surface able to support the load of the fire apparatus.

E. Vehicular access shall be provided along the rear of all buildings for emergency access purposes, unless waived by local authority based on special circumstances.

SECTION 7.11: Construction Specifications and Required Maintenance

A. Drainage, Maintenance, and Containment

All parking facilities and access for all residential, commercial and industrial uses shall be properly drained to prevent ponding; shall be maintained free of trash and rubbish; and the surfacing material must be contained and maintained so as not to deposit on public rights-of-way.

B. Commercial and Industrial Parking and Access

Commercial and industrial parking facilities and access shall be asphalt, concrete, and brick/concrete pavers. Parking facilities and access may be of crushed limestone or similar material only upon approval of the Technical Review Committee (TRC), unless a plan meeting the requirements of “Other Designed Option” (below) is provided.

C. Residential Parking and Access

Except as required by subdivision regulations, subdivision plat approval or otherwise for newly platted subdivisions, residential parking and access shall be asphalt, concrete, or brick/concrete pavers. Residential parking and access may be crushed limestone, gravel and road millings only upon approval of the Technical Review Committee (TRC), unless a plan meeting the requirements of “Other Designed Option” (below) is provided.

D. Confinement from Public Roadway

Any such driveway or private lane that exceeds ~~ten~~ fifteen (15) feet that is surfaced with limestone, road millings, gravel, or other suitable material shall surface the first (15) feet of access with asphalt, concrete, or brick/concrete pavers so as to insure proper containment.

E. Other Designed Options

Other designs and materials may be used if the plan is stamped/signed by a design profession registered in the State of Mississippi which allows for any other contingent to be addressed based on the design professionals recommendations.

F. Surface Suitability

Paved surfaces shall be designed specifically for anticipated traffic such as cars, trucks, garbage trucks, fire apparatus, etc.

SECTION 7.12: Traffic Impact Analysis

7.12.1 Traffic Impact Analysis (TIA) required

The City of Gautier may request a traffic impact analysis study at the expense of the owner or developer as part of an application for rezoning, conditional use, subdivision or at the time of an application for a Building Permit when:

A. When trip generation during any peak hour is expected to exceed one hundred (100) trips, based on traffic generation estimates of the Institute of Traffic Engineering's Trip Generation Manual, unless local trip generation data demonstrate a higher trip rate;

B. When the original traffic impact analysis is more than two (2) years old, or where increased land use intensity will result in an increase in traffic generation; or

C. Whenever required or authorized elsewhere in this Unified Development Ordinance.

7.12.2 Implementation of TIA recommendations

Recommendations to alleviate traffic congestion within the traffic impact analysis shall be required as a condition to the rezoning, conditional use approval, site plan review approval or preliminary plat approval and shall be so indicated as a part of the site plan or in a separate document if required improvements are off-site.

SECTION 7.13: Exterior Lighting Standards

A lighting plan for all exterior lighting shall be prepared and submitted which complies with the following standards.

7.13.1 General Requirements:

A. Private streets, driveways, parking lots, walks and service areas shall be kept properly and adequately lighted at all times so that the area will be safe for occupants and visitors.

B. Lighting fixtures shall be compatible in style with the architecture of their associated buildings.

C. No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness.

7.13.2 Specific Standards:

A. All luminaries shall be the "cut-off type" luminary, with elements such as shields, reflectors, or refractor panels which direct and cut-off the emitted light at a specific angle. All luminaries shall have a cut-off range of ninety (90) degrees or less.

B. All exterior lighting fixtures shall be high pressure sodium, metal halide, or L.E.D fixtures.

C. Lighting levels should be as even as possible, not exceeding an average of 1.0 foot candle for commercial developments and 0.4 foot candles for residential developments, provided that such lighting does not cast light beyond the property's boundaries.

D. Lighting fixtures within commercial and multi-family developments, whether mounted upon a building or upon a light standard, shall not exceed twenty-five (25) feet in height. Lighting fixtures within industrial developments may exceed twenty-five (25) feet in height except in those instances where the subject property adjoins residentially zoned property.

SECTION 7.14: Sidewalks

Every new residential subdivision and commercial/industrial/etc. construction project shall install or cause to have installed a sidewalk within the right-of-way area or easement adjoining the property to be developed, unless an existing sidewalk meeting the City's standards is in place or approval is granted otherwise by the Planning Director. The sidewalk shall extend the entire length of the property along roadways.

Sidewalks shall be constructed within the dedicated non-traffic way portion of the right-of-way or adjacent easement to the public street.

All sidewalks shall be concrete or other suitable materials as approved by the Public Works Director and a minimum of four (4) inches in thickness, sloped toward the roadway and have a minimum of two (2) foot grassed or landscaped median area (amenity area) separating the sidewalk and the adjacent curb, unless otherwise approved by the City. Sidewalks abutting arterial streets shall be a minimum of eight (8) feet in width and a minimum of five (5) inches in thickness. All sidewalks shall be handicapped accessible.

7.14.1 Sidewalk Exemption

Construction projects for existing developed properties are exempt from the requirement to install a new sidewalk if all work performed within a twelve (12) month period meets the following criteria:

A. Work to building(s) does not exceed fifty (50%) percent of the assessed value of the building(s); <u>and</u>

B. Value of all sitework does not exceed twenty ($20,000) thousand dollars.

SECTION 7.15: Setbacks for Gasoline Pumps and Canopies

7.15.1 **Canopies for Gasoline Pumps**: The leading edge of canopies shall be a minimum of ten (10) feet from any property line.

7.15.2 **Gasoline Pumps**: Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any property line.

ARTICLE VIII: ARCHITECTURAL STANDARDS

SECTION 8.1: Intent, Purpose and Applicability

8.1.1 Intent and Purpose

The purpose of establishing criteria for architectural design and exterior treatment of buildings is to better insure quality construction which contributes to a community image of permanence, stability and visual aesthetics while preventing the use of materials or building standards that contribute to depreciation of property values or cause blight. The intent of these standards is to ensure coordinated design of building facades, additions to buildings, and accessory structures. For determining compatibility, the Technical Review Committee shall refer to the following standards and the illustrations within the "Gautier Architectural Handbook".

8.1.2 Applicability, Exceptions and Variances

A. Applicability

Architectural Standards in this section shall apply to the exterior of commercial, mixed use and multi-family buildings which are new construction; substantially remodeled buildings and/or buildings rebuilt or maintained after destruction equal to or exceeding fifty percent (50%) of the appraised tax value as appraised by the Jackson County Tax Assessor. Governmental buildings are exempt from the Architectural Standards in this section.

B. Exceptions

In the case of remodeled or rebuilt buildings, the existing appearance of adjacent buildings and the constraints of the sites shall be considered to insure visual harmony and consistency.

C. Variances

Requests for variances shall be considered in accordance with *Article IV.*

SECTION 8.2: General Requirements

The following general requirements are applicable to all sites.

A. **Building Orientation**: The main entrance of a building shall be oriented toward the primary street. Secondary entrances may be oriented toward side streets. Orientation of the primary entrance toward the rear of the property is prohibited.

B. **Building and Site Harmony:** All buildings on the same site or part of a unified development shall be harmonious in architectural style, color, building materials and landscaping. Whenever possible, the character and scale of materials used in the building should be used for pathways, courtyards and areas directly surrounding the building to contribute to a cohesive and integrated image of the development.

C. **Building Configuration**: Buildings on the same site should be arranged to complement one another as well as have a pleasing street appearance and orientation to one another. Landscaping, sidewalks and crosswalks as well as pedestrian areas are required.

D. **Prominence of Corners**: Buildings, rather than parking or drive-through facilities, should be placed on the corner of intersections to frame the corner and create interest.

E. **Maintenance of Certain Finishes:** If materials are used that require regular refinishing such as wood or stucco, a maintenance program may be required at the time of application for architecture review.

SECTION 8.3: Building Design and Materials

8.3.1 General

Building design should provide a sense of permanence and timelessness. Building materials should suit the architectural style of the building, and should be consistent or complimentary throughout the structure or entire development. Exterior finishes exhibiting quality of workmanship, sustainability and ease of maintenance are recommended.

8.3.2 Classes of Material.

Materials in order of preference are listed in Table No. 18 below:

Table No. 18: Classes of Building Material	
Class 1—Preferred ***At least 25 percent of building façades should use one of these materials.***	• Brick • Natural Stone • Split face block • Specialty Integral Colored Concrete Block (including textured, burnished block, rock face block)
Class 2 ***These materials can be used with Class 1 materials to constitute at least 65 percent of building facades.***	• Masonry Stucco • Architecturally textured concrete precast panels • Limestone • EIFS or Drivet • Vertical Board and Batten Stone
Class 3 **May be used for rear facades only and some industrial buildings.**	• Industrial grade concrete precast panels • Smooth concrete • Scored concrete • Wood (but not plywood)
Accent Materials	• Wood • Glass

8.3.3 Facade Articulation

A strong articulation of building facades is required. Facades should provide elements of architectural scale and proportion that relate to the human scale of the pedestrian environment.

A. Building Façade Articulation

1. Buildings shall have three (3) clearly identifiable sections:

a. A base or ground level which should contain elements that relate to the human scale such as windows, doors, awnings, canopies, a contrasting base or plinth course.

b. A body forming the majority of the structure, and

c. A cap created by the roofline or parapet.

2. Other architectural elements which may be used to help accomplish delineation of building sections include:

a. Lintels

b. Moldings

c. Fascia

d. Cornice

e. Arches

f. Bays

g. Porches

B. Building Massing

Residential buildings shall have a maximum of fifty (50) feet of an unbroken façade plane; commercial and office uses shall have a maximum of sixty (60) feet. The façade of any building that exceeds these maximum distances shall be interrupted through the use of projections or recesses, portals, courtyards, plazas or other appropriate architectural convention. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet.

C. One (1) Story Buildings. One (1) story buildings shall be designed to convey an impression of greater height in relation to the street by using pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to convey the impression of a two (2) story building.

8.3.4 Entrances

A. Primary building entrances must be clearly defined and emphasized by using architectural features, height, canopies, awnings.

B. All building entrances shall be covered by porches, porticos or vestibules integral to the design of the building to protect patrons from weather.

C. All entrances shall be lighted to provide security.

D. Sidewalks in front of businesses that operate after dark shall be lighted in such a manner that will provide easy access to the building.

8.3.5 Door and Window Openings

Designs should make use of windows and doors to add to the aesthetic appeal of the building.

A. Dimensional Requirements: Windows shall be provided on the ground floor of the primary façade of all buildings that have public activity and along with doors shall be in accordance with the ratios given below:

1. In retail structures windows, doors, and display windows shall comprise a minimum of fifty percent (50%) of the entry façade of the ground floor area.

2. In office buildings, windows and doors shall comprise a minimum of twenty-five percent (25%) of the total facade.

3. In mixed use buildings, windows, doors and display windows shall comprise a minimum of fifty percent (50%) of the façade of the ground floor area and twenty-five percent (25%) of the façade area of upper floors.

4. In institutional facilities and adaptive use buildings, window and door surface requirements shall be determined on a case by case basis.

5. In multi-family residential units windows shall be in accordance with required building code standards.

B. Type of Glass and Glazing:

1. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Views shall not be blocked by equipment.

2. Faux glazing and reflective glass is not permitted.

C. Window Design and Facing:

1. Window shape, size and patterns shall emphasize the intended organization of the façade

2. Windows shall be emphasized by using one (1) or more of the following:

   a. Exterior window trim.

   b. Awnings, canopies or other architectural elements.

   c. Recessed or projected windows.

8.3.6 Exterior Colors of Façade

Colors of faces and accents such as trim and doors shall be coordinated to achieve a visually attractive presentation.

A. One (1) color shall be selected for the main surface of the building which should be a neutral color such as an earth-tone (brown, taupe, beige or gray); or a light pastel or white. The main color shall integrate harmoniously with accent colors and masonry material.

B. Accent colors should offer some contrast and can be darker, lighter, brighter or richer than wall colors. The main consideration in choosing accent colors shall be compatibility with the wall color. A maximum of two (2) accent colors is allowed per building.

C. Colors of regional or national franchised businesses may be used with the permission of the Technical Review Committee and the Architecture Review Ad Hoc members provided they fit in contextually with surrounding businesses.

D. Florescent colors are prohibited on all exterior surfaces.

E. Each building is allowed to have a maximum of three (3) colors, excluding unpainted natural stone, brick, and roof materials or natural appearing substitutes.

8.3.7 Roofs, Cornices and Parapets

A. Types of Roofs Permitted

1. Roof shape should be appropriate for the architectural style of the building and consistent or compatible in mass and height to adjacent buildings or buildings within the same development.

2. Pitched or sloped roofs are preferred.

3. Flat roofs are permitted; however long expanses of flat or parapet roofs shall be articulated and interrupted with elements such as gable sections at entrances or a delineated cornice.

B. Prohibited Roofs, canopies and awnings

1. False mansard canopies.

2. Backlit awnings used as a part of a mansard or canopy roof.

3. Plastic, fiberglass, glass or metal visible to the public.

C. Roof Materials and Colors

1. Roof materials and colors should complement the building materials. On sloped roofs a single roofing color and material is recommended for visual continuity.

2. Preferred roofing materials are enameled standing seam metal, flat tiles of concrete or clay, or copper metal.

3. Wood textured composition shingles and architectural shingles may be considered especially for small structures.

D. Roof Top Appurtenances and Equipment.

With the exception of fire place chimneys or smoke stacks, no appurtenances or equipment such as signs, antenna, satellite dishes, and air conditioning equipment shall project above the roof line.

SECTION 8.4 Fencing and Mechanical Equipment

A. Fencing

1. Fences shall be composed of materials similar to the main structure and complement building design through materials, color, shape and size.

2. No barbed wire or razor wire shall be permitted.

3. In commercial districts chain link fence or similar elements shall not be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

B. Mechanical Equipment

1. Mechanical equipment shall not be visible from adjacent streets and pedestrian walks.

2. Ground level mechanical equipment shall be screened with opaque fencing and landscaping.

3. If roof equipment is necessary, such equipment shall be screened from public view with parapets or other architectural elements that are in context with the overall building design and which do not appear to be an ancillary structure or structure installed specifically for the purpose of screening unsightly equipment. Whenever possible, parapets should be used to screen rooftop mechanical units.

ARTICLE IX: PROCEDURES FOR SUBDIVISION OF LAND

SECTION 9.1: Purpose

9.1.1 Purpose

The purpose of this and the following Sections is to provide a uniform process for the division of certain tracts, which may consist of a single lot of record or aggregated lots of record, into lots of record for development and to ensure the availability of supporting infrastructure through either Minor Subdivision Review or Major Subdivision Review.

The purpose of these regulations is to promote and protect the public health, safety and general welfare of the City of Gautier by:

A. Establishment of reasonable standards of design and procedures for the subdivision of land;

B. Ensuring that adequate public facilities and services are available concurrent with development and insure sufficient capacity to serve the proposed development;

C. Preventing and controlling erosion, sedimentation and other pollution of surface and subsurface waters;

D. Ensuring for the adequate provision of transportation, water, sewage, stormwater management, and other public facilities;

E. Promoting the wise use, development, conservation and protection of the soil, water, wetland, and natural resources;

F. Providing for open spaces through the most efficient design and layout of the land;

G. Providing opportunities for public input by establishment of predictable procedures and public meetings for review of certain development;

H. Protecting the public from inadequate, inferior and unsafe development;

I. Preventing overcrowding of land and avoiding undue concentrations of population;

J. Conserving the value of existing buildings.

K. Protecting existing neighborhoods, preventing their decline, and promoting their livability.

9.1.2 Applicability

A. No person shall divide any parcel of property into two (2) or more parcels without complying with the provisions of this section.

B. No lot proposed to be created shall be sold or offered for sale until a Plat has been approved by the appropriate City staff or board and recorded with the Office of the Chancery Clerk of Jackson County.

C. It shall be unlawful to offer and cause to be recorded any plan, plat, or replat of land within the City with the Chancery Clerk of Jackson County unless the same bears the endorsement and approvals of authorized City representatives in accordance with these regulations.

D. It shall also be unlawful to offer and cause to be recorded a deed creating a division of land within the City with the Chancery Clerk or any other department of the County, unless the same bears the endorsement and approval of authorized City representatives in accordance with the regulations.

SECTION 9.2: Pre-Application Process

9.2.1 Pre-Application Conference

Whenever a new or replatted subdivision located within the City is proposed, the applicant is recommended to schedule a pre-application conference with the Planning Department. The conference should be attended by other city staff as needed. The purpose of the Pre-application Conference is to assure that the applicant is familiar with the City's overall land development regulatory process, to assist the applicant in determining those reviews and approvals required for this project, to develop an anticipated timeline for such review and approvals, to call the applicant's attention to applicable standards as identified in the ordinances and regulations, and to give the City an opportunity to explore and comment on the scope and impact of the project.

The applicant is encouraged to bring any information available regarding the location of the proposed subdivision, existing surveys, pictures, sketches, the number of lots, any known environmental concern areas (such as wetlands), locations for roadways and utilities, etc. The applicant is cautioned to not put too many resources into the project until after the Pre-Application Conference.

Upon receiving input from the City staff, if the applicant wishes to proceed, he should proceed with either the Minor Subdivision Process or the Major Subdivision Process, as applicable. If applicable, the Master Development Plan process may proceed congruently with the Subdivision Process.

9.2.2 Determination of Minor or Major Subdivision

A Minor Subdivision is a division of land that meets all of the following conditions:

A. It does not require construction, expansion, or improvement of any public infrastructure other than sidewalks; and

B. It does not require dedication to the City of any public infrastructure, right-of-way, or land; and

C. All lots or parcels resulting from the subdivision are adjacent to a publicly maintained street which is in existence at the time of the proposed subdivision of the parcel; and

D. All lots or parcels resulting from the subdivision have access to public water and sewer facilities, if provided to the area by the City. If public water and sewer facilities are not yet provided to the area by the City, then every resulting lot must have the potential (by means of size and geological characteristics, or by access to existing facilities) for resolving all water access and sewage disposal issues (if appropriate for its zoning classification and proposed use).

E. The future development of the parcels from the subdivision of land will not impact traffic, the fire protection/potable water system, the sanitary sewer system, or public safety services.

F. A Master Development Plan is not required.

All other division shall be considered Major Subdivisions.

SECTION 9.3: Minor Subdivision Process

9.3.1 Application

Applications for a Minor Subdivision may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals. Submittals for review may be on standard paper (in lieu of recording media) and do not need to be stamped/signed by the engineer until final submittals are requested.

The Minor Subdivision Plat may consist of survey certified by a professional engineer or survey registered in the State of Mississippi.

9.3.2 Criteria for Approval

Minor Subdivision Review shall be made in accordance with the following standards:

A. The resulting lots will conform to and comply with all applicable requirements of the zoning classification in which they are located, including minimum lot size;

B. The future development will not impose substantial impacts to traffic, utilities, or drainage;

C. The resultant of this division will be considered a Minor Subdivision in accordance with Section 9.2.2;

D. The future development will not create area overcrowding of land or undue concentrations of population;

E. The future development will conserve or improve the value of existing buildings;

F. The future development will not cause decline of existing neighborhoods; and

G. The future development will promote neighborhood livability.

9.3.3 Staff Review

Once the application and submittals are received, staff will review the documents and provide comments if needed. The application cannot proceed until all the staff comments have been addressed.

There are no Public Notice requirements for a Minor Subdivision.

9.3.4 Final Submittals

Once all the comments have been addressed, the applicant may submit the final original Plat which are certified by a professional engineer or surveyor registered in the State of Mississippi. The plats shall meet the recording requirements of the Jackson County Chancery Clerk. The applicant shall submit the proper number of originals to the City to satisfy the County's requirements, provide the applicant with the number of originals needed, and provide the City with two (2) mylar originals.

The City Clerk will obtain all necessary signatures and will notify the applicant when the Final Plats are ready for recording.

9.3.5 Recording of Plat

After receiving City approval and all needed City signatures on the final plats, the developer is required to record the minor subdivision plat/survey and deed of conveyance creating the Minor Subdivision in the official county records of Jackson County, at no expense to the City. After recording, two (2) mylar originals and one (1) digital copy of the recorded plat shall be delivered to the Planning Department.

A copy of the recorded final Plat will be retained in the Planning Department.

SECTION 9.4: Major Subdivision Process – General

The general process for Major Subdivision Approval includes the following steps:

A. Preliminary Plat Approval
B. Infrastructure Approval & Installation
C. Final Plat Approval

SECTION 9.5: Major Subdivision Preliminary Plat Process

9.5.1 Application

Applications for a Major Subdivision may be filed on the appropriate application available from the Planning Department and shall include all requested information, attachments, and submittals. Information for Preliminary Plat Review is conceptual in nature and do not require detailed construction plans and specification. Check with the Planning Department before submittals are generated to determine the requirements. A Master Development Plan shall

accompany the Application if applicable to the Project. Master Development Plans are discussed further in this Section.

9.5.2 Staff Review

Once the application and submittals are received, staff will review the documents and provide comments if needed. The application cannot proceed until all the staff comments have been addressed.

9.5.3 Criteria for Approval

Major Subdivision Review shall be made in accordance with the following standards:

A. The proposed division will conform to the standards set forth in Article X; and

B. The proposed division is consistent with any approved or proposed Master Property Development Plan, if applicable; and

C. The resulting lots, blocks, and right-of-way widths, and other features will conform to the applicable minimum requirements set forth in Article X; and

D. The resulting lots will conform to and comply with all applicable requirements of the zoning classification in which they are located, including minimum lot size;

E. The future development will not impose substantial impacts to traffic, utilities, or drainage;

F. The resultant of this division will be considered a Major Subdivision in accordance with Section 9.2.2;

G. The future development will not create area overcrowding of land or undue concentrations of population;

H. The future development will conserve or improve the value of existing buildings;

I. The future development will not cause decline of existing neighborhoods; and

J. The future development will promote neighborhood livability.

9.5.4 Planning Commission Review

Once all the comments are addressed, the application will be placed on the next available Planning Commission Agenda.

Refer to Article IV for Public Notice requirements for a Major Subdivision.

A public hearing on the proposed Major Subdivision shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against such amendments.

If a proposed Major Subdivision is determined by the Planning Commission to be in conformance with all applicable provisions of this ordinance, the Planning Commission shall recommend approval of the Preliminary Plat of the Major Subdivision to City Council. A determination by the Planning Commission that all applicable provisions have not been satisfied shall result in a recommendation of disapproval of the Preliminary Plat. In the case of minor deviations from the requirements of this ordinance, the Planning Commission may recommend approval of the Preliminary Plat subject to conditions.

9.5.5 City Council Review

Once the Planning Commission has rendered a recommendation, the application will be placed on the next available City Council Agenda.

The applicant may provide revised submittals as needed based on the Planning Commission's comments, if needed. Any revised documents will be provided along with the original Application that is provided to City Council.

The City Council shall have the power to approve, disapprove, or suggest modifications to the Preliminary Plat.

9.5.6 Effect of City Council Approval

Approval of the Preliminary Plat by the City Council shall have the following effects:

A. Approval of Preliminary Plat is only tentative pending submission of the Final Plat.

B. Approval of the Preliminary Plat does not constitute approval of subdivision infrastructure construction plans. The developer shall be responsible for obtaining approval of infrastructure construction plans and obtaining a permit from the Planning Department.

C. Approval of the Preliminary Plat shall be effective and binding upon the City for eighteen (18) months, and thereafter as long as work is actively progressing on installation of required improvements.

D. Receipt by the developer of the executed Approval of Preliminary Plat is authorization to proceed with the Major Subdivision Infrastructure Installation Process below.

SECTION 9.6: Major Subdivision Infrastructure Installation Process

Once Preliminary Plat Approval has been granted by City Council, the developer shall have construction drawings and other required submittals prepared and have improvements installed in accordance with this Section.

9.6.1 Pre-Submittal Meeting

Prior to construction drawing and other submittal preparation, the developer and project engineer shall meet with City staff to discuss the construction requirements. The meeting may be scheduled by the developer by contacting the Planning Department.

9.6.2 Submittal of Required Construction Documents

The developer shall submit three (3) complete full-size sets of construction drawings, specifications, and other required submittals of the proposed subdivision infrastructure improvements. The plans and specifications shall be prepared by a Professional Engineer licensed in the State of Mississippi.

9.6.3 Staff Review

Staff will review the submittals and provide comments. Once all comments have been addressed, a minimum of three (3) sets of plans and specifications shall be stamped/signed by the project Professional Engineer registered in the State of Mississippi and submitted to the City for a permit. Such plans shall be approved prior to construction of any type beginning in the subdivision. The plans and specifications shall be approved; and all outside agency permits/approval shall be obtained prior to a permit being issued for construction.

9.6.4 Preconstruction Conference

Once the developer has selected a contractor, a preconstruction conference shall be held. The developer or engineer shall coordinate the meeting and shall include City staff, the developer, the developer's project engineer, and utility company representatives providing utilities to the site.

Once the plans and specifications are approved; all outside agency permits/approvals have been obtained; the preconstruction conference has been held; the contractor has obtained the proper City licenses; and the proper fees have been paid in accordance with the City's Comprehensive Fee Schedule; the construction permit may be issued by the Building Official.

9.6.5 Construction

Once the construction permit has been obtained, the contractor may begin construction. The developer shall install all improvements in accordance with the approved construction drawings and this Ordinance.

The developer/engineer shall ensure the City is adequately advised of any/all activities to construct the project and shall endeavor to maximize the City's opportunity to observe the work.

The developer/engineer shall ensure the City receives all the required construction paperwork in a timely manner during construction, including material submittals, equipment cut sheets, test reports, stormwater reports, etc.

The engineer shall ensure any field changes are approved by the City and are documented in a timely manner on the "as-built" drawings.

The developer's engineer shall inspect the improvements as they are installed and certify that each improvement has been constructed in accordance with the approved plat, construction plans, and specifications and requirements of this Ordinance.

9.6.6 Construction Punchlist

The Building Official shall be notified and be present for the punchlist walk-through. Once the punchlist is generated by the developer/engineer, the list shall be provided to the City for review. Staff shall review and provide any missing comments on the draft punchlist. Any comments shall be incorporated into the punchlist prior to providing to the contractor.

9.6.7 Final Inspection

The City staff shall be notified when construction is complete, so a field inspection can be conducted of the completed work to verify that the required improvements have been properly constructed in conformity with the approved construction plans and specifications. Such a field inspection shall not relieve the developer of responsibility for any subsequent failure of the constructed improvements in whole or in part. The City will provide comments of any corrections needed. The comments will include any construction paperwork still required such as “as-builts”, product warranty information, owner’s manuals, outside agency final approvals, etc.

The Developer’s engineer shall furnish the appropriate City staff person or consultant with a certificate stating that all work has been completed in conformity with the approved construction plans and specifications.

9.6.8 Warranty

The developer shall warranty all improvements for two (2) years from the date of final plat approval by the City Council.

A Guarantee of Improvements shall be posted for the warranty period.

SECTION 9.7: Major Subdivision Final Plat Process

Once the Major Subdivision Infrastructure Installation Process is complete or an appropriate Guarantee of Improvements (refer to Article IV) has been posted and approved, the developer may proceed with the Major Subdivision Final Plat Process

9.7.1 Final Plat Initial Review

The applicant shall submit the “draft” Final Plat for review and any associated documents such as covenants or deed restrictions. Said Final Plat shall meet the requirements of the Jackson County Chancery Clerk’s recording requirements and be prepared by a Professional Engineer or Surveyor licensed in the State of Mississippi.

The plat for review may be on standard paper (in lieu of recording media) and does not need to be stamped/signed by the engineer until final submittals are requested.

The Final Plat shall agree substantially with the approved Preliminary Plat, construction plans, and other City requirements. The City staff may approve minor modifications of the approved Preliminary Plat provided such modifications are consistent with conditions or changes requested by the City Council. If the Final Plat is substantially different than the Approved

Preliminary Plat, the Planning Director may require the Final Plat be reviewed by the Planning Commission with a Public Hearing.

After the appropriate City departments have had the opportunity to confirm the accuracy and adequacy of the Plat and the applicant has remedied any identified deficiencies, the Planning Department shall place the Final Plat on the next available City Council Agenda.

9.7.2 City Council Review

There are no Public Notice requirements for a Major Subdivision Final Plat review.

The City Council shall have the power to approve, disapprove, or suggest modifications to the Preliminary Plat.

If the plat is found to substantially conform to the approved Preliminary Plat, the City Council shall approve the plat, and shall cause its approval to be entered on the plat as required.

If the plat is disapproved, the basis for disapproval of the Final Plat shall include:

A. A determination that acceptance of any lands or facilities proposed for dedication is not in the best interest of the City, as determined by the City Council in its sole discretion;

B. A determination that any proposed waiver recommended by the Staff is not in the best interest of the City or is not consistent with adopted plans and policies of the City;

C. Failure of the applicant to install improvements according to detailed plans and specifications as previously approved by the City staff or to provide the required Guarantee of Improvements for such improvements; or

D. Failure to comply with any written agreement or conditions of approval.

9.7.3 Plat Final Review

If City Council approves the Final Plat with changes, the applicant shall revise the plat accordingly and submit to the Planning Department for final review. Staff will provide comments if needed. The Final Plat shall not be finalized, signed, and recorded until all comments have been addressed.

9.7.4 Final Submittals & Signatures

Once all final comments have been addressed, the applicant may submit the final original Plats which are certified by a professional engineer or surveyor registered in the State of Mississippi. The plats shall meet the recording requirements of the Jackson County Chancery Clerk. The applicant shall submit the proper number of originals to the City to satisfy the County's requirements, provide the applicant with the number of originals needed, and provide the City with two (2) mylar originals.

Final Plat will not be signed until a Guarantee of Improvements for the Warranty period has been posted. Refer to Section 9.6.8 Warranty for additional information.

The City Clerk will obtain all necessary signatures and will notify the applicant when the Final Plats are ready for recording.

9.7.5 Recording

After receiving City approval and all needed City signatures on the Final Plat, the developer is required to record the major subdivision plat, the restrictive covenants, and any other pertinent agreements required by the City Council, in the official county records of the Jackson County Chancery Clerk's office at no expense to the City. After recording, two (2) mylar originals and one (1) digital copy of the recorded plat shall be delivered to the Planning Department.

A copy of the recorded Final Plat will be retained in the Planning Department.

9.7.6 Release of Guarantee of Improvements

If a Guarantee of Improvements for performance has been posted, the Guarantee shall not be released until all requirements have been met and an approved Guarantee of Improvements for the warranty period has been posted. Refer to Section 9.6.8 Warranty for additional information.

9.7.7 Post Warranty Review

Prior to expiration of the warranty Guarantee of Improvements, the City Staff shall inspect the Subdivision Infrastructure Improvements to verify compliance of the terms of the Guarantee prior to its release.

SECTION 9.8: Master Development Plan

9.8.1 Master Plans are required for the following types of development:

- **A.** Master Planned Community
- **B.** Phased Subdivision Development
- **C.** Subdivision Developments which deviate from the adopted design standards of the City
- **D.** Conservation Subdivision
- **E.** Traditional Neighborhood Development (involving Subdivision of Land)
- **F.** Cluster Development (involving Subdivision of Land)
- **G.** Planned Unit Development (PUD)

9.8.2. General Information Needed for Master Development Plan

The subdivider shall prepare and file with the Planning Director three (3) copies of the Master Plan, at least fifteen (15) days prior to review by the Technical Review Committee drawn at an appropriate scale. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). The Master Plan shall be prepared by a licensed professional(s) such as engineer(s),

architect(s), and landscape architect(s). The Master Plan shall be clearly marked, and shall show, or have attached thereto, the following data:

A. Name, address and contact information for property owner, developer(s), development engineer(s), architect(s), builder(s) and property manager(s).

B. Survey of existing property showing existing structures, utilities, protected trees, rights-of-way, easements and adjacent property use and zoning.

C. Map showing existing and proposed contour of land with cut and fill calculations.

D. Demolition plan for existing structures.

E. General Layout (site plan) of proposed development which shows lot dimensions; streets; alleys; utilities; easements; landscaping; table of proposed uses including type and number of housing units; square footages of proposed buildings; location of required off-street parking areas; civic uses and any other pertinent information.

F. General Landscaping and Buffering Design Plan.

G. Proposed phasing of project.

H. Any other information deemed pertinent by the applicant or requested by the City.

9.8.3 Specific Requirements and Procedure for a Planned Unit Development

A. Quality of Design Required

The proposed development must be designed to produce an environment of stable and desirable character which is in harmony with surrounding land uses and must provide standards for open space, landscaping, creative layout and facilities for traffic control, recreational facilities and adequate parking. Architectural harmony is required for all types of buildings.

B. Additional Information Required at Time of Application for a PUD

In addition to the requirements for a subdivision given in *Article 9.3.2*, applications for a PUD shall include:

1. Architectural renderings of all commercial, civic and multi-family uses proposed.

2. Architectural renderings and floor plans for examples of each different type of residential structure that is representative of each.

3. Draft of the legal instrument establishing the Homeowners Association and/or Restrictive Covenants.

C. Review by Planning Commission

The Planning Commission may impose conditions regarding density, lot sizes, lot size or arrangement, circulation and any other matters that will in their opinion improve the adequacy of the neighborhood or better protect adjacent areas.

After any required changes have been made to the Master Plan, Preliminary Plat or architectural design of buildings, the Planning Commission shall hold a final public hearing for the purpose of approval or denial of the PUD.

D. Effect of Approval by City Council

After approval of the Master Plan, Preliminary Plat and architectural design by the Planning Commission, the Planning Director shall place the proposed subdivision on the agenda of the City Council for their review and approval.

Approval of the zoning change to a Planned Unit Development constitutes approval of the Master Plan prepared by the applicant and reviewed as a part of the application. The Master Plan establishes new and specific requirements for land use, residential densities, development regulations and location of specific elements of the development such as open space, landscaping and other elements.

The PUD classification replaces any previous zoning district classification on a parcel.

E. Minor Amendments and Adjustments to Master Plan prior to Final Plat Approval

The Planning Director shall be permitted to approve minor amendments and adjustments to the PUD Master Plan provided the project boundaries are not altered; no additional uses are added; the land allocated to particular uses is not altered more than fifteen percent (15%); housing density is not altered more than ten percent (10%); open space and parks are not decreased; and the height, setback and lots coverage requirements are not substantially altered.

F. Duration of PUD approval

The approval of a PUD Master Plan by the City Council shall be valid for a period of three (3) years from the date of such approval, after which such plat shall be void, except upon application to and approval by the City Council for an extension not to exceed a maximum of two (2) one (1) year periods.

G. Reversion of PUD Zoning and Project

Should the Master Plan become invalid due to inaction of the developer or at the request of the developer; the zoning of the property shall revert back to the original zoning classification and the Planning Director shall cause such changes to be made to the Official Zoning Map.

ARTICLE X: REQUIRED UTILITIES AND IMPROVEMENTS FOR SUBDIVISIONS

SECTION 10.1: General

10.1.1 Adequate Public Facilities and Construction

No Subdivision Plat shall be approved unless the City Council determines that public facilities will be adequate to support and service the area of the proposed subdivision. It is the responsibility of the owner of the development to construct improvements in accordance with the requirements set forth in this Article and other applicable state and federal regulations that govern the development of land.

10.1.2 Industry Standards

Where no City standard exists governing the design or construction of required public improvements, the City Consulting Engineer shall determine the requirements for design and/or construction predicated on the following:

A. Streets: Latest edition of "A Policy of Geometric Design of Roadways and Streets," AASHTO; and the latest edition of the Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction

B. Water: American Water Works Association Standards

C. Sanitary Sewers: Mississippi Department of Environmental Quality Standards

D. Storm Drainage: Latest Edition of MDOT Design Manual and Specifications to Roads and Bridge Construction

SECTION 10.2 Classification of Residential Development

For the purpose of determining appropriate public improvements and widths of right-of-way and pavement, two (2) types of development types have been identified in accordance with proposed lot sizes and other criteria. Specific requirements for each type of development including the types of stormwater drainage, water systems, width of street and rights-of-way are enumerated in Table No. 19.

Table No.19: Development Types and Required Improvements

Development Type	Description of Type	Required Improvements
Type A	Lots up to 20,000 square feet in size	Public water and sewerage systems, curb and gutter, underground storm drainage.
Type B	Lots larger than 20,000 in size	Public water and sewerage systems, culverts for driveway crossings ditches. Lots with less than 100 foot frontage require curb and gutter.

SECTION 10.3: Lots

10.3.1 General Requirements

The following general standards shall apply to lots:

A. The lot size, width, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the site for the type of development and use contemplated and in compliance with the Unified Development Ordinance requirements for minimum lot size and minimum frontage.

B. Depth and width of properties reserved or laid out for multi-family, commercial and industrial purposes shall be adequate to meet the needs of this type of use and the development contemplated to properly provide for off-street loading and unloading and parking facilities.

C. Lot arrangement and design shall be such that all lots shall provide building sites except for those lots which are designated open space or designated parks or other public facilities. Such lots shall be so indicated on the plat.

D. All lots shall abut a public street.

E. Residential lots shall not front, or have direct access to arterial streets, except where unavoidable because topographical constraints. In such cases the subdivision shall be so designed to minimize the number of lots fronting on arterial streets.

F. Residential development abutting or containing proposed arterial streets, may utilize reverse frontage lots. A landscaped buffer and a wooden or masonry fence shall be required along the rear lot lines which abut arterial streets in accordance with *Article XI.*

G. Commercial or industrial development should be oriented toward arterial streets or have direct access to collector or arterial streets.

H. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation to this provision will provide a better street and lot layout.

I. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

J. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Whenever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

K. Where platted lots and lands of a development are subject to inundation in tidewater bottoms or along lakes, streams, bayous, or uncontrolled lakes the limits of such areas subject to inundation shall be clearly indicated on the Preliminary and Final Plats.

L. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

SECTION 10.4: Blocks

10.4.1 General Requirements:

The following general standards shall apply to blocks:

A. The length, width and shape of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to specific needs of the type of use contemplated

2. Zoning requirements as to lot sizes and dimensions

3. Needs for convenient access, circulation, control and safety of street traffic

4. Limitations and opportunities of the topography

5. Property fire and police protection

B. No residential block shall be shorter than three hundred (300) feet nor longer than twelve hundred (1,200) feet unless the subdivision being platted is a part of a PUD, a conservation subdivision or a subdivision which applies alternative design standards throughout the development. Block lengths of six hundred (600) feet or longer may require a ten (10) foot easement for pedestrian traffic through the middle of the block to provide for access to schools, playgrounds, and other facilities.

C. The width of blocks should be arranged so as to allow two (2) tiers of lots, with utility easements.

SECTION 10.5: General Grading

The City shall, in accordance with plans and profiles, approve grading and centerline gradients.

10.5.1 General

A. Areas to be graded by cutting or filling shall be rough-graded to within 0.5 of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas and other installations.

B. Final cross-sections and profiles of streets and other installations shall conform to grades approved by the Street Manager. Elevations shall be based on mean sea level.

10.5.2 Disposal of rubbish

All timber, logs, trees, brush, vegetation waste and other rubbish shall be removed or otherwise disposed of so as to leave the areas that have been disturbed with a neat and finished appearance. Measures shall be taken to prevent erosion as deemed necessary by the Building Official and/or the Planning Director.

SECTION 10.6: Monuments

Monuments shall be placed at all corners or changes in alignment along the boundary of the development and at all block corners, angle points, or points of curves in street right-of-way lines. These monuments shall be an iron rod or pipe three fourths (3/4) inches to one and one-fourth (1-1/4) inches in diameter and at least eighteen (18) inches long, driven flush with the surface of the ground. Concrete monuments shall be placed in strategic locations and these

monuments shall consist of four (4) inch by four (4) inch concrete posts not less than thirty (30) inches in length, reinforced with a single one-half (1/2) inch steel rod extending not less than one-fourth (1/4) inch or more than one-half (1/2) inch above the top of the concrete.

Markers shall be placed at all lot corners or changes in alignment in lot boundaries. These markers shall consist of iron pipe not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length.

All monuments or markers shall be set with the top thereof flush with finish grade. Where farming operations or other land uses might destroy or disturb the monument, it shall be sunk underground and referenced to permanent landmarks.

SECTION 10.7: Streets

The arrangement, character, extent, right of way and pavement width, grade and location of all streets shall be considered in their relation to existing and planned streets, to the size of adjacent lots, to topographical conditions, to public convenience and safety, and in appropriate relationship to the proposed uses of adjacent land which is to be served by such streets. For the purpose of this Ordinance the term “streets” shall be interchangeable with the word “roads.”

10.7.1 General Regulations

No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street with adequate capacity to handle the increased traffic generated by the new development.

A. The design of streets shall conform to the minimum criteria below, and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety and their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of arterial and collector streets in a subdivision shall:

1. Provide for the continuation of or appropriate projection of existing principal streets in surrounding areas

2. Conform to the Comprehensive Plan, including the transportation plan for area development adopted by the City Council

3. Conform to the long-range transportation plan prepared by the Metropolitan Planning Organization

B. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities, and to the pattern of existing and proposed land uses.

C. Access from properties zoned industrial or commercial in terms of driveways to state maintained roadways shall require an access permit from the Mississippi Department of Transportation.

D. Where a residential subdivision contains thirty (30) or more houses, such subdivision shall provide two (2) separate entrances. Where only one (1) entrance is physically achievable, the City may require that the entrance roadway be designed as a divided road for a length of not less than two hundred fifty (250) feet to better insure accessibility by emergency vehicles.

10.7.2 Horizontal and Vertical Alignment

A. Reverse curves shall be avoided; however, if reverse curves are necessary, a tangent of at least one hundred (100) feet shall be introduced between curves or as necessary to provide sufficient super elevation run-off.

B. Street centerline offsets, or street jobs with centerline offsets, of less than one hundred twenty-five (125) feet shall be avoided.

C. The horizontal alignment for all streets shall not be less than those enumerated in Table No. 20, except in cases of unusual topographical conditions.

Table No.20: Horizontal Alignment—Centerline Radius	
Arterial and major street	500 feet minimum
Collector Street	300 feet minimum
Minor Street	100 feet minimum
In case of any minor street with a delta angle within the range of 65 degrees to 115 degrees, the centerline radius shall be such as to provide a minimum turning radius of 25 feet at the inside curb line.	

D. The vertical alignment for all streets shall not be less than those shown in Table No. 21, except in cases of unusual topographical conditions. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following, except in cases of unusual topographical conditions.

Table No. 21: Vertical Alignment	
Arterial and major streets with median	500 feet minimum
Arterial and major streets without median	800 feet minimum
Collector Street	300 feet minimum
Minor Street	200 feet minimum
Sight distances for vertical alignment shall be determined by measuring from a point 4.0 feet above the roadway surface along a line of sight to a point 4.0 inches above the roadway surface.	

E. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

10.7.3 Street Width and Categories

A. Requirements for street widths and paving widths are enumerated below.

Table No. 22: Required Street R. O. W. Widths and Paving Widths			
		Pavement Width (Back to Back of Curb)	
Streets	**Minimum ROW**	**Type A Development**	**Other Types of Development**
Arterial	120 feet	2- 25’ lanes & median	2- 24” lanes & median
Major	80 feet	49 feet	48 feet
Collector	60 feet	40 feet	20 feet
Minor	50 feet	27 feet	20 feet
Frontage or service	50 feet	27 feet	20 feet
Cul-de-sac Street	50 feet	27 feet	20 feet

B. All streets shall have curb and gutter except those streets located in Type A developments with individual lot frontages of one hundred (100) feet or greater.

C. Half Streets shall be prohibited.

D. Cul-de-sacs shall be provided at the closed end with a turning radius of ninety-six (96) feet. The maximum length of cul-de-sac streets shall be seven hundred (700) feet.

10.7.4 Traffic Calming and Connectivity

A. Local residential streets shall be designed whenever possible to avoid conformity of lot appearance.

B. Local streets shall be laid out in such a way as to discourage use by through traffic and to permit efficient and drainage systems.

C. In districts where strict adherence to grid pattern street systems is not required nor appropriate, the creative use of loop streets, eyebrow streets and other alternatives to cul-de-sac streets shall be used.

D. Dead-end streets are prohibited, except where a street is planned to continue beyond the boundary of a subdivided property, in which case a temporary dead end stub out may be allowed provided sufficient turning radius is provided for emergency vehicles.

E. Streets, which are, or will become extensions of existing streets, shall be given the same name as such existing streets. New street names shall not be the same as existing streets and shall not sound like the names of existing street names.

10.7.5 Street Construction Standards

A. The Base and sub-base shall be proof rolled in the presence of the appropriate City staff person or representative.

B. The developer shall construct streets, including all grubbing, grading, laying of sub-base, base, pavements, curbs and gutters, culverts, bridges and other structures in accordance with the standard specifications for road and bridge construction, State Aid Road Division, Mississippi State Highway Department. A qualified professional engineer employed by the developer shall do design and supervision of all work. The design of the work shall be submitted to the appropriate City staff person prior to the initiation of construction.

C. All pavement or surfacing design plans must be approved by the City before any construction is undertaken to insure adequate design for the existing soil conditions and proposed use to which it is to be subjected.

D. Asphalt surface course shall be hot bituminous pavement – surface cores No. SC-1, two (2") inches minimum thickness, Mississippi Department of Transportation, State Aid Specifications.

E. Concrete pavement will be allowed only by special permission of the City Council, and the base shall be limestone or treated, Mississippi Department of Transportation, State Aid Specifications.

F. The base course shall be six (6) inch minimum thickness, crushed limestone, size 610, or ten (10) inch treated base in accordance with the Mississippi Department of Transportation specifications. Clay gravel and mechanically stabilized base courses are not acceptable. Design data for treated bases shall be stamped and signed by Professional Engineer, registered in the State of Mississippi and provided to City.

G. Specifications for all materials and street work shall conform to the appropriate provisions of the Standard Specifications for Road and Bridge Construction, State Aid Division, Mississippi Department of Transportation.

10.7.6 Intersections

A. Street intersections and approaches shall be designed on as flat a grade as possible. Street gradients within one hundred (100) feet of intersections shall not exceed two percent (2%).

B. The minimum curb radius permitted at intersections shall be twenty (20) feet for residential streets, and twenty-five (25) feet for collector streets, and forty (40) feet for streets serving industrial developments.

C. Two (2) streets intersecting the same street (T-intersection) shall be offset a minimum of one hundred fifty (150) feet (centerline offset).

D. Turning lanes shall be provided at heavily traveled intersections as determined by the City Consulting Engineer.

10.7.7 Street signs and traffic control

A. Regulatory signs shall be in compliance with the current MUTCD manual and shall be installed accordingly.

B. Street Names or road name markers shall be placed at the corner of all street or road intersections. Said marker shall be of a standard design in current use and placed at appropriate locations.

10.7.8 Street Lights

Street lights shall be installed by the developer and shall be maintained for one (1) year at the developer's expense. This includes the monthly expenses of operation. This one (1) year period shall begin at the time final approval is granted or for a period of one (1) year if a deferred installment is deemed feasible by the developer. The portion of the bond will remain in effect until installment.

10.7.9 Alleys

A. Alleys Required

Alleys shall be provided in commercial and industrial developments, unless alternative service access elements such as off-street loading, unloading and parking can be provided for in alternative locations. Residential alleys are not required; but may be allowed for vehicular access from the back of a lot when such lots are a part of a PUD, Planned Residential Subdivision or a Mixed Use Development.

B. Alley Arrangement and Standards

1. Dead-end alleys shall be avoided whenever possible, but if unavoidable, shall be provided with adequate turn-around facilities at appropriate places.

2. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut-off sufficiently to permit safe vehicular movement.

C. Specific Standards for Alleys

1. The minimum width of residential alleys shall be twenty (20) feet.

2. The minimum width of commercial and industrial alleys shall be thirty (30) feet.

SECTION 10.8: Storm Drainage Systems

The design of storm water drainage systems shall insure adequate control of storm water runoff through the use of properly sized and positioned drainage structures including but not limited to curb and gutter, curb and grate inlets, stormwater sewer pipe, box culverts, intersectional drains, open ditches and bridges. Storm drainage systems shall be designed to carry not less than the storm water from the maximum twenty-four (24) hour rainfall expected to occur once in twenty-five (25) years with a run-off factor of ninety (90%) percent for pavements and buildings and a variable run-off factor for ground areas, dependent upon topographic conditions and other characteristics in accord with accepted engineering practices. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

10.8.1 Types of System Required and Design Criteria

A. In Type A subdivisions streets shall be drained by curbs and gutters with drop inlets and storm drains underground.

1. Vertical

2. Roll Curb

B. Type B subdivisions with lot areas greater than twenty thousand (20,000) feet or street frontage greater than one hundred (100) feet open ditches may be used.

C. A gravel base on shoulders shall be required.

10.8.2 Open Ditches

A. In the case of surface drainage, the full width of the street between property lines shall be utilized in the graded section in order to permit easy maintenance and grassing of the section from the edge of the shoulders to the property lines.

B. Driveways crossing side ditches shall be constructed to a minimum width of fifteen (15) feet with head walls at both ends or twenty (20) feet or more without head walls at both ends of the culvert pipe drains laid to the profile of the ditch invert. Fill material shall be Class nine (9) or better with a minimum of four (4) inches compacted thickness of clay gravel or other suitable material. Driveway culverts of proper size shall be installed at each lot by developer prior to the issuance of a building permit.

C. All drainage pipes, culverts, structures and ditches shall be sized by determining a volume of flow in cubic feet per second using known drainage areas and generally accepted engineering formulas, but in no case shall any culvert be less than fifteen (15) inches in diameter. All open drainage ditches other than swales and existing waterways that exhibit a constant natural flow shall have adequate erosion controls. All open ditches shall have a maximum side slope of two-to-one (2.1) and shall be sprigged, seeded or soil sodded from the invert to the natural ground line. Any deviation whatsoever from the above requirements must be approved by the City Consulting Engineer or appropriate staff person.

D. Piping of ditches will not be allowed unless plans are submitted for review by a professional engineer registered in the State of Mississippi. Also, a permit or approval letter by the Mississippi Department of Environmental Quality to the City of Gautier Street Manager shall be provided.

SECTION 10.9: Easements

Adequate easements shall be appropriated for the purpose of providing for utilities and underground and above ground stormwater facilities. Easements shall be shown on both the Preliminary and the Final Plat.

10.9.1 Utility Easements

Easements across the front of lots or if needed centered along the rear and side lot lines shall be provided for utilities and/or stormwater.

A. Utility facilities, including, but not limited to, water, sewer, gas, electric power, telephone and telecommunication cable shall be located underground throughout Type A Developments. Certain types of overhead utilities are permitted in Type B Developments.

1. Easements for utilities shall be at least twenty (20) feet wide at ground level with an additional six (6) feet wide overhang on each side from twelve (12) feet above the ground and up.

2. Whenever possible, easements shall be equally divided between abutting lots.

3. Where easements intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access, subject to the approval of the Utilities Division Manager.

4. Crossing of overhead telephone and power lines shall provide for a vertical clearance of at least eighteen (18) feet above the pavement, or a minimum vertical clearance adopted by the National Electric Safety Code and the Mississippi Public Service Commission.

5. Underground utilities shall be installed prior to the application of the final surface course on the roads of said subdivision. All utility trenches shall be thoroughly tamped upon being backfilled and maintained by refilling the retamping and settlement.

6. Underground utilities paralleling the final surface course and said roads shall be located no closer than three (3) feet to the edge of said surface course and shall have a minimum cover of thirty-six (36) inches.

7. After installation of final surface course on roads or streets is made, no underground crossing under said roads or utilities shall be made without first obtaining a permit from Planning Department.

B. Stormwater and Drainage Easements: Where a development is traversed by a water course, drainage way, channel or stream or where topography of other conditions require natural drainage swells or underground drainage facilities along the front side or rear of lots, perpetual, unobstructed easements shall be required.

1. Drainage easements of not less than twenty (20) feet in width, conforming substantially to the alignment of such water course, drainage way, channel or stream shall be provided.

2. Stormwater easements for drainage may be of greater widths as determined by the Street Division Manager to accommodate anticipated storm flows, future construction and channel maintenance.

3. No building, fence, pole, or other obstruction shall be permitted within the drainage right-of-way. Bulkheads, concrete paving of drainage channels or other appropriate methods to prevent erosion of drainage channel banks may be required by Planning Department and the Street Division Manager.

4. Whenever possible, easements shall be equally divided between abutting lots.

5. Low-lying lands along watercourse subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for computing the area requirements of any lot.

C. Widths Required for Utilities and Drainage Easements shall be:

1. Twenty (20) feet for utilities

2. Twenty (20) feet for drainage

3. Thirty (30) feet for a combination of utilities and drainage

SECTION 10.10: Sidewalks

For new subdivisions, sidewalks shall be installed on both sides of all streets, bridges, and around cul-de-sacs. The subdivision developer shall have the option to install all sidewalks within the subdivision or convey the responsibility to the individual property owners within the subdivision. The subdivision developer in any case shall be responsible for installing sidewalks along all public area properties or other areas along the street that are not adjacent to individual lots prior to Final Plat. If the developer chooses to convey the sidewalk responsibility to the individual property owners, a provision shall be included on the Final Plat, as well as within the subdivision covenants where applicable, that sidewalks will be installed for every lot prior to occupancy of any structure, provided that, five years from approval of the subdivision Final Plat by the City Council, the owners of any lots for which sidewalks have not been installed shall be required to do so at their own expense at that time.

If sidewalks are not installed as prescribed in this Subsection, the Department of Public Works shall be authorized to cause to have the sidewalk installed, the cost of which shall become a special assessment against the affected property.

Sidewalks shall be constructed within the dedicated non-traffic way portion of the right-of-way or adjacent easement to all streets.

All sidewalks shall be concrete or other suitable materials as approved by the Public Works Director and a minimum of four (4) inches in thickness, sloped toward the roadway and have a minimum of three (3) foot grassed or landscaped median area (amenity area) separating the sidewalk and the adjacent curb, unless otherwise approved by the city. Sidewalks abutting arterial streets shall be a minimum of eight (8) feet in width and a minimum of five (5) inches in thickness. All sidewalks shall be handicapped accessible.

SECTION 10.11: Recreational Areas, Open Space, Lakes and Ponds

10.11.1 General

Reservations for common ground, open spaces, conservation areas, or playgrounds shall be shown and marked on the plat in an appropriate manner such as “Reserved for Park and/or Recreational Purposes,” or “Common Ground.”

10.11.2 Maintenance

The maintenance of such areas shall be the responsibility of the developer and/or the Home Owners Association. Responsibilities for perpetual maintenance shall be a part of the Restrictive Covenants of the subdivision. Articles of agreement of the Home Owner’s Association and/or Restrictive Covenants shall be submitted for review by the City Attorney prior to Final Plat approval.

If and when problems arise with parks, lakes or any other type of recreational facility due to inadequate maintenance, the Planning Director or his designee may inspect the improvements and compel the correction of the problems by written notice. Should required corrective action not be completed by the responsible party, the City shall have such situations corrected and a lien shall be placed on the property by the City Attorney equal to the cost of the corrective action plus any administrative expenses incurred.

10.11.3 Playgrounds and Parks

A. Parks and playgrounds shall be improved and landscaped consistent with other development within the subdivision, contain park benches or other related

equipment certified by the Developer's Engineer and approved by the appropriate City official.

B. Existing natural areas may be used to meet the open space requirements, provided they are not unusable due to flooding, steep slope or for other reasons.

10.11.4 Lakes or Ponds Within or Adjacent to Development

A. Any lakes or ponds included within any development shall be designed in accordance with accepted engineering practices for containment and outlet structures. All lakes or ponds shall be developed to Natural Resources Conservation Service (NRCS) minimum standard and have all DEQ or Army Corps of Engineers Permit where required.

B. Outlet control structures shall operate automatically and designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed predetermined safe capacities.

SECTION 10.12: Water Supply System

The subdivider shall provide suitable water mains and provide a water connection in accordance with the City minimum design standards for required improvements for each lot to a water supply approved by the Mississippi State Board of Health and City of Gautier Utility Division. The water mains shall be of sufficient size to adequately supply the requirements of the subdivision for domestic use and fire protection in accordance with the standards of the Mississippi State Rating Bureau and the Mississippi State Board of Health, and shall conform to the following requirements:

10.12.1 General Requirements

A. The applicant shall extend the existing water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.

B. The subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the City of Gautier Utility Division and system shall be designed in accordance with the City minimum design standards for required improvements.

C. Water main extensions shall be approved by the City of Gautier Utility Division and the Mississippi State Board of Health.

D. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.

E. Materials shall conform to the City minimum design standards for required improvements.

10.12.2 Individual Wells and Central water systems

Within the discretion of the Public Works Director and/or Planning Director, if a public water system is not available, individual wells may be used or a central water supply system shall be provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Mississippi State Board of Health for its approval. All design requirements and acceptance of individual wells and central

water systems shall be approved by the Mississippi State Board of Health. Orders of approval shall be submitted to the Public Works Director and/or Planning Director.

A. Based on a schedule from the City of Gautier Utility Division, if the Public Works Director and/or Planning Director determines that public water may be provided within five (5) years, as a condition to approval of an individual well or central water system, the applicant shall provide the design and approvals for future water service at the time the plat received final approval. Performance or cash bonds shall be required to insure compliance.

B. There shall be no physical connection between public and private potable water supply systems.

10.12.3 Future Water System:

To eliminate street openings for future water systems, the Public Works Director and/or Planning Director shall require any of the following:

A. The entire water system to be constructed and capped for future connections; or

B. Pipe casings to be installed at all street crossings; or

C. Boring methods.

In all cases the design engineer shall be required to design and furnish design drawings of the complete water system to be installed.

10.12.4 Fire Hydrants

Fire hydrants shall be installed in accordance with local fire prevention codes. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than one thousand (1000) feet apart and within five hundred (500) feet of any residential structure and within four hundred (400) feet of any commercial structure. Fire Hydrants shall be designed and installed per requirements of the Mississippi State Rating Bureau. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of all streets shown on the subdivision plat. Hydrants shall be served by a minimum size water main of eight (8) inches or six (6) inches if lines are looped or as supported by engineering calculations.

SECTION 10.13: Sanitary Sewer System

The developer shall provide a sanitary sewer system, complete with treatment facilities that will adequately meet the needs of the development and shall provide sewer connection for each lot within the development. The developer shall submit to the City a letter of approval by Mississippi Air and Water Pollution Control Commission for plans for such system prior to the initiation of construction.

10.13.1 Sanitary Sewers; General Requirements.

A. The subdivider shall provide a sanitary sewer system. Connections for each lot within the subdivision shall be made. The sanitary sewer system shall be designed in accordance with the City minimum design standards for required improvements and shall be approved by the Mississippi Department of Environmental Quality, Office of Pollution Control and the City of Gautier Utility Division. The developer shall furnish the Public Works Director and/or Planning Director with a certificate from each agency that they have made a physical inspection of the subdivision and approved such system. The City Consulting

Engineer shall also make such a physical inspection and shall submit his recommendations to the Public Works Director and/or Planning Director for their approval or disapproval.

B. Materials shall conform to the City minimum design standards for required improvements.

ARTICLE XI: TREE PRESERVATION, LANDSCAPING, SCREENING, BUFFERING AND FENCES

SECTION 11.1: Intent and Purpose

11.1.1 Intent

The intent of this article is to establish regulations and minimum standards for: (a) the protection of existing valuable vegetation including protected trees; (b) for installation, maintenance and protection of new landscaping on certain sites, (c) for buffering between different types of uses and around refuse and service areas; and (d) for installation of fencing.

11.1.2 Purpose

The purpose if this article is:

A. To preserve the natural beauty and defend the ecological integrity of the City of Gautier;

B. To conserve energy and to aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;

C. To provide visual buffering and enhance the beautification of the City;

D. To safeguard and enhance property values and to protect public and private investment;

E. To provide a better transition between the various land use zones permitted by the City;

F. To insure that the local stock of native and naturalized trees and vegetation is replenished;

G. To protect the public health, safety and general welfare; and

H. To preserve the existing natural landscape character and prohibit indiscriminate clearing or stripping of the natural vegetation.

SECTION 11.2: Applicability

11.2.1 Tree Protection Provisions

The regulations of this article pertaining to tree protection shall apply to all real property within the City limits now and in the future and more specifically:

A. Any and all property on which clearing, development or cutting of trees is proposed

B. Any and all property on which new or redevelopment development is proposed

11.2.2 All other Provisions of this Article

The regulations of this Article pertaining to landscaping, buffering, fencing and related provisions shall apply to

A. All new structures, sites and/or vehicular use areas within the City.

B. Expansion of existing structure if the expansion is five percent (5%) or more of the total existing building floor area or is two hundred fifty (250) square feet or larger or if the remodeling to the existing building will increase the value of the property to one hundred twenty-five percent (125%) of the current valuation

C. All parking spaces added to an existing parking lot or facility shall comply with the landscaping, buffering, maintenance and fencing provisions of this article

D. If the proposed expansion or reworking of the parking facility is in conjunction with the remodeling or expansion of an existing structure or building on site which exceeds No. 11.2.2 (B) above, or if the expansion of the parking lot exceeds ten percent (10%) of the existing number of spaces; the entire parking lot shall be brought into conformance with the landscaping, buffering, maintenance and fencing provisions of this Article.

11.2.3 Exemptions

A. Individual lots on which detached single family residences are located are exempt from the landscaping requirements.

B. Permit Procedures for the removal of trees may be waived by the Planning Director in the case of protected trees in public right-of-way, and also in consideration of emergencies, or disasters, so that efforts to restore order to the City will not be hampered.

SECTION 11.3: Prohibited Acts

It shall be unlawful for any person to:

A. Cut or remove any protected tree or its roots without prior approval

B. Disfigure, mutilate, injure, or destroy any portion of a protected tree

C. Pave with concrete, asphalt, or other impervious material within five (5) feet of the dripline of a protected tree

D. Grade, trench, dig, or perform construction work (including storage of equipment or materials) within the drip line of a protected tree

E. Compromise any of the area within the dripline of an existing protected tree by adding dirt or compaction of the soil

F. Paint or put harmful chemicals or other harmful foreign substances on the soil around the tree trunk

G. Fail to adequately protect trees in accordance with Section 11.4

H. Build a vehicular access area or parking lot or expand such facilities without submittal and approval of a landscaping plan.

SECTION 11.4: Tree Preservation and Protection

11.4.1 Trees to be Preserved and Protected

Trees of a certain size, condition, and species are considered Protected Trees and shall be preserved until such time as approval is obtained from the City of Gautier to remove such trees. Unless otherwise authorized, the entire tree and the area within the dripline of an existing protected tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade.

A. At least fifteen percent (15%) of the existing native species of significant size trees on the site, exclusive of the required perimeter landscape area shall be preserved as a part of new development or lot clearing.

B. All native species of significant size trees in the required perimeter landscaping area that will not constitute a safety hazard in the opinion of the Planning Director shall be preserved.

C. Portions of the site that are to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement, except for the protected trees as defined in the Ordinance.

11.4.2 Methods of Tree Protection during Development Activity

A. Prior to commencement of development activity, all trees designated as protected trees which are located in the area of development activity shall be indicated on a location map or the site plan and approved by the Planning Director.

B. During development activity, the area under the drip line of any tree to remain on site shall be protected from activities that may injure the tree. Such activities include, but are not limited to, cut and fill activities, building slab and foundation placements, road bed construction, temporary parking of vehicles and storage of construction materials.

C. The applicant shall erect protective barriers around protected trees as follows:

1. Protective barriers shall be installed around each protected tree or group of protected trees that are designated for protection.

2. Barriers shall not be supported by the plants they are protecting but shall be self-supporting.

3. Protective barriers shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed.

4. Protective barriers shall be installed at least one (1) foot from the drip line or one (1) foot from the trunk of the tree for each one (1) inch of tree caliper.

D. Where compaction might occur due to traffic or materials storage, the tree protection zone must first be mulched with a minimum four (4) inch layer of processed pine bark or wood chips or a six (6) inch layer of pine straw.

E. Where the Planning Director determines that irreparable damage has occurred to a tree within a tree protection zone, the tree shall be removed and replaced and protective fencing installed as provided in *Section 11.4.2*.

11.4.5 Permit Required for Protected Tree Mitigation

The Planning Director shall issue a tree removal permit for a protected tree only upon finding a necessity for the removal of the protected tree(s). To determine whether a request warrants a finding of necessity, the Planning Director shall consider the following:

A. Whether the continued preservation of the tree(s) places a significant hardship on the property owner; and

B. Whether the continuation of the tree(s) would threaten public safety and welfare; and

C. Whether all other options for preservation and/or relocation have been explored and found unsatisfactory.

Except for owner-occupants of single-family residential homes, applicants who request permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of protected tree, temporary or permanent irrigation, and monitoring for a two (2) year period, or an in-lieu fee.

A. The on-site mitigation plan shall include, but not be limited to, the following:

1. A site plan depicting all living protected trees to be removed, utilizing clear and concise graphics.

2. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.

B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve one of the following methods for off-site mitigation within the City:

1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by City Council resolution, to cover the cost of purchasing, planting and initial cost of the off-site plantings. Such fee shall be calculated based on one thousand dollars ($1,000) per caliper inch, and shall be placed into the tree planting and maintenance fund to provide for tree planting and maintenance on public projects.

2. A mitigation credit towards the value of the replacement in-lieu fee may be approved by Council for public amenities provided at the subject site, upon the submittal of project estimate and approval by Council.

3. Planting of trees on either public property, property within a conservation easement, or on property with an irrevocable offer of dedication to the City, pursuant to the ratios set forth in subsection C of this section.

C. Mitigation Tree Planting and Tree Preserve Replacement Ratios

Table No: 24 Schedule for Replacement of Protected Trees	
Diameter of Tree Removed	**Minimum Number of Trees**
40" and above	35 twenty-four inch box protected trees, or fee set by Council resolution
Above 35--40"	50 fifteen-gallon protected trees, or 25 twenty-four inch box protected trees, or fee set by Council resolution
Above 30--35"	40 fifteen-gallon protected trees, or 20 twenty-four inch box protected trees, or fee set by Council resolution
Above 25--30"	35 fifteen-gallon protected trees, or 17 twenty-four inch box protected trees, or fee set by Council resolution
Above 20--25"	30 fifteen-gallon protected trees, or 15 twenty-four inch box protected trees, or fee set by Council resolution
Above 15--20"	20 fifteen-gallon protected trees, or 10 twenty-four inch box protected trees, or fee set by Council resolution
Above 12--15"	15 fifteen-gallon protected trees, or 6 twenty-four inch box protected trees, or fee set by Council resolution

11.4.6 Relocation of Protected Trees

Existing trees may be relocated with the permission of the Planning Director subject to the following requirements:

A. Trees to be relocated shall be removed with a root ball sized in proportion to their calipers. Root balls shall be twelve (12) inches in diameter for each one (1) inch of tree caliper. Trees four (4) inches in caliper and smaller are to be measured six (6) inches from the ground. Trees four (4) inches to eight (8) inches in caliper are measured twelve (12) inches from the ground, and trees eight (8) inches in caliper or larger are measured at breast height.

B. Trees which are to be relocated in areas which do not require grading are to be placed directly into their new location. Trees to be relocated in areas which will

have site work, shall have tree barriers put in place in accordance with *Section 11.4.2.*

C. Trees to be planted offsite in full leaf shall be covered entirely with a protective cloth covering prior to transporting. Trees to be planted on site do not require a covering.

D. Trees which are to be relocated in areas to be graded are to be stockpiled. Stockpiled trees shall be well heeled in and protected from excessive wind and sun. The contractor shall provide water to maintain a healthy condition.

SECTION 11.5: Landscaping Requirements

The installation of landscaping of building sites and vehicular use areas is required for any new or redeveloped development site with the exception of individual lots for single family residential uses.

11.5.1 General Requirements for All Developments

A. Preservation and Credit for Existing Trees.

1. At least fifteen percent (15%) of the existing native species of significant size trees must be retained. Preservation of existing live natural trees between the principal building and the public street right-of-way may be credited towards the landscaping requirements of this Ordinance in accordance with Table No. 25. To be included in the computation for credit for preserved trees, each preserved tree must be at least twelve (12) inches in caliper; however, any existing tree less than twelve (12) inches in caliper, but meeting the minimum planting size requirements of this Ordinance, may be credited for one (1) required tree. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to insure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.

2. No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle, which has as its center the trunk of the tree, or if the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and such replacement plantings shall meet the requirements of this Ordinance.

3. In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain at least one (1) natural tree.

Table No.25: Credit for Existing Trees	
Diameter of Existing Tree	**Number of Trees Credited**
36" or greater	7
30--35"	6
26--29"	5
20--25"	4
13--19"	3
9--12"	2
4--8"	1

B. Design of Landscaped Areas—Trees

1. Minimum Caliper and Height

a. Deciduous trees shall have a minimum caliper of one (1) inch and a minimum height of eight (8) feet at the time of planting.

b. Evergreen trees shall be a minimum of six (6) feet at the time of planting.

2. Distance from Curbs, paving edge or sidewalk

The minimum distance from curbs, paving or sidewalks for trees shall be as follows:

a. Large trees—Eight (8) feet

b. Medium trees—Five (5) feet

c. Small trees—Three (3) feet

3. Distance from Street Corners and fireplugs

No tree may be planted within thirty-five (35) feet of any street corner or within ten (10) feet of any fireplug.

4. Distance from Utilities

No large or medium tree shall be planted under or within twenty (20) lateral feet of any overhead utility electric wire or within ten (10) lateral feet of any underground water, sewer or transmission line or any other type of utility line.

5. Native Species and Variety of Species

a. At least fifty (50) percent of trees shall be of a variety native to the Mississippi Gulf Coast area.

b. No less than fifty (50) percent of required trees shall be canopy trees.

c. When more than twenty (20) trees are required on a site to meet these regulations, a variety of species shall be provided. The variety of trees shall be in accordance with Table No. 26.

Table No.26: Minimum Tree Species Required

Required Number of Trees	Minimum Species Required
20-30	4
31-60	6
61-100	8
101-200	10
More than 200	15

C. Design of Landscaped Areas—Shrubs

1. Upright shrubs shall be a minimum of two (2) feet in height and spreading shrubs shall be a minimum of sixteen (16) inches in height at the time of planting.

2. At least seventy-five percent (75%) of required shrubs shall be evergreen unless otherwise noted in specific sections.

D. Perennial or Annual Flowers

The planting of perennial or annual flowers is encouraged as accent plantings for all landscaped areas and especially those areas adjacent to the street. Flowers shall be planted in season and dead or out-of-season plants shall be replaced on a regular basis.

11.5.2 Commercial, Industrial and Mixed Use Development

A. Total Landscaped Area Requirement

All commercial, industrial and mixed-use developments and/or buildings shall have a minimum of twenty percent (20%) of the total available area dedicated to landscaping. The total available area shall be calculated by subtracting the land area covered by buildings from the total land area of the site and then multiplying this difference by twenty percent (20%). The landscaped areas shall not be encroachable by vehicles except for approved access ways. The following may contribute toward the required twenty percent (20%):

1. Areas with protected existing trees provided they meet the twenty-five (25) square foot requirement

2. Required front yard landscaping

3. Landscaped perimeters of parking areas

4. Landscaping islands within parking areas

5. Any additional landscaped areas which are a minimum of twenty-five (25) square feet and are not a part of the required front yard landscaping, parking area interior, perimeter landscaped areas or landscaped divider medians may contribute toward the required twenty percent (20%) requirement.

B. Perimeter Landscaping

1. A landscaped area shall be required along the perimeter of the property line which shall be a minimum of ten (10) feet in width along the front property line and five (5) feet along sides and rear property line. The width of sidewalks shall not count toward the front perimeter landscape requirement.

2. One tree is required for every thirty (30) feet linear feet of the property line perimeter. Species of trees shall be in proportion to the number of trees planted in accordance with Table No. 26.

3. The remainder of the perimeter landscaped area shall be landscaped with lawn grass, ground cover and if desired, areas for planting of perennial or annual plants.

4. Such areas may also contain shrubs required for landscaping around the perimeter of parking areas as described in (c) below.

C. Shrubs around Parking Areas

Shrubs shall be placed around the perimeter of parking areas in such a manner as to screen the vehicular area from adjacent properties and/or from public streets. A minimum height of three (3) feet is desired for plantings; however, plantings shall not cause visibility problems for the safe movement of traffic on or adjacent to the site.

D. Landscaping along the Front or Side of Buildings

A landscaped area of not less than four (4) feet in width is required along the front of all buildings except for those which are designed as a part of a traditional development where commercial buildings are immediately adjacent to sidewalks and service stations or convenience stores.

Service Stations and Convenience stores shall provide a landscaping area of not less than three (3) feet in width along the sides of the building in addition to required Perimeter Landscaping.

E. Interior Vehicular Use Areas

Landscaping is required for the interior of parking lots and shall be evenly distributed to create a canopy effect and to divide and break up expanses of paving and long rows of parking spaces according the following standards:

1. All rows of parking spaces shall be provided a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways and provide space for landscaping. Each island shall be a minimum of seventy (70) square feet, with the smallest dimension to be no less than seven (7) feet. A terminal island for a single row of parking spaces shall be planted with at least one (1) canopy/shade tree. A terminal island for a double row of parking spaces shall contain not less than two (2) canopy/shade trees. Each terminal island shall be one hundred percent (100%) landscaped with trees, evergreen shrubs, ground cover or turf grass and if desired annual flowers for accent. Gravel, sand and pavement are not permitted in landscaped terminal islands.

2. If more than twenty (20) consecutive spaces are required in one (1) row; landscaped islands shall be located every twenty (20) spaces. The size of each island shall be a minimum of twenty-five (25) square feet with the minimum smallest dimension of seven (7) feet. A minimum of one (1) tree is required for each island and the remainder shall be landscaped with turf grass or ground cover and shrubs. Annual flowers may be used for accent, if desired. Gravel, sand and pavement are not permitted in landscaped islands.

3. Divider medians that form a continuous landscaped strip are required for parking areas that contain ten (10) or more vehicular parking aisles and shall be installed every fifth (5th) row. The minimum width of a divider median shall be eight (8) feet if wheel stops or raised curbs prevent vehicle overhang of the median. Divider medians shall contain a minimum of one (1) canopy tree spaced on center every thirty (30) linear feet combined with shrubs and ground cover.

4. If a sidewalk is required in accordance with *Article VII.* The minimum width of the divider median shall be twelve (12) feet with a four (4) foot sidewalk in addition to the planting area.

F. Unoccupied Areas to be Landscaped

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees and/or shrubbery.

G. Use of Landscaped Areas

No required landscaped area shall be used for accessory structures, garbage or trash collection, parking, or any other use not specifically allowed by this Ordinance.

11.5.3 General Requirements for All Types of Residential Development

A. Landscaped Entrance

A landscaped area of not less than fifteen (15) feet shall be required at the entrances of all residential subdivisions which shall be landscaped with a combination of trees, shrubs, grass and groundcovers in conjunction with any existing mature trees which have been preserved.

B. Perimeter of Development

One (1) tree shall be planted for every thirty (30) feet of linear feet of green space along the property lines of all residential subdivisions except when a landscaped buffer yard if required.

11.5.4 Additional Requirements for Multi-Family Developments

A. Green Area Between Buildings and Parking Areas

A landscaped area of no less than ten (10) feet in width shall be required between the building and any and all parking areas except sidewalks providing access to building entrances and exits.

B. Foundation Plantings

All buildings shall be fully landscaped with shrubs around the foundation.

C. Parking Lots

Parking Lots shall conform to the requirements of *Section 11.5.2 (E).*

D. Service Areas

Service areas shall be screened.

E. Parks, Common Areas and Areas Between Buildings

Parks, common areas and areas between buildings shall be landscaped with trees and grass.

SECTION 11.6: Transitional Landscaped Buffer Yards

11.6.1 Intent

This section requires landscaped buffers to be provided and maintained when incompatible land uses are being developed or expanded adjacent to one another. The purpose of the transitional landscaped buffer yard is to mitigate potential nuisances such as noise, glare, signs, unsightly buildings, parking areas or other areas of a site. When required, transitional landscaped buffer yards are in addition to other required landscaping and in addition to the required setbacks for buildings.

11.6.2 Expansion of an Existing Structure

Expansion of existing structures which are included in a category or zoning classification which requires landscaped buffers will require the installation of a buffer yard.

11.6.3 Location and Maintenance of Buffer Yards

Landscaped buffers are placed on the perimeter of the side and/or rear of the developing property. Such areas are considered permanent and may not be removed or developed unless the incompatible land uses change and the City grants permission for removal of the buffered area. If underground utilities need to be located along the property line where a buffer is required, the utility lines shall be located along the edge of the buffer.

11.6.4 Responsible Party

One hundred percent (100%) of the applicable buffer requirements shall be the responsibility of the developing land use(s).

11.6.5 Determination of Buffer Requirements

To determine the type of buffer required between two (2) adjacent parcels, the following procedure shall be followed:

A. Identify the zoning classification and use of subject property.

B. Identify the zoning classification and use of the adjacent property.

C. Determine the buffer yard requirements, if any, by referring to Table No. 27.

11.6.6 Location and Dimension of Transitional Landscape Buffer Yards

A. Difference between Required Open Space and Transitional Landscape Buffer Yards

Certain zoning districts and types of uses require an unoccupied open space along the side, rear and/or perimeter of the property with a width or portion of that open space along the outside perimeter to be a transitional buffer yard planted with trees shrubs and grass as specified in this section. The Open Space requirements are found in the specific zoning district requirements or regulations pertaining to that specific use.

B. Widths of Yard Required

The widths of transitional landscaped buffer yards required are shown in Table No. 27 below.

Table No. 27: Width of Transitional Landscape Buffer Yard Required								
Proposed Use	**Fence***	**Abutting Use or Zoning and Required Buffer Width (feet)**						
		Single Family, 2-Family or TH Comm.	**Multi-Family**	**RV or Fish Camp**	**Mobile Home Park or SD**	**Any Use in Zoning District**		
						C-1	**C-2 or C-3**	**Ind.**
Rear of Reverse Frontage Lots+	**Yes**							
2-Family	**NR**	10	10	10	10	10	10	10
Townhouse Community	**Yes**	10	10	10	10	10	10	10
Multifamily	**Yes**	15	15	15	15	15	15	15
RV Park	**Yes**	20	20	--	20	20	20	20
Fish Camp or Commercial Marina	**NR**	15 for Single Family use, all others 20		15	15	15	15	15
Mobile Home Park or SD	**Yes**	10	10	10		10	10	10
C-1 Zoning	**Yes**	10	10	10	10	--	10	10
C-2 Zoning	**Yes**	10	10	10	10	10	--	--
C-3 Zoning	**Yes**	15	15	15	15	--	--	--
Industrial Zoning	**Yes**	30	20	20	20	20	20	--
+When backing up to main thoroughfare. *Fence: NR-Not Required								

C. Partial Buffering Required

The following situations require buffering around specific areas of the lot:

1. Ancillary Parking Lots shall be screened with a ten (10) foot wide buffer along any portion of the parking lot that adjoins residential or mixed use property. In some instances a wall may be required by the Technical Review Committee.

2. Back and Side Yard Play areas for Residential Day Care facilities shall be fenced with a six (6) foot wooden fence. Shrubs and trees may be added to help screen noise from adjoining property.

3. Outdoor Eating Areas for coffee shops, restaurants and similar uses when adjacent to residential uses shall be fenced and have a five (5) foot wide landscaped buffer area.

4. Parking Areas for Bed and Breakfast Inns or Boarding Houses shall have a six (6) foot wooden fence or a five (5) foot wide landscaped buffer area.

5. Ground mounted satellite dish antennas shall be screened from the street and from any adjacent residentially zoned property by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.

6. Areas where wrecked cars are stored temporary such as a Wrecker or Towing Service shall require a six (6) foot wooden fence and a five (5) foot buffer area on the outside of the fence.

D. Uses not specified

The Planning Director shall have the authority to require a landscaped buffer area for uses not listed above if there is a potential of a nuisance which could be mitigated by using a transitional landscaped buffer. The width and type of buffering required shall be determined by looking at the most similar use stipulated Table No. 27.

11.6.7 Design Standards for Transitional Buffer Yards

The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the adjoining property. Plants shall be spaced to cover the entire buffer area.

A Five-Foot (5') Wide Buffers shall consist of:

1. A double staggered row of evergreen shrubs spaced ten (10) feet on center with overlapping coverage **plus** a six (6) foot fence, **or**
2. A continuous three (3) gallon row hedge spaced three (3) feet on center at least twenty-five (25) inches in height at the time of planting and attaining a minimum of three (3) feet height within one (1) year; **or**
3. Three (3) canopy trees planted an average of thirty (30) feet on center; **plus** two (2) evergreen trees; plus ten (10) shrubs planted per every one hundred (100) feet.

B. Ten-Foot (10') Wide Buffers shall consist of a mixture of trees and shrubs and a mixture of species which will create visual interest and diversity.

1. For every one hundred (100) feet: Six (6) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus; three (3) medium evergreen trees **and**

2. Ten (10) shrubs including seven (7) evergreen shrubs.

C. Fifteen-Foot (15') Wide Buffers shall consist of a mixture ~~of a mixture~~ of trees and shrubs and a mixture of species to form a densely planted semi-opaque visual buffer.

1. For every one hundred (100) feet: Twelve (12) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus four (4) understory or ornamental trees; plus five (5) medium evergreen trees **and**

2. Ten (10) shrubs including seven (7) evergreen shrubs.

D. **Twenty-Foot (20') Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species to form a densely planted semi-opaque visual buffer.

1. For every one hundred (100) feet: Thirteen (13) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus four (4) understory or ornamental trees; plus six (6) medium evergreen trees, **plus**

2. Twelve (12) shrubs including ten (10) evergreen shrubs.

E. **Thirty-Foot (30') Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species to form a densely opaque visual buffer.

1. For every one hundred (100) feet: Twenty-four (24) trees shall be planted consisting of four (4) canopy trees planted an average of twenty (25) feet on center; **plus** ten (10) understory or ornamental trees; plus ten (10) medium evergreen trees, **plus**

2. Thirty (30) shrubs including fifteen (15) evergreen shrubs.

3. A wooden fence with a minimum height of six (6) feet may be required in accordance with the use being developed.

F. **Variations in 20 – 40 foot Buffer Width**

Buffer width shall normally be calculated as perpendicular to the property line; however, design variations may be allowed and shall be calculated based on the average width of the buffer per one hundred (100) feet or portion thereof. In no case shall the width of the buffer be less than one-half (1/2) the required width.

G. **Existing Vegetation to be Utilized**

To ~~very~~ every extent possible, existing trees, vegetation and unique site features shall be retained and incorporated into the required buffer area along with the newly planted material which is required.

SECTION 11.7: Screening Around Loading Areas, Mechanical Equipment and Dumpsters

Screening of certain facilities and areas on development sites is intended to provide one hundred percent (100%) opaque thereby completely screening potentially unsightly places.

A. **Loading and Service Areas**

All loading and service areas not screened by an intervening building shall be screened from view from any public street right-of-way for their entire length, except for industrial uses and necessary access. Screening for loading and service areas shall be accomplished by a closed fence or wall which is at least six (6) feet high and is made of the same or compatible materials, in terms of texture and quality, with the material and color of the principal building; along with additional natural evergreens, shrubs or trees so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.

B. Dumpsters and Refuse Areas

All refuse areas with receptacles (dumpsters) shall be completely screened from the street and from adjacent properties by a solid wood or masonry fence at least six (6) feet high and by natural plants or trees of equal minimum height, so planted as to provide maximum opacity. No refuse receptacle shall be located in the public right-of-way.

SECTION 11.8: Installation, Irrigation, Maintenance and Protection

11.8.1 Installation.

All landscaping shall be installed in accordance with "Standards of the American Nurseryman Association's" planting practices.

A. All landscaped areas shall have an irrigation system or readily available water outlets. All landscaped areas shall have sufficient drainage to allow for normal, healthy growth of the plant species.

B. All trees shall be properly guyed or staked and mulched (three (3) – four (4) inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.

11.8.2 Irrigation

A. Type Required

All required landscaping shall be irrigated with an automatic irrigation system except required landscaping within the interior of a parking area, common ground or open space areas and sites with less than fifty (50) square feet of landscaping which may provide access to water outlets for manual watering of plants in lieu of an automatic irrigation system.

B. Specifications

Specifications of fully automated irrigation systems are as follows:

1. Automatic controllers shall be screened from view, locked and not easily assessable to pedestrian traffic.

2. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.

3. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half (1/2) inch from the edge of curbs and walks and six (6) inches from architectural structures.

11.8.3 Maintenance

The owner of the property shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. Dead or severely damaged or diseased plants or plant material shall be replaced within the appropriate planting season of the species.

Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight visibility triangle, provided that the location of the tree itself does not create a traffic hazard.

Irrigation systems shall be maintained in proper working condition as part of a regular maintenance program.

11.8.4 Protection

All required landscape areas shall be protected from vehicular encroachment by the use of wheel stops, curbing, or other suitable methods that are not otherwise prohibited. It shall be unlawful for any person to attach to any tree on any public property any rope, chain, sign, or any other device, except for the purpose of protecting the tree or the public.

SECTION 11.9: Reduced Parking Bonus

If the proposed landscape plan incorporates the retention of existing native species of significant sized trees above as required by this Article, the Planning Director may approve a reduction of up to ten percent (10%) of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development.

SECTION 11.10: Fences, Walls and Hedges

11.10.1 General Requirements for Fences, Walls and Hedges

A. Fences, walls and hedges shall not impede or divert the flow of storm water.

B. Walls, fences and hedges shall not block access to any above ground, pad mounted transformer, and shall provide a minimum clear access to the transformer door as required by the utility company.

C. Any solid wall or fence except for those around individual residential lots shall avoid a stockade appearance by using columns and/or offsetting sections of the fence or wall. Alternating sections shall be offset a minimum of three (3) feet with trees or evergreen shrubs planted within the offset area.

D. Refer to Article II for the definition of “Fence”

E. Refer to Article XVI for minimum property maintenance and care standards for fences, walls, and hedges.

11.10.2 Residential Districts

Fences, walls and hedges may be permitted to enclose portions of residential yards in accordance with the following requirements:

A. All fences and walls shall be constructed of materials expressly designed for fences. Chain link shall not be used within front yards, including secondary front yards.

B. Barbed wire, razor wire, spiked posts of similar fencing is prohibited.

C. Rear/side yard fencing and/or hedges shall not exceed eight (8) feet in height and shall not extend beyond the front building façade setback. For corner lots, the rear/side yard fencing shall not extend into the minimum front yard set-back within the designated secondary front yard area. Refer to Article II, Definitions for additional information on yard designations.

D. Fences and/or perimeter hedges shall not exceed four (4) feet in height within a designated front yard, but shall not exceed three (3) feet in height within the required sight visibility triangle. See section below for more information on Site Visibility Triangles. Permission may be granted for a solid fence or wall to a

maximum height of eight (8) feet within the front yard area provided the following conditions are met:

1. A notarized statement shall be provided from all adjoining property owners stating no objections to the fence. Property owners directly across the street and/or public easement shall be considered adjoining for this condition.
2. A request and notarized statement from the applicant shall be provided.
3. Approval is granted by TRC.

E. Refer to Article VI for swimming pool, dog kennel/dog run, and home day care fencing requirements.

F. Refer to the City's Animal Control Ordinance for fencing requirements for animals.

11.10.3 Commercial and Industrial Uses

Fencing around commercial and industrial uses shall be prohibited except for required screening, buffering requirements or other exceptions listed in this Ordinance. Refer to the following Sections in the Ordinance for fence requirements for the following:

A. Swimming Pools – Article VI

B. Day Cares – Article VI

C. Dog Kennels/Dog Runs – Article VI

D. Outdoor Recreational Facilities – Article VI

E. Satellite Dish Antennas – Article VI

F. Mini-Warehouse Storage Facilities – Article VI

G. Junk Yards – Article VI

H. Vehicle and Boat Wrecking Yards – Article VI

I. Mechanical Equipment – Article VIII and Section 11.7 of this Article

J. Dumpsters and Refuge Areas – Section 11.7 of this Article

K. Buffers – Section~~s~~ 11.6 ~~in the~~ of this Article

L. Subdivisions – Article X

M. Telecommunications Facilities – Article XIV

11.11 Clear Visibility Triangle

When any public right of way or private driveway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained that obstructs view at a level between three (3) feet and ten (10) feet above the street grade and within the sight visibility triangles as defined in A and B below. Unobstructed cross-visibility shall be provided within the clear visibility triangle. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the unobstructed cross-visibility area shall be allowed provided they do not create a traffic hazard. Minimum Clear Visibility Triangle Distances are shown in Table No. 28.

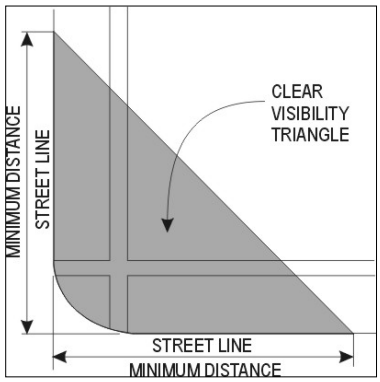
A. Corner Lots

On a lot at the corner of two (2) public streets or a public street and a private street, the sight visibility triangle shall be formed by the intersecting street lines and a straight line joining the street lines at points which are the following minimum distances from the point of intersection.

B. Driveways and other Access ways

For an access way other than a public or private street, the clear visibility triangle shall be formed by the intersecting lines of the access way or driveway and the public or private street and a straight line joining those two (2) lines at points which are fifteen (15) feet distant from the point of intersection. This distance shall be on both sides of the subject property.

Table No. 28: Clear Visibility Triangle Distance Requirements



Street Classification	Minimum Distance (feet)
Alley or Driveway	15
Local Street	30
Collector	60
Arterial	120

ARTICLE XII: SIGNS, BILLBOARDS AND ADVERTISING MATERIAL

SECTION 12.1: Signs, Billboard and Advertising Material

All signs must meet the standards of the City's Architectural Regulations upon review by the Technical Review Committee. The City encourages monument signs constructed of a variety of materials and offers the Gautier Architectural Handbook for illustration.

The purpose and intent of this section is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. Further, it is the intent of these regulations to assure the economy of the City, while protecting the public investments in streets and highways and to preserve the reasonable orderly and effective display of advertising.

With these concepts in mind, these regulations are adopted to achieve the following purposes:

A. To balance public and private objectives by allowing adequate signage for identification of businesses and civic entities.

B. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be fully or partially attributable to cluttered, distracting and/or illegible signage.

C. To protect the natural beauty of the landscape, and natural attributes of the community.

D. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.

E. To protect property values and the quality of life of citizens by preserving and enhancing the appearance of the streetscape.

F. To provide sign design standards which are consistent with the City of Gautier's zoning district classifications in terms of placement, size and height.

Section 12.2: Exempt Signs

The following signs are exempt from the permit requirements of this Ordinance:

A. Signs not exceeding one (1) square foot in sign area and bearing only property numbers, post box numbers, names of occupants, or other similar site identification matter of a non-commercial nature.

B. Temporary on-site real estate signs, provided such signs in residential districts shall not exceed twelve (12) square feet of sign area and have no more than one advertiser per street side not to exceed a total of two (2) signs per lot. In all other districts the sign area shall not exceed forty (40) square feet. They shall be immediately removed once their purpose has been achieved but not later than ten (10) days thereafter.

C. Any political sign erected on a site by the owner or with owner consent, provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first of such, and provided further that it shall be removed within ten (10) days after such election

or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.

D. Signs painted on or attached to vehicles solely for identification purposes and limited to operable vehicles. Not included is any vehicle permanently used for signage purposes.

E. One (1) construction sign per construction project not exceeding twenty (20) square feet of sign area in residential districts and forty (40) square feet of sign area in all other districts. Such signs shall be erected not more than sixty (60) days before the beginning of construction for which a valid building permit exists, they shall be removed within ten (10) days after completion of the project.

F. Non-electrical signs of no more than four (4) square feet of sign identifying restrooms, public telephones, and similar matters.

G. Memorial signs or tablets for names of building, dates of erection, and other commemorative matters when cut into a masonry surface or inlaid so as to be a part of the building or when constructed of bronze or similar material and securely affixed to the building or structure it pertains to.

H. Public signs and warning signs.

I. Nameplate signs in commercial, industrial, and special use districts that are not more than four (4) square feet in sign area which are fastened directly to and mounted flat against the building or structures to which it pertains.

J. Religious symbols, commemorative plaques of historical agencies, provided that they shall not be more than four (4) square feet in sign area and shall be mounted flat against the building or structures to which they pertain.

K. Signs having not more than four (4) square feet of sign area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided that said signs are posted only during said drive or not more than thirty (30) days before the event and they shall be removed not more than ten (10) days after the event.

L. One (1) on-site sign per street frontage having not more than thirty-two (32) square feet of sign area per sign identifying churches, schools, clubs, golf courses, country clubs, cemeteries, and similar uses.

M. One (1) sign per subdivision entrance or one (1) sign per apartment complex entrance. Sign shall not exceed twenty-four (24) square feet of sign area and not more than six (6) feet in height.

N. Seasonal, holiday, school and special event signs for no more than thirty (30) days before the season, event or holiday, which signs are to be removed within ten (10) days after such season, holiday or special event. These signs may be tacked, tied, posted or hooked to "private property" in a safe, secure and presentable manner and must comply with the rest of this Ordinance.

O. Garage sale signs not exceeding four (4) square feet in sign area which shall only be placed on the site of such sale.

P. Flags of non-commercial and non-advertising display to include but not be limited to flags of national, state, religious, fraternal, or similar display. One (1) corporate flag is permitted as exempt.

Q. A-frame signs not to exceed six (6) square feet per face and only exhibited during business hours and limited to one (1) sign per tenant. For businesses with street frontage to Highway 90 or Highway 90 Frontage Road, A-frame signs shall not exceed eighteen (18) square feet per face. All A-frame signs shall be professionally made and shall not be placed in a site triangle as detailed in Section 11.11.

R. Grand opening signs are allowed for no more than thirty (30) days.

SECTION 12.3: Prohibited Signs

A. Any sign, other than one which is nonconforming within the terms of this ordinance, which fails to meet the requirements of this ordinance.

B. Any sign which is tacked, tied, or posted to any hydrant, protected tree, lamppost, utility pole, fence, post, rock, or building unless otherwise authorized herein.

C. Any sign not complying with the requirements of the standard building code in effect at time of its erection.

D. Any sign that is hung or supported from another sign and which is not built as an integral part thereof.

E. Temporary signs except such as are exempt from permitting requirements.

F. Any sign, which is animated by means of beaming, flashing, scintillating, blinking or traveling lights. Electronic changeable copy signs, or reader boards, utilizing light emitting diode (LED) are not subject to this prohibition, nor are public service information signs.

G. Any sign placed wholly or partially on or encroaching upon the space above a street right-of-way or any other public property unless otherwise authorized herein.

H. Abandoned signs.

I. Unsafe signs.

J. Unlawful signs.

K. No person shall park any motor vehicle or trailer on a public street or on public property or on private property so as to be visible from a public street, which has attached thereto or located thereon any sign. This is not to be construed

to prohibit normal vehicle signs attached to or painted thereon identifying the owner or business or activity such vehicle is used in.

L. Bench signs on private property without written approval of the Planning Director.

M. Signs which purport to be or are an imitation of or resemble an official traffic sign or signal.

N. Any sign which is attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window, or any sign which obstructs or is attached to a fire escape.

O. Any portable sign as defined herein to include portable message board signs, unless otherwise authorized.

P. Any sign on public property, excepting only signs placed upon such property by a governmental entity.

Q. Any device designed solely to attract attention by projecting light beams.

SECTION 12.4: Permits, Fees, Inspections, Etc.

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect a sign in the City, or cause the same to be done, without first obtaining a sign permit for each such sign from the Building Official as required in this Ordinance. This shall not be construed to require a permit for change of copy on a sign, nor for the repairing, cleaning, and other normal maintenance of a lawful sign or sign structure so long as the sign or sign structure is not modified.

An application for a sign permit shall be filed with the Building Official on a form provided by him/her which shall contain the following information along with any other relevant information required by the Building Official:

A. Name and address of the owner of the sign.

B. Name and address of the owner of the site where the sign is to be located.

C. A sketch showing the position of the sign in relation to other buildings, structures, and signs on the site.

D. If requested by the Building Official, a drawing of the sign showing dimensions, type of construction, attachment method to the ground or building, and any related information asked for.

E. Name of the person erecting the sign.

F. Such other information as the Building Official may require to ensure compliance of said sign with this Ordinance and any other law of the City.

G. If deemed necessary by the Building Official, the following signs may require certification by a registered engineer. The following signs shall be designed,

signed and certified by a Mississippi registered structural engineer or architect, certifying to the structural integrity of the structure and foundation meeting all wind loads as set forth by the building code, and who shall submit sufficient data to enable the Building Official to determine whether the sign complies with this code:

1. Signs over twelve (12) feet high, including billboards on-site or off-site.

2. Signs with unusual structural features.

H. The Building Official shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant or the sign meets the requirements of this Ordinance and any other applicable ordinance of the City, and when all required fees have been paid.

If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefore.

I. The work under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

J. The Building Official may, in writing, revoke a sign permit if it was issued on the basis of a misrepresentation of fact, fraud, or for failure to comply with the terms of the permit, or for a violation of this ordinance. If a sign permit is denied or revoked by the Building Official, he shall give written notice thereof to the applicant or permittee, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the Building Official which may be appealed as other decisions.

K. All billboards and free-standing, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a footing inspection to ensure that they comply with the sign permit and this Ordinance. If the Building Official determines that the sign as erected does not comply with the terms of the permit and this ordinance, he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

L. When a sign is erected before issuance of a permit as required by this Ordinance, the fee specified herein shall be multiplied by five (5).

SECTION 12.5: Standards of Sign Construction

Any sign constructed under a sign permit issued under this Ordinance shall be constructed in accordance with the provisions of the Building Code in effect at the time such sign permit is issued. If there is a conflict between the provisions of this Ordinance and said Building Code, the provisions of the more restrictive shall apply.

SECTION 12.6: Maintenance, Repair, and Removal

A. Every sign, including exempt and nonconforming signs, shall be maintained in a safe, presentable, attractive, and good condition at all times, including, if needed,

replacement of defective parts, painting, repainting, cleaning, and any other action required for the maintenance of said sign.

B. The Code Enforcement Officer shall cause the abatement or removal of unsafe, unlawful, or abandoned signs in accordance with the remedial and enforcement provisions of this Ordinance. If the Code Enforcement Officer has to remove any sign, the owner thereof shall bear the cost of removal. The cost shall be billed to the owner and upon a failure to pay within a reasonable time suit may be brought to recover the sum due.

SECTION 12.7: Signs Permitted in Residential Districts

In all residential districts all exempt signs are permitted subject to the conditions of the exemption applicable to residential districts.

SECTION 12.8: Signs Permitted in Commercial, Mixed Use and Industrial Districts

The following signs are permitted in all commercial, mixed use and industrial districts, subject to the conditions and limitations herein:

A. Free-standing, on-site signs
B. Wall signs
C. Canopy signs
D. Under-canopy signs
E. Roof signs
F. Projecting signs
G. Exempt signs
H. Special sale and promotion signs

12.8.1 Lots Abutting Highway 90 or Highway 57:

A. Major Shopping Centers, defined as one hundred thousand (100,000) square feet of building space or larger with linear Highway 90 or Highway 57 frontage equal to or greater than five hundred (500) feet:

1. Two (2) free-standing, on-site signs shall be permitted, provided both signs are located on Highway 90 or Highway 57 frontage.

2. Each sign shall not exceed twenty (20) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Total sign square footage shall not exceed two hundred fifty (250) square feet. The subject signs shall be separated by a minimum of one hundred fifty (150) linear feet.

4. Each store, office, or other place of business within the major shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

B. Major Shopping Centers with linear Highway 90 or Highway 57 frontage less than five hundred (500) feet but greater than three hundred (300) feet:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed two hundred (200) square feet.

4. Each store, office, or other place of business within the shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsections 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

C. Major Shopping Centers with linear frontage along Highway 90 or Highway 57 up to three hundred (300) feet:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed one hundred fifty (150) square feet.

4. Each store, office, or other place of business within the shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

D. Minor Shopping Centers (no minimum linear Highway 90 or Highway 57 frontage requirement):

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed one hundred twenty five (125) square feet.

4. Each store, office, or other place of business within the minor shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

E. Commercial and industrial parcels with linear Highway 90 or Highway 57 frontage:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed sixty (60) square feet.

4. Each store, office, or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9 below.

F. Commercial parcels located in C-3 Highway Commercial zoning districts with linear frontage along Highway 90 or Highway 57 equal to or greater than four hundred (400) feet but less than five hundred (500) feet:

1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed twenty (20) feet in height.

3. Sign square footage shall not exceed seventy (70) square feet.

4. Each store, office, or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

G. Commercial parcels located in C-3 Highway Commercial zoning districts with linear frontage along Highway 90 or Highway 57 equal to or greater than five hundred (500) feet:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed thirty (30) feet in height.

3. Sign square footage shall not exceed eighty (80) square feet.

4. Each store, office, or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

H. Commercial parcels located in TCMU Town Center Mixed Use zoning districts with linear frontage along Highway 90:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 frontage.

2. Sign shall not exceed ten (10) feet in height. However, if it is a multi-tenant sign for commercial businesses within one thousand (1,000) feet of Highway 90, signage shall not exceed fifteen (15) feet in height.

3. Sign square footage shall not exceed sixty (60) square feet. However, if it is a multi-tenant sign for commercial businesses within one thousand (1,000) feet of Highway 90, total signage shall not exceed one hundred fifty (150) square feet with individual stores not exceeding fifty (50) square feet.

4. Each store, office, or other place of business shall be permitted one canopy sign and one wall sign subject to the area limitation of subsection 12.9, below.

I. Master planned commercial developments, defined as consisting of two hundred thousand (200,000) square feet of building space or larger, with linear footage along Highway 90 or Highway 57:

1. Two (2) free-standing, on-site, multi-tenant signs shall be permitted on Highway 90 or Highway 57 frontage, and one (1) free-standing, on-site, multi-tenant sign shall be permitted on other public street frontage.

2. Each sign on Highway 90 or Highway 57 frontage shall not exceed thirty (30) feet in height. Each additional sign allowed on public streets shall not exceed twenty-five (25) feet in height.

3. Total sign square footage for each sign on Highway 90 or Highway 57 frontage shall not exceed five hundred (500) square feet. Total sign square footage for each additional sign allowed on public streets shall not exceed three hundred (300) square feet.

4. Each store, office or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

12.8.2 Lots That Do Not Abut Highway 90 or Highway 57:

A. Major and Minor Shopping Centers:

1. One (1) free-standing, on-site sign shall be permitted.

2. Sign shall not exceed eight (8) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed one hundred (100) square feet. However, within one-half (½) mile of Interstate-10, sign square footage shall not exceed one hundred fifty (150) square feet.

4. Each store, office, or other place of business within the major, minor, shopping center shall be permitted one (1) canopy sign and one (1) wall sign or one (1) under canopy sign subject to the area limitation of subsection 12.9, below.

B. Commercial, Mixed-Use and Industrial parcels:

1. One (1) free-standing, on-site sign shall be permitted.

2. Sign shall not exceed eight (8) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed twenty (20) square feet. However, within one-half (½) mile of Interstate-10, sign square footage shall not exceed sixty (60) square feet.

4. Each store, office, or other place of business one (1) under canopy sign and one (1) wall sign or one (1) canopy sign subject to the area limitation of subsection 12.9, below.

SECTION 12.9: Wall, Roof, Projecting, Canopy, Incidental and Directional Signage

A. Wall Signs

1. Wall signs are permitted for a total area not exceeding the maximum area allowed for a free standing sign for the lot as specified in sub-section 12.9 above. In developed sites with multiple occupancies, the permitted area for a wall sign shall not exceed fifty (50) square feet for developments having frontage on Highway 57 or Highway 90, and shall not exceed twenty (20) square feet for lots that do not abut Highway 57 or Highway 90.

2. One (1) wall sign shall be permitted for each occupancy within a developed site. If such occupancy is on a street corner, one (1) wall sign is permitted for each frontage.

3. Occupancies located within a shopping center shall be allowed a wall sign with a maximum area that does not exceed fifty (50) square feet. Anchor tenants located within a shopping center shall be permitted a wall sign with total area not exceeding eighty (80) square feet.

B. Roof Signs

One (1) roof sign is permitted per building, except in shopping centers. A roof sign shall not exceed the area limitations of subsection 12.8 above for free standing signs. A roof sign may exist instead of, but not in addition to, a free-standing, on-site sign or a permitted projection sign. The maximum overall height above said roof shall not exceed five (5) feet.

C. Projecting Signs

1. An occupant with building frontage on a public street is permitted to have one projecting sign along that street. The projecting sign may exist instead of, but not in addition to a permitted free-standing, on-site sign or a permitted roof sign. A projecting sign shall not exceed the area limitation of subsection 12.9 above for freestanding signs.

2. Projecting signs may extend over public property only in the TCMU and MUMS Districts (central business district). No projecting sign shall extend over public property more than ten (10) feet or beyond a vertical plane two (2) feet inside the curb or roadway edge line or have a vertical clearance of less than nine (9) feet above grade. Projecting signs that extend over public property shall have an area that does not exceed eight (8) square feet.

D. Canopy Signs and Under Canopy Signs

1. The copy area of a canopy sign may be forty-eight (48) square feet. Subject to a minimum height limit of nine (9) feet from the sidewalk, copy may be installed above or on the face of the canopy proper, provided that when such sign is installed above or on the canopy proper, copy area will be computed on the total of the sign face and the canopy apron proper.

2. Under-canopy signs shall have a sign area no greater than six (6) square feet, have a minimum clearance of eight (8) feet above the sidewalk and are limited to one (1) per site.

3. No portion of a canopy sign shall be closer than four (4) feet to a vertical line from the adjacent curb face or roadway edge in the absence of a curb.

4. On places of public entertainment, such as theaters, arenas, coliseums, and meeting halls, the copy area allowance is six (6) square feet per linear foot of canopy as measured along the margin of the canopy.

E. Incidental and On-Site Directional Signs

1. Up to two (2) incidental signs may be attached to a freestanding, on-site sign or to a building wall. If attached to a wall such signs may not be mounted perpendicular thereto. These incidental signs are restricted to messages concerning trading stamps, credit cards which are accepted, official notices required by law, and trade affiliations. The area of each sign may not exceed four (4) square feet, and the total area of all signs on site shall not exceed eight (8) square feet.

2. Two (2) directional signs are permitted for each driveway onto a public street. The area of each such sign shall not exceed six (6) square feet. The maximum height for such signs shall be four (4) feet above grade.

3. The square footage of these incidental signs shall not be charged against the total allowable sign area otherwise permitted under this Ordinance.

SECTION 12.10: Temporary Promotional Signs/Banners

A. Special Sale and Event Signs/Banners Standards

1. Special sale and promotion signs are permitted for special events and special sales. Such displays shall be limited to a maximum of fifteen (15) days per sale/event, and no more than eight (8) events per year per business.

2. This shall continue until sign(s) is removed or fifteen (15) days has expired. These signs may be tacked, tied, posted, or hooked to 'private property' in a safe, secure and presentable manner, and must comply with the rest of this Ordinance (nothing shall be permitted to be nailed to any protected tree). Grand opening signs are excluded from these requirements and are allowed for no more than thirty (30) days.

B. Special Sale and Event Signs/Banners Location and Size

1. The minimum clearance for these signs/banners over walkways (on private property) shall be eight (8) feet.

2. The minimum clearance for these signs/banners over a driveway and/or an occupied parking space (on private property) shall be ten (10) feet.

3. The minimum clearance for streamers, other than listed above, shall be eight (8) feet.

4. The overall maximum height for all special sale and promotion signs/banners shall not exceed eight (8) feet in height.

5. The total combined square footage of all special sale and event signs/banners shall not exceed fifty (50) square feet.

6. Special sale and event sign placement shall comply with Section 11.11, Clear Visibility Triangle.

SECTION 12.11: Off-Site Directional Signage

Commercial business off-site directional signs are allowed under the following conditions:

A. It is located on privately owned commercial property.

B. It is maintained in good repair.

C. It meets all the height and setback requirements, and other restrictions set forth in this Ordinance.

D. Provided any such sign shall be attributable towards the maximum allowable signage on such property and shall not exceed thirty-two (32) square feet.

E. The signage and location comply with the Gautier Architectural Regulations and are approved by the Planning Director.

F. An off-site directional sign shall not contain the name of the business, logo, or any other advertising materials, except as allowed by Section 12.18 Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referred to as an Off-Site Directional Sign Marquee.

SECTION 12.12: Billboards (Non Digital) Standards and Conditions

A. Outdoor Advertising Signs (Billboards) shall be permitted in C-3 Highway Commercial Districts only.

B. Billboards are not allowed as an accessory use or structure on a lot and shall be located on undeveloped lots or parcels of not less than one-half (1/2) acre.

C. The maximum sign size of all single billboards shall be four hundred (400) square feet including both sides of a back-to-back “v-type” sign.

D. The maximum height of all outdoor advertising signs shall be thirty-five (35) feet measured from the adjacent roadway grade to the top of the sign.

E. No outdoor advertising sign shall be erected, placed or hung closer than twenty-five (25) feet from the street right-of-way line.

F. An engineering certification signed and with a seal from a professional engineer shall accompany the application for an outdoor billboard stating the billboard does not present a safety hazard.

G. All outdoor advertising signs erected after the passage of this Ordinance shall be a minimum distance of one thousand (1,000) feet from any other such outdoor advertising sign on the same side of the road as measured along a line parallel to such road, except that any electronic or LED billboard shall be a minimum distance of twenty-four hundred (2,400) feet from any other such sign.

SECTION 12.13: Billboards (Digital) Standards and Conditions

Digital billboards are regulated by the standards and conditions above. Billboards that can be changed at intervals by electronic mechanical process or a sign using light emitting diodes (LED) shall only be permitted with the following restrictions:

A. Digital outdoor advertising signs which display more than one (1) static message shall do so sequentially, with each static message having a dwell time of no less than twelve (12) seconds and a transition time between static messages of no more than one (1) second.

B. All moving parts or illumination shall move or change simultaneously and the sign cannot display any illumination that moves, appears to move or changes in intensity during the static display period.

C. Digital outdoor advertising signs shall not display an illuminative brightness exceeding three hundred (300) NITs at any time between one half (1/2) hour after sunset until one half (1/2) hour before sunrise or sixty-five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset and such settings shall be attested to by the operator in written form.

D. Digital outdoor advertising signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

E. Digital outdoor advertising signs shall not be permitted to operate unless they are equipped with a default mechanism that shall freeze the sign in one (1) position or static message if a malfunction occurs.

F. Any digital outdoor advertising sign shall be separated a minimum distance of twenty-four hundred (2,400) feet from any other digital outdoor advertising sign facing the same traveled way, measured from the ground from the center on one sign to another.

G. Digital outdoor advertisings if visible from a residential district shall be setback from such areas a minimum distance of two hundred (200) feet.

H. No outdoor advertising sign which is a legal nonconforming sign at the time of the adopting of this Unified Development Ordinance, shall be modified, changed or converted into a digital outdoor advertising sign.

I. No digital outdoor advertising sign shall be located within fifty (50) feet of a signalized intersection.

J. No such digital sign shall exceed an illumination of seventy (70) foot candles measured at two (2) foot distance from the sign.

SECTION 12.14: Historic Districts, Sites or Landmark Protection Areas

In addition to other requirements set forth herein, any sign located within an historic district, individual sites or landmark protection areas in the City of Gautier shall comply with this Ordinance.

The appearance, color, size, position, method of attachment, texture of materials and design of such signs shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. The signs allowed in the underlying zones shall further be limited as follows:

A. Off-site signs shall not be permitted.

B. Freestanding signs shall be limited to one (1) sign per premises.

C. Maximum area of any signs shall be as follows:

1. Schools with at least twenty-five (25) students from and including prekindergarten through high school or any grades thereof, or churches:

a. One (1) name sign, maximum of twelve (12) square feet.

b. One (1) information sign (bulletin board), maximum of eighteen (18) square feet.

c. No sign permitted wider than six (6) feet.

d. One (1) additional bulletin board not visible from the street, maximum of thirty-two (32) square feet.

e. Traffic flow directional signs, maximum one (1) square foot.

2. Museums, community centers, civic (nonprofit) organizations, or historic sites:

a. One (1) sign, maximum of eighteen (18) square feet.

b. No sign permitted wider than six (6) feet.

3. Mixed use or commercially zoned historic property:

a. Businesses with less than one hundred (100) foot street frontage:

1. One (1) sign, maximum of twelve (12) square feet.

2. No sign wider than six (6) feet.

b. Businesses with one hundred (100) feet or more street frontage:

1. Maximum area computed at twelve (12) square feet per one hundred (100) feet of street frontage.

2. No sign wider than twelve (12) feet.

D. Maximum total square feet of freestanding signs on single premises with multiple businesses:

1. Premises with total street frontage of less than one hundred (100) feet, maximum area of twenty-four (24) square feet.

2. Premises with total street frontage of one hundred (100) feet or more, maximum area of forty-eight (48) square feet.

3. Signs on all other properties may not exceed four (4) square feet.

4. No sign may extend above the top of the nearest facade, eaves, or firewall of a building or structure.

5. Design and materials of signs. Visible bulbs, not exceeding ten (10) watts per bulb, are allowed. Neon tubing is not allowed. Clear Plexiglas and acrylic, when used as a substitute for glass, are allowed; otherwise plastics are not allowed. Luminous paints are not allowed.

6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.

7. Any nonconforming signs that are replaced or undergo repairs exceeding fifty (50) per cent of their value must conform to these regulations.

8. The Historic Preservation Commission may recommend to the Planning Commission exceptions to these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic.

SECTION 12.15: Signs on Trust Lands

The following rules shall apply to signs on Trust Lands:

A. On privately-owned land the regulations that apply in commercial and industrial districts shall be followed.

B. On trust lands of the State of Mississippi that are not leased to anyone there shall be no signs except those erected by or on the authority of the State of Mississippi or a political subdivision thereof.

C. Signs shall be erected on trust lands of the State of Mississippi that are leased to private persons if and as authorized in any such lease.

D. Unless the government lessor rules to the contrary, signs on trust lands of the State of Mississippi that are under lease to a private person on the effective date of (C) above shall be erected in accordance with the regulations that apply in commercial and industrial districts.

SECTION 12.16: Nonconforming Signs

A nonconforming sign may remain until it loses its nonconforming status in any of the following ways:

A. It is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) that makes the sign less in compliance with this Ordinance than it was before the alteration.

B. It is relocated in such a way as to make it less in compliance with the requirements of this Ordinance.

C. It is changed to another nonconforming sign.

D. It is enlarged.

E. It is damaged in an amount greater than fifty percent (50%) of its value at the time the damage occurs.

F. It is abandoned.

On the happening of any of the events in (A), (B), (C), (D), (E), or (F), the sign shall be immediately brought into compliance with this Ordinance, or it shall be removed.

SECTION 12.17: Miscellaneous Rules

A. Unless otherwise provided, signs erected under the provisions of this Ordinance shall be set back so as not to be on or over any public right-of-way.

B. To provide an adequate and safe line of sight for motor vehicle operators, no sign shall create a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the grade of the adjacent roadway. If a sign encroaches into this visibility space, the street front setback shall be increased until a safe line of sign is accomplished.

C. No part of a sign shall be closer than ten (10) feet to a utility pole or an electric power line, except signs exempt from permitting requirements may be placed closer than ten (10) feet to a utility pole.

D. Billboards and freestanding, on-site signs shall be securely anchored in concrete foundations.

E. No signs shall be suspended by rope, wire, string, or the like.

F. For the purpose of this Ordinance, a fence under the roof of a building's perimeter shall be considered as an exterior wall. In addition:

1. Any signage mechanically attached to the outside of this fence shall be permitted as a wall sign.

2. Any signage mechanically attached to the inside of this fence (and which cannot be read from the outside) shall be considered indoor advertising which is exempt from this Ordinance.

SECTION 12.18: Sign Overlay District

12.18.1 District Creation and Purpose:

The Sign Overlay District is hereby created and includes lands conterminous with the Corridor Overlay District.

The Purpose of the Sign Overlay District is to increase tourism in tourism-related areas of the City. It shall be the purpose of the Ordinance to encourage multi-tenant free-standing signs whenever possible, but also provide for single-business free-standing signs, in order to limit the proliferation of “snipe signs” and aesthetic disharmony in high density areas.

12.18.2 District Regulations

A. General

1. Off-site directional signage located within the City may not contain business name, business logo, or other advertising material, except as allowed within the Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referenced as an Off-Site Directional Sign Marquee.

2. Marquees shall be referred to as Single Off-Site Marquee or Shared Off-Site Marquee.

3. Shared Off-Site Marquees are encouraged and will be given more flexibility than single Off-Site Marquees.

B. Applicability – Only tourism related businesses may install or be located on an off-site directional sign marquee which includes the name of the business, logo of business, or any other advertising material. A tourism-related business is defined as a business whose customer base consists largely of non-local patrons, such as hotels, specialty retail, destination shopping venues, and restaurants. Franchise restaurants and retail shall be allowed to advertise on an off-site sign in such instances when the franchise is located within a multi-tenant destination center.

C. Number of Signs Allowed – A business will only be allowed one (1) Single Off-Site Marquee. There is no limit on the number of Shared Off-Site Marquees a

business may be displayed on, but a particular business may only be listed once per marquee.

D. Location and Visibility

1. Shared Off-Site Marquees may be located within the Sign Overlay District at roadway intersections or within five (500) feet of the intersection. If roadway intersections are spaces more than one-half (½) mile apart, an intermediate sign may be placed approximately mid-way between intersections as approved by the Planning Director.

2. Single Off-Site Marquees may be located within the Sign Overlay District, but shall be spaced at least one thousand (1000) feet apart along the adjacent roadway.

3. Off-Site Marquee Signs with space for three (3) or more listed businesses may be located on a parcel in conjunction with the allowable number of free-standing business signs in accordance with this Article. Off-Site Marquee Signs with less than three (3) listed businesses on the marquee may not be located on the same parcel as other free-standing business signs.

4. Visibility – Off-Site Sign Marquees shall not block the visibility of another existing business or business sign. The TRC may require a temporary field representation of the location and height before approval is granted. In addition, if there is any question about visibility, the TRC or the Planning Director may send the Sign Marquee request to Planning Commission and City Council for a public hearing.

5. Off-Site Sign Marquees shall not be placed in the clear visibility triangle as shown in Table No. 28 in Section 11.11 of this UDO.

12.18.3 District Off-Site Sign Requirements

A. Appearance and Materials – Within the sign overlay district, the Off-Site Sign Marquee must incorporate a minimum of two (2) architectural elements from the official Gautier entrance signs, park entrance signs, directional signs, and/or town center gateway signs. Namely, these architectural elements include: stone, brick, black aluminum, pitched copper roof type cover, copper metal backing, square wooden columns, fluted columns, natural roughhewn wood with routed lettering, or some other detail keeping with the theme “Nature’s Playground” and the historic fishing village feel. In addition, the marquee may incorporate the City’s crane (bird) insignia or Nature’s Playground logo/theme.

B. Sign Size Limitations

1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per businesses listed on the marquee.

C. Height Limitations

1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

ARTICLE XIII: NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 13.1: Purpose and Intent

The purpose of this Article is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of this Ordinance which do not conform to the standards of this Ordinance. The intent of the regulations in this Article is as follows:

A. To permit these nonconformities to continue until they are eventually removed, but not to encourage their continuation.

B. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for placing additional signs, adding other structures or uses except in conformance with this ordinance.

SECTION 13.2: Nonconforming Structures

Any non-conforming structure which was lawful before the adoption of this Ordinance may continue to be used as long as it is adequately maintained and does not constitute a public hazard or nuisance.

13.2.1 Enlargements and Additions

A nonconforming structure shall not be expanded, extended, enlarged in floor area or changed in basic structural design and integrity. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions or enlargements and use is made to conform to all of the regulations of the district in which it is located.

13.2.2 Changes which result in compliance

Any non-conforming structure which has been improved and altered to comply with the provisions of this Ordinance shall be considered as conforming.

13.2.3 Vested Interest Provision

Any non-conforming use of buildings and land which was lawful before the adoption of this Ordinance may be continued, and further no structure that was lawfully approved or on which construction has begun prior to the effective date of adoption of this Ordinance shall be required to change plans or proposed use of any building provided construction takes place in the time required by this Ordinance. Within the MURC-MW zoning district, mobile homes existing as of June 21, 2011, may be replaced so long as the nonconforming structure meets all other requirements of the Code.

13.2.4 Repair and maintenance of nonconforming structure.

Ordinary repairs and replacement of nonbearing walls, fixtures, wiring or plumbing may be performed provided that the nonconforming structure is not increased in size.

13.2.5 Moving a Nonconforming Structure

Should a nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to these regulations for the district in which it is located after it is moved.

13.2.6 Major Damage to Nonconforming Structures

Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of fifty percent (50%) of the true value as determined by the Jackson County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances, however, this provision shall not apply to any nonconforming use which at the time of destruction or damage is owned by the same persons or entity who was the owner at the time of the passage of the Unified Development Ordinance, dated December 7, 2010.

SECTION 13.3: Nonconforming Use of Structures and Premises

A nonconforming use shall not be expanded, extended or enlarged in floor area, or changed to another nonconforming use. Structures housing a nonconforming use may be improved or extended to an extent which does not exceed fifty percent (50%) of the market value as appraised by the Jackson County Tax Assessor's appraisal on record.

13.3.1 Termination of Nonconforming Use

A nonconforming building, structure, dwelling, or land use or portion thereof, existing at the time of adoption of these regulations which is or hereafter becomes vacant for any reason, for a period in excess of one hundred eighty (180) consecutive days any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located.

SECTION 13.4: Catastrophic Provisions

In the event of a natural disaster, which is determined by the State of Mississippi or the United States Government; any damaged nonconforming uses may be continued, where such continuance is declared to be in the public interest by the City Council.

SECTION 13.5: Outdoor Advertising and Structures

When any commercial advertising structure or billboard, being an outdoor sign whereby the advertising content is for lease or rent, that is legally in existence either as a conforming sign or a nonconforming sign that is required to be removed for public purposes, just compensation shall be paid for the removal thereof according to the terms and conditions as found in the laws of the State of Mississippi controlling outdoor advertising.

SECTION 13.6: Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of this Ordinance, not-withstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the City Council.

ARTICLE XIV: TELECOMMUNICATION FACILITIES

SECTION 14.1: Purpose and Intent

The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs), specifically towers and antennas. The Intent of the guidelines is to:

A. Protect residential areas from potential adverse impacts by encouraging the location of facilities in nonresidential areas

B. Enhance the ability of providers of wireless telecommunications services to provide those services quickly, effectively and efficiently

C. Encourage the joint use of new and existing sites

D. Minimize the total height of towers within the community

E. Encourage service providers to locate and configure facilities in such a way as to minimize adverse impacts through careful design, siting, landscaping, buffering and innovative camouflaging techniques.

.SECTION 14.2 Applicability and Exceptions

All WTF proposals made in the City, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided below. WTFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

14.2.1 Exceptions

The following are exempt from the provisions of this section and are allowed to remain as either a legal or legal non-conforming use:

A. Existing Uses

WTFs that currently exist on the date of adoption of this Ordinance, or for which a valid building permit has been obtained and is in effect on the date of adoption of this Ordinance are considered legal if they comply with the standards of this Article and are considered legal non-conforming otherwise. This exemption does not apply to future modifications of existing facilities.

B. Industrial/Scientific Equipment

Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC are exempt from the requirements of this Article.

C. Amateur Radio Station Operators or Receive-only Antennas

Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas is exempt from requirements of this Article.

D. Home Satellite Services

Satellite dish antennas less than two (2) meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property are exempt.

E. COW

A COW or other temporary WTF may be used in any area of the City for a period not to exceed thirty (30) days, unless extended by permit issued by the Planning Director or unless the City has declared an area-wide emergency.

F. Public Safety WTFs and Equipment

Public safety WTFs and equipment, including, but not limited to, the regional 911 system are exempt from the requirements of this Article.

SECTION 14.3: General Standards

A. FCC Licensing

The City will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

B. Compliance with Other Laws

Applicants must show, to the satisfaction of the Planning Director that the proposed tower is in compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

C. Principal or Accessory Use

WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

D. Co-Location Requirement

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or other structure can accommodate the applicant's proposed antenna within a one (1) mile search radius (one half (1/2) mile for towers under one hundred twenty (120) feet in height, one quarter (1/4) mile for towers under eighty (80) feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the

antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable.

6 Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need.

7. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

8. Any evidence submitted to the governing authority in order to meet the requirements of this section shall be documented by a qualified and licensed professional engineer.

SECTION 14.4: Types of WTF Permitted

A. Towers

Monopole construction required. All towers will be of a tapering monopole construction.

B. Rooftop or Building Mounted

1. Towers and antennas shall be designed to blend into the surrounding environment to the extent possible, through the use of color and camouflaging architectural treatment, unless the FAA or other federal or state authorities require otherwise or that the goal of the co-location would be better served by an alternate design.

2. Towers shall be of a monopole design unless the zoning authority determines that an alternative design would better blend in to the surrounding environment.

3. The use of guyed wires is prohibited.

SECTION 14.5: Zoning District

The location of new Wireless Telecommunications Facilities shall be In accordance with the provisions of *Article IV*; however, antennas which do not add more than twenty (20) feet may be added to certain existing facilities or structures in accordance with the following regulations:

A. Existing towers regardless of the zoning district; and

B. Free-standing non-residential structures such as a water tower which are located within industrial areas and are fifty (50) feet or taller.

SECTION 14.6: Minimum Distances and Setbacks on lots

A. Separation distances between towers.

1. Monopole, lattice or guyed Telecommunication Towers shall not be located within one-quarter (1/4) mile or one thousand three hundred fifty (1,350) feet of any existing monopole, lattice or guyed telecommunication tower.

2. Separation distances between towers shall be measured from the base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower.

B. Distance from Residential Uses

The distance from the perimeter of the tower or monopole to any residence shall be equal to the height of the tower plus thirty (30) feet.

C. Lot setbacks.

All towers, support structures, accessory buildings and guy wires shall be in accordance with the required setback requirements of the base zoning district.

D. Calculation of Setback

For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

SECTON 14.7: Tower Specifications

A. Height

Unless further restricted in this Ordinance, WTFs which are proposed as a stand-alone tower may not exceed the following height and usage criteria:

1. For a single user, up to ninety (90) feet in height; and

2. For two (2) or more users, up to one hundred twenty (120) feet in height.

3. Towers integrated into an architectural element of an existing or proposed structure such as a church steeple shall not exceed the height of the existing architectural element, unless a variance is obtained from the City Council.

B. Lighting

1. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.

2. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required by the FCC.

C. Signs

Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and or/unless required by any federal or state regulations.

D. Colors

Except where superseded by the requirements of a state or federal regulatory agency possessing jurisdiction over Telecommunication Towers, towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral color, designed to blend into the surrounding environment such as gray.

E. Co-Location Standards

Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

SECTION 14.8: Accessory Utility Buildings

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractor’s offices or similar uses shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.

SECTION 14.9: Buffering and Landscaping

An eight (8) foot fence or wall as measured from the finished grade of the site shall be required around the base of any telecommunication tower and around any necessary buildings or structures.

A. A minimum five (5) foot landscaping buffer shall be installed around the entire perimeter of the site outside of the required fence or wall consistent with the requirements of Article XI. Additional landscaping may be required around the perimeter of a fence or wall if deemed necessary to buffer adjacent properties.

B. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely impacted.

SECTION 14.10: Removal of Abandoned or Unused Facilities

The owner of a telecommunication tower which has been abandoned or is unused shall provide the Planning Department with a copy of the notice to the FCC of intent to cease operations. The obsolete tower and accessory structures shall be removed within six (6) months after the date of ceasing operations. In the event that a tower and its associated facilities are not

removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

SECTION 14.11 : Applications for New Construction of WTFs

Application for approval of a telecommunications facility or tower shall require site plan review, a public hearing before the Planning Commission and approval by the City Council. Submittal requirements and accompanying applications shall in accordance with the requirements of *Article IV*.

A. Anyone who applies to construct a WTF or to modify or add to an existing WFT shall demonstrate to the City's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system. Such compliance shall be judged by using the following criteria:

1. That the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location.

2. That the owner or operator has, to the greatest extent practical, selected a site that provides the least visual impact on residential areas. This shall be demonstrated by an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

3. That the site selected is not visually prominent when viewed from surrounding areas, especially residential areas.

4. That the facility will be camouflaged to the maximum extent feasible.

ARTICLE XV: MOVING OF BUILDINGS

SECTION 15.1: Purpose

The purpose of this Article is to set forth a standard set of rules by which structures may be moved into, out of or within the City of Gautier, Mississippi. As a general policy statement it is the intention of the City of Gautier to assure that all relocated structures meet the construction standards as set forth in the International Building Codes as well as all associated codes including, but not limited to electrical, plumbing, mechanical, fire, and housing as adopted by the City Council of the City of Gautier.

Any structure, whether intended for residential or for other uses, that is moved into or within the City shall meet new construction standards in accordance with the above referenced codes.

SECTION 15.2: Structure Inspection.

A. All structures intended for moving over the streets and highways within the City of Gautier shall first be inspected by the Building Official and shall meet the following standards prior to issuance of a moving permit.

B. A structure to be moved shall be sufficiently sound so as to assure that it will not disintegrate or otherwise fall apart during transit.

C. Said structure shall not have deteriorated in excess of fifty percent (50%) of its original value. Should such deterioration be evident the Building Official shall require that partial rehabilitation be performed prior to issuance of a moving permit. Deterioration shall include aging, storm, insects, fire, or any other event or process.

D. Following inspection the applicant shall be given a list of deficiencies in the structure. It shall be the responsibility of the Building Official to determine not only if the building can be safely transported but also necessary upgrades including structural, electrical, mechanical, plumbing, general housing requirements, as defined by the Standard Housing Codes; living area requirements according to the zone in which said structure is to be located; and, other requirements as set forth by the City of Gautier for new house construction.

SECTION 15.3: Refusal of Applications

If in the opinion of the Building Official or the Planning Director, the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than fifty percent (50%) of its original value by natural disaster or other elements, or the moving will violate any of the requirements of this code or of the zoning regulations of the City of Gautier, the permit shall not be issued.

Applicants/owners shall acknowledge in writing that they have been made aware of these deficiencies and that they are required to complete repairs and/or up-grade sufficient to meet those requirements within one hundred twenty (120) days of placing a structure on a new location within the City of Gautier.

SECTION 15.4: Prefabricated or Modularly Constructed Buildings

Newly constructed, prefabricated components or modularly constructed components are not considered to be a structure when being moved and, therefore, are excluded from the moving requirements set forth herein. However, all such construction is considered new work and as such, will require issuance of a building permit and inspections in accordance with adopted codes of the City of Gautier.

SECTION 15.5: Necessary repairs

It shall be the responsibility of the building permit holder to make within the prescribed one hundred twenty (120) day period, all repairs defined on the evaluation report. Said repairs may include, but are not limited to the following:

A. All electrical wiring, service panels, load centers, necessary ground fault breakers, receptacles and other electrical appurtenances shall be installed in accordance with standards set forth in the National Electrical Code.

B. All plumbing shall be in accordance with the Southern Standard Plumbing Code and structures are required to be properly connected to City water and sewage.

C. Gas piping will be pressure tested following relocation and must meet standard gas codes.

D. Heating and ventilation shall meet standard mechanical codes.

E. From a structural perspective all relocated buildings must meet new construction standards. Building permit holders shall be required to comply with the Building Official's evaluation report which may require, where necessary, the following:

1. All deteriorated exterior surfaces shall be replaced with matching materials or approved substitutes. This may include, but is not limited to, facias, soffits, external wall, window and door frames and facings and porches.

2. Where roofs are required to be repaired the entire roof, including sheathing if necessary, will be replaced when more than twenty-five percent (25%) of the existing roof is damaged or deteriorated.

3. Structural framing, including but not limited to rafters, ceiling joists, headers, studs, floor joists and sills will be examined for proper sizing, spacing and for termites or rot damage. Relocated structures must meet hurricane clip and strip requirements. Findings will be noted in the evaluation report and all such deficiencies will be repaired prior to issuance of a Certificate of Occupancy.

4. Minimum housing codes as defined in the International Building Code which has been adopted by the City shall be met with particular reference to required facilities such as sanitary facilities, availability of hot and cold water, cooking devices, fire and smoke detectors and adequate heat, light and ventilation.

5. Additionally, relocated buildings must meet City codes relative to proper zoning; setbacks; minimum lot size; in the case of residential structures, minimum living area (heating and/or cooled); and, parking pads suitable for two (2) parking spaces per household or as defined by the Planning Department for nonresidential structures.

F. Inspection of repairs. It shall be the responsibility of the building permit holder to call for inspections of all repair work, within the prescribed one hundred twenty (120) day period.

G. Extension of the repair period may be granted by the Planning Department provided that repair efforts have been curtailed due to inclement weather, natural disasters, or other physical constraints beyond the control of the building permit holder. Said extension must be requested in writing and presented to Planning Department on or before the end of the one hundred twenty (120) day period. Extensions for any cleared and cleaned property, other reasons or a second extension may only be approved by the Planning Commission.

SECTION 15.6: Prohibited Activities

A. Where structures are found to have been moved into the City without a moving permit, the Planning Department shall notify the owner and give them ten (10) days in which to request a permit. Fees for said permit will be double the normal fee and the owner will be subject to all other provisions pertaining to inspections, repairs and time periods as set forth herein.

B. Where structures are found to be in the process of being moved into the City without a moving permit, the Planning Department or any police officer of the City shall sign an affidavit charging the owner of the structure being moved and the person or persons moving said structure with a violation of this ordinance.

C. Where in the process of being moved, permit holders fail to comply with repairs and/or upgrades as specified in the evaluation report defined in section 3.2 of this policy and where no extension has been granted in accordance with section 4.3 of this policy, the Planning Department shall notify the permit holder in writing that an affidavit will be filed within ten (10) days requiring the permit holder to appear before the municipal court for final disposition.

D. The Building Official or the Planning Director shall refuse to issue a Certificate of Occupancy to any permit holder who fails to meet requirements as set forth herein; he may also petition the municipal courts to authorize removal of any structure found not in compliance of these regulations or may petition the City Council to condemn said property and to have the structure removed and all costs levied as a lien against taxes on the property on which said structure is located.

ARTICLE XVI: MINIMUM PROPERTY MAINTENANCE AND APPEARANCE STANDARDS

SECTION 16.1: Maintenance and Appearance Standards

16.1.1 Scope

The provisions of this Article shall apply to all existing residential, commercial and industrial properties and premises and constitute minimum requirements and standards for premises, structures, and facilities for the health, safety, and welfare of the community. The owner or tenant of all real property within the City shall maintain the property and premises in such a manner as to conform to this Article as well as other codes and ordinances in order to avoid blighting influences on neighboring properties and causing depreciation of property values.

16.1.2 Intent

This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare as far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be repaired or maintenance performed to provide a minimum level of compliance of this article.

SECTION 16.2 Duties of the Code Enforcement Official

A. The Code Enforcement Official shall enforce the provisions of this article and shall have the authority as necessary in the interest of public health, safety and general welfare of the City, to interpret and implement the provisions of this article.

B. The Code Enforcement Official shall make all of the required inspections involving complaints and enforcement of this Article in the performance of their daily duties.

C. The Code Enforcement Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Article.

D. The Code Enforcement Official shall keep records of all reported and observed violations. Records shall be retained in the property records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. Additionally, monthly reports will be presented to the Planning Director as deemed necessary.

SECTION 16.3 Violations

16.3.1 Prosecution of violations

Any person failing to comply with a notice of violation may be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Penalties for violations are found in Section 3.7.1 and 3.7.2.

16.3.2 Abatement of violation

The imposition of the penalties herein prescribed shall not preclude the Planning Department of the jurisdiction from instituting appropriate action to abate a violation as authorized by state laws.

16.3.3 Transfer of ownership

It shall be unlawful for the owner of any property who has received a code violation notice to sell, transfer, mortgage, and lease or otherwise dispose of such property to another until the provisions of the code violation notice have been complied with. Unless such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any code violation notice issued by the Code Enforcement Official and shall furnish to the Code Enforcement Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such code violation notice and fully accepting the responsibility without condition for making the corrections or repairs required by such code violation notice.

SECTION 16.4 Notification Procedures

16.4.1 Notice to person responsible

Whenever the Code Enforcement Official determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 16.4.2 to the person responsible for the violation as specified in this code.

16.4.2 Prescribed notification procedures shall:

A. Be in writing (violation notice or letter).

B. Include a description of the real estate sufficient for identification.

C. Include a statement of the violation or violations and why the notice is being issued.

D. Include a reasonable time to make the repairs and improvements required to bring the property or premises into compliance with the provisions of this code.

E. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally or left at the residence in a conspicuous place.

2. Sent by first-class mail addressed to the last known address; or

3. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

SECTION 16.5 General Requirements

16.5.1 Scope

The provisions of the Article shall govern the minimum conditions and the responsibilities of owners and tenants for maintenance of property and premises.

16.5.2 Responsibility

The owner or tenant of the property shall maintain the property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this article.

16.5.3 Vacant Property and land

All vacant property and premises or vacant land that has been previously cleared shall be maintained in a clean, safe, secure and sanitary condition as provided in Section 16.7 below so

as not to cause a blighting problem or adversely affect the public health, safety or welfare of the community.

SECTION 16.6 Care of Property and Premises

It is unlawful for the owner or occupant of a residential, commercial and industrial property, building, structure, or parcel of land to utilize the premises of such property for the open storage of any abandoned or non-operable motor vehicle or parts thereof, appliances, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner, manager or occupant to keep the premises and property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular references to insuring that the appearance will be and remain compatible and harmonious with properties in the general area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values.

A. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained and free from hazardous conditions. All right-of-ways will be maintained free and clear of any temporary or permanent objects or potential hazards; such as, but not limited to, building, fences, poles, vehicles, signs, yard ornaments, basketball or soccer goals, or other obstructions shall not be permitted.

B. The owner or tenant is responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. All property and yards shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated plants, flowers and gardens. Shrubs and trees will be trimmed or pruned as necessary to prevent line-of-sight problems and any interference with entranceways, windows and rooflines. All premises shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

C. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

D. No inoperative motor vehicle shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A motor vehicle is permitted to undergo major overhaul, including bodywork, if such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

E. The following shall not be placed or stored on any lot or parcel unless a current building permit for the premises has been obtained and posted and the vehicles or equipment are used pursuant to that building permit. **Exception:** Storage of the following equipment types on large lots or parcels where the equipment is not readily visible to neighbors may be permitted subject to review by the Planning Director on a case-by-case basis.

1. Backhoes

2. Trenching machines

3. Bulldozers and other tracked equipment

4. Lifts and cranes

5. Front-end loaders including bobcats

6. Flatbeds

7. Landscaping equipment for commercial landscaping business

8. Heavy trucks and trailers

9. Similar equipment and vehicles

F. The outdoor storage or parking of any recreational vehicle, utility trailer, motorized home and equipment shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed within a completely enclosed building, or located behind the front building line or lines in the case of a corner lot, but no closer than three (3) feet to any side or rear lot line.

2. Storage or parking shall be limited to a lot or parcel of land which has an inhabited dwelling unit, and the vehicle or equipment is owned by the occupant.

3. In the case of multifamily structures, all such recreational vehicles and utility trailers shall be stored at one location and shall be screened from view by a fence or landscaping buffering adequate to conceal the vehicles/trailers from view from the premises.

4. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilitates, or have fixed connections to electricity, water, or gas.

5. Out of town guests of a property owner may be permitted to park within the premises driveway only for a period of seven (7) days provided no portion of the equipment extends into the road right-of-way or where provided, sidewalks.

6. At no time will any recreational vehicles, equipment, trailers or boats be parked overnight on any city street.

G. The parking of all motor vehicles shall be confined to established, defined non-vegetated parking areas provided i.e., streets and driveways or designated parking areas of multifamily dwellings. Parking of motor vehicles in non-designated portions of yards, or on street median shall not be permitted on a permanent basis. “Permanent Basis” shall be as determined by the Building Official based on the condition of the vegetated area. Lack of vegetation, rutting, and, patterns of lawn maintenance will be taken into consideration for the determination. Parking of any vehicle or equipment which requires a commercial driver’s license or greater in residential districts is prohibited unless it is an exempted vehicle. Exempted vehicles include but are not limited to fire trucks, school buses, garbage trucks, and delivery trucks making authorized deliveries.

H. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare of the community. All exterior surfaces, including but not limited to, doors, door and window frames, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

I. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

J. All property and premises shall be kept free from rodent harborage and infestation. Where rodents are found, approved processes shall promptly exterminate them, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

K. All residences and commercial establishments located within the City of Gautier are required to have prominently displayed thereon the appropriate street number plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch.

L. Every structure utilized for human occupancy or habitation must be connected and serviced with:

1. An approved electrical service provider licensed to provide service within the City of Gautier.

2. An approved water source.

3. Owners or tenants are prohibited from residing in structures without approved water and electrical power except during water or power outages or emergencies.

SECTION 16.7: Rubbish and Household Garbage

Occupants will place suitable containers with household garbage and rubbish at the curb or roadway no earlier than twenty-four (24) hours prior to pick-up. Occupants will remove empty containers within twenty-four (24) hours following pick-up and place containers behind their front building line. At no time will household garbage be placed on the ground or in any drainage ditch.

SECTION 16.8 Extermination Requirements

16.8.1 Infestation

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

A. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

B. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 114-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Docket of Claims is hereby approved, provided that all entries thereon are true, correct, properly entered and not fraudulent.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughn
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	ALLENS TIRE AND WHEEL	172015	06/20/2017	06/01/2017			322.50	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-638	PATCH TIRE (2): U #62	170730	05/18/2017		50.00
001-100-638	PATCH TIRE: U #50	170730	05/20/2017		25.00
001-100-638	DISMT/MOUNT/BAL: U #50	170730	05/24/2017		28.00
001-100-638	18" TIRE, LABOR	170730	05/24/2017		60.50
001-100-638	DISMT/MOUNT/BAL,STEM: U #50	170730	05/25/2017		56.00
001-170-639	8 PLY MOWER TIRE, MOUNT	170754	05/30/2017		103.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	STEINER SAW & MOWER	172016	06/20/2017	06/01/2017			441.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-170-639	PRESS WASHER PUMP,SCAG SPRING	186830	05/04/2017		165.00
001-170-639	SCAG WING NUTS (6)	986831	05/08/2017		18.00
001-170-639	STIHL COIL	986835	05/10/2017		42.00
001-170-639	SHAFT ASSEMBLY	387309	05/22/2017		75.00
001-170-639	STARTER: SCAG #4	387308	05/23/2017		120.00
001-170-639	AIR FILTERS/PREFILTERS (3)	387323	05/30/2017		21.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	TEC	172019	06/20/2017	06/02/2017			125.64	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-092-605	MONTHLY LONG DISTANCE	898084	06/01/2017		125.64

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	BELL AUTO PARTS INC	172020	06/20/2017	06/02/2017			1,671.37	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-161-638	STARTER, 1GAL OIL (6)	42034	05/10/2017		199.15
001-170-639	BELT: EXMARK (2)	42035	05/09/2017		190.00
001-170-639	IDLER PULLEY (6): EXMARK	42036	05/17/2017		199.62
001-100-570	ROTOR (4), PAD (2): CRN VIC	42038	05/03/2017		195.50
001-100-570	ROTOR (2), PAD (2): CRN VIC	42039	05/08/2017		125.50
001-100-570	ROTOR (2),PAD(2):CHGR PURSUIT	42040	05/12/2017		157.40
001-100-570	ROTOR (2): CHGR PURSUIT	42041	05/18/2017		127.00
001-100-570	ROTOR (2): CHGR PURSUIT	42042	05/24/2017		158.20
001-100-570	PAD (2): CHGR PURSUIT	42043	05/26/2017		119.50
001-170-639	REPR PARTS (7): EXMARK	42044	05/25/2017		199.50

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	DELTA SANITATION OF MS LLC	172023	06/20/2017	06/05/2017			35.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-170-698	FRAZIER PORT O LET	0000827422	05/31/2017		35.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	O'REILLY AUTO PARTS	172026	06/20/2017	06/05/2017			616.52	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-170-639	GEAR LUBE (2)	1978456947	05/01/2017		12.58
001-100-570	BLOWER MOTOR: U #12798	1978456983	05/01/2017		38.91
001-170-638	BATTERY: RED TAURUS	1978456991	05/01/2017		84.49
001-161-638	TURTLE WAX (2)	1978457073	05/02/2017		13.38
001-100-570	VELCRO TAPE (4)	1978457187	05/03/2017		12.76
001-100-570	CAPSULE (2), SCREW EXTRACT	1978457747	05/08/2017		14.77
001-100-570	BRAKE FLD & QUIET, DSL ADDTV	1978457807	05/08/2017		44.47
001-170-639	BOOSTER CABLE	1978458470	05/15/2017		49.99
001-170-638	TEMP ACTUATOR: WHITE GMC	1978458656	05/17/2017		133.12

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	O'REILLY AUTO PARTS	172026	06/20/2017	06/05/2017			616.52	(CONTINUED)

Account Number	Description	Invoice #	Date	P.O.	Amount
001-161-639	BATTERY: JD MOWER	1978459287	05/23/2017		27.84
001-170-639	BRAKE CLN(12),REPR(2),SEAL(2)	1978459503	05/25/2017		71.84
001-205-559	BRAKE CLN (12):CITY HALL SHOP	1978459504	05/25/2017		51.48
001-205-559	BRAKE CLN (12):CITY HALL SHOP	1978459505	05/25/2017		23.88
001-205-559	RTN CRT: BRAKE CLN (12)	1978459506	05/25/2017		-51.48
001-205-559	BRAKE CLN (12):CITY HALL SHOP	1978459507	05/25/2017		23.88
001-100-570	BRAKE ROTOR: DODGE CHG	1978459592	05/25/2017		48.65
001-161-638	1GAL CAR WASH (4)	1978459650	05/26/2017		15.96

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	M & E FEED & SEED	172027	06/20/2017	06/05/2017			83.98	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-514	DOG FOOD	5117	05/03/2017		41.99
001-100-514	DOG FOOD	5124	05/30/2017		41.99

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	SYSCON INC	172028	06/20/2017	06/05/2017			1,475.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-010-698	JUN 2017 COURT SUPPORT	1-40628	06/01/2017		1,475.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	AUTO TRUCK AND TRAILER PARTS INC	172029	06/20/2017	06/05/2017			4,379.96	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-170-639	BATTERY	262529	05/03/2017		93.00
001-161-638	PARTS (6): E2	262583	05/05/2017		37.56
001-100-570	MOUNTING TAPE	262556	05/05/2017		17.78
001-161-638	EGR VALVE: E1	262439	05/05/2017		658.08
001-100-570	BATTERY: WHITE JEEP	262600	05/08/2017		89.00
001-100-570	BATTERY: CHARGER	262627	05/09/2017		140.00
001-100-570	CLOCK SPRING: U #49	262604	05/09/2017		110.23
001-161-638	HOSE,ANTFRZ (4),COOLANT: E2	262646	05/09/2017		61.29
001-100-570	FAN: U #50	262674	05/10/2017		140.00
001-161-638	DIESEL EXH FLD (8): FIRE TRK	262690	05/11/2017		97.04
001-161-638	CAP, WIX: E2	262709	05/12/2017		51.17
001-161-638	ANTFRZ (4), BTE-CS5008: E2	262740	05/15/2017		48.10
001-100-570	AXLE KIT: U #124405	262735	05/15/2017		140.00
001-100-570	PARTS (6): PD BOAT	262717	05/15/2017		82.48
001-161-638	THERMOSTAT: E5	262736	05/15/2017		65.95
001-100-570	DRAG LINK END	262774	05/16/2017		50.00
001-161-638	PRESSURE SENSOR: E2	262783	05/17/2017		82.11
001-161-638	STROBE: E3	262813	05/18/2017		176.00
001-161-638	SWITCH: E2	262887	05/22/2017		6.90
001-170-639	TRAILER PLUG	262889	05/22/2017		26.41
001-100-570	HEAD LIGHT (2): U #50	262868	05/22/2017		60.94
001-170-639	TRAILER HITCH	262900	05/23/2017		159.77
001-170-639	WELD ROD (2)	262901	05/23/2017		19.29
001-100-570	PLUG (8): U #12797	262927	05/24/2017		15.60
001-100-570	HEADLIGHT (2)	262946	05/25/2017		60.94
001-100-570	RIM: CROWN VIC	262957	05/25/2017		157.00
001-100-570	WHEEL: CROWN VIC	262952	05/25/2017		157.00
001-100-570	BUMPER PART: U #24	262969	05/25/2017		132.91
001-161-638	COMPRESSOR: E2	262955	05/25/2017		744.57
001-161-638	WORK LIGHT: FIRE ENG	262975	05/25/2017		141.87
001-161-638	WORK LIGHT: FIRE ENG	262976	05/25/2017		141.87

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	AUTO TRUCK AND TRAILER PARTS INC	172029	06/20/2017	06/05/2017			4,379.96	(CONTINUED)

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-570	FLARE: PD BOAT	262981	05/26/2017		41.99
001-100-570	RIM: CROWN VIC	262990	05/26/2017		157.00
001-100-570	WHEEL: CROWN VIC	263001	05/26/2017		157.00
001-100-570	BELT: U #65	263049	05/31/2017		29.95
001-161-638	SEAL (4): E2	262994	05/31/2017		29.16

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	LOWES HOME CENTERS INC	172030	06/20/2017	06/05/2017			1,122.85	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
001-092-639	REPR SPRINKLER (11):CITY HALL	902418	04/25/2017		37.22
001-092-639	REPR SPRINKLER (3): CITY HALL	902452	04/25/2017		11.31
001-170-559	FG VALVED SAFETY MASK (2)	910935	04/25/2017		12.98
001-092-639	REPR SPRINKLER (5): CITY HALL	902478	04/25/2017		13.70
001-161-559	B&S FOAM AIR FILTER	910106	04/26/2017		6.51
001-161-559	RCA COUPLER, 7FT CAT CABLE	901665	04/27/2017		11.14
001-092-639	REPR SPRINKLER (5): CITY HALL	902885	04/27/2017		15.45
001-161-559	5/8-IN X 50FT HOSE	910066	05/01/2017		23.27
001-170-559	TOWEL, WIRE STPL, CABLE TIE(2)	903478	05/02/2017		27.37
001-092-639	REPR SPRINKLER (4): CITY HALL	902945	05/02/2017		49.74
001-092-635	INT PAINT (2):CITY HALL FOYER	901841	05/03/2017		67.00
001-092-635	PAINT BRUSH, INT PAINT SAMPLE	903002	05/09/2017		4.16
001-205-560	20/CT BUNGEE CORD, INSECT KILL	909986	05/09/2017		69.66
001-092-635	INT PAINT, ANGLE BRUSH	903057	05/10/2017		42.70
001-205-560	2GAL ROSES (4)	919363	05/11/2017		52.06
001-170-559	BRASS COMB PADLOCK	909072	05/15/2017		13.02
001-205-560	2GAL ROSES(8),48OZ PLANT FOOD	919243	05/17/2017		134.82
001-092-639	DIGITAL TIMER (2), 6FT HOSE	903592	05/18/2017		63.05
001-161-559	BISSELL UPRIGHT VACUUM	913887	05/18/2017		93.10
001-161-559	WOOD HANDLE, 8" BRUSH	914497	05/22/2017		13.94
001-205-560	WHEELBARROW, DECK SPRAYER	920336	05/22/2017		136.77
001-170-638	GM BLANK KEY	910045	05/23/2017		2.78
001-205-559	4/PK SAW CUTTING BITS	902775	05/23/2017		7.45
001-161-559	24/PK DEER PARK WATER (15)	903895	05/23/2017		55.42
001-100-559	5-TIER STEEL SHELF STAND (2)	915959	05/23/2017		158.23

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	MALLETTE BROTHERS CONSTRUCTION INC	172036	06/20/2017	06/06/2017			2,753.18	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
001-201-576	53.02 CY FILL SAND	19318	06/02/2017		636.24
001-201-576	9.71 TN RAP	19318	06/02/2017		330.14
001-201-576	59.56 TN SACTUN A-BASE	19318	06/02/2017		1,786.80

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	PASCAGOULA UTILITIES	172038	06/20/2017	06/06/2017			28.08	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
001-161-630	CENTRAL FIRE STN	1868589	05/31/2017		12.97
001-161-630	SOUTH FIRE STN	1868772	05/31/2017		15.11

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	CABLE ONE INC	172039	06/20/2017	06/06/2017			129.01	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
001-092-698	JUN 2017: #107571481	05252017	06/01/2017		129.01

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	AIRGAS USA LLC	172047	06/20/2017	06/08/2017			202.69	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-205-588 / CYLINDER RENTAL			9945235962	05/31/2017			202.69
001	SBM REPORTING LLC	172060	06/20/2017	06/09/2017			175.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-090-698 / 6/1/17 PLANNING MTG			MB803	06/09/2017			175.00
001	CITY OF GAUTIER	172062	06/20/2017	06/12/2017			853.02	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-900-969 / TR FRINGE MATCH: DUI GRANT			05312017	05/31/2017			853.02
001	FUELMAN OF MS	172063	06/20/2017	06/13/2017			2,368.85	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-090-525 / UNL FUEL			NP50574959	06/05/2017			69.07
	001-100-525 / UNL FUEL			NP50574959	06/05/2017			1,856.27
	001-161-525 / UNL & DSL FUEL			NP50574959	06/05/2017			283.06
	001-170-525 / UNL FUEL			NP50574959	06/05/2017			83.72
	001-205-525 / UNL & DSL FUEL			NP50574959	06/05/2017			76.73
001	FUELMAN OF MS	172065	06/20/2017	06/13/2017			2,619.55	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-525 / UNL FUEL			NP50617071	06/12/2017			2,110.64
	001-161-525 / UNL & DSL FUEL			NP50617071	06/12/2017			306.35
	001-170-525 / UNL & DSL FUEL			NP50617071	06/12/2017			163.21
	001-205-525 / UNL FUEL			NP50617071	06/12/2017			39.35
001	MS DEPT OF FINANCE & ADMIN	172067	06/20/2017	06/13/2017			23,294.50	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-000-300 / MAY 2017 COURT ASSESSMENT			05312017	06/01/2017			23,294.50
001	MS DEPT OF PUBLIC SAFETY	172068	06/20/2017	06/13/2017			1,789.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-000-300 / MAY 2017 SPECIAL ASSESSMENTS			05312017	06/01/2017			1,789.00
001	C SPIRE WIRELESS	172069	06/20/2017	06/13/2017			1,128.07	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-021-605 / CITY MGR CELL PHONES			0030759348	05/31/2017			150.81
	001-022-605 / HR CELL PHONES			0030759348	05/31/2017			50.27
	001-040-605 / ADMIN CELL PHONES			0030759348	05/31/2017			159.19
	001-090-605 / PLANNING CELL PHONES			0030759348	05/31/2017			150.81
	001-090-698 / IPAD SERVICE (3)			0030759348	05/31/2017			102.57
	001-161-605 / FIRE DEPT CELL PHONES			0030759348	05/31/2017			169.33
	001-161-559 / CELL UPGRADE/LIFEPROOF CASE			0030759348	05/31/2017			155.00
	001-170-605 / RECREATION CELL PHONES			0030759348	05/31/2017			162.41
	001-205-605 / MAINT CELL PHONES			0030759348	05/31/2017			27.68

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	DIRECTV LLC	172071	06/20/2017	06/13/2017			130.24	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-698 / WEST STN: 022727663 (JUL)			06132017	06/14/2017			130.24
001	BORDIS & DANOS PLLC	172072	06/20/2017	06/13/2017			7,916.67	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-060-602 / JUN 2017 RETAINER			41	06/07/2017			7,916.67
001	BOYS & GIRLS CLUBS OF JACKSON COUNTY INC	172073	06/20/2017	06/13/2017			833.33	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-170-645 / MAY 2017 CLUB SUPPORT			05312017	06/06/2017			833.33
001	PHIL TORJUSEN	172074	06/20/2017	06/13/2017			90.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-022-660 / CSC FEES:OCT 2016-JUN 2017			06082017	06/08/2017			90.00
001	RJ YOUNG	172075	06/20/2017	06/13/2017			470.88	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-698 / FFO200-01 RENTAL FEE			INV1857977	05/05/2017			470.88
001	TERRENCE DOSSETT	172076	06/20/2017	06/13/2017			52.10	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-681 / REIMBURSE TESTING FEE			05302017	05/30/2017			52.10
001	BANCORPSOUTH INSURANCE SERVS INC	172078	06/20/2017	06/13/2017			150.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-625 / PUBLIC OFFICIAL BOND:ELBIN			194894	06/08/2017			150.00
001	HAYGOODS INDUSTRIAL ENGRAVERS INC	172079	06/20/2017	06/13/2017			25.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-022-660 / SERVICE PLAQUE: TORJUSEN			024746	05/31/2017			25.00
001	VIVIAN MARCEAUX	172081	06/20/2017	06/13/2017			240.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POST VOTED HISTORY 5/2,5/16			05302017	05/30/2017			144.00
	001-030-699 / POST VOTED HISTORY 6/6/16			06132017	06/13/2017			96.00
001	PATSY SEAMAN	172082	06/20/2017	06/13/2017			28.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POST VOTED HISTORY 5/2,5/16			05302017	05/30/2017			28.00
001	DANNY GLASKOX	172083	06/20/2017	06/13/2017			2,160.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / ELECTION SERVICES: GENERAL			06062017	06/06/2017			2,160.00
001	DEBRA HODGES	172084	06/20/2017	06/13/2017			704.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / ELECTION SERVICES: GENERAL			06062017	06/06/2017			704.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	JERRY R SIMS	172085	06/20/2017	06/13/2017			704.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / ELECTION SERVICES: GENERAL			06062017	06/06/2017			704.00
001	TAMARA L VIDRINE	172086	06/20/2017	06/13/2017			704.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / ELECTION SERVICES: GENERAL			06062017	06/06/2017			704.00
001	MICHAEL M DICKINSON	172087	06/20/2017	06/13/2017			704.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / ELECTION SERVICES: GENERAL			06062017	06/06/2017			704.00
001	ADDIE BRENT	172088	06/20/2017	06/13/2017			50.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / RESOLUTION BOARD: GENERAL			06062017	06/06/2017			50.00
001	LYNDA LEANNE COLEMAN	172089	06/20/2017	06/13/2017			50.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / RESOLUTION BOARD: GENERAL			06062017	06/06/2017			50.00
001	NETTIE C JONES	172090	06/20/2017	06/13/2017			50.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / RESOLUTION BOARD: GENERAL			06062017	06/06/2017			50.00
001	HENRY BORRAZZO	172091	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	WILLIAM G BRAY	172092	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	KAY C JAMISON	172093	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	PATRICIA ANN NELSON	172094	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	TERESA L NELSON	172095	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	JO ANN PARNELL	172096	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	ANDREW PICKENS	172097	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / BAILIFF: GENERAL			06062017	06/06/2017			125.00
001	ELIZABETH H RAYBURN	172098	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	JOY WILLIAMS	172099	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	NANCY E WILLIAMS	172100	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	MARY C DYLE	172101	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	YURICA HARTLEY	172102	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	JANICE P NASH	172103	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	CHRISTY JANE WHEELER	172104	06/20/2017	06/13/2017			125.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-030-699 / POLL MANAGER: GENERAL			06062017	06/06/2017			125.00
001	BRASS HANGER CLEANERS INC	172110	06/20/2017	06/13/2017			10.10	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-010-559 / CLEAN JUDGE'S ROBES			03312017	03/31/2017			10.10
001	DPS CRIME LAB	172111	06/20/2017	06/14/2017			120.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-699 / ANALYTICAL FEES			90061086	06/05/2017			120.00
001	ADVANCE AUTO PARTS	172112	06/20/2017	06/14/2017			84.56	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-161-638 / ABSORBER PVA DRY TOWEL (2)			8978	05/22/2017			84.56
001	G&K SERVICES INC	172113	06/20/2017	06/14/2017			337.45	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-205-535 / MAINTENANCE			6033832063	05/01/2017			67.49
	001-205-535 / MAINTENANCE			6033834139	05/08/2017			67.49
	001-205-535 / MAINTENANCE			6033836199	05/15/2017			67.49
	001-205-535 / MAINTENANCE			6033838262	05/22/2017			67.49

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	G&K SERVICES INC	172113	06/20/2017	06/14/2017			337.45	(CONTINUED)
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-205-535 MAINTENANCE			6033840313	05/29/2017			67.49
001	CABLE ONE INC	172114	06/20/2017	06/14/2017			130.38	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-699 MAY CABLE BOX PD: #118476316			06012017	06/08/2017			56.20
	001-100-699 JUN CABLE BOX PD: #118476316			06012017	06/08/2017			74.18
001	CABLE ONE INC	172115	06/20/2017	06/14/2017			97.93	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-699 JUN 2017 SUB STN: #107718827			06012017	06/08/2017			97.93
001	CABLE ONE INC	172116	06/20/2017	06/14/2017			222.04	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-699 JUN 2017 DSL: #107718371			06012017	06/08/2017			222.04
001	BASICGOV SYSTEMS INC	172117	06/20/2017	06/14/2017			714.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-090-698 SERVICES: MAR - AUG 2017			11772	06/01/2017			714.00
001	PITNEY BOWES GLOBAL FINANCIAL SERVS	172118	06/20/2017	06/14/2017			422.97	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-092-698 LEASE PMT: POSTAGE MACHINE			3303713457	06/06/2017			422.97
001	ALABAMA MEDIA GROUP	172123	06/20/2017	06/14/2017			15.84	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-090-615 PUBLIC NOTICE: GPC 17-06-UDO			0008174096	05/14/2017	170771		15.84
001	ESTABROOK MOTOR CO INC	172124	06/20/2017	06/14/2017			27,645.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-740 2017 FORD EXPLORER #07530			SFT7974	06/09/2017	170567		27,645.00
001	GALLS, LLC	172125	06/20/2017	06/14/2017			138.55	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-559 LT BADGE: KILLINGSWORTH, J			BC0424864	05/31/2017	170761		126.05
	001-100-559 SHIPPING			BC0424864	05/31/2017	170761		12.50
001	CAN'T MISS EMBROIDERY	172126	06/20/2017	06/14/2017			252.90	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-170-535 T-SHIRT (6): CITY LOGO			18953	05/31/2017	170832		41.70
	001-170-535 T-SHIRT (6): PARKS & REC			18953	05/31/2017	170832		24.00
	001-170-535 T-SHIRT (16): CITY LOGO			18929	05/31/2017	170804		111.20
	001-170-535 T-SHIRT (14): PARKS & REC			18929	05/31/2017	170804		56.00
	001-170-535 T-SHIRT (4): PARKS & REC MGR			18929	05/31/2017	170804		20.00
001	TEAM ONE COMMUNICATIONS INC	172128	06/20/2017	06/14/2017			204.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-559 CARRY CASE (4): XTS2500 RADIO			9020012881	06/07/2017	170842		204.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	ACTION PRINTING CENTER INC	172129	06/20/2017	06/14/2017			305.20	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-040-500 #9 SECURITY-WINDOW ENV (2500)			91816	06/06/2017	170789		223.40
	001-010-500 N/DEP PYMT ENV (500): COURT			91833	06/06/2017	170813		81.80
001	LAWRENCE PRINTING COMPANY INC	172131	06/20/2017	06/14/2017			206.22	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-040-500 MINUTE BOOKS NO. 38 & 39			18191	06/07/2017	170565		192.00
	001-040-500 SHIPPING			18191	06/07/2017	170565		14.22
001	CUSTOM PRODUCTS CORPORATION	172133	06/20/2017	06/14/2017			535.62	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-201-559 18X24 ANIMAL CROSSING (3)			290047	06/01/2017	170816		114.81
	001-201-559 FREIGHT			290047	06/01/2017	170816		16.02
	001-201-576 CHANNEL POST (2)			290242	06/06/2017	170829		48.00
	001-201-576 24X30 SPEED LIMIT 40			290242	06/06/2017	170829		38.86
	001-201-576 30X30 1500 FT AHEAD			290242	06/06/2017	170829		61.10
	001-201-576 30X30 500 FT AHEAD			290242	06/06/2017	170829		61.10
	001-201-576 BARRICADE LIGHT			290242	06/06/2017	170829		98.80
	001-201-576 BARRICADE LIGHT MT BRACKET			290242	06/06/2017	170829		7.50
	001-201-576 BOLT HEX HEAD (6)			290242	06/06/2017	170829		2.40
	001-201-576 NUT HEX ZINC (6)			290242	06/06/2017	170829		.84
	001-201-576 WASHER NYLON (6)			290242	06/06/2017	170829		1.20
	001-201-576 FEDEX GROUND			290242	06/06/2017	170829		10.20
	001-201-576 FREIGHT			290242	06/06/2017	170829		74.79
001	A-1 AUTO PARTS	172134	06/20/2017	06/14/2017			523.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-570 BLEND DOOR ACUATOR: U #130			13979	05/25/2017	170822		523.00
001	HAYGOODS INDUSTRIAL ENGRAVERS INC	172135	06/20/2017	06/14/2017			102.50	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-021-513 5X7 PLAQUE (3): PLEIN AIR			25253	06/01/2017	170820		37.50
	001-021-513 9" ACRYLIC AWARD: PLEIN AIR			25253	06/01/2017	170820		40.00
	001-021-513 5X7 PLAQUE (2): PLEIN AIR			25251	05/31/2017	170839		25.00
001	VERNON W DOSTER MD	172136	06/20/2017	06/14/2017			630.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	001-100-604 PRE-EMP PHYSICAL: WELLS			22830	05/17/2017	170793		50.00
	001-100-604 PRE-EMP DRUG SCREEN: WELLS			22830	05/17/2017	170793		25.00
	001-022-604 PRE-EMP DRUG SCREEN: CUMBEST			22783	05/10/2017	170772		25.00
	001-022-604 PRE-EMP PHYSICAL: CUMBEST			22783	05/10/2017	170772		50.00
	001-100-604 PRE-EMP DRUG SCREEN: GREEN			22853	05/18/2017	170796		50.00
	001-100-604 PRE-EMP DRUG SCREEN: GREEN			22853	05/18/2017	170796		45.00
	001-100-604 PRE-EMP PHYSICAL: LOVETT			22836	05/18/2017	170796		50.00
	001-100-604 PRE-EMP DRUG SCREEN: LOVETT			22836	05/18/2017	170796		25.00
	001-100-604 PRE-EMP DRUG SCREEN: WEAVER			22896	05/31/2017	170835		45.00
	001-100-604 PRE-EMP PHYSICAL: WEAVER			22896	05/31/2017	170835		50.00
	001-161-604 PRE-EMP DRUG SCREEN: GRAHAM			22838	05/18/2017	170797		45.00
	001-161-604 PRE-EMP PHYSICAL: GRAHAM			22838	05/18/2017	170797		50.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	VERNON W DOSTER MD	172136	06/20/2017	06/14/2017			630.00	(CONTINUED)
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-604	PRE-EMP PFT: GRAHAM		22838	05/18/2017	170797		45.00
	001-022-604	PRE-EMP PHYSICAL: CRAGER		22844	05/18/2017	170795		50.00
	001-022-604	PRE-EMP DRUG SCREEN: CRAGER		22844	05/18/2017	170795		25.00
001	PASCAGOULA TIRE & SERVICE INC	172137	06/20/2017	06/14/2017			1,456.56	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-638	SET FS FIREHAWK GTZ: U #19616		74540	05/25/2017	170824		485.52
	001-100-638	SET FS FIREHAWK GTZ: U #14404		74716	06/07/2017	170848		485.52
	001-100-638	SET FS FIREHAWK GTZ: U #12301		74719	06/07/2017	170878		485.52
001	SOUTHERN WATERWORKS SUPPLY INC	172138	06/20/2017	06/14/2017			1,012.85	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-576	50# BAG PERMA-PATCH (63)		70198	06/05/2017	170836		1,012.85
001	CLEAN AIR CONCEPTS	172140	06/20/2017	06/14/2017			302.11	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-639	BLUE/WHT HOSE 5X11		PSI17-0462	04/28/2017	170698		266.75
	001-161-639	SHIPPING		PSI17-0462	04/28/2017	170698		35.36
001	CLARKS PROFESSIONAL CAR CARE INC	172142	06/20/2017	06/14/2017			59.95	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-638	COMPUTER WHEEL ALIGN: U #62		0022153	05/26/2017	170825		59.95
001	FOUR SEASONS LAWN CARE LLC	172143	06/20/2017	06/14/2017			320.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-021-688	8 CY RED MULCH		6157	06/05/2017	170847		320.00
001	OCCUPATIONAL HEALTH CENTER INC	172144	06/20/2017	06/14/2017			2,360.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-604	PRE-EMP DRUG SCRN:NORTHINGTON		118803	06/02/2017	170798		30.00
	001-161-604	PRE-EMP PHYSICAL: NORTHINGTON		118803	06/02/2017	170798		65.00
	001-161-604	PRE-EMP PFT: NORTHINGTON		118803	06/02/2017	170798		45.00
	001-100-604	PRE-EMP PHYSICAL: HODGES		118803	06/02/2017	170794		65.00
	001-100-604	PRE-EMP DRUG SCREEN: HODGES		118803	06/02/2017	170794		30.00
	001-100-604	PRE-EMP DRUG SCREEN: ALLDAY		117499	05/09/2017	170726		30.00
	001-100-604	PRE-EMP PHYSICAL ALLDAY		117499	05/09/2017	170726		65.00
	001-161-604	ANNUAL PHYSICAL: BROWN		117522	06/02/2017	170627		514.00
	001-161-604	ANNUAL PHYSICAL: GRAHAM		117522	06/02/2017	170627		379.00
	001-161-604	TB SKIN TEST (PPD): JAY		117522	06/02/2017	170627		15.00
	001-161-604	ANNUAL PHYSICAL: MCGARVEY		117522	06/02/2017	170627		364.00
	001-161-604	ANNUAL PHYSICAL: KAUPPI		115480	06/06/2017	170627		379.00
	001-161-604	ANNUAL PHYSICAL: ODOM		115480	06/06/2017	170627		379.00
001	ECONOMY BOOTS SALES & SERVICE	172145	06/20/2017	06/14/2017			2,344.35	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-535	DRESS SHOES (31)		368672	06/09/2017	170688		2,044.45
	001-100-559	SZ DUTY BOOTS: GREEN		40713	06/01/2017	170844		99.95
	001-100-559	SZ DUTY BOOTS: HODGES		40714	06/01/2017	170844		99.95
	001-100-535	SZ DUTY BOOTS: BURKES		40724	06/05/2017	170776		100.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	AUDIOWAVE INC	172146	06/20/2017	06/14/2017			1,400.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-100-639	INSTALL EQUIPMENT: U #11277	A47588	06/08/2017	170819	1,275.00
001-100-639	SHOP SUPPLIES	A47588	06/08/2017		125.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	FAMILY FROZEN FOODS	172148	06/20/2017	06/14/2017			109.85	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-021-513	STYROFOAM CUP 25CT (2)	35567	05/22/2017	170831	2.58
001-021-513	FOLGERS COFFEE 48OZ	35567	05/22/2017	170831	13.95
001-021-513	CLEAR PLASTIC FORK 100CT	35567	05/22/2017	170831	4.89
001-021-513	WHITE NAPKINS 50CT (2)	35567	05/22/2017	170831	2.78
001-021-513	6" PLASTIC PLATE 32CT (3)	35567	05/22/2017	170831	17.85
001-021-513	5OZ CUP PLASTIC TUMBLER 88CT	35567	05/22/2017	170831	7.95
001-021-513	MONTEREY JACK CHEESE 5LB CUBED	35567	05/22/2017	170831	18.95
001-021-513	CHEDDAR CHEESE MILD 5LB CUBED	35567	05/22/2017	170831	17.95
001-021-513	SWISS CHEESE 5LB CUBED	35567	05/22/2017	170831	22.95

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	MS FIRE ACADEMY	172151	06/20/2017	06/14/2017			58.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-161-681	NEW FIRE CHIEF II: JONES,R	25376	06/14/2017		58.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	CREDIT CARD CENTER	172169	06/20/2017	06/15/2017			1,604.43	

Account Number	Description	Invoice #	Date	P.O.	Amount
001-021-513	DOUGHNUTS: PLEIN AIR	164336	04/27/2017		7.50
001-021-513	FRUIT & WATER: PLEIN AIR	621230	04/27/2017		27.03
001-021-513	SERVING WARE: PLAIN AIR	300084	04/27/2017		34.93
001-030-559	ELECTION SUPPLIES	174942	05/01/2017		38.58
001-161-559	BUSINESS CARDS (2000)	949994	05/15/2017		67.97
001-170-535	6 SHIRTS: REC WORK CREW	035192	05/17/2017		43.88
001-170-535	10 SHIRTS: REC WORK CREW	050345	05/17/2017		81.60
001-161-682	NAFI DUES: MCCOY, DEREK	924538	05/17/2017		55.00
001-090-681	AACIS CERT COURSE: ALEXANDER	060326	05/19/2017		519.50
001-170-535	6 SHIRTS: REC WORK CREW	808889	05/24/2017		42.00
001-045-500	HP950XL INK, PENCILS, BIN	102601	05/23/2017		74.96
001-040-559	MONITOR, SE2416 (TRICIA)	102601	05/23/2017		129.99
001-100-559	LIFESAVING UNIFORM AWARD (7)	676101	05/25/2017		51.50
001-092-698	LATE CHARGE	05082017	05/08/2017		15.00
001-092-698	ANNUAL FEE	05292017	05/29/2017		35.00
001-045-500	LP222CN TONER CARTS (4)	221355	05/17/2017		379.99

FUND TOTAL 1 Claims to Checks 84 Total 106,153.35 Manual Held Total 106,153.35

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
006	CITY OF GAUTIER	172150	06/20/2017	06/14/2017			100,000.00	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
006-000-150	TR EXCESS FUNDING TO 001	06302017	06/30/2017		100,000.00

FUND TOTAL 6 Claims to Checks 1 Total 100,000.00 Manual Held Total 100,000.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
128	CITY OF GAUTIER	172108	06/20/2017	06/13/2017			100,000.00	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
128-900-985	BUDGETED TRANSFER	JUNE 2017	06/12/2017		100,000.00

FUND TOTAL 128 Claims to Checks 1 Total 100,000.00 Manual Held Total 100,000.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
157	CAN'T MISS EMBROIDERY	172127	06/20/2017	06/14/2017			67.50	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	157-100-799 EXPLORER SHIRT (9): CITY LOGO			18995	06/05/2017	170850		67.50
157	UNIFORM WAREHOUSE INC	172141	06/20/2017	06/14/2017			363.96	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	157-100-799 TWO TONE SS UNIFORM SHIRT (3)			601014	05/26/2017	170775		29.97
	157-100-799 TWO TONE SS UNIFORM SHIRT (3)			601014	05/26/2017	170775		29.97
	157-100-799 TWO TONE SS UNIFORM SHIRT			601014	05/26/2017	170775		11.99
	157-100-799 TWO TONE SS UNIFORM SHIRT (2)			601014	05/26/2017	170775		23.98
	157-100-799 ELAST WEAVE UNIFORM SLACK (3)			601014	05/26/2017	170775		47.97
	157-100-799 ELAST WEAVE UNIFORM SLACK (2)			601014	05/26/2017	170775		31.98
	157-100-799 ELAST WEAVE UNIFORM SLACK (2)			601014	05/26/2017	170775		31.98
	157-100-799 ELAST WEAVE UNIFORM SLACK			601014	05/26/2017	170775		15.99
	157-100-799 ELAST WEAVE UNIFORM SLACK			601014	05/26/2017	170775		15.99
	157-100-799 SHIPPING: POLICE EXPLORER			601014	05/26/2017	170775		57.89
	157-100-799 TWO TONE SS UNIFORM SHIRT			602743	06/08/2017	170877		9.99
	157-100-799 ELAST WEAVE UNIFORM SLACK			602743	06/08/2017	170877		20.99
	157-100-799 SHIPPING: POLICE EXPLORER			602743	06/08/2017	170877		35.27

FUND TOTAL 157 Claims to Checks 2 Total 431.46 Manual Held Total 431.46

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
160	LOWES HOME CENTERS INC	172031	06/20/2017	06/06/2017			57.66	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
160-161-799	1GAL FLOORING ADHESIVE (2)	910071	04/26/2017		57.66

FUND TOTAL 160 Claims to Checks 1 Total 57.66 Manual Held Total 57.66

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
176	BELL AUTO PARTS INC	172021	06/20/2017	06/02/2017			514.26	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-639 SPRAY WAND, 5GAL HYD FLUID (2)			42045	05/30/2017			138.60
	176-170-639 PULLEY (3): MOWER			42047	05/15/2017			162.33
	176-170-639 HUB (3), 5GAL HYD FLUID (2)			42048	05/25/2017			213.33
176	LOWES HOME CENTERS INC	172032	06/20/2017	06/06/2017			58.76	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-586 REPR PARTS: CAMPSITE #4			902757	05/01/2017			11.01
	176-170-559 SUPPLIES: SHEPARD PARK SIGNS			910927	05/06/2017			32.87
	176-170-559 32OZ SNAKE REPELLENT			909946	05/05/2017			14.88
176	FUELMAN OF MS	172064	06/20/2017	06/13/2017			77.64	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-525 UNL FUEL			NP50574959	06/05/2017			77.64
176	FUELMAN OF MS	172066	06/20/2017	06/13/2017			30.03	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-525 UNL FUEL			NP50617071	06/12/2017			30.03
176	C SPIRE WIRELESS	172070	06/20/2017	06/13/2017			50.27	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-605 CELL PHONE			0030759348	05/31/2017			50.27
176	ENTERPRISE FUND	172109	06/20/2017	06/13/2017			1,700.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	176-170-586 GRINDER PUMP: RV DUMP SITE			06072017	06/07/2017			1,700.00

FUND TOTAL 176 Claims to Checks 6 Total 2,430.96 Manual Held Total 2,430.96

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	JACKSON COUNTY UTILITY AUTHORITY	172025	06/20/2017	06/05/2017			179,768.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-668 JUN 2017 TREATMENT CHGS			105587	06/01/2017			171,281.00
	400-651-668 FY 2016 ACTUAL FLOW ADJ			105587	06/01/2017			8,487.00
400	LOWES HOME CENTERS INC	172033	06/20/2017	06/06/2017			42.87	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-650-635 FAUCET LINE (2), CAP, FAUCET			902981	05/24/2017			34.50
	400-650-635 TURN ANGLE VALVE			902057	05/24/2017			8.37
400	CLEARWATER SOLUTIONS LLC	172035	06/20/2017	06/06/2017			203,357.75	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-650-672 MAY 2017 OPERATION FEE			GAUTIER054	06/01/2017			203,357.75
400	MALLETTE BROTHERS CONSTRUCTION INC	172037	06/20/2017	06/06/2017			163.50	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-585 2.18 TN ASPHALT			19318	06/02/2017			163.50
400	WASTE MANAGEMENT OF MS-GLF COAST INC	172040	06/20/2017	06/06/2017			509.04	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-698 ROLL - OFF TIMBERLANE			6547092134	06/01/2017			509.04
400	MICRO METHODS INC	172061	06/20/2017	06/09/2017			75.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-667 WATER SAMPLE: LARK WELL #1			1706157186	06/09/2017			75.00
400	REGIONS BANK	172080	06/20/2017	06/13/2017			2,500.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-680-803 MDB 2013 BOND FEES			56085	06/02/2017			2,500.00
400	CITY OF GAUTIER	172106	06/20/2017	06/13/2017			106,384.46	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-000-104 MAY 2017 GARBAGE PMTS			05312017	05/31/2017			106,384.46
400	HD SUPPLY WATERWORKS LTD	172130	06/20/2017	06/14/2017			330.64	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-651-581 12X2 BRASS SADDLE CC CORPS			H262116	06/02/2017	170830		165.32
	400-651-581 12X2 BRASS SADDLE IRON			H262116	06/02/2017	170830		165.32
400	SHERWIN-WILLIAMS COMPANY	172132	06/20/2017	06/14/2017			179.10	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	400-650-635 5GAL BLUE PAIL			2286-5	05/25/2017	170827		4.59
	400-650-635 MINI ROLLER GRID (2)			2286-5	05/25/2017	170827		3.78
	400-650-635 CONTR 5-IN-1			2286-5	05/25/2017			6.49
	400-650-635 3" XL GLIDE			2286-5	05/25/2017			15.99
	400-650-635 4" COVER			2286-5	05/25/2017			4.79
	400-650-635 CVR 4X1/2			2286-5	05/25/2017			4.89
	400-650-635 4.5 PJ-COL 1/2 2/PK			2286-5	05/25/2017			8.59
	400-650-635 HIGHWAY WHITE (2)			2286-5	05/25/2017			10.00
	400-650-635 HIGHWAY YEL (6)			2286-5	05/25/2017			30.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SHERWIN-WILLIAMS COMPANY	172132	06/20/2017	06/14/2017			179.10	(CONTINUED)

Account Number	Description	Invoice #	Date	P.O.	Amount
400-650-635	PRO-PARK WB YELLOW (5)	2286-5	05/25/2017		94.95
400-650-635	DISCOUNT	2286-5	05/25/2017		-4.97

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SOUTHERN WATERWORKS SUPPLY INC	172139	06/20/2017	06/14/2017			705.86	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-581	1 1/2 BRASS COUP NL (3)	70034	05/19/2017	170792	136.74
400-651-581	3/4 BRASS COUP NL (12)	70034	05/19/2017	170792	177.24
400-651-581	1 X 3/4 BRASS COUP NL (12)	70034	05/19/2017	170792	238.44
400-651-581	1 1/2 X 6 GALV NIPPLE (2)	70034	05/19/2017	170792	5.44
400-651-581	1 1/2 X 4 GALV NIPPLE (2)	70197	06/05/2017	170792	4.00
400-651-581	QUART PIPE LUBE (24)	70199	06/05/2017	170845	144.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	J H WRIGHT & ASSOCIATES INC	172147	06/20/2017	06/14/2017			5,716.00	

Account Number	Description	Invoice #	Date	P.O.	Amount
400-651-584	GORMAN RUPP ROTATING ASSY	400009	06/02/2017	170765	5,300.00
400-651-584	SHIPPING	400009	06/02/2017	170765	100.00
400-651-584	FILL CAP BOLTS	400009	06/02/2017	170765	66.00
400-651-584	SHIPPING: GRAVELINE REPAIR LS	400009	06/02/2017	170765	15.00
400-651-584	EXIST ROTATE ASSY W/REPORT	400009	06/02/2017	170765	235.00

FUND TOTAL 400 Claims to Checks 12 Total 499,732.22 Manual Held Total 499,732.22

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
404	DELTA SANITATION OF MS LLC	172024	06/20/2017	06/05/2017			83,046.97	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	404-677-693 MAY 2017 RES GARBAGE SERV			0000827976	05/31/2017			80,390.40
	404-677-693 MAY 2017 CART RENTAL			0000827976	05/31/2017			2,405.37
	404-677-693 MAY 2017 COM CART RENTAL			0000827976	05/31/2017			251.20
404	APPLEWHITE INDUSTRIES INC	172042	06/20/2017	06/07/2017			198.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	404-677-695 MAY 2017 66 @ 3.00			3070	05/31/2017			198.00
404	JACKSON CO BOARD OF SUPERVISORS	172077	06/20/2017	06/13/2017			2,156.71	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	404-677-695 HAZARDOUS WASTE COLL DAY			HHW2017-3	06/07/2017			2,156.71
404	CITY OF GAUTIER	172107	06/20/2017	06/13/2017			58,250.00	
	Account Number / Description			Invoice #	Date	P.O.	Amount	
	404-900-985 BUDGETED TRX: OVERAGE			05312017	05/31/2017			58,250.00

FUND TOTAL 404 Claims to Checks 4 Total 143,651.68 Manual Held Total 143,651.68

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
409	GOODWYN MILLS & CAWOOD INC	172105	06/20/2017	06/13/2017			21,296.00	_____

Account Number	Description	Invoice #	Date	P.O.	Amount
409-223-601	PROJECT MANAGEMENT	EM OB15100123	05/23/2017		600.00
409-223-601	ASSESS PETROLEUM SITES (2)	EM OB15100123	05/23/2017		16,950.00
409-223-601	ASSESS HAZARDOUS SITES (2)	EM OB15100123	05/23/2017		3,746.00

FUND TOTAL 409 Claims to Checks 1 Total 21,296.00 Manual Held Total 21,296.00

Docket of Claims
Release date from 06/20/2017 thru 06/20/2017

SUMMARY OF ALL FUNDS

FUND 1	Claims	to	Checks	84	Total	106,153.35	Manual	Held	Total	106,153.35
FUND 6	Claims	to	Checks	1	Total	100,000.00	Manual	Held	Total	100,000.00
FUND 128	Claims	to	Checks	1	Total	100,000.00	Manual	Held	Total	100,000.00
FUND 157	Claims	to	Checks	2	Total	431.46	Manual	Held	Total	431.46
FUND 160	Claims	to	Checks	1	Total	57.66	Manual	Held	Total	57.66
FUND 176	Claims	to	Checks	6	Total	2,430.96	Manual	Held	Total	2,430.96
FUND 400	Claims	to	Checks	12	Total	499,732.22	Manual	Held	Total	499,732.22
FUND 404	Claims	to	Checks	4	Total	143,651.68	Manual	Held	Total	143,651.68
FUND 409	Claims	to	Checks	1	Total	21,296.00	Manual	Held	Total	21,296.00
Total for all Funds			Checks	112	Total	973,753.33	Manual	Held	Total	973,753.33

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 115-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Consent Agenda Items 1-10 are hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 116-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the revised Employee Handbook is hereby approved as presented.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin,** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting June 20, 2017.

CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, City Manager
From: Jason Pugh, Human Resources Director
Date: 06/08/2017
Subject: Approval of the Revised Employee Handbook.

REQUEST:
The Human Resources Department requests City Council approval of the Revised Employee Handbook effective 06/20/2017.

BACKGROUND:
The Employee Handbook was first approved in April 2012. While there have been a few minor revisions since then, this revision represents the most up to date edition reflecting the most current operating procedures.

DISCUSSION:
This revision of the Employee Handbook is updated to reflect the most current operatin
g procedures, including updated titles and departments. It reflects the most recent contract with the Gautier Firefighters Association and also includes some new policies. It has been reviewed by the Human Resources Department, the City Manager, and the City Attorney for legal sufficiency. The new policies included in this revision are as follows:

Section 3 Civil Service System
Section 10 Emergency Pay Procedures
Section 27 Light Duty
Section 30 Non Fraternization
Section 60 Inclement Weather
Section 61 Volunteers

RECOMMENDATION:
It is recommended that the Gautier City Council approve the Revised Employee Handbook dated 06/20/2017.

ATTACHMENTS:
1. Employee Handbook

EMPLOYEE HANDBOOK

City of Gautier

Revised 06/20/2017

CITY OF GAUTIER

MISSION

To enhance the quality of life of the citizens of Gautier and our neighborhoods by providing exceptional government services.

VISION

We strive to achieve efficient and responsible service; a highly trained, competent workforce; and responsible stewardship of resources.

VALUES

℘ PEOPLE ℘ INTEGRITY ℘ PROSPERITY

DISCLAIMER

This Personnel Policy and Procedures Manual (also referred to herein as an Employee Handbook) is not an employment contract and should not be construed as a contractual obligation of any kind. This employee handbook contains important policies, goals, and restrictions that affect City employees. Unless stated to the contrary herein, this manual and the policies, procedures, provisions, and regulations contained herein, shall apply to all City employees and, unless stated otherwise, do not apply to elected officials.

If any of the provisions in this handbook in any way conflict with applicable local, state or federal laws, rules, or regulations and legal and valid labor contracts; then such applicable local, state or federal laws, rules or regulations and legal and valid labor contracts shall take precedence over the provisions of this handbook. When general requirements of this document conflict with specific requirements within it or with other documents, the specific requirement shall be enforced.

This employee handbook supersedes any other personnel policies or memos previously written. The City reserves the right to interpret, add, amend, and/or delete any policy, procedure, provision, and regulation described and set forth herein at any time. The official Employee Handbook, containing all amendments, shall be filed at City Hall and shall be available for review upon request. Amendments to this employee handbook shall be provided to all employees in a reasonable amount of time after adoption by the City Council. Once made, the Human Resources Department will incorporate all changes in this manual and indicate on the manual "Revised" and document the date of the revision. Reprints of the manual will be made and distributed as deemed necessary by the City Manager.

It is the employee's responsibility to read the policies, procedures, provisions, and regulations contained herein and any revisions, amendments, or supplements thereof. If there may be any questions regarding the clarification of any policies, procedures, provisions, and regulations herein; they may be directed to the Human Resources Department.

City of Gautier

EMPLOYEE HANDBOOK

The policies and statements in this Handbook are current as of printing. Previous copies of these policies should be discarded to prevent the circulation of outdated and/or non-approved materials.

SECTION		PAGE
SECTION 1	**Introduction**	**1**
SECTION 2	**Type of Government**	**1**
SECTION 3	**Civil Service System**	**1**
SECTION 4	**Date of Hire/Anniversary Date**	**2**
SECTION 5	**Seniority**	**2**
SECTION 6	**Employee Orientation**	**2**
SECTION 7	**Types of Employment**	**2**
SECTION 8	**Overtime**	**3**
SECTION 9	**Compensatory Time**	**5**
SECTION 10	**Emergency Pay Procedures**	**6**
SECTION 11	**Performance Development Plan**	**6**
SECTION 12	**Promotions/Transfers/Out of Title Pay**	**7**
SECTION 13	**Holidays**	**8**
SECTION 14	**Bereavement Leave**	**9**
SECTION 15	**Jury/Court Leave**	**9**
SECTION 16	**The Family and Medical Leave Act of 1993 (FMLA)**	**10**
SECTION 17	**Military Leave**	**13**
SECTION 18	**Sick Leave**	**13**
SECTION 19	**Sick Leave Abuse**	**14**
SECTION 20	**Donated Leave**	**15**
SECTION 21	**Annual Leave/Vacation Leave**	**15**

SECTION 22	**Accrual of Annual Leave/Vacation Leave**	**16**
SECTION 23	**Leave of Absence without Pay**	**17**
SECTION 24	**Travel and Training**	**17**
SECTION 24.1	**Travel Advance Authorization**	**18**
SECTION 24.2	**Travel While on City Business**	**18**
SECTION 25	**Employee Personnel Records**	**20**
SECTION 26	**Hours of Work/Absenteeism/Tardiness**	**20**
SECTION 27	**Light Duty**	**21**
SECTION 28	**Nepotism**	**22**
SECTION 29	**Employee Ethics/Political Activity**	**23**
SECTION 30	**Non Fraternization**	**24**
SECTION 31	**Personal Appearance**	**25**
SECTION 32	**Personal Use of Telephone and Mail Systems**	**25**
SECTION 33	**Payroll and Deductions**	**25**
SECTION 34	**Time Sheets/Preparation of Payroll**	**26**
SECTION 35	**Garnishment**	**27**
SECTION 36	**Deferred Compensation**	**27**
SECTION 37	**Life and Accidental Death and Dismemberment Insurance**	**27**
SECTION 38	**Group Medical Insurance**	**27**
SECTION 39	**Continuance of Medical Coverage (COBRA**	**28**
SECTION 40	**Retirement System**	**28**
SECTION 41	**Employee Assistance Program (EAP)**	**29**
SECTION 42	**Tuition Reimbursement**	**29**
SECTION 43	**Risk Management**	**30**
SECTION 43.1	**Accident Prevention and Safety**	**30**

SECTION 43.2	**Reporting**	**30**
SECTION 43.3	**Alcohol Breathalyzer and Drug Screening**	**31**
SECTION 43.4	**Workers Compensation**	**31**
SECTION 43.5	**Safety Equipment and Devices**	**32**
SECTION 43.6	**Vehicle Safety**	**32**
SECTION 44	**Grievances**	**32**
SECTION 45	**Americans with Disabilities Act (ADA)**	**34**
SECTION 46	**Equal Opportunity Employment (EEO)**	**34**
SECTION 47	**Harassment/Sexual Harassment**	**35**
SECTION 48	**Violence in the Workplace**	**36**
SECTION 49	**Employee Conduct**	**36**
SECTION 50	**Disciplinary Action**	**39**
SECTION 51	**Fitness for Duty**	**39**
SECTION 52	**Whistle Blowing**	**39**
SECTION 53	**Resignation**	**40**
SECTION 54	**Job Abandonment/Voluntary Termination**	**40**
SECTION 55	**Drug Testing**	**40**
SECTION 56	**City Owned/Leased Cellular Telephones**	**40**
SECTION 56.1	**Use of Personal Owned Cell Phones**	**41**
SECTION 56.2	**Safe Use of Cell Phones**	**41**
SECTION 57	**City Computers and Electronic Communications**	**42**
SECTION 57.1	**Use of City Computers and Computing Systems**	**42**
SECTION 57.2	**Electronic Mail (E-Mail)**	**43**
SECTION 57.3	**Internet/Intranet Access**	**43**
SECTION 57.4	**Social Media**	**43**

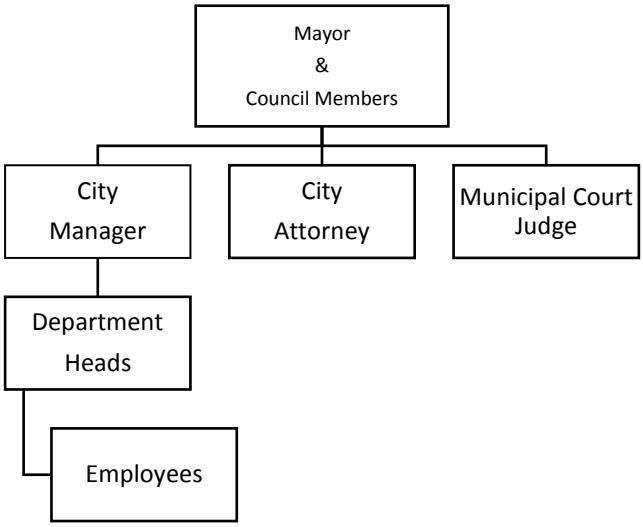
SECTION 58	**Use of City-Owned and Leased Vehicles**	**45**
SECTION 59	**Fuelman Fleet Cards**	**45**
SECTION 60	**Inclement Weather**	**46**
SECTION 61	**Chain of Command**	**47**
SECTION 62	**Volunteers**	**48**
SECTION 63	**Miscellaneous**	**48**

SECTION 1 Introduction.

As a City employee, your work and conduct on and off the work site are always subject to public scrutiny. Your contacts with individual citizens will often be the only basis on which the public judges its local government. It is important that you make the best possible impression at all times and perform your work efficiently, competently, and with the highest degree of professionalism. Each position with the City is an essential part of the overall operation of our municipal government. Everyone in the City is relying on you to provide honest, proficient, and courteous service.

SECTION 2 Type of Government

The City of Gautier is a Council-Manager Form of Government. This form of government (made generally available to Mississippi's municipalities in 1952) is similar to the Commission Form of Government in that it does not provide for the separation of executive and legislative powers between a mayor and council. It differs from the Commission Form of Government, however, in that it does recognize the separate but coordinate functions of politics and administration: an elected council is responsible for making policy, while administration is assigned to an appointed professional known as the City Manager.



SECTION 3 Civil Service System

To ensure that the concepts of merit, fairness, and equal opportunity will be practiced in the selection and administration of its personnel, the City of Gautier has adopted a Civil Service System for all permanent, non-probationary, full-time employees. To administer its Civil Service System, the city council appoints three (3) citizens for staggered six (6) year terms, each respected and active in the community, to serve on a Civil Service Commission. This Commission has

authority over all full-time positions in the Civil Service and is responsible for adopting rules, administering examinations, and conducting special hearings regarding disciplinary appeals from permanent employees.

The Civil Service Commission meets monthly at Gautier City Hall. These meetings are open to the public. Copies of meeting agendas and minutes may be obtained from the Human Resources Department.

SECTION 4 Date of Hire/Anniversary Date.

The most recent Date of Hire shall be the effective date of an individual's employment. The Anniversary Date shall mean the date the employee began his or her employment since their most recent date of hire.

An employee reinstated to the same position or a position in the same classification following a layoff from the City will cause his or her anniversary date to be extended by the same length of time as the layoff. A regular employee returning from a leave of absence greater than ninety (90) days will have his or her anniversary date extended by the same length of time the employee was on leave without pay. Employees out under the Family and Medical Leave Act (FMLA) will retain their anniversary date as this leave is not considered a break in service.

SECTION 5 Seniority

Fire/Police Departments: The City has established a department-wide seniority list by rank, indicating the name, position, date of employment, and date of appointment to current rank.

The Civil Service Commission will receive this list on an annual basis.

SECTION 6 Employee Orientation.

All new employees of the City must attend a new employee orientation program. At the orientation program, each new employee will be provided with information on employee benefits, City policies and operations. In addition to the orientation program, the hiring department may provide additional information to the new employee, including general hours of work, time cards or reports, and leave requests.

SECTION 7 Types of Employment.

The types of City employment are:

1) *Appointed Employee:* An employee who is appointed by the City Council of the City of

Gautier to a position which may be limited in duration. Such employees serve at the pleasure of the City Council and can be terminated at any time for any reason or for no reason at all, with or without notice. The only positions of this class are: City Manager, City Attorney, Municipal Court Judge and the Council may also appoint the City Clerk at their discretion. (Miss. Code Ann. 21-9-29)

2) *Regular Full-Time Employee ("Civil Service" employee):* An employee assigned to a position which is expected to continue for an indefinite duration, and is regularly scheduled to work a forty (40) hour or more workweek, who has successfully completed their probationary period. Employees within the one (1) year probationary period, which is set by the City Manager and/or Civil Service, will be evaluated every six (6) months.

   a. Exempt: Employees must generally meet certain tests regarding their job duties and be paid on a salary basis not less than $455 per week. Job titles do not determine exempt status. An employee's specific duties and salary must meet all requirements of the FLSA regulations. (Ex.: City Manager, City Clerk, Department Directors, etc.)

   b. Non-Exempt: All other work not classified as "exempt"

3) *Part-Time Employee:* An employee who is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of less than eighty (80) hours per month.

4) *Temporary Full-Time Employee:* An employee whose work assignment is usually limited to a period not to exceed four and one-half (4 ½) months and who works a regularly scheduled 40 hour or more workweek.

SECTION 8 Overtime

An employee who is not exempt from the provisions of the Fair Labor Standards Act (FLSA) who works unscheduled hours and/or works hours beyond the threshold of FLSA for their job will be paid one and one-half times their regular rate of pay for each overtime hour worked. Paid or unpaid time off for holidays, annual leave or sick leave will not be counted as hours worked for the purposes of overtime calculations. (Revised 02/05/13)

During special details such as those occurring during holidays, the City Manager may authorize payment of overtime outside the guidelines of paragraph one (1) of this policy. (Revised 12/03/13)

All overtime must be pre-approved by the department head and documented; working unauthorized overtime may be grounds for discharge even though compensation for those hours will be paid in accordance with FLSA.

The City compensates overtime for all employees as follows:

a) *Non-Exempt – Non Public Safety:* Employees in this class will be awarded Compensatory

Time (Section 9) for any hours worked in excess of forty (40) hours in a seven (7) day work week. In the event the employee has reached the threshold of hours allowable as indicated in the compensatory time policy, the employee will be paid overtime. Overtime is compensated at a rate of one and a half (1.5) times the normal rate of pay for hours worked in excess of forty (40) hours per week.

b) *Non-Exempt Fire Department:* Shift personnel (Schedule 2496) shall refer to Article 24, Hours worked – Overtime of labor agreement between the City of Gautier and Local 3290.

c) *Police Officer:* The scheduled hours worked for uniformed sworn personnel with powers of arrest, shall be 84 hours per 14-day work cycle. Overtime shall be paid at a rate of time and a half (1.5) the normal rate of pay for those police officers working more than 84 hours in a 14-day work cycle.

d) *Detectives and Non-Uniformed:* The scheduled hours worked for non-uniformed sworn personnel with powers of arrest, shall be 40 hours per 7-day work cycle. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay for those Detectives working more than 40 hours in a 7 day work cycle.

e) *Dispatchers:* The scheduled hours worked for uniformed dispatchers, covered by this agreement, vary from 36 hours to 48 hours per seven (7) day work cycle. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay for those Dispatchers actually working more than 40 hours in a seven (7) day work cycle.

f) *Office and other:* The scheduled hours worked for office and other employees, including the Animal Control Officer, shall be 40 hours per seven (7) day work cycle. Employees in this class will be awarded Compensatory Time (Section 9) for any hours worked in excess of forty (40) hours in a seven (7) day work week. In the event, the employee has reached the threshold allowable as indicated in the compensatory time policy, the employee will be paid overtime. Overtime shall be paid at a rate of one and a half (1.5) times the normal rate of pay to office and other employees actually working more than 40 hours in a seven (7) day work cycle.

Exempt employees are expected to work the hours required to accomplish their jobs, which may be in excess of forty (40) hours per week. Exempt employees are typically paid a salary that is not subject to deductions for hours not worked and routinely receive their full salary for any day in which they perform any work, without regard to the number of hours worked. Deductions to the pay of exempt employees will only be made in full day increments. If an exempt employee works any hours during a day they must be paid for the full day. In instances where an exempt employee misses a full day of work the exempt employee will be required to use accrued annual or sick leave in order to be paid for that day unless arrangements have been made to flex the hours during the same seven (7) day work week. If the exempt employee has no accrued annual or sick leave the day will be unpaid leave.

Exceptions to the requirement to pay exempt employees on a salary basis are as follows:

- Unpaid disciplinary suspensions of one or more full days in accordance with city policies.
- Deductions for unpaid leave in accordance with a legitimate absence under the Family Medical Leave Act.
- Exempt employees shall be paid overtime on an hourly basis if 1) they work in excess of forty (40) hours per week, and 2) they are performing duties outside the normal scope and course of their jobs. The City Manager must pre-approve such work.

To the extent these provisions are, or become in conflict with state or federal law, such law shall prevail and become the policy of the City until such time as the policy can be formally amended.

SECTION 9 Compensatory Time

Non-Exempt Employees

Compensatory time, commonly referred to as "comp" time, is defined as time off granted in lieu of pay for hours worked in excess of the regularly scheduled workweek. All overtime which may result in compensatory time must be pre-approved by the department head before being worked by the employee.

Compensatory time will accrue at a rate of 1.5 hours for every hour worked in excess of the normal workweek. Employees will not be allowed to accumulate compensatory time in excess of 40 hours. Overtime will be paid for any hours worked in excess of the normal workweek once the employee has accrued 40 hours of compensatory time. Compensatory time must be used before any annual or sick leave can be used by the employee. City management will make every effort to allow the use of compensatory time earned by the employee provided that the employee's absence will not affect the efficient operation of city business.

Upon separation of employment, all compensatory hours earned by an employee while in a non-exempt status will be paid to the employee at the employee's current rate of pay up to the 40 hour maximum.

Exempt Employees

Exempt employees are not eligible to accrue compensatory time unless they are performing duties outside the normal scope of their employment.

Public Safety Employees

Public safety employees (sworn police officers, firefighters, and dispatchers) will not be eligible for compensatory time and will paid overtime for any hours worked in excess of a normal pay period.

Emergencies

In the event of an emergency proclamation issued by the city council, this policy will not apply and overtime will be compensated in accordance with the city pay policy during emergency events (Section 10).

SECTION 10 Emergency Pay Procedures

In the event an Emergency Proclamation is executed by the City Council, the following pay procedures will be established for the duration of the emergency proclamation.

Employees deemed not essential to work during the emergency will be given Administrative Leave and will be paid their normal pay for any scheduled days while away from work on Administrative Leave. Administrative Leave is not used in the computation of hours worked for the purposes of overtime. Employees deemed essential to work during the emergency may be recalled to duty and will be paid as follows.

Non-Exempt Employees:

1. During the employees' regularly scheduled work day, the employee will be paid their normal straight time pay.
2. During weekends or scheduled days off for shift workers, the employee will be paid at the prescribed overtime rates when applicable.
3. During periods of general administrative leave, employees recalled to duty will be paid their administrative leave pay and straight pay for hours worked within a regular work day or overtime for hours worked outside of a regular work day.

Exempt Employees:

1. During the employees' regularly scheduled work day or outside of the regular work day, the employee will be paid their normal salary.
2. During periods of general administrative leave, recalled exempt employees will be paid for the actual hours worked times their calculated hourly wage (Annual Salary/2080 hours) in addition to administrative leave.
3. Exempt employees shall be paid overtime on an hourly basis if 1) they work in excess of forty (40) hours per week, and 2) they are performing duties outside the normal scope and course of their jobs. The City Manager must pre-approve such work.

SECTION 11 Performance Development Plan (PDP)

The implementation of the Performance Development Plan (hereinafter referred to as a "PDP") is to ensure that each employee is aware of his/her duties, responsibility, and the expectations of the supervisor and the City in the performance of those duties and responsibilities. The purpose

of the PDP is established to retain employees on the adequacy of their job performance; to correct inadequate performance; and to separate employees whose inadequate performance cannot be corrected.

Supervisors are required to evaluate all employees, using the PDP process and evaluations shall be performed annually. Probationary employees will be evaluated every six (6) months. Employees are required to sign the evaluation form as an acknowledgement that the evaluation was performed, as required by the PDP, and that all questions, concerns or comments of the employee and/or the department director are duly noted on the document.

Thereafter, the completed evaluations will be reviewed and signed by the Department Director, the Human Resources Director, and by the City Manager; each of whom, in his or her judgment, may change the recommended rating or return the form for reconsideration by the supervisor. Per Civil Service Commission regulations, "Any covered employee may request the Commission to re-evaluate his or her appraisal." (CSC, Rule 17.3)

SECTION 12 Promotions/ Transfers/Out of Title Pay

Employees are encouraged to apply for any vacancy for which they may qualify. Any current employee interested in applying for a transfer or promotion to an open position must file an updated resume or City job application form with the Human Resources Department in accordance with instructions listed on the job posting. A City employee's application for such a position will be considered in the same manner as all other applications.

An employee selected for promotion or transfer will retain all leave accruals previously earned. Neither a promotion nor a transfer will change an employee's date of hire. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon assuming the new position. All promotions and transfers are subject to a minimum six (6) month probationary period as determined by the City Manager.

The Department Director may with the approval of the City Manager make temporary assignments for a specified time or assignment as necessary. Such appointments are made on an "acting" basis and the employee returns to his or her regular position upon completion of the assignment. Temporary assignments that include supervisory duties may be entitled to out-of-title pay not to exceed a five (5%) percent increase. It is subject to the discretion of the Director and approval of the City Manager as to whether the employee receives out-of-title pay. To qualify for out-of-title pay the employee must hold the position for a period greater than five (5) days and fulfill all the requirements of the position. It is not to be inferred that a temporary assignment will carry the position's higher salary.

Fire Department: Shift personnel shall refer to Article 23 Out of Rank Pay of the labor agreement between the City of Gautier and Local 3290.

Police Department: Except in the case of relief during vacation, employees shall receive five (5%) above their present pay rate when filling any higher rank in which he or she may serve for more than

three (3) consecutive work shifts. Out of Rank pay shall be retroactive to the first (1st) shift worked. The Chief of Police shall notify the employee of every temporary assignment.

SECTION 13 Holidays.

The City celebrates the following holidays off with pay for probationary and regular full-time employees. These holidays, or the dates when they occur or are observed, may change by proclamation of the Governor or the City Council or federal, state, or local law and such change(s) govern and override the listings contained in this employee handbook. The City will only recognize the day designated by the Governor as the holiday.

NEW YEAR'S DAY ..... January 1

MARTIN LUTHER KING, JR. ..... 3rd Monday of January

PRESIDENT'S DAY ..... 3rd Monday of February

MEMORIAL DAY ..... Last Monday of May

INDEPENDENCE DAY ..... July 4

LABOR DAY.... ..... 1st Monday of September

VETERAN'S DAY ..... November 11

THANKSGIVING DAY ..... 4th Thursday of November

CHRISTMAS DAY ..... December 25

Holidays are observed from 12:00 a.m. (midnight) the eve of the holiday to 12:00 a.m. (midnight) the day of the holiday. Non-Public Safety employees will normally not be required to work on a day designated as a holiday and will receive their normal pay. Non-Public Safety employees who are required to work on a day designated as a holiday will receive straight time for all hours actually worked on the holiday, in addition to their regular pay.

The City compensates holiday pay for all employees as follows:

1) All employees who normally work a 40 hour week shall have the above listed holidays as designated by the governor off with no reduction in pay. Any 40 hour per week employee who is required to work on one of the days listed above shall receive straight time pay for each hour actually worked in addition to their regular pay.

2) *Police Department* employees who normally work shifts (84 hours in a 14 day cycle) shall receive eight (8) hours straight time pay in addition to their normal pay for each of the days set out above.

3) *Fire Department* personnel who normally work shifts (216 hours in a 28 day cycle) shall receive eight (8) hours straight time pay in addition to their normal pay for each of the days set out above.

When a holiday falls within an eligible employee's approved annual or medical leave period, the holiday shall not be counted as a leave day in computing the amount of leave deducted. An employee who is away from work and not in a paid leave status the day immediately preceding or following a holiday will not receive any pay for the holiday.

SECTION 14 Bereavement Leave.

Regular full-time employees who have a member of his or her immediate family taken by death shall receive up to twenty-four (24) hours off with pay as bereavement leave to arrange and/or attend funeral activities. If additional time is necessary, it shall be taken as sick leave, with advance authorization by the Department Director. An employee who requests bereavement leave for a death that is not covered under "Immediate Family" may be allowed to use sick leave upon approval by the Department Director. If sick leave is not available, it may be taken as unpaid leave with advance authorization by the Department Director and approval by the City Manager for situations involving Department Directors. Employees who require time off due to the death of an immediate family member (in order to obtain bereavement leave) should immediately notify their supervisor and/or Department Director.

Fire Department shift personnel shall refer to Article 16, Leave of Absence of labor agreement between City of Gautier and Local 3290.

"Immediate family" shall be defined as spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents, grandparents-in-law, and grandchildren. A current step-child, step-father, step-mother, step-father-in-law, or step-mother-in-law may also fall under this definition. An aunt, uncle, or cousin who is a dependent of or who resides in the household of the eligible employee, or over whom the eligible employee is a court appointed guardian or conservator, may also be treated as "immediate family" under this Section.

SECTION 15 Jury/Court Leave.

Full-time employees who are required to participate in legal proceedings, legislative committees or quasi-judicial bodies, as a witness in response to a subpoena or other directive shall be allowed authorized leave with pay. An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately so that arrangements may be made to cover the position.

Time away as a result of jury or court leave as set forth above will not affect vacation, sick leave or other leave accruals. The City will continue to provide health insurance benefits for the full term of the jury duty absence. Employees may retain any jury and mileage fees received. A copy of fees received should be submitted to the Human Resources Department for verification of dates served.

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required in any one (1) day. If excused as a juror on any given day, the employee is expected to contact his/her supervisor immediately and to report to work as instructed.

Employees who appear in court as a party or as a witness on behalf of any party whose action is not in furtherance of the City's interests or official City business or that is unrelated to their official City duties without forced action of a subpoena or other legal document forcing attendance, shall not be paid for time away from work unless the employee elects to use accrued vacation or compensatory time as approved by the employee's supervisor.

Non-exempt employees who are subpoenaed will be paid for the time spent when required to attend Civil Service hearings.

SECTION 16 The Family and Medical Leave Act of 1993 (FMLA).

In keeping with the requirements of the Family Medical Leave Act of 1993 (hereinafter referred to as "FMLA") and the City of Gautier Employee Handbook, an eligible employee shall be entitled to take up to twelve (12) workweeks of unpaid, job-protected leave in a 12-month period. To be considered eligible, an employee must have worked for the City for one (1) year or worked at least 1,250 hours over the previous 12 months.

When both spouses are employed by the City, they are entitled to share a total of twelve (12) workweeks of FMLA for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Covered Family and Medical Reasons. An eligible employee must be granted up to twelve (12) weeks of unpaid family and/or medical leave (FMLA) per calendar year for one (1) or more of the following reasons:

1) the birth and care of a newborn child of the employee;
2) for placement with the employee of a son or daughter for adoption or foster care;
3) to care for a spouse, son, daughter, or parent with a serious health condition;
4) to take medical leave when the employee is unable to work because of a serious health condition; or
5) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty status or has been notified of an impending call or order to active duty in the National Guard or Reserves.

Eligible employees may take up to twenty-six (26) workweeks of unpaid leave in a calendar year to care for their spouse, child, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness as a result of serving on active duty in the Armed Forces.

Under certain conditions, employees or employers may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

A serious health condition shall be defined as an illness of a serious and long-term nature resulting in

recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

Employee Eligibility. An employee shall be entitled to family leave when he/she meets the following criteria:

1) The employee has worked for at least twelve (12) months for the City. The twelve (12) months need not have been consecutive.

2) The employee has worked for the City for at least 1,250 hours over the twelve (12) months before the leave would begin.

Calculation of Leave**.** Eligible employees can use up to twelve (12) weeks of FMLA leave during a rolling twelve (12) month period as described herein. The City will use a twelve (12) month period measured backward from the date an employee needs to use any FMLA leave, paid or unpaid.

Maintenance of Benefits**.** An employee shall be entitled to maintain group health insurance coverage on the same basis as if he or she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay his or her share of insurance premium payments either through payroll deduction or by direct payment. This payment shall be made either in person or by mail to the Human Resources Department by the first (1st) day of each month. If the employee's payment is more than thirty (30) days overdue, then the City will drop the coverage after notifying the employee at least fifteen (15) days in advance of its intention.

If an employee informs the City that he or she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. If an employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond their control, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

Earned benefits such as seniority, vacation leave, sick leave, and holiday benefits will not accrue during the unpaid portion of the leave period. However, the use of FMLA leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Job Restoration. An employee who utilizes FMLA leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms.

Use of Paid and Unpaid Leave. If an employee takes leave under this plan because of his or her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all compensatory time, paid vacation, sick leave, or donated leave and then will be eligible for unpaid leave. Any combination of family leave and medical leave may not exceed twelve (12) weeks within any rolling twelve (12) month period as described above.

An employee using leave for the birth of a child will use any accrued paid sick leave for physical recovery after childbirth. The employee then may use all paid vacation and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks.

An employee using leave for the adoption or foster care of a child will use all compensatory time and paid vacation first and then will be eligible for unpaid leave for the remainder of the twelve (12) weeks. The use of sick leave would not be allowable in such cases.

Notice and Certification. When an employee plans to take leave under this policy, the employee must give the Human Resources Department thirty (30) days' notice. If it is not possible to give thirty (30) days' notice, the employee must give notice as soon as reasonably possible. Medical certification should be provided at this time if possible.

The employee must also provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee will respond to such a request within fifteen (15) days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers may include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, and optometrists.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.

2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.

3) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

While on leave, employees are required to report weekly to the Human Resources Department and their immediate supervisor regarding the status of their medical condition and their intent to return to work.

Other requirements, terms, conditions, and/or obligations that arise out of and/or pertain to leave designated as family medical leave (FMLA) may be found in federal, state, and/or local laws or regulations, forms that are required to be completed and submitted in conjunction with such leave, and other City policies.

SECTION 17 Military Leave.

To the extent provided by law, an employee will be granted a leave of absence for up to five (5) years in the military. The employee will receive the employee's full straight time pay for the first fifteen (15) days of military leave in a calendar year. Military leave will be accounted for in increments of twenty-four (24) hour periods (from 0001 hours to 2400 hours). The State of Mississippi has defined one (1) day of military leave as equivalent to an eight (8) hour work day. E.g., a firefighter's twenty-four (24) hour on-duty shift counts as three (3) days of military leave. An employee will be reinstated to the employee's former employment, provided the employee complies with the legal reporting requirements after completion of the military duty.

SECTION 18 Sick Leave.

Sick leave shall be granted to regular full-time employees at the rate of eight (8) hours for each calendar month of service. Sick leave rates for Fire and Police Departments are as follows:

Fire Department: Shift personnel shall refer to Article 16, Leaves of Absence, Sick Leave of labor agreement between City of Gautier and Local 3290.

Police Department: All full-time employees shall earn eight (8) hours, ten (10) hours, or twelve (12) hours sick leave depending on the shift assigned.

Sick leave is not available for use until the end of the month following thirty (30) days of employment for employees of the Schedule 2080. Sick leave shall be charged in quarter-hour increments rounded to the nearest quarter hour on the employee's time sheet. Sick leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month.

Sick leave is authorized for use by employees for absences due to personal illness or physical incapacity, sickness of an immediate family member, doctor or dental appointments for self or immediate family, FMLA covered absences, and requests for the employee's presence by immediate family, doctor or clergy due to family illness.

An employee desiring to use sick leave must notify his/her immediate supervisor of the illness no later than fifteen (15) minutes before the beginning of the work shift or as otherwise required by the applicable Department's Standard Operating Procedures. Failure to do so may result in denial of such paid leave and/or disciplinary action, including but not limited to termination of employment. The employee should also let the supervisor know when he/she expects to return to work.

Sick leave exceeding three (3) consecutive work days or three (3) scheduled shifts; must be confirmed by a qualified doctor's statement submitted to the supervisor after the third (3rd) consecutive day of absence. The doctor's statement must contain a statement that the employee is fit to return to work including any limitations the employee may have relating to their particular job classification; or a statement as to when the employee will be fit to return to work. A qualified doctor shall be defined as a duly licensed doctor of medicine, osteopathy or dentistry. If sick leave is not confirmed by a doctor's statement after the third consecutive day of absence, the employee may be placed on unpaid leave for the period of absence until the excuse is submitted or may be required to use vacation time

for the absence. Employees who abuse sick leave will be subject to disciplinary action which may include but is not limited to termination. (See Sick Leave Abuse, Section 19)

Sick leave usage during an employee's last two (2) weeks of employment must be documented by a qualified doctor.

Unused sick leave shall accrue to the credit of each employee with no maximum and, subject to conditions and terms of the Public Employees Retirement System (PERS) or any other governing or applicable regulations or requirements, may be certified to PERS for retirement credit upon separation of employment. Sick leave cannot be cashed out or paid as money upon separation of employment.

Sick leave that is used on the "working day" before and/or sick leave used the first "working day" after an observed holiday; must provide documentation by a qualified physician. In lieu of a medical certificate, supervisors may allow a sworn affidavit from the employee which provides the circumstances of the illness. Information requests shall be processed in accordance with the official privacy policy of the City for compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

SECTION 19 Sick Leave Abuse

Directors shall closely monitor use of sick leave by their employees. Sick leave shall not be considered as a right which an employee may use at the employee's discretion, but shall be considered a privilege and allowed only in cases of actual sickness or disability of the employee or in circumstances where illness in the employee's immediate family makes it necessary for the employee to be absent. (Authorized uses of paid sick leave are established in the city sick leave policy, Section 14)

It is anticipated that employees using paid city sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor, hospital stays or other justifiable illness related travels which take the employee away from home are acceptable; however, employees who establish a pattern of non-illness related personal pursuits during sick leave may subject themselves to disciplinary action up to and including termination.

Furthermore, employees who consistently use sick leave in any observable pattern may be considered to be abusing sick leave privileges. Examples of patterns that may indicate sick leave abuse include, but are not limited to:

- Consistently using sick leave as soon as it is accrued.
- Consistently using sick leave on Fridays and/or Mondays.
- Consistently using sick leave the day before or after an approved holiday.
- Consistently using sick leave in conjunction with approved vacation.
- Consistently using sick leave during certain days of the week, weeks of the year, seasons of the year, etc.

- Consistently using sick time on days where vacation was denied.
- Consistently using sick leave in any other similar observable pattern.

Employees who abuse sick leave will be subject to disciplinary action up to and including termination and may render themselves ineligible for paid sick leave benefits.

SECTION 20 Donated Leave

Employees are allowed to donate a portion of their earned leave to another employee who is suffering from a catastrophic injury or illness; or to another employee who has a member of his/her immediate family who is suffering from a catastrophic injury or illness.

A catastrophic injury or illness shall be defined as a severe or permanent condition or combination of conditions affecting mental or physical health that requires medical treatment by a licensed physician for a period of time exceeding four weeks. Optional medical procedures and maternity leave do not qualify as catastrophic illnesses and are not eligible for donated leave. Proof of injury or illness must be provided. Recipient employees must exhaust all of their earned annual/sick leave before becoming eligible to receive donated leave. Probationary employees are not eligible for donated leave.

The maximum period an employee may use donated leave without resuming work is ninety (90) calendar days, which commences on the first day that the recipient employee uses donated leave.

Employees receiving compensation under Mississippi's worker's compensation laws are not eligible to receive donated leave. However, an exception may be granted by the City Manager for employees experiencing an economic hardship due to a non-catastrophic event, such as an illness; or for an injury that is not covered by workers' compensation for up to one (1) pay period.

Employees' may not donate in excess of 50% of his/her earned sick leave. Annual leave donations must not exceed the number of hours that would leave the donor employee fewer than seven (7) work shifts.

SECTION 21 Annual Leave/Vacation Leave.

Annual leave, also known as vacation leave, for regular full-time employees shall accrue as follows:

Hire date:	1st – 15th	leave begins accruing the month hired
	16th – 30th	leave begins accruing the next month

Example: If hire date is 01/15/17, then leave begins accruing January 2017.

If hire date is 01/16/17, then leave begins accruing February 2017.

Annual leave is not available for use until the end of the month following thirty (30) days of

employment. Annual leave shall be charged in half-hour increments rounded to the nearest half hour on the employee's time sheet. Annual leave accrual during leaves of absence without pay will be on a pro-rata basis based on the number of hours worked during the month.

Vacations shall be scheduled at such times as the Department Director finds most suitable after considering the wishes of the employee and the requirements of the department.

All requests for vacation must be approved by the Department Director prior to the commencement of the requested vacation. All requests should be submitted with as much notice as possible in advance of the requested leave. The City Manager shall approve all vacation schedules for Department Directors.

Accrued and unused annual leave may be used to supplement sick leave if the employee has exhausted sick leave accruals. There is no limit on the accumulation of annual leave. Employees may cash out a maximum of 240 hours of accrued vacation at the time of separation from the City. Accrued vacation in excess of the 240 hours shall be credited to the Public Employees Retirement System (PERS).

Fire Department shift personnel shall refer to Article 18, Vacations, of labor agreement between City of Gautier and Local 3290.

SECTION 22 Accrual of Annual Leave/Vacation Leave.

Annual leave for all regular full-time employees (Schedule 2080) is accrued as follows:

Tenure	Accrual Per Month	Accrual Per Year
0-1 Year	5.5 Hours	8.25 Days
1-5 Years	8 Hours	12 Days
5-10 Years	10 Hours	15 Days
10-15 Years	12 Hours	18 Days
15+ Years	13.5 Hours	20.25 Days

Annual leave for Fire Department shift personnel (Schedule 2496) is accrued as follows:

Tenure	Accrual Per Month	Accrual Per Year
0-5 Years	12 Hours	6 Days
5-10 Years	18 Hours	9 Days
10+ Years	24 Hours	12 Days

Annual leave for Police Department shift personnel (Schedule 2184) is accrued as follows:

Tenure	Accrual Per Month
1 Year	½ shift credit
1-10 Years	1 shift credit
10+ Years	1 ½ shift credit

(All police department employees under Schedule 2080, should refer to the annual leave chart for Schedule 2080 employees)

SECTION 23 Leave of Absence without Pay.

When any employee must be absent from work and has no appropriate leave accrued, the Department Director may grant a leave of absence without pay for a period not to exceed forty (40) hours. Any leave of absence without pay for a period exceeding forty (40) hours must also be approved by the City Manager. In no case, however, may a period of leave of absence without pay exceed ninety (90) days. During the period of approved and unpaid leave, the employee must pay for any optional insurance coverage at the employee rate on a pro-rata basis during the period of unpaid leave. During periods of leave without pay, all leave accrual shall be pro-rata based on the number of hours worked in the month. Vacation shall be charged in half hours rounded to the nearest half hour on the employee's time sheet.

Fire Department shift personnel shall refer to Article 16, Leave of Absence, Section C, Leave without Pay of local agreement between City of Gautier and local 3290.

Police Department permanent full-time employees with at least twelve (12) months of continuous service with the City will be eligible to receive leaves of absence without pay, not to exceed thirty (30) days, for personal reasons such as marriage, illness of a family member, disposal of a family estate, funeral for other than immediate family, and other emergencies upon recommendation of the Chief of Police. Seniority shall be earned while on personal leave.

SECTION 24 Travel and Training.

Mileage will be reimbursed per mile equal to the rate allowable by Mississippi Department of Finance and Administration (www.dfa.state.ms.us); all other allowable expenses are reimbursed on an actual cost basis. All expenses must be itemized. Claims for reimbursement of travel expenses, other than mileage, shall be accompanied by invoices and/or receipts showing proof of payment of such claims, except the daily meal per diem as provided hereafter. City travel and meal expenses may have ceilings above which expenditures are not reimbursable. Employees are urged to obtain this information from the City Clerk prior to travel. Requests for reimbursement of travel expenses incurred while on official business must be submitted within five days on a City of Gautier Expense Reimbursement Request form. In some situations, the City may provide for advance payment for travel expenses. If

an employee desires an advancement of travel expenses, he/she should complete a City of Gautier Employee Request for Travel Advance form.

SECTION 24.1 Travel Advance Authorization

Travel authorization requests for advance payment for travel expenses incurred while on official business must be submitted on the Travel Authorization form. If possible, travel advance requests should be submitted to the Finance Department thirty (30) days prior to the travel dates. The employee must also plan their request so that payment approval may be accomplished a minimum of seven (7) days prior to scheduled travel.

a) Approval Forms are to be submitted to department heads for verification and approval prior to issuance of travel advances. If approved, the department director will forward the request for travel advance to the Finance Department.

b) The Finance Department will review the request for compliance to the employee handbook and the Mississippi Department of Finance & Administration for accuracy and costs estimates.

c) If policy guidelines are met and figures are correct, the request for funds will be placed on the next City Docket of Claims for approval.

d) Following approval of the Docket of Claims, the Finance Department will issue checks to the employee requesting travel advance pay.

Employees that do not meet the policy guidelines will be contacted immediately for proper compliance.

SECTION 24.2 Travel While on City Business.

1) Emergency Overnight Trips

a) Lodging. All authorized travel receipts must be signed and submitted to the Finance Department within five (5) working days upon return from an authorized trip. A reasonable class of accommodation shall be selected where choice is available. The single rate should be clearly indicated on all receipts. Failure of an employee to turn in receipts and complete documentation within five (5) working days after employee returns to work may result in the employee personally paying for travel and being reimbursed upon return.

b) Meals. Meal reimbursements for all overnight trips are to be itemized on the reimbursement form. Reimbursement rates for meals will not exceed the maximum rates set by the MS Department of Finance for the applicable location. If per diem advances are received, the amount will not exceed the maximum daily rate set by the

Mississippi Department of Finance for the applicable location. Alcoholic beverages and gratuities are not reimbursable.

c) Mileage Allowance. The City encourages the use of City vehicles for authorized travel when possible. Employees who must utilize their personal vehicles on travel assignments will be allowed the current rate per mile as set by the Internal Revenue Service (IRS).

1. No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus approved auto rental or taxi fare at point of destination.

2. When two (2) or more employees are attending the same seminar, convention, or meeting, car-pooling shall be practiced whenever possible. The actual odometer reading from City of Gautier to destination and return to City of Gautier will be used.

3. If an employee for his or her own convenience travels by an indirect route or interrupts travel by the most economical route, the employee shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel.

4. Out-of-State Travel. Requires prior written approval by the employee's Department Director and a completed Request for Out of State Travel Authorization signed by the City Manager.

5. When city vehicle transportation is available for travel on City business, but an employee elects to take their own vehicle for personal reasons; he/she must receive written authorization by the City Manager in order to receive mileage reimbursement.

2) Local Travel and Expenses

a) Local Meals. Reimbursement for meals will be allowed only where the employee is attending a seminar or conference further than fifty (50) miles away as a representative of the City for a specific purpose, or where the employee's attendance will directly benefit the City, provided the meal is included in the registration package. No reimbursement will be allowed for meetings that are of a social nature. The request for reimbursement of local meals should include the following information: date, place, the meeting attended, and the specific reason for attendance.

b) Local Mileage. Local mileage will be reimbursed as found in paragraph (1) (c), above.

3) Parking fees and shuttle cab fees will be reimbursed by actual cost and receipts must be presented to verify usage.

The following are expenses that will not be reimbursed by the City: (1) laundry, cleaning, or valet services; (2) tobacco; (3) alcoholic beverages; (4) entertainment; (5) personal telephone calls; (6) first class travel accommodations when economy or coach class are available; (7) meals and lodging in lieu of other meals and/or lodging, the expense of which is included in the registration fee; (8) fines, forfeitures or penalties; (9) rental vehicles except as pre-approved by the City Manager; (10) expenses of a spouse or other non-employee; (11) loss or damage to personal property; (12) barber, beauty parlor, shoe shine or toiletries; (13) personal postage; (14) food (other than meal allowance); and (15) personal items.

The following are expenses that may be reimbursed by the City: (1) hotel/motel; (2) registration; (3) book fees; (4) gas for city vehicles if not available from city gas card (Fuelman card) and/or mileage reimbursement; (5) repairs to city vehicle if out of town; (6) car rental (if approved); (7) air fare.

SECTION 25 Employee Personnel Records.

The Human Resources Department is responsible for establishing and maintaining an official personnel file for each employee of the City. Access to the official personnel files may be allowed if the City Manager, applicable Department Director, and/or Human Resources Director find access would be helpful, necessary or warranted for administrative purposes.

Employees may review their individual files by making an appointment with the Human Resources Department. An employee may not remove his/her personnel file or copies thereof from the office nor may the employee remove anything from the file or add anything to the file without the approval of his or her Department Director and the City Manager. Official personnel files and their contents are the property of the City of Gautier.

Department Directors are responsible for forwarding documents for inclusion in the personnel files of those employees assigned to their Department. Only documentation included in the official personnel file of record in the Human Resources Department is admissible for disciplinary or meritorious purposes.

Changes of address, telephone number, or other changes in personal information, should be brought to the attention of the Human Resources Department by the employee as soon as the change is known or effective so personnel records will be accurate and up-to-date.

Medical information and similar documents will be filed separately from the official personnel file in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

SECTION 26 Hours of Work/Absenteeism/Tardiness.

Business hours for the following departments are:

Administration & Planning Departments: Mon. – Fri., 8:00 A.M. – 5:00 P.M.

These are eight (8) hour work days, Mondays – Friday, with an unpaid lunch period of one (1) hour designated by the employee's supervisor.

When approved by the city council, the city manager may choose to institute *flex hours* for office employees while still maintaining the proper staffing levels that are required to operate city facilities during normal business hours.

Police Department: Open 24 Hours a day and employee hours are assigned according to the Pay Grade Schedules.

Fire Department: Shift personnel shall refer to Article 29, Hours of Work of labor agreement between City of Gautier and local 3290.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. To the extent possible, the lunch period will be scheduled to allow for continuous staffing of offices with at least one person.

Occasions may arise when service to the citizenry can be improved through the adjustment of an employee's work hours. The Department Director shall approve adjustment in work hours.

Employees are expected to report to work each workday, at the designated time and place, unless there is a valid reason for absence. Tardiness must not generate overtime. Employees are required to notify the appropriate supervisor or official within their Department of each anticipated absence before it occurs. Such advance notice is only excused due to exigent or emergency circumstances. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification. Unexcused or excessive absence from work and/or improper notification of such absence may subject employees to disciplinary action, including termination of employment. Following any absence, the employee may be required to provide a validated excuse for each such absence.

Advance notice of anticipated tardiness must be provided 15 minutes prior to the beginning of the employee's shift, or the earliest possible time thereafter. Tardiness may only be made up during the pay period in which it occurs, if approved by the employee's supervisor or Department Director.

Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Director with concurrence of the City Manager. Any leave without pay must be approved in advance by the Department Director to qualify as an excused absence.

SECTION 27 Light Duty.

Every effort will be made to return injured employees to the workplace as soon as they are medically released. The Human Resources Department will coordinate the employee's return to

work with that employee's Department Head. Light duty will be offered if a work assignment exists within the City which meets the abilities documented by the employee's attending physician; and it is determined that a light duty work assignment would enhance the recovery of an injured or ill employee and facilitate the employee's return to the regular duty work assignment held before the injury or illness. The light duty assignment must also be beneficial to the conduct of efficient city business. A light duty work assignment may last until the time that the attending physician has set as the expected date of return to the employee's previous work assignment, but not to exceed 90 days unless the City Manager gives written approval for a longer period. As a condition of continuing in a light duty work assignment, an employee must adhere to prescribed treatment and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full performance capability. An employee's light duty work assignment will be terminated immediately if:

(A) the employee is found performing beyond the light duty restrictions;

(B) the work assignment is completed;

(C) the employee performs unsatisfactorily in the position;

(D) budgetary constraints do not allow continuation of the position; or

(E) the employee does not follow the prescribed treatment and/or follow up doctor appointments as required.

An employee who does not agree or accept a bona fide offer of employment, including a light duty work assignment that has been approved by his/her physician may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits. Medical certification will be required to support any leave that may meet the criteria under the Family Medical Leave Act (FMLA).

SECTION 28 Nepotism.

Employees and officials are required to adhere to and abide by all applicable and governing laws, ordinances, and regulations pertaining to nepotism (e.g., Miss. Code Ann. §§ 25-1-53, 25-4-101, 25-4-103, and 25-4-105, as amended). It is further the City's policy that the Department Directors shall take every precaution to avoid circumstances in violation of Miss. Code Ann. §§ 25-1-53, 25-4-101, 25-4-103, and 25-4-105, as amended.

For the purpose of this Section, "immediate family" shall be defined as the following relationships whether established by blood, marriage or other legal actions:

a) Parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's spouse, grandchildren, step-children, step-grandchildren.

b) Spouse and spouse's parents, grandparents, step-parents, step-grandparents, brothers, sisters, half-brothers, half-sisters, step-brothers, step-sisters, children, children's

spouse, grandchildren, step-children, step-grandchildren.

Intentional failure to report an existing relationship subject to this policy by a probationary employee may result in immediate termination.

SECTION 29 Employee Ethics/Political Activity.

Employees and officials are required to adhere to and abide by all applicable and governing laws, ordinances, and regulations pertaining to ethics, conflicts of interest, and political activity (e.g., Miss. Code Ann. § 25-4-101, et seq., as amended. In addition, employees:

1. Must always conscientiously perform all assigned job duties.

2. Must be tactful, patient and courteous when conducting City business.

3. Shall not grant special consideration to any citizen or group of citizens.

4. Shall not engage in any outside employment or have a financial interest that will conflict with his or her duties or be detrimental to the City or otherwise violate the provisions of any federal, state, or local law.

    a) Fire Department shift personnel shall refer to Article 15, Employment in Second Jobs of labor agreement between the City of Gautier and Local 3290.

    b) Employees who work second jobs shall do so with the understanding that such outside employment must not affect the employee's attendance, efficiency, or the reputation of the City service. Prior to beginning employment on a second job, the employee must first notify, in writing, his/her department head who shall have the right to disapprove any second jobs.

5. Shall not request or permit the use of City vehicles, equipment, materials or property for personal convenience or profit.

6. Shall not accept or ask for any gift or consideration from any person or firm doing, or seeking to do, business with the City or intending to influence the employee to provide preferential treatment.

7. Shall not report to work or attend any work related function, including official meetings even if not on duty or seeking compensatory time for the meeting, in a condition which is unsafe for the employee, others or physical property, or a condition which renders one incapable of performing job responsibilities, or a condition which creates an unfavorable public image. Such conditions include, but are not limited to, physical illness, or being under the influence of alcohol, narcotics or other mood- or mind-altering substances or medications.

8. Shall not abuse, misuse, neglect, or waste government property, materials or equipment,

including City owned or leased vehicles, computers, printers, mobile phone, faxes and telephone lines.

9. Shall not use the City's name or tax exempt status for his or her personal advantage on any purchases.

10. Shall not discuss or reveal confidential City information to anyone, under any circumstances, except within the scope of his or her job duties.

Employees have a civic duty to cast their votes for candidates and issues as they choose and to support candidates and issues with their personal efforts and voluntary contributions. No City employee may actively participate in any political activity in any City primary or City election. Failure to adhere to this policy shall be deemed cause for removal in accordance with Miss. Code Ann. §§ 21-31-27.

An employee's failure to adhere to Section 29 of the Employee Handbook may result in disciplinary action and may include termination.

SECTION 30 Non Fraternization.

The City strives to provide an environment for employees that is respectful, fair and free of unlawful harassment or discrimination. In keeping with its commitment, and in order to avoid potential conflicts of interest, favoritism, exploitation, harassment or breaches of professional standards, the City prohibits romantic or sexual relationships where there is supervision, direction or control between the parties.

For purposes of this policy, "Supervisor" shall mean any person who has the authority and/or responsibility to hire, promote, discipline, evaluate, assign or direct staff or employees of the City. "Employee" shall mean any person employed by the City in any capacity.

No supervisor shall have or pursue a romantic or sexual relationship with any employee who reports to the supervisor or over whom the supervisor has the authority and/or responsibility to hire, promote, discipline, evaluate, assign or direct. If such a relationship exists, both the involved supervisor and involved employee shall report such relationship to the next-level supervisor, to whom the supervisor reports. The next-level supervisor shall take appropriate steps consistent with this policy, including the removal of any reporting or similar relationship between the supervisor and the employee.

Any employee who becomes aware of a relationship prohibited by this policy should report such relationship to their supervisor, the Department Director, or the Director of Human Resources. The department receiving the report shall inform the City Manager, who shall coordinate with the supervisor of the involved employee(s) to take appropriate action consistent with this policy.

Employees who violate this policy will be subject to discipline, up to and including termination of employment. Questions regarding the applicability of or reporting requirements contained in this policy may be directed to the employee's Supervisor, the Department Director, or the Director of Human Resources.

SECTION 31 Personal Appearance.

It shall be the responsibility of all employees to represent the City to the public in a manner that shall be courteous, efficient, and helpful.

City employees should always be well groomed and dressed in a manner suitable for the public service environment and which favorably reflects the City's image. Employees are expected to practice good hygiene and to wear clothing free from stains and unpleasant odors. Skin tight apparel, miniskirts, shorts with a hemline reaching more than 2 inches above the knee, jogging suits, sweat pants, torn clothing, and clothes exposing bare midriffs are not suitable. Tank tops or camisole tops are allowable when covered by an appropriate jacket, sweater or over-shirt. Tongue, cheek, eyebrow, nose and eyelid piercing are unacceptable. All employees provided uniforms are required to wear them. In addition, Police and Fire Department employees as well as other City employees are expected to further conform to any reasonable departmental dress and personal appearance codes.

The City Manager may establish casual days on which the dress guidelines will vary. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing. In addition to the above guidelines, department directors may develop stricter dress code standards which are more suitable to their employees specific work environment.

SECTION 32 Personal Use of Telephone and Mail Systems.

City telephones, including FAX machines, are to be used for City business. Personal calls, when necessary, must be local, of short duration, and on an infrequent basis. It is the employee's responsibility to insure that no cost to the City results from personal telephone or FAX calls.

The use of City supplies or postage for personal correspondence is not permitted. Receipt of personal mail at the City's post office box or address is also not permitted.

SECTION 33 Payroll and Deductions.

The following deductions are required by law from each employee's pay:

1. Federal and State Income Tax withholding.
2. FICA/Medicare
3. Retirement contributions (eligible employees only).
4. Deductions authorized by law, such as garnishments.
5. Medicare deductions.

Additional deductions that are optional and may be requested by the employee include:

1. United Way contributions.
2. Deferred compensation.
3. Payment of health insurance premium (if applicable).
4. Payment of dental insurance premium (if applicable).
5. Other City approved employee plans.

It is the employee's responsibility to maintain current payroll deduction information with the Human Resources Department. Employees wishing to add or change their payroll deductions should contact the Human Resources Department for the appropriate forms.

SECTION 34 Time Sheets/Preparation of Payroll.

A bi-weekly time sheet shall be completed by each employee, submitted by the employee in accord with department policy, no later than the department's deadline for submission of same and then signed by one of the employee's supervisors.

All hours of work must be accurately recorded. Your signature on your Time Sheet certifies that the time reflected was the actual time that you worked during that particular workweek.

The Comptroller computes earnings as well as deductions pertaining to City payroll. Changes in rate, position, and status are to be supported by a Status Change Form verified by the Comptroller and signed by the Department Director, Human Resources Director, and City Manager. No salary change shall be implemented unless accompanied by an approved Status Change form containing stated signatures and indicating a salary increase is being granted. Salary increases other than transfers to vacant positions with budgeted salaries shall be made only after specific City Council authorization.

If a payday falls on a holiday, payday shall be the last working day before the holiday. Employees should direct inquiries concerning payroll matters to the Finance Department.

SECTION 35 Garnishment.

The City expects each employee to keep his personal affairs in a good condition and meet his financial obligations promptly. Garnishments and attachments create an administrative burden on the City. For this reason, they are looked upon with disfavor and recurrences may result in disciplinary action up to and including termination.

SECTION 36 Deferred Compensation.

The City, through the State of Mississippi Public Employees Retirement System (PERS), presently provides an option to any full-time employee to invest a portion of his/her present earnings in a deferred compensation plan. This is a supplemental retirement savings plan where a certain dollar amount (minimum investment is $25.00) may be designated by the employee to be withheld from his/her paycheck and invested for payment at a later date. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to federal income taxes until such time as the employee receives payment from the plan. The plan is voluntary and the City makes no guarantee or recommendation of specific investments under the plan.

Enrollment can be arranged through the Human Resources Department or through the online link located on the PERS website. Contributions to the program are financed solely by the employee through payroll deduction. Benefits received through this program are in addition to any Social Security or PERS benefits for which the participating employee would be eligible.

SECTION 37 Life and Accidental Death and Dismemberment Insurance.

Regular full-time employees are provided a term life and accidental death and dismemberment insurance policy provided by the City in the amount of $15,000.00 and $100,000.00 respectively subject to the following eligibility requirements:

Coverage is effective the first day of the month following sixty (60) days of employment and continues until the employee leaves the City's employment, the employee moves to an employee class which is not eligible for this benefit, or the policy is discontinued completely by the City, which may occur at any time and without notice. Termination under the policies shall be effective when premium payments for such employee’s insurance are discontinued or upon separation of the employee from City employment.

SECTION 38 Group Medical Insurance.

The City offers to all regular full-time employees and all eligible dependents thereof group medical, dental, and vision insurance. Coverage under such insurance becomes effective the first day of the month following sixty (60) days of employment. Benefits and terms of both plans are described in

insurance brochures provided to each new employee at the time of eligibility or which are otherwise available to employees from the Human Resources Department.

Enrollment forms for such coverage are available from the Human Resources Department. It is the employee's responsibility to notify the Human Resources Department of any change in dependent status by completing updated enrollment forms. Upon termination of employment with the City, the employee may elect to continue medical coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) at his or her own expense, and at the prescribed rate.

SECTION 39 Continuance of Medical Coverage (COBRA).

Employee and/or dependent medical coverage under the current plan may cease as a result of one (1) of the following events:

1) Termination of employment

2) Change to nonparticipating employment status

3) Divorce

4) Dependent child becoming ineligible

Employees or dependents may elect to continue medical and dental coverage, at their own expense, beyond the date that it would otherwise terminate. The duration of extended coverage is determined according to federal law. The Human Resources Department will provide all eligible employees and their dependents information on COBRA upon separation of employment. Employees seeking to maintain coverage for ineligible child may contact the Human Resources Department for cost information. If an employee or eligible spouse or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

SECTION 40 Retirement System

Eligible employees who select City employment as a career can look forward to retirement benefits through the State retirement system. Participation in the retirement system is mandatory for all full-time employees and part-time employees working no less than twenty (20) hours per week. You must contribute a portion of your salary and the City also will contribute to the retirement system on your behalf. These benefits, plus those from Social Security, are designed to provide a measure of security at retirement. If you should quit your job with the City before you retire, the money you paid into the system, plus interest, will be refunded to you when you submit proper forms to the State retirement system. However, contributions can be left in the system under certain circumstances. For further information, please contact the Human Resources Department.

SECTION 41 Employee Assistance Program (EAP)

This is an employer/employee benefit program designed to identify and provide counseling for employees and dependents that have personal problems that may contribute to unacceptable job performance, absenteeism, employee/employer relations, and on-the-job accidents. A range of substance abuse/chemical dependency and mental health treatment services are also offered. Any employee who is interested in any services provided by EAP contract must contact the Human Resources Department for more information.

SECTION 42 Tuition Reimbursement.

All regular full time City employees with one (1) year tenure are eligible for tuition reimbursement when budgeted. An eligible employee may apply for and receive reimbursement for no more than four (4) courses per year. Only courses directly related to the employee's job or a job to which the employee may reasonably aspire are eligible for this program. The City Manager has final say as to whether courses are eligible for reimbursement and granting class attendance during business hours.

Employees may request annual leave to attend classes, but the City makes no promises to grant such requests.

Only tuition will be eligible for reimbursement. Reimbursement will not be made for any course when the employee is receiving scholarship money or tuition benefits.

Tuition will be reimbursed as follows:

Grade of "A"	100%
Grade of "B"	75%
Grade of "C"	50%
Grades < "C"	0%

To apply for this program, the employee must submit a request form with course information prior to enrollment date. Request forms may be obtained from the Human Resources Department. All course work must be pre-approved by the City Manager and be job-related and beneficial to the City of Gautier to be eligible for participation in the program. A copy of the course schedule must be submitted to the Human Resources Department upon enrollment. Upon successful completion of a course, the employee must provide an original grade report and detailed receipt of tuition payment to the Human Resources Department within thirty (30) days to receive reimbursement. If the employee leaves employment with the city before one (1) year of continued employment has passed since course completion, the employee will be required to reimburse the city for the expense associated with the course.

Fire Department: Shift personnel shall refer to Article 32, Tuition, in labor agreement between City of Gautier and Local 3290.

SECTION 43 Risk Management.

43.1 Accident Prevention and Safety

Maintaining a safe workplace demands the continuous cooperation of all employees. All department heads and division supervisors will be held accountable for their responsibility in the success of an effective safety program, and will participate in its development, implementation and improvement to eliminate unnecessary accidents and needless expenses.

Employees are expected to use common sense and good judgment in everyday work habits and comply with safe work practices. Illustrations of safe work practices are:

1) Use of proper safety equipment when performing an assignment.

2) Not operating equipment or machinery while under the influence of prescribed medication while under a physician's care and written approval.

3) Under no circumstances should an employee operate machinery or equipment while under the influence of drugs or alcohol.

4) Operating only equipment or machinery for which training or certification has been received.

5) Warning co-workers of an unsafe work environment or practices.

6) Adhering to all safety/operating rules posted on equipment, machinery and at work areas.

7) No horseplay on employer premises or in the field.

43.2 Reporting

Employees are required to promptly document and notify their immediate supervisors or, if unavailable, others within their chain of command or authority, of all accidents involving City property and City personnel. In addition, any employee who suffers accidental injury or occupational disease in the course and scope of his or her employment must report the incident to his or her supervisor or Department Director immediately or within twenty-four (24) hours after the time of the accident. Failure to notify supervisory personnel of any accident involving City property may result in immediate disciplinary action up to and including termination. The Director or Supervisor is responsible for immediately notifying the Human Resources Department and processing all documentation to same within twenty-four hours of the incident.

Employees injured after normal business hours or over a holiday or weekend while performing duties and responsibilities for the City; and who require medical attention before the next business day, will go to the Singing River Hospital or Ocean Springs Hospital Emergency Room, whichever is closer. If the employee refuses medical treatment of the provider selected by the City; he or she reserves the

right to choose their own physician and must complete a Physician's Choice form with the Human Resources Department.

In every case requiring medical attention, the employee will submit a work status report (signed by the attending physician authorizing his/her return to work) to the Human Resources Department who will then contact the Department Director. Under no circumstances will he or she return to duty until this document has been received. If follow-up treatment is required, the employee must keep the Human Resources Department and their Department Director or division supervisor informed of their condition.

43.3 Alcohol Breathalyzer and Drug Screening

In the case of a vehicle accident including single vehicle accidents, the employee may be subjected to an alcohol breathalyzer and drug screening (refer to Drug and Alcohol Policy). Authorization of these and additional medical procedures shall be authorized by the Human Resources Department who will also receive the test results.

43.4 Worker's Compensation

Payment of worker's compensation to any employee injured as a result of an injury arising out of and during the performance of their work duties with the City will be governed by the Mississippi Workers' Compensation Law.

An employee sustaining a lost-time injury with sick and annual leave credited to their account may request the department director to apply sick and/or annual leave in order to obtain pay while absent from duty as a direct result to an injury identified in items (a) through (c) of this section.

In the event of an absence resulting from injury or illness discussed in this section, an employee's sick or annual leave may be used to make up the difference in pay from the amount he/she receives in accordance with the worker's compensation rate. Sick and annual leave hours may be used to make up for any lost wages, however, the employee may not receive more compensation than he or she would have received had they not been injured. Amount of pay by an employee for injury in the line of duty shall be reduced by the amount of any worker's compensation benefits received by the employee and in no event shall the pay exceed 100% of the salary paid to such an employee.

a) Full wages will be paid for the time spent at the initial visit to the doctor for the injury. Moreover, if the injured employee cannot return to work, compensation shall be paid in accordance with the Mississippi Workers' Compensation Law.

b) If the employee is unable to return to duty on his or her next shift or normal work day; the injury will be considered a disability beginning the following day of the injury.

c) Mississippi Workers' Compensation Law does not allow for compensation for the first five (5) days of disability. However, if the injury results in disability of fourteen

(14) days or more, compensation shall be allowed from the date of disability.

Fire Department: Shift personnel shall refer to Article 13, Compensation of Injured Employees/Safety, between the City of Gautier and Local 3290.

Any employee who is away from work on worker's compensation and who is not in a partial paid leave status will be required to maintain his/her premiums for any health benefits the employee is currently enrolled in. Premium payments must be submitted to the Human Resources Department by the 1st day of each month. Failure to make premium payments as described may result in the employee's health benefits being cancelled.

43.5 Safety Equipment and Devices

The City will provide proper and necessary safety equipment and devices for employees engaged in work when such equipment and devices are necessary. When safety equipment and devices are provided, they must be used. Failure to utilize provided safety equipment or devices will be subject to disciplinary action. If equipment or devices are reported to be worn or damaged; the City will replace them.

Personally purchased/owned safety devices shall not be utilized without written approval from the department head.

43.6 Vehicle Safety

All city employees' using city vehicles or personal vehicles on city business must abide by all state and federal traffic laws including seatbelt requirements. Activities such as eating, drinking, texting, emailing, personal grooming, or other distractions shall be refrained from while the vehicle is in motion.

Any driver determining that the vehicle assigned is unsafe to operate must report the unsafe condition(s) to his or her immediate supervisor. The department director or division supervisor must then take action to rectify the unsafe condition(s).

SECTION 44 Grievances.

An employee may make a request for resolution of any dissatisfaction arising from the interpretation and the application of work rules, policies, procedures, or practices (i.e., a "grievance"). Dissatisfactions involving job classifications, grade, salary, and other wage issues, benefit determinations, payroll procedures, or any matter outside the control of the immediate supervisor are not included for resolution under this procedure for grievances.

Disciplinary actions involving verbal and written reprimands are included within this grievance process and procedure. As to grievances pertaining to harassment and discrimination, employees are

referred to other provisions and sections contained in this personnel manual and the policies and procedures referred to or incorporated in this manual.

Compliance with the time frames outlined in each step of the procedure must be followed in order that the request for resolution is considered timely. If the employee does not follow the prescribed time frame, the request becomes outdated and the last response made will become final. If the party responding to the employee's request does not follow the time frame, the response becomes outdated and the employee may proceed to the next step of the procedure. Such time frames may be extended by written mutual agreement that must be entered into before expiration of the applicable time frame as outlined in each step. To insure compliance with time frames involving written requests and written responses, all correspondence should be copied to the Human Resources Department. All responses will be hand-delivered to the recipient or their representative or sent by certified mail to the most recent address in the personnel record of the employee making the request. When presenting the dissatisfaction and requested remedy at each step, all prior requests, responses, and documentation must be provided by the employee.

When initiating a verbal discussion with his or her Supervisor/Manager or submitting a written request for resolution to the Supervisor/Manager or Department Director, or, if applicable, the City Manager, as provided in the procedure below, an eligible employee must provide:

1) A clear statement of the circumstances which affected the employee and caused the dissatisfaction; and

2) A clear statement of the requested remedy to resolve the dissatisfaction. No new requested remedies may be introduced after the completion of Step Two (2) of this procedure unless mutually agreed upon by the parties involved.

PROCEDURE:

(1) Step One: The employee shall first discuss the concern with his immediate supervisor and every attempt shall be made by the supervisor and the employee to resolve the matter at that level. The best solutions are usually found at this point. If an employee's grievance concerns the supervisor, however, the employee may proceed directly to Step Two.

(2) Step Two: If the matter is not resolved in Step One, the employee may, within three (3) working days bring the matter to the attention of the next level of supervision for discussion and consideration.

(3) Step Three: If the matter is not resolved in Step Two, the employee may, within three (3) working days, bring the matter to the attention of his Department Director for discussion and consideration.

(4) Step Four: If the department head does not resolve the matter to the satisfaction of the employee, the employee may within three (3) working days request an appointment to present the problem to the City Manager. The City Manager shall make an appointment within five (5) working days of the time of the request and hear the employee's presentation of the matter. The employee

shall reduce the matter to a written, signed statement including the results of steps 1, 2, and 3 for presentation to the City Manager.

A determination shall be made by the City Manager within five (5) working days after the meeting between the employee and the City Manager. The decision of the City Manager will be final.

Grievances within the jurisdiction of the Civil Service Commission as per Miss. Code Ann. §21-31-1 et seq., are excluded from the purview of this grievance procedure if such grievance can be fairly said to fall within the established jurisdiction of the Civil Service Commission.

Employees covered under union contract are excluded from this procedure. Individual grievance procedures may be found in the union contract.

The case file will be forwarded to and maintained in the Human Resources Department where it will be filed separately from any official personnel files. Grievances will be kept on file for the duration of the employee's employment with the City. If the City Manager is the subject of a grievance or otherwise has a conflict, the employee may request the Human Resources Director to refer the matter to the City Attorney for investigation and recommendation in lieu of the City Manager.

Upon completion of an investigation into a grievance filed against an appointed employee, the members of the city council shall be notified of the investigative findings of such grievance.

SECTION 45 Americans with Disabilities Act (ADA).

The City will not discriminate against qualified applicants and employees on the basis of disability. The City will provide a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless the accommodation will impose an undue hardship on the City. You may contact the the Human Resources Department for more information on ADA Policies and Procedures.

SECTION 46 Equal Employment Opportunity (EEO) Policy.

It is the policy of the City to provide equal employment opportunity for all employees. This commitment includes a mandate to promote and afford equal treatment and services to all employees and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, national origin, sex, age, genetic information, or the presence of any sensory, mental, or physical disability, unless otherwise excepted or limited by law. If an employee believes that he or she has been subjected to unlawful discrimination by a co-worker, supervisor, or anyone else during the course of his or her employment, he or she should immediately submit his or her concerns to his immediate supervisor, Department Head, the Human Resources Director or the City Manager.

Employees who believe they have been victims of discrimination as defined above, or who may have witnessed an act of discrimination should report the incident immediately to their Department

Director, the City Manager or the Human Resources Director. City Management will promptly investigate all complaints through whatever means necessary. An employee may be suspended, with or without pay, pending the results of the investigation. Failure to cooperate fully with an internal investigation may result in disciplinary action up to and including termination.

The City will maintain confidentiality of the complaint, the investigation, and the result to the extent possible, and will instruct everyone involved in the investigation to do so as well. If the City concludes that a policy violation or illegal activity has occurred, it will take immediate and appropriate corrective action.

This policy prohibits retaliation against any person who brings an accusation of discrimination or who assists with a discrimination investigation or its resolution. However, any employee found to have knowingly and deliberately reported an accusation of discrimination in bad faith will be subject to disciplinary action up to and including termination.

Retaliation against an employee by another employee or supervisor for reporting unlawful discrimination, for filing a bona fide complaint of discriminatory harassment, or for providing information in good faith regarding another employee's complaint will not be tolerated.

SECTION 47 Harassment/Sexual Harassment.

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance.

It is the policy of the City that harassment in any form will not be tolerated. The City will not tolerate acts of sexual harassment or related retaliation against or by any employee and fully supports enforcement of state and federal anti-discrimination laws pertaining to sexual harassment. Prohibited conduct includes, but is not limited to, the following:

1) Offensive, derogatory, inappropriate or abusive statements, comments, slurs or gestures;

2) The use of sexually suggestive language and other behavior that is offensive, derogatory, inappropriate or abusive;

3) Conduct that interferes with job performance or creates an offensive or intimidating work environment;

4) Unwelcome flirtation, requests for sexual favors, sexual advances or propositions, requests for "dates", and other verbal or physical conduct of a sexual nature;

5) Display of sexually suggestive or sexually explicit pictures, greeting cards, books, drawings, photographs, magazines, websites, cartoons or objects;

6) Circulation of e-mails, jokes, or other materials that reasonably could be viewed as offensive by any employee;

7) Implication, by word or action, that an employee must tolerate or submit to sexual advances or offensive, inappropriate, or abusive conduct.

Employees who believe they have been victims of harassment or who may have witnessed an act of harassment should report the incident immediately to their Department Director, the City Manager or the Human Resources Director. City Management will promptly investigate all complaints through whatever means necessary. An employee may be suspended, with or without pay, pending the results of the investigation. Failure to cooperate fully with an internal investigation may result in disciplinary action up to and including termination.

The City will maintain confidentiality of the complaint, the investigation, and the result to the extent possible, and will instruct everyone involved in the investigation to do so as well. If the City concludes that a policy violation or illegal activity has occurred, it will take immediate and appropriate corrective action.

This policy prohibits retaliation against any person who brings an accusation of harassment or who assists with a harassment investigation or its resolution. However, any employee found to have knowingly and deliberately reported an accusation of harassment in bad faith will be subject to disciplinary action up to and including termination.

SECTION 48 Violence in the Workplace.

The City will not tolerate any acts of violence to persons or City property. All acts of violence are treated seriously. Each act of violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal and disciplinary actions.

Any employee determined to be responsible for threats of or actual violence or other violent conduct in the workplace that is in violation of these guidelines shall be subject to prompt disciplinary action, including termination of employment.

SECTION 49 Employee Conduct.

It shall be the duty of all City employees to maintain high standards of cooperation, competency, efficiency, and integrity in their work with the City. If an employee's conduct falls below standard, he or she may be subject to disciplinary action, including termination of employment.

Some general areas for which an employee may be disciplined include, but are not limited to, the following:

1) Reporting to work or otherwise on duty or off duty if attending an official city meeting or function while under the influence of alcohol, intoxicants, or non-prescribed or illegal drugs,

narcotics, or "controlled substances," as such terms or phrase are/is understood and referred to in the statutes of the State of Mississippi (e.g., Miss. Code Ann. § 41-29-113 through § 41-29-121 (Rev. 2001), the use of alcohol and/or other intoxicants while at work and/or on duty and/or off duty if attending an official city meeting or function, and/or a positive drug test result as obtained or received pursuant to the City's policy on drug testing. A positive drug test is defined as any test showing a detectable amount of a prohibited substance in the employee's system.

2) Use of narcotics or non-prescribed illegal drugs or "controlled substances," as understood and referred to in the statutes of the State of Mississippi (e.g., Miss. Code Ann. § 41-29-113 through § 41-29-121 (Rev. 2001) while either on or off duty.

3) Failure to follow or adhere to the lawful or reasonable order, regulation, instruction, or directive of one's supervisor, including, without limitation, his or her Department Director, the Human Resources Director, or the City Manager.
4) Refusal to adhere to or failure to comply with the City's policy on drug testing.

5) Absence without leave, including, without limitation, the failure to report for employment, and/or being absent from work without permission or failing to report such absence to the appropriate supervisor or Department Director.

6) Being habitually or excessively absent or tardy for any reason.

7) Failure to perform assigned work or required duties in an efficient, effective, competent, and/or satisfactory manner according to reasonable City standards.

8) Incompetence or inefficiency in the performance of duties of the position to which he or she is employed.

9) Being wasteful of or misusing City material, property, equipment, or resources, and/or work time.

10) Conviction of or plea of *nolo contendre* to a felony or misdemeanor. This would include any charge(s) that may adversely affect conditions or requirements of your job description or Civil Service minimum requirements for employment with the City of Gautier.

11) Making or disseminating slanderous remarks or representations involving fellow employees or supervisors.

12) Removal and/or conversion of City money, merchandise, or property, including property in custody of the City without permission.

13) Dishonesty, including, without limitation, intentionally giving false information, submitting false work records, making false statements when applying for employment, and falsifying any information during the application and/or pre-employment process (es).

14) Divulging, misusing or removing any employee lists, records, designs, drawings or confidential information of any kind without proper authorization and/or permission of the City Manager or Department Director.

15) Making excessive or unauthorized charges to the City by Fuelman (gas) card, purchase order, or other means of obligating the City to improper or unlawful debt.

16) Falsification of time and attendance records for payroll or submitting or punching in a time card for someone else.

17) Abuse of sick leave privileges by reporting sick when not sick or obtaining sick leave pay falsely or under false pretenses.

18) Use of profanity or abusive language or wantonly offensive conduct or language toward a fellow employee or member of the public while in the course of employment with the City.

19) Engaging in political activities prohibited by this employee handbook or otherwise in violation of any federal, state, and/or local law, ordinance, or regulation.

20) Engaging in inter- and intra-office relationship(s) that interfere(s) with workplace productivity.

21) Making acts or threats of violence, fighting, or stalking or otherwise acting in a threatening manner toward another employee, a supervisor, an elected official, and/or a member of the public while in the course of his or her duties with the City.

22) Unauthorized possession or use of firearms, dangerous weapons, or explosives at the work site or in the course of his or her duties with the City.

23) Conduct unbecoming an employee of the City either while on or off duty.

24) An attempt to induce any employee of the City to commit an illegal act(s) or an act(s) in violation of any lawful or reasonable departmental regulation, policy, and/or procedure.

25) Violation of internal rules, regulations, policies, and/or regulations established by the City Departments and/or Department Directors, provided they are not in conflict with the policies, provisions, procedures, and regulations of this employee handbook or any amendment thereof.

The above referenced and non-exclusive list of general areas for which an employee may be disciplined or terminated fall within the purview of those acts, omissions, and/or conduct which give rise to disciplinary action under Miss. Code Ann. § 21-31-21 (Rev. 2001) and amount to one (1) or more of the following: incompetence, inefficiency, inattention of duty, dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, and/or acts of omission or commission tending to injure the public service.

Failure to discipline an employee for one (1) or more of the foregoing or other grounds for discipline does not limit the City from disciplining the same employee for the same ground(s) for discipline on other occasions or other employees for the same ground(s) for discipline.

SECTION 50 Disciplinary Action.

Without limitation, discipline involving less than termination may take the form of a verbal warning or reprimand, a written warning or reprimand, a performance appraisal indicating substandard performance in one or more areas, probation, suspension without pay, and/or demotion or reduction in rank. All disciplinary actions become a part of an employee's official personnel file and remain in the personnel file for the duration of his or her employment with the City of Gautier.

Disciplinary actions involving suspension without pay, demotion or reduction in rank, and/or termination of employment require prior notification to and approval by the City Manager in accordance with civil service procedures.

Civil Service employees (i.e., regular full-time employees) may be disciplined for any of the reasons or basis set out in the policies, procedures, provisions, and/or regulations herein or for any other reason or basis made in good faith for just cause.

SECTION 51 Fitness for Duty.

If there are documented reasons to question an employee's fitness for duty, i.e., ability to perform job duties and/or to meet the expectations of conduct described herein or in other City policies or governing documents, the City reserves the right to refer the employee for an “EAP” evaluation. This includes situations where the employee is exhibiting bizarre, inexplicable, or unacceptable behavior. A department director may recommend an employee for these contract services to the City Manager on the basis of his or her ability to function on the job.

The intent is to use the findings of the “EAP” to assist the department director and division supervisor in a plan to improve the employee’s productivity. After the evaluation, the employee is required to sign a medical records release or obtain and furnish an evaluation from an appropriate professional, including a urinalysis as covered by the City drug policy. When the City requires such an evaluation, any costs outside of the “EAP” service contract, will be the City's responsibility.

SECTION 52 Whistle blowing.

The City strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local law. Accordingly, employees are required to bring to the attention of the City any improper actions of City employees, including conduct prohibited by law and/or any request of an employee to engage in conduct prohibited by law. The City will not retaliate against any employee who makes such a disclosure in good faith.

SECTION 53 Resignation.

When an employee decides to resign, at least two (2) week notice is requested. The notice is to be a written statement to the employee's supervisor stating the effective date and reason for resignation.

Once a resignation letter has been received, the City is under no obligation to retain the employee resigning if in fact the employee retracts the resignation letter. The decision to retain said employee will be at the sole discretion of the City Manager.

SECTION 54 Job Abandonment/Voluntary Termination.

Any employee who is absent from work for three (3) consecutive workdays without proper notification and authorization may be considered to have voluntarily terminated his or her position.

SECTION 55 Drug Testing.

The City of Gautier, at a minimum, will comply with the requirements of the Drug-Free Workplace Act of 1988 and MS Code Annotated, Sections 71-7-1 thru 71-1-33.

Any employee determined to be in violation of this policy is subject to disciplinary action which may include termination, even for the first offense.

The City strictly prohibits the manufacture, distribution, dispensing, possession, sale, purchase, or use of alcohol or a controlled substance, without a medical prescription, while on the job, or on company property. Employees reporting to work, or working under the influence of alcohol or a controlled substance without a medical prescription is prohibited. Furthermore, the City of Gautier prohibits the presence of any detectable amount of prohibited substances in the employee's system while at work, while on City premises or in a City vehicle, or while conducting City business. "Prohibited substances" will include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

The City has a separate policy for drug testing and requires all employees to adhere to and abide by this policy. Employees should contact the Human Resources Department to obtain a copy of the official drug policy in its entirety. Employees who violate this Policy are subject to appropriate disciplinary action including termination.

SECTION 56 City Owned/Leased Cellular Telephones.

This policy outlines the use of city-owned cell phones, the use of privately owned cell phones and the safe use of cell phones by employees while driving.

Personal Use of City–Provided Cellular Phones: Where job or business needs demand immediate access to an employee, the City may issue a City-owned and serviced cell phone to an employee

for work-related communications. City owned cellular telephones are for official business only. Occasional brief personal use is allowable but should be avoided. Phone invoices may be audited by the user Department to ensure proper use of city-provided cellular phones.

Cellular phones shall remain the sole property of the City and shall be subject to inspection or monitoring (including related records) at any time. Employees in possession of City equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

SECTION 56.1 Use of Personal Owned Cell Phones.

It is City policy that use of personal cellular phones (including text messaging) shall be limited during the work day and City cellular phones shall be utilized for business purposes only and in a safe manner.

Personal Cellular Phones: During paid work time, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of any City phones. Employees are expected to make personal calls on non-work time when possible and to ensure that friends and family members are aware of the City's policy. Flexibility will be provided in circumstances demanding immediate personal phone use, but this immediate need should be communicated to an employee's supervisor.

SECTION 56.2 Safe Use of Cell Phones.

Safety Issues for Cellular Phone Use: Employees whose job responsibilities include regular or occasional driving are encouraged to refrain from using a cellular phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to a reasonably safe location and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are required to use hands-free options and are expected to keep the call short, refrain from discussion of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where a City cell phone has been issued and the employee's job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.

With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with the hands-free requirement while driving. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Text messaging, reading emails, and writing emails while driving is not allowable under any circumstance. Employees who are charged with traffic violations resulting from the use of a cellular phone while driving on duty may be subject to disciplinary action and personal liability resulting from such traffic violations. Violations of this policy will be subject to discipline.

SECTION 57 City Computers and Electronic Communications.

Certain employees and officials within the City of Gautier may be provided or authorized to use City-owned or leased computers and electronic communications systems, including electronic mail (e-mail) and internet services.

Such provision or authorization is in no way to be considered or construed to be a benefit or guarantee and no employee has a claim or entitlement to the provision or use of such equipment or services.

SECTION 57.1 Use of City Computers/Microcomputers and Computing Systems.

Employees and officials shall be responsible for using the City-owned and leased computer systems for job-related purposes only. Employees and officials may use only the computing resources they are authorized to use and only for the job-related purposes specified. The use of computers and the City's network(s) are provided to employees as tools for job-related use. Misuse of computers and the network(s) shall be subject to disciplinary action, including termination of employment.

All software, programs, applications, templates, data and data files residing on City microcomputer systems or storage media or developed on City systems are property of the City of Gautier and shall not be removed from the workplace without proper authorization.

The City, therefore, may access, copy, change, alter, modify, destroy, delete or erase this property at any time, with or without notice.

The City does not own computer software but licenses the right to use it. Therefore, software may only be reproduced by authorized City employees or officials in accordance with the terms of the software licensing agreements. Unauthorized copying, duplication, redistributing, and/or republishing of copyrighted or proprietary material (information, data, software packages, etc.) is a direct infringement of the federal copyright law. Illegal copying of software shall be subject to disciplinary

action. Computer programs may not be rented, leased, or loaned for direct or indirect commercial advantage. Computer programs may not be used or transferred to another site other than as specified by the licensing agreement.

SECTION 57.2. Electronic Mail (E-Mail).

The electronic mail system hardware and software is the property of the City. Additionally, all messages composed, sent, or received on the electronic mail system are, and remain the property of the City and as such can be viewed, retrieved and monitored by the City. Electronic mail (e-mail) is not the private property of the employee and employees and officials have no expectation of privacy in such mail or in any information or data contained in or attached to such mail. The use of the City's computers and the electronic mail system is reserved for the conduct of business of the City.

SECTION 57.3 Internet/Intranet Access

Access to the internet is provided to certain City employees to aid or assist in the conduct of City business. Internet and/or intranet communications shall be for business related purposes. However, the City expects that employees will devote their time to City business while on duty and use of the Internet/Intranet for other purposes should be strictly limited and of very short duration. The City has the right to monitor internet and intranet use to assure such use.

Employees who violate this policy by viewing, downloading or sharing offensive material including but not limited to sexually suggestive or sexually explicit pictures, videos, greeting cards, books, drawings, photographs, websites, cartoons or objects or websites for gambling; will be subject to disciplinary action, leading up to and including termination.

SECTION 57.4 Social Media

Purpose

The City of Gautier will employ the use of social media web sites to reach citizens it might not otherwise reach through other traditional means. It is understood that social media sites provide an excellent resource for communicating the city's various messages and promoting the city's services, programs and initiatives. Social media allows real time interaction with citizens, and increases efficiency as it pertains to news, special events and advertising, and also provides a nontraditional support device to internal departments and divisions.

General Provisions

The city, through the City Manager's office, may create and operate a web site on Facebook, Twitter and any other reputable social networking site. The creation of additional sites by individual city departments is allowed with City Manager approval (e.g. Police Department, Fire Department). All sites representing the City of Gautier must strictly adhere to city policy. Content posted to any City of Gautier social media site must be approved by the Director of the

department establishing the site. Content posted to city managed social media sites may include news releases, approved photos and videos, agendas, announcements, promotional tools, and similar material.

Guidelines

- The City Manager's designee will create and maintain the city's official social media accounts.
- Under certain circumstances, individual city departments may want to create and maintain social media sites that are separate from those maintained by the City Manager's designee. Departments are required to obtain approval from the City Manager before implementing separate social media sites.
- Department Directors must provide specific justification and reasons for maintaining separate social media sites. If approved, the City Manager or his/her designee will periodically review each city managed social media site. Those sites that do not meet the city's intended goals and objectives may be removed at any time.
- Unless a social media site has been authorized to accept comments, unofficial or public comments may not be posted by followers.
- Some avenues to allow user comments may be turned off, including discussion boards, "walls" and comments sections.
- If the public is allowed to post comments to a social media account or page, the following posts are inconsistent with the city's policies and will not be allowed:
    - Obscene or racist content
    - Personal attacks, insults, or threatening language
    - Potentially libelous statements
    - Private, personal information published without consent
    - Comments totally unrelated to the content of the post
    - Links to material that is not directly related to the discussion
    - Commercial promotions or spam
    - Political activity in any form
    - Pornographic or sexually explicit content

- Anyone may become a "fan" of the city operated sites. However, individuals who display objectionable profile pictures or who do not follow the above guidelines on the city social media sites will not be accepted as "fans" or allowed to "follow" the site(s).

Prohibited Content

Prohibited content on city managed social media sites include political activity, offensive, harassing or sexually explicit imagery or language, endorsements of any product, service or private organization, or commercial or fund-raising activities, except those sponsored or sanctioned by the City of Gautier.

SECTION 58 Use of City-Owned and Leased Vehicles

Each employee who is driving a City vehicle is expected to observe any and all safety and vehicle operation procedures and regulations. At its discretion, the City may assign to any employee the care of a vehicle or other equipment under established policy and procedure. Each employee has the responsibility to use reasonable care to ensure the security and care of all City property entrusted to his use and care.

Smoking in City vehicles is absolutely prohibited. No City vehicle or equivalent may be used by a City employee for his personal use.

SECTION 59 Fuelman Fleet Cards

Standards and Guidelines

The City of Gautier has developed this Fuelman policy to establish minimum standards for use of the Fuelman fuel card. This policy will be the official document governing the City of Gautier Fuelman program.

General Information

It is important that the City of Gautier properly safeguard and account for purchases of gasoline and diesel fuel for city owned vehicles. Under the direction of the City Clerk, Fuelman cards will be used by designated City of Gautier employees to make authorized fuel purchases for city vehicles. The City Clerk's office will track and review fuel transactions to maintain records for each city vehicle; these records will track vehicle and driver purchasing and reflect any misuse of the cards.

Procedures

Except when delegated, the authority to issue Fuelman cards resides exclusively with the City Manager. Fuelman cards shall be issued to vehicles, not individuals, and are restricted to use with the vehicle to which it was issued. Only one Fuelman card shall be issued to a vehicle. An additional Fuelman card may be issued to employees for the purchase of fuel for gas powered lawn maintenance equipment where applicable. Employees required to drive vehicles and operate equipment will receive a Personal Identification Number (PIN) that can be used with any Fuelman card assigned to vehicles owned and operated by the city. The issuance of PINs will be managed by the City Clerk or his/her designee. PIN creation, assignment and usage must comply with the following requirements:

A. PINs shall not be shared by employees.
B. Use of the PIN serves as an electronic "signature" of the person to whom it is issued.
C. PINs can be used by the individual with any card on the account.
D. Generic PINs are prohibited (e.g. one PIN for an entire office or department)
E. Vehicle numbers, employee numbers and other easily obtained or guessed numbers shall not be used as PINs

F. PINs shall not be written on the card or on the protective card sleeve.
G. Compromised PINs must be cancelled immediately and a new PIN issued.
H. Lost, stolen or damaged cards shall be reported to the City Clerk or his/her designee and the card replaced immediately.

Responsibilities

Employees will be held personally liable for all unauthorized and/or unallowable Fuelman card purchases. Under no circumstances is an employee permitted to use the Fuelman card for personal purchases, including fuel for personal vehicles or other non-city owned or operated vehicles. Such use will be considered theft and will result in disciplinary action, up to and including termination, and may result in criminal prosecution. Supervisors or other approving officials who knowingly, or through willful neglect, approve personal or fraudulent purchases are subject to the same disciplinary actions as fuel card users.

Other Requirements

In order to assist the city in monitoring its fleet costs, card users shall completely fill the fuel tank at each fill up and shall make every reasonable effort to enter the accurate vehicle odometer reading at the time the fueling transaction takes place to ensure detailed vehicle mileage data is calculated

SECTION 60 Inclement Weather

Purpose:

To prescribe uniform procedures for the closure of city offices and the treatment of employee absences from work during periods of inclement weather and other emergencies.

Policy Statement:

In order to fulfill its mission of public service, the City of Gautier will make every reasonable effort to open its facilities to the public as scheduled, consistent with safe access for employees and the public. Whenever it is determined that the health and safety of citizens or employees would be placed at risk or that conditions or events prevent performance of normal operations, services, or responsibilities assigned, closure of city offices or specific departments may be deemed necessary. During inclement weather sufficient to make travel hazardous or during emergencies, the City Manager may decide to close, delay opening or close early city offices.

Applicability:

City employees who are not working in a public safety classification are covered by this policy. Public Safety employees (Police, Fire, Dispatchers) are expected to report to work as normal under this policy.

Definitions:

Inclement Weather – Weather that is severe including but not limited to snow, ice, and flooding and other hazardous conditions such as tornadoes.

Emergencies – An unforeseen combination of circumstances or an urgent need for immediate action, including but not limited to natural disasters, lack of heating, cooling, plumbing and power outages.

Procedure:

If inclement weather or other emergency conditions affecting the city develop during the workday or overnight, the City Manager may make the decision to close non-essential city offices. In the event this decision is made, Department heads will be notified by telephone or email of any authorized changes to normal work hours. Department heads will be responsible to notify their affected employees by the most appropriate method (phone, text, email) given the conditions. The City Manager will also notify the Mayor and City Council of this decision immediately upon closing of city offices.

Once the decision has been made to close city offices, local media will be notified of the closing and expected duration. Additionally, notices will be posted on the front doors of affected city facilities and closing information will be posted on city websites and social media sites.

In the absence of official notification regarding delayed opening or office closure, employees are expected to report to work on time or to contact their supervisor or other appropriate city personnel for information.

Payroll Procedures:

When an employee is prevented from reporting to work or remaining at work because of the closing of city offices under the guidelines of this policy, such absence will be paid by the city and not charged to the employee's accrued leave. Employees who were already preapproved for vacation, sick leave, or comp time will have their leave accruals charged as normal under this policy. Employees will not receive additional pay for closures when the employee is not scheduled to work.

SECTION 61 Chain of Command

The "chain of command" should be observed by all employees within their positions of employment. Such lines of authority should only be crossed in emergencies or if otherwise in accord with other policies, procedures, or provisions herein or elsewhere in the City. In accordance with Miss. Code Ann. § 21-9-31, except for the purposes of inquiring or receiving information or advice, neither the mayor nor any member of the council shall give orders to any subordinate of the City.

SECTION 62 Volunteers

The City of Gautier utilizes volunteers to assist in various programs and activities sponsored by the city. The City of Gautier has adopted a Volunteer Policy and Procedures Manual which provides guidelines for both city employees who supervise volunteers and volunteers who offer their talents, skills and time to foster stewardship of our city, parks, and programs. All volunteers are required to sign a waiver in order to volunteer their services to the city. A copy of the Volunteer Policy and Procedures Manual in its entirety can be obtained by contacting the Human Resources Department.

SECTION 63 Miscellaneous

Please refer to the appendix section of this handbook for complete policies and additional resources.

It is the employee's responsibility to confirm with the Human Resources Department any aspect of the policies, procedures, provisions, or regulations which there may be a question.

EMPLOYEE HANDBOOK

Acknowledgement

I hereby acknowledge that I have received and will read the City of Gautier Employee Handbook.

_____

Please Print Name

_____ _____

Signature Date

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 117-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Finance Report for May 2017 are hereby received.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin,** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting June 20, 2017.

MAY 2017 Ending Cash Balances

GENERAL DEPOSITORY

Fund Name		Account #	Balance
General Fund	Depository Account	001-000-001	$2,766,388.18
MS Development Loan Katrina	Depository Account	007-000-001	($290.05)
CDBG-Downtown Revitalization	Depository Account	012-000-001	
Transportation Enhancement	Depository Account	013-000-001	$13,631.67
Allen Road Widening	Depository Account	020-000-001	$29,978.37
MOHS PD Traffic Grant	Depository Account	023-000-001	
MOHS DUI Grant FY 2014	Depository Account	025-000-001	($7,491.90)
MOHS DUI Grant FY 2015	Depository Account	026-000-001	
MDOT Safe Routes to School	Depository Account	029-000-001	($40,731.15)
MDAH School House Grant	Depository Account	030-000-001	$1,508.43
MDAH Local Govt Grant	Depository Account	031-000-001	
MDMR City Pk Boat Launch Imp	Depository Account	050-000-001	($6,525.00)
US DOJ Ballistic Vest Grant	Depository Account	103-000-001	
Martin Bluff Road Improvements	Depository Account	128-000-001	$232,012.64
U S Justice Equitable Sharing	Depository Account	157-000-001	$408,133.75
Fire Protection Fund	Depository Account	160-000-001	$195,757.52
DMR-BP Oil Spill Grant	Depository Account	165-000-001	
MDOT-Youth Corp Program	Depository Account	166-000-001	
FF Grant:EMW-2013-FO-05516	Depository Account	167-000-001	
Tidelands Grant	Depository Account	171-000-001	($79,563.37)
Library Support Fund	Depository Account	172-000-001	$3,151.73
MSWFP Recreation Trails Grant	Depository Account	175-000-001	($1,416.57)
Shepard State Park Fund	Depository Account	176-000-001	$57,766.67
Solid Waste Fund	Depository Account	404-000-001	($39,580.28)
Solid Waste Grant	Depository Account	405-000-001	
EPA: Brownfields Assessment	Depository Account	409-000-001	($28,040.00)
	General Ledger Cash Balance		$3,504,690.64
	General Depository Reconciled Cash Balance		**$3,503,920.18**

ENTERPRISE FUND

Fund Name		Account #	Balance
Water & Sewer Utility	Enterprise Account-M&M	400-000-001	$0.00
	Enterprise Account-Hancock	400-000-002	$1,450,452.13
MDB Loan: Water Ion-X Project	Enterprise Account-Hancock	421-000-002	$117,747.74
Water Meter Project	Enterprise Account-Hancock	422-000-002	
Hurricane Katrina (PW Bldg)	Enterprise Account-Hancock	449-000-002	
	General Ledger Cash Balance		$1,568,199.87
	Enterprise Reconciled Cash Balance		**$1,564,565.63**

MAY 2017
YEAR TO DATE TOTALS

General Fund Totals		BUDGET FY 2017	MAY 2017	Balance	66.66% % to date
	General Fund Revenues	9,151,443.00	6,811,375.61	2,340,067.39	74.4%
	Expenditures:				
001	Legislative	117,474.00	81,769.54	35,704.46	69.6%
010	City Court	262,491.00	176,577.06	85,913.94	67.2%
021	City Manager	292,097.00	188,042.35	104,054.65	64.3%
022	Human Resources	138,681.00	87,287.27	51,393.73	62.9%
030	Elections	16,000.00	9,585.61	6,414.39	59.9%
040	City Clerk	257,370.00	159,704.97	97,665.03	62.0%
045	Finance	192,080.00	126,674.92	65,405.08	65.9%
060	City Attorney	120,000.00	65,694.34	54,305.66	54.7%
090	Economic Dev - Planning	310,570.00	191,520.76	119,049.24	61.6%
092	Building & General Expenses	547,100.00	395,106.97	151,993.03	72.2%
100	Police	3,480,334.00	2,094,802.27	1,385,531.73	60.1%
161	Fire	2,354,916.00	1,480,881.09	874,034.91	62.8%
165	BP Oil Spill	0.00	0.00	0.00	
170	Recreation	396,519.00	240,415.93	156,103.07	60.6%
201	PW: Streets	217,000.00	138,540.22	78,459.78	63.8%
205	PW: Maintenance	223,438.00	142,347.82	81,090.18	63.7%
451	Public Safety	0.00	0.00	0.00	
900	Interfund Transfers	791,839.00	363,098.08	428,740.92	45.8%
	General Fund Expenditures	9,717,909.00	5,942,049.20	3,775,859.80	61.1%

Total Operating Expenditures	8,584,055.00	5,457,778.20	3,126,276.80
Total Capital Outlay Expenditur	266,915.00	55,405.73	211,509.27
Total Debt Service	75,100.00	65,767.19	9,332.81
Total Transfers Out	791,839.00	363,098.08	428,740.92
Total Unappropriated	0.00	0.00	0.00
Check Total	9,717,909.00	5,942,049.20	3,775,859.80

Personnel	6,701,174.00	4,325,672.01	2,375,501.99
Supplies	408,167.00	240,699.28	167,467.72
Other Services	1,474,714.00	891,406.91	583,307.09
Capital Outlay	266,915.00	55,405.73	211,509.27
Debt Service	75,100.00	65,767.19	9,332.81
Interfund Transfers for DS	791,839.00	363,098.08	428,740.92
Unappropriated	0.00	0.00	0.00
Check Total	9,717,909.00	5,942,049.20	3,775,859.80

MAY 2017
YEAR TO DATE TOTALS

General Depository Special Funds	BUDGET FY 2017	As of MAY 2017	Balance	*66.66% % to date*
007 MS Dev 2.36M Katrina Bonds				
Revenues	277,854.00	262,940.00	14,914.00	*94.6%*
Expenditures	277,854.00	263,540.00	14,314.00	*94.8%*
013 TE-Downtown Revitalization				
Revenues	84,158.13	43,186.68	40,971.45	*51.3%*
Expenditures	54,603.12	0.00	54,603.12	
020 Allen Road Widening				
Revenues	1,002,418.40	829,596.71	172,821.69	*82.7%*
Expenditures	61,000.00	54,647.33	6,352.67	*89.5%*
025 MOHS DUI Grant FY2017				
Revenues	27,598.00	20,006.71	7,591.29	*72.4%*
Expenditures	27,598.00	27,498.61	99.39	*99.6%*
029 MDOT Safe Routes to School				
Revenues	173,216.00	113,277.12	59,938.88	*65.3%*
Expenditures	194,772.50	175,564.77	19,207.73	*90.1%*
030 MDAH 2014 Community Heritage				
Revenues	130,000.00	131,508.43	(1,508.43)	*101.1%*
050 MDMR City Park Boat Launch Imps				
Revenues	0.00	23,250.00	(23,250.00)	
Expenditures	0.00	29,775.00	(29,775.00)	
128 Martin Bluff Road Project				
Expenditures	230,000.00	0.00	230,000.00	
130 $7M GO Bond - Capital Improvements				
Revenues	2,047,259.07	1,486,642.40	560,616.67	*72.6%*
Expenditures	2,239,130.25	1,197,780.57	1,041,349.68	*53.4%*
157 US Justice Equitable Sharing				
Revenues	0.00	2,600.00	(2,600.00)	
Expenditures	0.00	36,051.18	(36,051.18)	
160 Fire Protection Fund				
Revenues	543,100.00	388,896.06	154,203.94	*71.6%*
Expenditures	525,277.68	474,299.96	50,977.72	*90.2%*
166 MDOT Youth Corp Program				
Revenues	30,476.66	38,683.20	(8,206.54)	*126.9%*
Expenditures	35,000.00	6,434.02	28,565.98	*18.3%*

MAY 2017
YEAR TO DATE TOTALS

General Depository Special Funds	BUDGET FY 2017	As of MAY 2017	Balance	*66.66% % to date*
171 Combined Tidelands Grant				
Revenues	1,061,012.09	205,772.03	855,240.06	*19.3%*
Expenditures	916,779.08	196,557.51	720,221.57	*21.4%*
172 Library Support Fund				
Revenues	108,639.00	96,835.30	11,803.70	*89.1%*
Expenditures	108,639.00	93,683.57	14,955.43	*86.2%*
175 MSWFP Recreation Trails Grant				
Revenues	95,258.57	93,842.00	1,416.57	*98.5%*
176 Shepard State Park				
Revenues	94,400.00	65,690.30	28,709.70	*69.5%*
Expenditures	124,128.00	56,139.20	67,988.80	*45.2%*
404 Solid Waste Fund				
Revenues	1,260,000.00	742,301.83	517,698.17	*58.9%*
Expenditures	1,326,500.00	861,461.79	465,038.21	*64.9%*
405 Solid Waste Grant				
Revenues	13,280.00	0.00	13,280.00	
Expenditures	13,280.00	0.00	13,280.00	
409 EPA: Brownfields Assessment				
Revenues	288,249.85	153,748.13	134,501.72	*53.3%*
Expenditures	223,699.85	105,510.00	118,189.85	*47.1%*

MAY 2017
YEAR TO DATE TOTALS

ENTERPRISE FUND (400)	BUDGET FY 2017	MAY 2017	Balance	66.66% % to date
Utility Fund Revenues	**8,653,895.00**	**5,941,066.12**	**2,712,828.88**	*68.6%*
Administration	**2,621,143.00**	**1,757,233.25**	**863,909.75**	*67.0%*
Water & Sewer O & M	**2,994,216.00**	**1,782,499.97**	**1,211,716.03**	*59.5%*
Debt Service	**2,477,584.00**	**1,633,957.72**	**843,626.28**	*65.9%*
Transfers	**200,000.00**	**200,000.00**	**0.00**	*100.0%*
Utility Fund Expenditures	**8,292,943.00**	**5,373,690.94**	**2,919,252.06**	*64.7%*
Total Operating Expenditures	***5,415,359.00***	***3,539,733.22***	***1,875,625.78***	
Total Capital Outlay Expenditures	***200,000.00***	***0.00***	***200,000.00***	
Total Debt Service	***2,477,584.00***	***1,633,957.72***	***843,626.28***	
Total Interfund Transfers	***200,000.00***	***200,000.00***	***0.00***	
Check Total	***8,292,943.00***	***5,373,690.94***	***2,919,252.06***	
Personnel	***0.00***	***0.00***	***0.00***	
Supplies	***238,000.00***	***146,495.94***	***91,504.06***	
Other Services	***5,177,359.00***	***3,393,237.28***	***1,784,121.72***	
Capital Outlay	***200,000.00***	***0.00***	***200,000.00***	
Debt Service	***2,477,584.00***	***1,633,957.72***	***843,626.28***	
Interfund Transfers	***200,000.00***	***200,000.00***	***0.00***	
Check Total	***8,292,943.00***	***5,373,690.94***	***2,919,252.06***	

Enterprise Special Funds

421 MSB - Water Ionization Project	BUDGET FY 2017	MAY 2017	Balance	66.66%
Capital Outlay	**141,813.04**	**24,065.30**	**117,747.74**	*16.9%*

602 DEBT SERVICE: 2012 GUD BOND	BUDGET FY 2017	MAY 2017	Balance	66.66%
Revenue	**1,399,200.00**	**933,476.98**	**465,723.02**	*66.7%*
Bonds Payable	**1,398,200.00**	**1,370,750.00**	**27,450.00**	*98.0%*

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 118-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the minutes from Regular Council Meeting held June 6, 2017 are hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 119-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Cable One Business Services Agreement for Wi-Fi installation for the Senior Center and security cameras throughout George Martin City Park is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, City Manager
From: La Freida Ray, Parks and Facilities Manager
Date: 06/12/2017
Subject: Approval of Cable One Business Services Agreement for Wi-Fi installation for the Senior Center and security cameras throughout George Martin City Park.

REQUEST:
City Council approval is requested for a business services agreement with Cable One for Wi-Fi installation for the Senior Center and security cameras throughout George Martin City Park. The service charges and equipment fees total $92.95 per month.

BACKGROUND:
The existing Wi Fi service fees are $35.00 per month, which provides limited usage of the internet for computers and limited area coverage.

DISCUSSION:
New security cameras have been installed at George Martin City Park, that require an dependable internet service. The current internet service prevents staff from accessing the security system monitors outside of the building from a different location. The cameras have monitoring features that will allow adequate data feed back with proper internet service.

RECOMMENDATION:
The Parks and Recreation Division Manager recommends the City Council approve a new Wi Fi internet service provided by Cable One Business for $92.95 per month.

The City Council may:
1. Approve the new Wi Fi Internet services provided by Cable One Business
2. Disapprove the new Wi Fi internet services provided by Cable One Business

ATTACHMENTS:
1. Cable One Business Services Agreement

CABLE ONE BUSINESS

Business Services Agreement
Date: 06/05/2017

Cable One Business Account Rep:	Charles Turner	**Cable One System Address:**
Phone Number:	(602) 364-6546	210 E Earll Drive
Fax Number:		Phoenix, AZ 85012

Customer Information:		**Authorized Customer Representative**	
Company Name:	City of Gautier Senior Building	**Full Name:**	Sherry Farabee
Street Address:	914 De La Point Dr	**Billing Telephone:**	(228) 219-7041
City/State/ZIP:	Gautier, MS 39553	**Fax:**	
Billing Address:		**Contact Number:**	(228) 219-7041
City/State/ZIP:		**Email Address:**	
Cable One Account #:			

Taxes and Fees Not Included

Service Description	**Quantity**
D3 Suite (50Mbps x 5Mbps)	1
Wi-Fi	1
Installation	1
Installation Charge (may include construction):	$99.95
Term:	Monthly
Total:	$92.95

Telephone Line Details

Business Name Listed As:			
Description	**Type**	**Telephone #**	**Voicemail**

Equipment Charges

Description	**Quantity**	**Unit Price**	**Total Fee**
D3 Modem Rental	1	$8.00	$8.00

Special Conditions

Agreement

THE SERVICE CHARGES AND EQUIPMENT FEES TOTAL $92.95 PER MONTH FOR THE DURATION OF THE INITIAL TERM AND MAY BE REVISED AFTERWARD. THESE FEES AND CHARGES ARE SUBJECT TO ADDITIONAL APPLICABLE LOCAL, STATE AND FEDERAL TAXES AND SERVICE FEES AS REQUIRED OR AUTHORIZED BY LAW.

By signing below, I acknowledge that I have read, understand, and agree to be bound by and comply with the above service information and charges, and the attached terms and conditions and service-specific agreements. I warrant that I am the Customer or have the authority to represent and bind the Customer. If I provide an email address, a copy of this document and the relevant service-specific agreements will be emailed to me for my records. I understand that I have the right to receive paper copies of this and any other agreements applicable to the Service(s) I have ordered by calling my local Cable One office, and I consent to the use of electronic documents and signature. I acknowledge that I may cancel this agreement without an early termination penalty within thirty (30) days.

Customer Authorized Signature	
Print	
Date	

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

RESOLUTION NUMBER 021-2017

RESOLUTION OF THE CITY OF GAUTIER, MISSISSIPPI REMOVING POLICE DEPARTMENT OFFICE FURNITURE FROM INVENTORY AND DECLARING CHAIR SURPLUS

WHEREAS, the Gautier Police Department is requesting the following equipment be removed from inventory and declared surplus:

ITEM	**INVENTORY NUMBER**
(1) Office Chair	620

WHEREAS, the Mayor and Members of the Council have determined that, given the age and condition of the office chair, removal from inventory and declaring surplus, is in the best interest of the City of Gautier.

BE IT, THEREFORE, RESOLVED that the Mayor and Council of the City of Gautier, Mississippi has determined that the office chair is hereby removed from inventory and declared surplus.

BE IT, FURTHER, RESOLVED that the Council authorizes the City Manager or City Clerk to execute all documents necessary.

The motion to approve the foregoing resolution was made by **Councilwoman Martin,** seconded by **Councilman Colledge,** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

WHEREUPON, the Mayor and Members of the Council of the City of Gautier, Mississippi, declared the motion carried and the Resolution adopted this the **20th** day of **June**, 2017.

GORDON GOLLOTT, MAYOR

ATTEST:

CITY CLERK

CITY OF GAUTIER
MEMORANDUM

To: Paula Yancey, City Manager
From: Danny Selover, Police Captain
Date: 06/13/2017
Subject: Authorization to remove Police Department office furniture from inventory and declare surplus.

REQUEST:
City Council authorization is requested for the Police Department to remove and surplus (1) office chair, inventory control number 620 from Police Department Inventory. The chair was purchased for dispatch personnel and was damaged beyond repair.

BACKGROUND:
The Police Department has determined that, given the age and condition of the office chair, removal from inventory and declaring the chair surplus, is in the best interest of the City of Gautier.

RECOMMENDATION:
Police Department Staff recommends the City Council authorize the removal of the office chair from inventory and declare it as surplus.

ATTACHMENTS:
None

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 120-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Privilege License Report for May 2017 is hereby received.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin,** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting June 20, 2017.

City of Gautier
Business Registry

May 2017

ACCOUNT#	LICENSE #	BUSINESS NAME/OWNER	AMOUNT
916	2017-05-0005442	Lokring Gulf Coast LLC	$75.63
916	2018-05-0005443	Lokring Gulf Coast LLC	$62.50
916	2017-05-0005444	Lokring Gulf Coast LLC	($75.63)
******392	2017-04-0005445	Brass Hanger Inc.	$36.60
******392	2018-04-0005446	Brass Hanger Inc.	$30.00
******309	2018-02-0005447	United Protective Agency	$22.40
****1427	2017-00-0005448	Crown Dodge Chrysler Inc.	$250.00
****1428	2017-00-0005449	Butch Oustalet Chevrolet Cadillac	$250.00
*****719	Closed Business	Enola Contracting Service Inc.	Closed
******1364	2018-04-0005450	Amedisys Home Health	$33.00
484	2018-05-0005451	Auto Air of Gautier Inc.	$20.00
1319	2018-05-0005452	Southern Hands Catering	$20.00
496	2018-05-0005453	Family Dollar Store of Ms	$97.50
******1354	2018-02-0005454	Possom Palaces	$22.40
******1260	2018-04-0005455	Certification Services Inc.	$22.00
220	2018-05-0005456	Noble Realty	$22.00
502	2018-05-0005457	Sonic Drive Inn of Gautier Ms	$30.00
1261	2018-04-0005458	Kay Lynn Salon	$22.00
1367	2018-05-0005459	Gautier Little Ceasers	$60.00
601	2018-05-0005460	A & V Cleaning	$20.00
391	2018-04-0005461	Braly's PT. Loma Marina	$22.00
******1177	2017-10-0005462	Firestone of Gautier	$23.20
1177	2017-10-0005463	Firestone of Gautier	$20.00
1368	2018-05-0005464	Brock Services LLC	$20.00
*1429	2018-05-0005465	Big Dog Liquor Store	$20.00
******278	2017-10-0005466	MOWA Development LLC	$34.80
278	2018-10-0005467	MOWA Development LLC	$30.00
*****223	Closed Business	Midas Auto Systems	Closed
579	2018-08-0005468	Singing River Apartments	$20.00
*1430	2018-05-0005469	Magnolia Place Apartments	$20.00
******1337	2017-10-0005470	World Construction Inc.	$23.20
1337	2018-10-0005471	World Construction Inc.	$20.00
*1431	2018-05-0005472	Metro Beauty	$20.00
913	2018-05-0005473	Volunteers In Medicine Gautier	$20.00
498	2018-05-0005474	Mary Walker Marina	$35.00
*1432	2018-05-0005475	Martin Bluff Storage & Rentals	$20.00
1074	2018-05-0005476	Circle K Store Inc./ Subway	$30.00
*1433	2018-05-0005477	Cypress Point Outfitters	$20.00
772	2018-06-0005478	G.T. Enterprises	$20.00

479	2018-05-0005479	River Chase Village	$150.00
504	2018-05-0005480	Eco Tours of South Mississippi	$20.00
1148	2018-05-0005481	Redbox Automated Retail LLC	$45.00
605	2018-06-0005482	Audiowave	$20.00
843	2018-05-0005483	All Washed Up	$20.00
760	2018-05-0005484	Digital Enterprises	$20.00
841	2018-05-0005485	Trinity House	$20.00
		TOTAL	**$1,733.60**

*	New Business	5
**	Slot Amusement	0
***	Due Refund	0
****	Transient Vendor	2
*****	Closed Business	2
******	Delinquent Renewals Issued	7

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 121-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the pay warranty deed-1063 sq. foot of land in the amount of $750.00 and improvements in the amount of $1,800.00 to Pringle and Roemer, PLLC Trust Account for Anderson-Wells, LLC. for the Martin Bluff Road Widening Project STP-9194-00(001)LPA/ 105069-801000 is hereby approved and authorized for payment.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

CITY OF GAUTIER
MEMORANDUM

To:	Paula Yancey, City Manager
From:	April Havens, Grants Administrator
Date:	06/14/2017
Subject:	Approval and authorization to pay warranty deed-1063 sq. foot of land and improvements to Pringle and Roemer, PLLC Trust Account for Anderson-Wells, LLC. for the Martin Bluff Road Widening Project STP-9194-00(001) LPA/105069-801000

REQUEST:

The Executive Department requests approval and authorization to pay warranty deed-1063 sq. foot of land in the amount of $750.00 and improvements in the amount of $1,800.00 to Pringle and Roemer, PLLC Trust Account for Anderson-Wells, LLC. for the Martin Bluff Road Widening Project STP-9194-00(001) LPA/105069-801000.

BACKGROUND:

This project is intended to provide improved traffic operations and safety on Martin Bluff Road. The project limits are between Gautier-Vancleave Road and the Service Road north of Interstate 10. This project is now in the right-of-way acquisition phase.

DISCUSSION:

This cost covers the warranty deed for the property, as well as the cost of acquiring improvements (a portion of an aluminum fence) in the right of way.

RECOMMENDATION:

The Executive Department recommends that City Council approve and authorize to pay warranty deed-422 sq. foot of land in the amount of $750.00 and improvements in the amount of $1,800.00 to Pringle and Roemer, PLLC Trust Account for Riverbend Condominiums, Inc. for the Martin Bluff Road Widening Project STP-9194-00(001)LPA/105069-801000.

The City Council may:
1) Approve and authorize payment for warranty deed 1063 sq. foot of land in the amount of $750.00 and improvements in the amount of $1,800.00 to Pringle and Roemer, PLLC Trust Account for Riverbend Condominiums , Inc.; or
2) Not approve and authorize payment for warranty deed 1063 sq. foot of land in the amount of $750.00 and improvements in the amount of $1,800.00 to Pringle and Roemer, PLLC Trust Account for Riverbend Condominiums, Inc.

ATTACHMENTS:

1. Right of Way Invoice

ROW-320

City of Gautier, Mississippi

Date June 13, 2017 **INVOICE - RIGHT OF WAY** P.O. Number 941/

State Vendor No. V000167376-1 Customer Acct. No.

Payee Pringle and Roemer, PLLC Trust Account
for Anderson-Wells, LLC

Mortgagee N/A

Address P.O. Box 211
Biloxi, MS 39533

Acquired By:		Nature of Title	
Agreement	X	Fee Simple	X
Settlement		Perm. Ease	
Condemnation		Temp. Ease	
Special		D.E.	
Circuit		84-01 Acquisition	
Supreme			

TIN NO.

Project No. STP-9194-00(001) LPA/105069-801000 | County Jackson | Parcel: 061-00-00-W File No. Anderson-Wells, LLC

Description	Amount
Warranty Deed 1063 sq ft	$ 750.00
Improvements (46 lf Metal Fence)	$ 1,800.00
Damages (None)	
IRS W-9 Form signed 06-12-17	
Martin Bluff Road Widening Project	
TOTAL INVOICE	**$ 2,550.00**

Recommended For Payment
Acquisition Agent, Mark Dye
Signature

Approved
Paula Yancey, City Manager
Signature

Paid By Warrant No.
Req. No.
Date

OCA	Object Level 3	User Code 1 (Function)	User Code 2 (Part. Code)	Project/Detail Property ID Maint. Sec.	Amount	Parcel No.	Acres
46720	3120	124	1	STP-9194-00(001)	$ 750.00	061-00-00-W	0.02
46720	3150	124	1	STP-9194-00(001)	$ 1,800.00	061-00-00-W	

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 122-2017

WHEREAS, on or about June 19th, 1995, the City of Gautier and the Jackson County Post of the American Legion #160, Inc. ("the American Legion") entered into a Lease Agreement relating to property designated therein as "AMERICAN LEGION - BACOT PARK"; and

WHEREAS, under the terms of that agreement, it was acknowledged that the City would use the property "for the purpose of providing recreational and other wholesome activities to the residents of the City of Gautier, Mississippi"; and

WHEREAS, an amendment is necessary to recognize the City's right and ability to construct, operate and maintain recreational and ancillary structures to carry out that purpose, including but not limited to ballfields, concession stands, a splash pad, and other related structures and infrastructure,

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the amendment to the Lease Agreement with American Legion #160, Inc. relating to property designated therein as "American Legion – Bacot Park is approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

AMENDMENT TO LEASE AGREEMENT

On or about June 19th, 1995, the City of Gautier and the Jackson County Post of the American Legion #160, Inc. ("the American Legion") entered into a Lease Agreement relating to property designated therein as "AMERICAN LEGION - BACOT PARK" (a copy of which is attached and incorporated herein as if fully reproduced, word for word).

Under the terms of that agreement, it was acknowledged that the City would use the property "for the purpose of providing recreational and other wholesome activities to the residents of the City of Gautier, Mississippi". This Amendment hereby recognizes the City's right and ability to construct, operate and maintain recreational and ancillary structures to carry out that purpose, including but not limited to ballfields, concession stands, a splash pad, and other related structures and infrastructure. This Amendment specifically acknowledges that City agents, representatives, and contractors, including but not limited to employees of Jackson County, Mississippi, have the right to construct, operate and maintain said structures.

In consideration thereof, the American Legion will receive a benefit in the form of an increase to the residual value of the property at the end of the lease, and the City of Gautier agrees to maintain these facility for the remaining duration of the original Agreement.

No other terms of the original Lease Agreement are modified or amended.

WITNESS OUR SIGNATURES this 29th day of June, 2017.

CITY OF GAUTIER

Paula Yancey

Paula Yancey, City Manager

ATTESTED:

JACKSON COUNTY POST OF THE AMERICAN LEGION #160, INC.

FINANCE OFFICER

#202635740

ATTESTED:

STATE OF MISSISSIPPI
David Dominguez
ID No 108575
Comm Expires
April 13, 2018
NOTARY PUBLIC
JACKSON COUNTY

Subscribed and sworn to before me in my presence this 16 Day of June 2017 a Notary Public in the State of MS
Signature
Notary Public My Commission Expires 4-13-18

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

RESOLUTION NUMBER 022-2017
PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY,
AND CONTINUATION THEREOF

WHEREAS, on June 20, 2017, conditions of extreme peril to the safety of persons and property have arisen within the City of Gautier, Mississippi; and

WHEREAS, at the time of this proclamation, a severe storm (otherwise known as Tropical Storm Cindy) has been moving along the Gulf Coast of the United States, bringing with it heavy rain and flood threat; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency in order to provide for the health and safety of the citizens and the protection of their property within the affected jurisdiction; and

WHEREAS, on June 20, 2017, Mayor, Gordon Gollott, on behalf of the City of Gautier, Mississippi proclaimed that a local emergency had arisen as a result of the above; and

WHEREAS, the Mayor and Members of the Council of the City of Gautier, Mississippi find and determine that the public interest requires that a state of local emergency be declared as authorized by law;

NOW, THEREFORE, pursuant to Miss. Code Ann. 33-15-17, the Mayor and Members of the Council of the City of Gautier, Mississippi, hereby proclaim, and approve the Mayor's proclamation, that a local emergency exists in the City of Gautier, Mississippi as of the 20th day of June 2017; and

BE IT FURTHER PROCLAIMED, that the City shall exercise all powers and authority granted unto it under the laws of the State of Mississippi to address this emergency; and

BE IT FURTHER PROCLAIMED, that this state of local emergency shall continue until the next regular meeting of the City Council of the City of Gautier, Mississippi, wherein the same may be ratified, extended, or terminated, if necessary, as provided in the aforesaid statue.

Motion was made by **Councilwoman Martin,** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

Mayor
Gordon T. Gollott

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge

City of Gautier

Gautier, Mississippi

City Manager
Paula S. Yancey

City Clerk
Cynthia Russell

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

June 20, 2017

Jackson County Road Department
Joe O'Neal
P.O. Box 998
Pascagoula, MS 39568

Dear Mr. O'Neal,

The City of Gautier respectfully requests assistance from Jackson County Road Department for 25 cubic yards of sand and sand bags to be delivered behind Gautier City Hall in preparation of potential flooding along the Gulf Coast. If you have any questions please feel free to contact my office.

Sincerely,

Paula S. Yancey
City Manager

"Nature's Playground!"

DECLARATION OF LOCAL EMERGENCY
(BY MAYOR GORDON GOLLOTT)

WHEREAS, Mayor, Gordon Gollott, of the City of Gautier, Mississippi does hereby find that conditions of extreme peril to the safety of persons and property have arisen within said City, and

WHEREAS, as of the time of the making of this proclamation, a severe storm is moving along the Gulf Coast of the United States, bringing with it heavy rain and flood threat; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency in order to provide for the health and safety of the citizens and the protection of their property within the affected jurisdiction; and

WHEREAS, I find and determine that the public interest requires that I proclaim a state of local emergency as authorized by law;

NOW, THEREFORE, I, MAYOR GORDON GOLLOTT, HEREBY PROCLAIM that a local emergency exists in the City of Gautier, Mississippi as of the 20th day of June 2017 and

HEREBY DECLARE that the City shall exercise all powers and authority granted unto it under the laws of the State of Mississippi to address this emergency.

BE IT FURTHER PROCLAIMED, that this state of local emergency shall continue until the next regular meeting of the City Council of the City of Gautier, Mississippi, wherein the same may be ratified and extended, if necessary, as provided in the aforesaid statue.

MAYOR

KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Mississippi Code
Title 33. Military Affairs
Chapter 15. Emergency Management and Civil Defense
Article 1. Emergency Management Law (Refs & Annos)

Miss. Code Ann. § 33-15-17

§ 33-15-17. Emergency management local organization

Currentness

(a) Each county and municipality, or counties and the municipalities therein acting jointly, or two (2) or more counties acting jointly, of this state are hereby authorized and directed to establish a local organization for emergency management in accordance with the state emergency management plan and program, if required and authorized so to do by such state emergency management plan. Each local organization for emergency management shall have a director who shall be appointed by the governing body of the political subdivision, or political subdivisions acting jointly, and who shall have direct responsibility for the organization, administration and operation of such local organization for emergency management, subject to the direction and control of such governing body. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of the state emergency management plan. Each county shall develop an emergency management plan and program that is coordinated and consistent with the State Comprehensive Emergency Management Plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to this section shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state emergency management plan and program.

(b) In carrying out the provisions of this article each county and municipality, or the two (2) acting jointly, or two (2) or more counties acting jointly, where there is joint organization, in which any disaster as described in Section 33-15-5 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each county and municipality is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds.

(c) Each county and each municipality, or two (2) or more counties acting jointly, shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any enemy attack or man-made, technological or natural disasters; and to direct and coordinate

WESTLAW © 2017 Thomson Reuters. No claim to original U.S. Government Works.

the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(2) To appoint, employ, remove, or provide, with or without compensation, air raid wardens, rescue teams, auxiliary fire and police personnel, and other emergency management workers;

(3) To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government, and direction and control of emergency operation during an emergency;

(4) To donate public funds, supplies, labor and equipment to assist any governmental entity in a county or municipality in which a disaster as described in Section 33-15-5 occurs;

(5) Subject to the order of the Governor, or the chief executive of the political subdivision, to assign and make available for duty, the employees, property or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency management purposes either within or outside of the limits of the subdivision;

(6) Subject to the order of the chief executive of the county or municipality or the Governor to order the evacuation of any area subject to an impending or existing enemy attack or man-made, technological or natural disaster;

(7) Subject to the order of the chief executive of the county or municipality or the Governor, to control or restrict egress, ingress and movement within the disaster area to the degree necessary to facilitate the protection of life and property;

(8) To enter into mutual aid agreements in the manner authorized by Section 33-15-19.

(d) A local emergency as defined in Section 33-15-5 may be proclaimed by the mayor or governing body of a municipality or the governing body of a county. In the event a local emergency is proclaimed by the mayor of a municipality, the governing body of such municipality shall review and approve or disapprove the need for continuing the local emergency at its first regular meeting following such proclamation or at a special meeting legally called for such review. Thereafter, the governing body shall review the need for continuing the local emergency at least every thirty (30) days until such local emergency is terminated, and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant. During a local emergency, the governing body of a political subdivision may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread notice and publicity. The authorization granted by this section to impose a curfew shall not be construed as restricting in any manner the existing authority to impose a curfew pursuant to police power for any other lawful purpose.

WESTLAW © 2017 Thomson Reuters. No claim to original U.S. Government Works.

Credits

Laws 1942, Ch. 206, § 7; Laws 1952, Ch. 312, § 9; Laws 1980, Ch. 491, § 9; Laws 1983, Ch. 420, § 4; Laws 1995, Ch. 333, § 9, eff. July 1, 1995. Amended by Laws 2005, 5th Ex.Sess., Ch. 20, § 1, eff. from and after passage (approved October 24, 2005); Laws 2010, Ch. 347, § 1, eff. July 1, 2010. Amended by Laws 2012, Ch. 359, § 2, eff. July 1, 2012.

Relevant Notes of Decisions (9)
View all 20
Notes of Decisions listed below contain your search terms.

In general

Pursuant to Section 33-15-17, the emergency management director is subject to the direct supervision and control of the board of supervisors. The board of supervisors may not be involved in the day-to-day operations of the county administrator or county road manager. All department heads and employees must comply with an established grievance procedure of the board of supervisors, this would include a procedure whereby the county administrator presents all appeals of decisions of the grievance committee to the board of supervisors. Op.Atty.Gen. No. 2016-00329, Blackmon, August 5, 2016, 2016 WL 4965380.

The position of director of emergency management under § 33-15-17 is not a position to which appointment of a relation is prohibited by § 25-1-53, the Nepotism Statute. Op.Atty.Gen. Langston, Nov. 9, 1989.

Powers of board of supervisors

Section 33-15-17 makes it clear that the Civil Defense Director exercises power under the control and direction of the governing authority that hired the director; and, in the absence of a stated term in a contract the person appointed as Civil Defense Director serves until removed by the appointing authority. In effect, the Director serves at the will and pleasure of the board of supervisors and may be removed in their discretion. Op.Atty.Gen. No. 93-0173, Jones, April 7, 1993.

Section 33-15-17 authorizes the County Board of Supervisors, under its emergency management powers, to regulate the mooring of vessels inside the corporate limits of municipalities located within the county. Op.Atty.Gen. No. 94-0361, Meadows, July 15, 1994.

Under Section 33-15-17 a county board of supervisors may impose a curfew that could include all municipalities within the county, without the municipalities having to adopt their own curfew. Op.Atty.Gen. No. 94-0268, Smith, June 2, 1994.

Construction with other laws

Despite the declaration of emergency after Hurricane Katrina, the Harrison County Board of Supervisors does not have authority to exercise discretion in the awarding of compensation increases to the Tax Assessor and/or his deputies, where the language of Section 27-3-52 is mandatory, and orders and regulations under Section 33-15-17 may only be issued to protect life and property. Op.Atty.Gen. No. 2005-0551, Meadows, November 14, 2005, 2005 WL 3775659.

Conflict of interest

Mississippi Const. Art. 4, § 109 and § 25-4-105(2) prohibit a board of supervisors from authorizing an employment contract with a member of the board of supervisors for the position of compensated or uncompensated emergency management director as authorized in § 33-15-17(a). Op.Miss. Ethics Comm. No. 02-019-E

Immunity

In a state of emergency due to a crisis in medical care, and declared by the Governor, the state and the county and its board of supervisors, employees and agents are entitled to full immunity as provided by Section 33-15-21. Those individuals not covered by the Emergency Management Act, arguably such as the doctors, would not be entitled to the protection of full immunity. In such an emergency, the provisions of Sections 33-15-17(b) and 33-15-11(b)(16) may possibly be invoked to provide such immunity. Op.Atty.Gen. No. 2003-0054, Meadows, January 30, 2003.

Equipment rental

In light of the declaration of emergency relating to Hurricane Katrina and the authority contained in Section 33-15-17(b), the City of Long Beach is authorized to pay city firemen for the use of their privately owned four wheelers in accordance with rates approved by FEMA and the governing authorities of the municipality. Op.Atty.Gen. No. 2006-00370, McCreary, August 11, 2006, 2006 WL 2789795.

Miss. Code Ann. § 33-15-17, MS ST § 33-15-17
The Statutes and Constitution are current with laws from the 2017 Regular Session effective upon passage as approved through April 18, 2017. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 124-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to enter into a professional services agreement with Waggoner Engineering, Inc. relating to the Gautier Rate Study.

IT IS FURTHER ORDERED that Waggoner Engineering, Inc. scope of work in this agreement will be to provide a review of the financial requirements of the City of Gautier's water and wastewater systems under existing conditions: to review and formulate recommendations for the water and sewer rate adjustments, if necessary with recommendations from the City Attorney and City Manager.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: **None**

_____
MAYOR

ATTEST:

_____
CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 20, 2017.

PROFESSIONAL SERVICES AGREEMENT
BETWEEN
CITY OF GAUTIER, MISSISSIPPI
AND
WAGGONER ENGINEERING, INC.

WAGGONER
Inspire. Engage. Deliver.

This **PROFESSIONAL SERVICES AGREEMENT** (this "Agreement") is made by and between:

Name:	City of Gautier
Address:	3330 Highway 90, Gautier, MS 39553
Telephone:	228-497-8000
Representative:	Ms. Paula Yancey, City Manager

(referred to in this Agreement as "Client")

AND

Name:	Waggoner Engineering, Inc.
Address:	2510 14th Street, Suite 1200, Gulfport, MS 39501
Telephone:	800-661-3733
Representative:	Mike Mangum

(referred to in this Agreement as "Waggoner"), in connection with the **Gautier Rate Study** (the "Project"), effective as of the 20th day of June, 2017 (the "Effective Date").

In consideration of the mutual covenants and promises set forth in this Agreement, Client and Waggoner agree as follows:

1. **SERVICES.**

(a) **Scope of Services.** Client hereby engages Waggoner to perform or furnish the professional engineering and related services ("Services") described on Exhibit A attached to and made part of this Agreement (the "Scope of Services") as part of the Project.

(b) **Additional Services.** Client may request Waggoner to perform additional services not described in the Scope of Services ("Additional Services"), regardless whether related to the Project. Unless agreed otherwise by Waggoner, Client shall compensate Waggoner for Additional Services on an hourly basis using the rates attached to this Agreement as Exhibit B. Waggoner reserves the right to require written authorization by Client prior to performing any Additional Services.

(c) **Standards of Practice.** Waggoner will perform the Services under this Agreement in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. Waggoner makes no other representation or warranty regarding its Services. Client may not infer any additional or different representation or warranty

by Waggoner from any report, opinion, document or other communication made by or on behalf of Waggoner.

(d) **Changes in Scope of Services.** The Scope of Services described in Exhibit A is based on facts known at the time of execution of this Agreement, including, if applicable, information supplied by Client. For some projects involving conceptual or process development services, the Scope of Services may not be fully defined at the time of execution of the Agreement. As the Project progresses, facts discovered may indicate the need for changes to the Scope of Services. Changes in the Scope of Services will result in a change in agreed upon compensation if the change in Scope of Services changes the amount of work or expertise required of Waggoner.

2. **COMPENSATION.**

(a) As compensation for the Services, Client shall pay Waggoner the lump sum of

$ 18,500 , payable on a percentage of completion basis.

(b) Waggoner will invoice Client monthly based upon the work completed during the billing period, and Client shall pay Waggoner within 30 days after receipt of Waggoner's monthly invoice. Any invoice not paid within forth-five days of receipt shall bear interest at the rate of 1.5% per month in accordance with MISS. CODE ANN. § 31-7-305.

(c) Waggoner reserves the right to modify its Hourly Rate Schedule as of January 1 of each year that the Agreement is in effect.

3. **TERM OF AGREEMENT; SCHEDULE FOR PERFORMANCE.**

(a) This Agreement shall be effective as of the Effective Date and shall continue, unless sooner terminated in accordance with the provisions of this Agreement, until the project is delivered no later then August 1, 2017 with contract to run until September 30. 2017.

(b) Exhibit C sets forth the schedule for performance of the Services, which Schedule incorporate reasonable periods of time for Client and any necessary third party reviews. The schedule will be revised from time-to-time to address any delays in Client or third-party reviews.

(c) In the event of any delays in performance of the Services through no fault of Waggoner, Waggoner shall be entitled to an equitable adjustment in compensation to address increased costs of performing the Services. The parties must enter a written agreement for such changes to take effect.

4. **CLIENT RESPONSIBILITIES.**

(a) **Information/Reports.** Client shall furnish Waggoner with all applicable reports, studies, site characterizations, regulatory orders and similar information in its possession relating to the Project and the Services to be performed by Waggoner.

Unless specified otherwise in Exhibit A, in performing the Services, Waggoner may rely upon Client-furnished information without independent verification.

(b) **Representative.** Client shall designate a representative who shall have authority to transmit instructions, receive information, interpret and define Client's policies and make decisions with respect to the Services performed or to be performed under this Agreement.

(c) **Decisions.** Client shall provide all criteria and full information as to Client's requirements for the Project, obtain necessary approvals and permits (unless specified otherwise in Exhibit A), attend Project meetings, provide interim reviews on an agreed-upon schedule, make decisions as to Project alternatives, and generally participate in the Project to the extent necessary to enable Waggoner to performance the Services in a timely and efficient manner.

(d) **Access.** Client shall provide Waggoner safe access to the Project site and any other premises under Client's control necessary for Waggoner to perform or provide the Services.

(e) **Utilities and Other Underground Improvements.** Client shall furnish to Waggoner information identifying the type and location of any underground utilities or other underground improvements that affect the Project site. As part of any design, testing or other Services that include ground penetrations, Waggoner will prepare one or more plans that show the locations intended for subsurface penetrations for Client's approval.

5. **OWNERSHIP OF INSTRUMENTS OF SERVICE.** Client acknowledges Waggoner's design and construction documents as instruments of professional service. All reports, plans, specifications, computer files, field data, notes and other documents and instruments prepared by Waggoner as instruments of service shall remain the property of Waggoner. Waggoner shall retain all common law, statutory and other reserved rights, including the copyright thereto. Upon payment of all compensation due Waggoner, Client shall have a perpetual license to use all instruments of Waggoner's Services prepared in connection with the Project, but only in connection with the Project. Client shall not reuse or make any modification to any plans, specifications or other instruments of Waggoner's Services (including in connection with the Project) without the prior, written authorization of Waggoner.

6. **OMITTED.**

7. **INSURANCE.** Throughout the term of this Agreement, Waggoner shall maintain the following minimum insurance coverages:

(a) Workers' compensation insurance in such amounts as may be required under the laws of the State of Mississippi.

(b) Comprehensive general liability insurance with limits of not less than $1,000,000 per occurrence and $2,000,000 aggregate.

(c) Automobile liability insurance with a combined single limit of not less than $1,000,000.

(d) Professional liability insurance in an amount of not less than $1,000,000 annual aggregate, on a claims-made basis.

At Client's request, Waggoner shall add Client as an additional insured under Waggoner's automobile liability and general liability policies, but only with respect to the Services.

8. **TERMINATION.** Either Client or Waggoner may terminate this Agreement at any time with or without cause upon giving the other party seven (7) calendar days prior, written notice. Client shall pay Waggoner for all Services performed and all costs incurred up to the date of termination within thirty (30) calendar days of the date of termination.

9. **DISPUTE RESOLUTION.** The parties agree to attempt to settle any disputes arising under this Agreement in an amicable manner through discussions between the parties' senior management representatives. If a dispute cannot be resolved in this manner within a reasonable parties of time, the parties agree to submit the matter to non-binding mediation prior to filing any legal proceedings. Mediation shall be conducted in accordance with the mediation Rules of the American Arbitration Association with the parties sharing the cost of the mediator(s) equally.

10. **NOTICES.** Any notice required to be given under this Agreement shall be given in writing, and shall be effective when actually delivered, one business day after deposit with a nationally recognized overnight courier, delivery fees prepaid, or, if mailed, three business days after deposit in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown below:

Client: City of Gautier
3330 Highway 90
Gautier, Ms. 39553
Telephone: 228-497-8000

Waggoner: 143-A LeFleur's Square
Jackson, Mississippi 39211
Telephone: (601) 355-9526

Attention: Joe A. Waggoner, PE, CEO

Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address.

13. **GENERAL PROVISIONS.**

(a) **Amendments**. This Agreement represents the complete agreement between Client and Waggoner with respect to the subject matter hereof and may only be amended, supplemented, modified or cancelled by a duly executed instrument executed by the party sought to be charged.

(b) **Third Party Beneficiaries**. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either Client or Waggoner. Waggoner's Services under this Agreement are being performed solely for Client's benefit, and no other entity, including Client's contractors, shall have any claim against Waggoner because of this Agreement or the performance or nonperformance of any Services under this Agreement.

(c) **Delays**. If events beyond the control of Client or Waggoner, including, but not limited to, fire, flood, explosion, riot, strike, war, process shutdown, act of God or the public enemy, and act or regulation of any government agency, result in delay to any schedule established in this Agreement, such schedule shall be amended to the extent necessary to compensate for such delay. In the event such delay exceeds 60 days, Waggoner shall be entitled to an equitable adjustment in compensation.

(d) **Safety**. Waggoner shall have no responsibility for or control over general job site safety of persons other than Waggoner employees.

(e) **Construction Means, Methods, Techniques.** Waggoner shall not have any responsibility for or control over any contractors means, methods, techniques or sequencing of any work.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives effective as of the date set forth above.

CITY OF GAUTIER, MISSISSIPPI

By: Paula Yancey

Title: City Manager

WAGGONER ENGINEERING, INC.

By: Anthony C. Brister

Title: Vice President

Exhibit A
Waggoner Engineering, Inc.
Scope of Work

I. WATER AND SEWER RATE EVALUATION

A. OBJECTIVE

The objective of this evaluation is to provide a review of the financial requirements of the **OWNER's** water and wastewater systems under existing conditions; to review and formulate recommendations for water and sewer rate adjustments, if necessary; to provide for payment of debt service and operation and maintenance costs for the existing systems; and to prepare a rate evaluation report describing our findings, conclusions and recommendations.

B. COLLECTION AND PRESENTATION OF HISTORICAL DATA

1. **ENGINEER'S** evaluation of **water system information** will include a study of the following:
   a. Data as it relates to finished water pumpage, metered ratio, number and types of water accounts, water sales and other revenues;
   b. An assessment of the "chargeable consumption" of the system;
   c. Operation and maintenance costs of the water system;
   d. Required bond fund status;
   e. Budgeted capital expenditures;

2. **ENGINEER'S** evaluation of **sewer system information** will include a study of the following:
   a. Data as it relates to number and types of sewer accounts, sewer sales and other revenues;
   b. An assessment of the "chargeable volume" of the system;
   c. Operation and maintenance costs of the sewer system;
   d. Required bond fund status;
   e. Budgeted capital expenditures;

3. Anticipated meetings will be required as follows:
   a. Three (3) with the **Owner's** representatives;

C. EXCLUSION OF SERVICES BY ENGINEER

The following services are not included in this scope of work:

- Development of a capital improvement plan

D. REVIEW, ANALYSES AND PROJECTIONS

ENGINEER will review historical water and wastewater flows and evaluate with respect to prior water and wastewater rate study information. This data will be used to establish historical trends and to develop forecasts of future flows by customer classification.

Performance of this task will also provide for a review of the obligations of the existing revenue bond issues and the debt service coverage requirements for each. Attention will be given to the funding status of all required bond funds

E. EVALUATION OF CHARGES

ENGINEER will evaluate the charges of the systems to ensure that the systems provide sufficient revenue to cover the systems operation costs. Charges to be evaluated comprise: (a) metered water and sewer user charges; (b) various water system charges including meter deposits, system development charges, and fire protection charges.

F. RECOMMENDATIONS

If the projected revenues of the water and sewer systems are insufficient for funding of required total operating budgets, including existing bond related requirements, additional sources of revenue will be identified and developed in conjunction with Public Works and other **OWNER** personnel. This task will include the following:

- a presentation of the overall revenue deficiency;
- the required increase in revenue;
- alternatives for realizing increased revenues, and
- the net effect of proposed increases to the various customer classes.

Following a working session with the **OWNER**, recommendations will be made to provide for those additional revenue sources.

G. FINAL REPORT

Prior to completion of the report, all preliminary findings will be presented to and discussed with the Public Works Department. Subsequently, a final report will be developed for presentation of the evaluations defined by each task delineated in the scope of the water and sewer rate evaluation. An executive summary will describe the evaluation results and recommendations for adjustments, if necessary, to the water and sewer user charges. **ENGINEER** will provide 10 copies of the final report to the City Manager.

II. ADDITIONAL SERVICES

Any services not listed in Exhibit A will be considered as Additional Services. The **OWNER** will pay the **ENGINEER** for authorized Additional Services in accordance with the terms in Exhibit C.

III. INFORMATION TO BE PROVIDED BY OWNER

A. Previous water and sewer rate studies
B. Water and sewer fund budget information and income statements
C. Water and sewer sales and collection records
D. Monthly water production and sewage treatment records
E. Capital improvements plans
F. Schedule of debt service
G. Monthly revenue statements
H. Billed volumes and sales for water and sewer by customer classification
I. Total customers billed for water and sewer by classification

Exhibit B
Waggoner Engineering, Inc.
Rate Schedule

EMPLOYEE CATEGORY	RATES	
Sr. Principal	$225.00	Per Hour
Principal	$205.00	Per Hour
Sr. Discipline Manager	$190.00	Per Hour
Discipline Manager	$160.00	Per Hour
Sr. Project Manager	$185.00	Per Hour
Project Manager	$155.00	Per Hour
Sr. Project Engineer	$145.00	Per Hour
Project Engineer	$130.00	Per Hour
Engineer Intern	$120.00	Per Hour
Graduate Engineer	$110.00	Per Hour
Architect Intern	$125.00	Per Hour
Production Manager	$140.00	Per Hour
Senior Designer	$125.00	Per Hour
Designer	$110.00	Per Hour
GIS Analyst	$120.00	Per Hour
Administrative I	$60.00	Per Hour
Administrative II	$75.00	Per Hour
CADD/GIS/Survey Technician I	$85.00	Per Hour
CADD/GIS/Survey Technician II	$97.00	Per Hour
CADD/GIS/Survey Technician III	$115.00	Per Hour
Construction Rep I	$100.00	Per Hour
Construction Rep II	$120.00	Per Hour
Surveying Manager	$125.00	Per Hour
Professional Land Surveyor	$120.00	Per Hour
Survey Supervisor	$120.00	Per Hour
Survey Crew*		
One Man Robotic Total Station/GPS Crew	$125.00	Per Hour
Two Man	$145.00	Per Hour
Three Man	$185.00	Per Hour
Four Man	$215.00	Per Hour
Cadd/GIS Equipment	$20.00	Per Hour
Four Wheeler	$30.00	Per Day
IRS Current Standard Mileage Rate	Actual	

REIMBURSABLE EXPENSES Actual Expense + 10%

PHOTOCOPIES

Copiers

Black & White	Letter & Legal	$	0.15	Per Copy
	11X17	$	0.25	Per Copy
	12X18	$	0.30	Per Copy
Color		$	1.10	Per Copy

Plotters**

Black & White	11x17	$	4.00	Per Copy
	12x18	$	4.50	Per Copy
	18x24	$	9.00	Per Copy
	24x36	$	18.00	Per Copy
Color	11x17	$	15.60	Per Copy
	12x18	$	18.00	Per Copy
	18x24	$	36.00	Per Copy
	24x36	$	72.00	Per Copy

**Survey crew rates include Total Stations with Data Collectors, Survey Vehicle, and Standard Survey Equipment.*

***Oversized or odd sized plots are billed at $0.25/sq ft for black & white, and $1.00.sq ft for color.*

Per Diem:

When travel time exceeds one and one-half (1.5) hours per day each way, it shall be classified as an out of town project and per diem will be charged at the rate of $90.00 per day per person, excluding areas that have been recently impacted by a natural disaster. Per Diem rates for said disaster areas shall be charged at the rate of $150 per day per person.

Travel Time:

Time required to travel to and from a project site will be billed at the normal hourly rates.

The stated rates are effective through December 31, 2017.

WEI reserves the right to adjust the hourly rates after December 31, 2017: after approval of the Gautier City Council.

Exhibit C
Waggoner Engineering, Inc.
Project Schedule

Draft Rate Study will be delivered for review by the City of Gautier within 30 calendar days of the notice to proceed (provided that the stipulated information to be provided by the City is provided within 10 calendar days of the notice to proceed).

Upon receiving the City's review comments on the Draft Rate Study, Waggoner will provide the Final Rate Study Report within 14 calendar days.

Councilwoman Martin made the motion to go into closed session to consider the need for an executive session.

Councilman Anderson seconded the motion and the vote unanimously carried and Council entered closed session.

Councilwoman Martin made the motion to enter executive session to discuss eminent domain litigation relating to the Waterfield property.

Councilman Colledge seconded the motion and the vote unanimously carried, after which the City Attorney announced to the public and to those in attendance that the council had voted to hold an executive session to discuss eminent domain litigation relating to the Waterfield property. The council then began executive session.

Councilwoman Martin made a motion to make a settlement offer to the defendants of $30,000.00, in addition to providing written confirmation that the remainder of the parcel is buildable.

Councilman Colledge seconded the motion and the vote unanimously carried.

Councilwoman Martin made a motion to return to executive session.

Councilman Colledge seconded the motion and the vote unanimously carried. Council re-entered open session.

After executive session, City Attorney Danos announced to the public that a motion was made in executive session to make a settlement offer to the eminent domain defendants in the Waterfield case as follows: $30,000.00, in addition to providing written confirmation that the remainder of the parcel is buildable.

Councilwoman Martin made a motion to adjourn until July 5, 2017 at 6:30PM.

Councilman Vaughan seconded the motion and the vote unanimously carried.

APPROVED BY:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Submitted for approval of the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
Consent Agenda Item #2
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Resolution Appointing Mississippi Municipal League 2017 Voting Delegates**
Introduced by:	
Contact Person/Telephone	**Cynthia Russell 497-8000 Ext. 302**

Summary Explanation: Approval of resolution appointing voting delegates for the Mississippi Municipal League 2017 election to be held at the annual convention on July 24th-26th in Biloxi, Ms. Voting Delegates Councilman Ward 3 Casey Vaughan; Alternate Councilwoman At Large Mary Martin.

EXHIBITS FOR REVIEW

Resolution	☒
Ordinance	☐
Contract	☐
Minutes	☐
Plan Maps	☐
Order	☐
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

RESOLUTION NUMBER 000-2017

RESOLUTION APPOINTING MISSISSIPPI MUNICIPAL LEAGUE 2017 VOTING DELEGATES FOR THE CITY OF GAUTIER

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second vice president and to vote on any proposed bylaw changes; and

WHEREAS, the amended bylaws require the governing authority board (Alderman, City Council, City Commission) to designate in its minutes the voting delegate and one alternate to cast the vote for each member municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Members of the Council of the CITY OF GAUTIER.

In accordance with the bylaws of the Mississippi Municipal League, the voting delegate(s) for the 2017 Mississippi Municipal League election to be held at the annual convention on July 24-July 26, 2017 are as follows:

Voting Delegate: **Casey Vaughan, Councilman Ward 3**

First Alternate: **Mary Martin, Councilwoman At Large**

That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by **BLANK**, seconded by **BLANK**, and was adopted by the following vote, to-wit:

AYES:

NAYS:

(SEAL)

ATTEST: **APPROVED:**

_____ _____

CITY CLERK **MAYOR**

CITY OF GAUTIER
MEMORANDUM

To: **Paula Yancey, City Manager**

From: **Cindy Russell, City Clerk**

Date: **June 27, 2017**

Subject: **Resolution appointing 2017 Mississippi Municipal League Voting Delegates.**

REQUEST:
The City Clerk Department requests City Council approval of a resolution appointing 2017 Mississippi Municipal League voting delegates for the City of Gautier.

BACKGROUND:
MML amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a Presidents and to vote on any proposed by law changes.

DISCUSSION:
On Tuesday, July 25, 2017, at the MML Annual Conference, an election will be held to select the MML President. Each city in good standing must identify a voting delegate along with one alternate. The voting delegate will vote the will of their city in voting for the MML President at the MML Annual Conference. A list of qualifying candidates will be provided to the nominated delegates. In accordance with the bylaws of the Mississippi Municipal League, the voting delegate(s) for the 2017 Mississippi Municipal League election to be held at the annual conference on July 24th – July 26th, 2017 are as follows:

- **Voting Delegate:** **Casey Vaughan, Councilman Ward 3**
- **1st Alternate:** **Mary Martin, Councilwoman At Large**

RECOMMENDATION:
Based on the voting delegates selected, Staff's recommendation the City Council approve the resolution appointing Mississippi Municipal League 2017 Voting Delegates.

ATTACHMENT(S):
2017 MML Voting Delegate/Alternate Information

600 East Amite Street

Suite 104

Jackson MS 39201

601.353.5854

800.325.7641

Fax 601.353.6980

www.mmlonline.com

ATTENTION CITY CLERK

MML 2017 Election of MML President
Voting Delegate/Alternates Information

On Tuesday, July 25, 2017, at the MML Annual Conference, an election will be held to select the MML President. Each member city in good standing (dues are paid in full by May 15, 2017) must identify a voting delegate, along with an alternate. **The list of qualifying candidates is attached.**

To participate in the election, the MML must receive this completed form by July 14, 2017.

Important: All voting delegates & alternates must text the keyword **MMLvote2017** to **95577** to register as a voting delegate for the 2017 election of MML's President. Voting delegates will be updated on the status of the election by text message.

City/Town of Gautier

PLEASE PRINT:

Voting Delegate Name/Title: Casey Vaughan - Councilman
Cell Phone Number: 228-297-3063

Alternate Name/Title: Mary Martin - Councilwoman at Large
Cell Phone Number: 228-217-2792

IF THE APPOINTED VOTING DELEGATE HAS NOT CAST HIS OR HER VOTE BY 3PM ON TUESDAY, JULY 25, 2017, THE ALTERNATE VOTING DELEGATE WILL AUTOMATICALLY BE ALLOWED TO CAST THE VOTE FOR MML PRESIDENT.

IF A RUN-OFF ELECTION IS REQUIRED, AND THE APPOINTED VOTING DELEGATE HAS NOT CAST HIS OR HER VOTE BY 9AM ON WEDNESDAY, JULY 26, 2017, THE ALTERNATE VOTING DELEGATE WILL AUTOMATICALLY BE ALLOWED TO CAST THE VOTE IN THE RUN-OFF ELECTION FOR MML PRESIDENT.

Return by Mail or Fax to:
The Mississippi Municipal League
600 E. Amite Street, Ste. 104
Jackson, Mississippi 39201
OR
FAX: (601) 353-6980

Summary Terms & Conditions: Our mobile text messages are intended for subscribers over the age of 18 and are delivered via USA short code 95577 and 76000. You may receive up to 5 message(s) per month for text alerts. Message and data rates may apply. This service is available to persons with text-capable phones subscribing to carriers including AT&T, Verizon Wireless, T-Mobile®, Sprint, Virgin Mobile USA, Cincinnati Bell, Centennial Wireless, Unicel, U.S. Cellular®, and Boost. For help, text HELP to 95577, email samantha@mmlonline.com, or call +1 6013972009. You may stop your mobile subscription at any time by text messaging STOP to short code 95577.

PRESIDENT
Mayor Jimmy Clyde
City of Magee

FIRST VICE PRESIDENT
Mayor Merlin Richardson
Town of Anguilla

SECOND VICE PRESIDENT
Mayor H. Glen Barlow
Town of French Camp

EXECUTIVE DIRECTOR
Shari T. Veazey

600 East Amite Street

Suite 104

Jackson MS 39201

601.353.5854

800.325.7641

Fax 601.353.6980

www.mmlonline.com

Candidates for President – Central District

Mayor Cora Burnside, Town of Arcola

Mayor Les Childress, Town of Flora

Mayor Errick D. Simmons, City of Greenville

Mayor Linda W. Short, Town of Mayersville

PRESIDENT
Mayor Jimmy Clyde
City of Magee

FIRST VICE PRESIDENT
Mayor Merlin Richardson
Town of Anguilla

SECOND VICE PRESIDENT
Mayor H. Glen Barlow
Town of French Camp

EXECUTIVE DIRECTOR
Shari T. Veazey

RESOLUTION

RESOLUTION APPOINTING
MISSISSIPPI MUNICIPAL LEAGUE
2017 VOTING DELEGATES
FOR THE CITY/TOWN OF _____

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a President from the Central District; and

WHEREAS, the amended bylaws require the governing authority board (Alderman, City Council, City Commission) to designate in its minutes the voting delegate and alternate to cast the vote for each member municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE (Governing Authority Board) OF THE CITY/TOWN OF _____

In accordance with the bylaws of the Mississippi Municipal League, the voting delegate for the 2017 Mississippi Municipal League election to be held at the annual convention on July 24-July 26, 2017 are as follows:

Voting Delegate: (Name and title)
First Alternate: (Name and title)

That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by _____, seconded by _____, and was adopted by the following vote, to-wit:

YEAS: NAYS:

The President thereby declared the motion carried and the Resolution adopted, this the (day, month, and year).

(S E A L)

ATTEST: ADOPTED:

_____ _____
CLERK OF COUNCIL PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the (day, month and year).

ATTEST: APPROVED:

_____ _____
CITY CLERK MAYOR

CITY OF GAUTIER
Consent Agenda Item #3
Fact Sheet

Council Meeting:	**July 5, 2017**
Title:	**Approval of a Building Use Agreement with First United Methodist Church to Host a Free Basketball Camp**
Introduced by:	
Contact Person/Telephone	**Chassity Bilbo 497-8000 ext. 306**

Summary Explanation: Approval of a Building Use Agreement with First United Methodist Church of Gautier to host a free basketball camp scheduled for July 24th – 25th from 9 a.m. – 12 p.m. The community Recreation and Events Department is planning to host a basketball camp free of charge for youth ages 7-12 years of age.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☒
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	**City Manager**

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Second Made by:													
Torjusen	☐	**Martin**	☐	**George**	☐	**Jackson**	☐	**Vaughan**	☐	**Anderson**	☐	**Colledge**	☐

Voted as follows:		**Ayes**	**Nays**	**Abstained**	**Absent**
Mayor	**Torjusen**	☐	☐	☐	☐
At Large	**Martin**	☐	☐	☐	☐
Ward 1	**George**	☐	☐	☐	☐
Ward 2	**Jackson**	☐	☐	☐	☐
Ward 3	**Vaughan**	☐	☐	☐	☐
Ward 4	**Anderson**	☐	☐	☐	☐
Ward 5	**Colledge**	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Building Use Agreement with First United Methodist Church of Gautier to host a free basketball camp scheduled for July 24th – 25th from 9 am – 12 pm is hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
MEMORANDUM

To:	Paula Yancey, City Manager
From:	Chassity Bilbo, Executive Assistant
Date:	06/27/2017
Subject:	Approval of a Building Use Agreement with First United Methodist Church Gautier to Host a Free Basketball Camp.

REQUEST:

The Community Activities Manager requests that City Council approve the attached Building Use Agreement with First United Methodist Church Gautier to host a free basketball camp.

BACKGROUND:

The Gautier Community Recreation and Events Department has been tasked with planning new activities, more recreational events, and to seek new partnerships to provide more community engagement for the residents of Gautier. The Community Recreation and Events Department is planning to host a basketball camp free of charge for youth ages 7-12 years old.

DISCUSSION:

The camp will take place at First United Methodist Church Gautier July 24th - 25th from 9 a.m. – 12 p.m. This is an excellent opportunity for youth to improve their skills as a basketball player. The objective of the camp is to build confidence with all aspects of the game of basketball.

RECOMMENDATION:

The Community Activities Manager recommends that City Council approve the attached Building Use Agreement with First United Methodist Church to host a free basketball camp as presented with the approved strike troughs by the City Attorney.

The City Council may:
1.Approve the attached Building Use Agreement with First United Methodist Church Gautier; or
2.Not approve the attached Building Use Agreement with First United Methodist Church Gautier.

ATTACHMENTS:

1. First United Methodist Church of Gautier Building Use Agreement Fact Sheet
2. First United Methodist Church Gautier Building Use Agreement
3. Certificate of Insurance

Brotherhood Mutual
Insurance Company

Building Use Agreement

This agreement by and between FUMC Gautier (Owner's name) 2717 Hwy 90-P.O. Box 127—Gautier, MS 39553 (Owner's complete address) ("Owner"), and City of Gautier (User's name) 3330 Hwy. 90 Gautier, MS 39553 (User's complete address) ("User"), will take effect on the 24 (Day) day of July (Month) 2017 (Year) and will continue for a period of 2 days (Time period).

WHEREAS, Owner owns premises located at 2717 Hwy 90, Gautier, MS 39553 (Complete address) which is normally used for Church activities/functions (Type of use), and

WHEREAS, User desires to use the Family Life Center/Gym (Area of premises (e.g. church building)) area of the building for the purpose of Basketball Camp (Purpose of use), and

WHEREAS, Owner has agreed to allow User to use the building provided that the following terms and conditions are met.

It is Therefore Agreed By and Between the Parties:

1. Owner agrees to let User use the above described premises for the above described purpose on July 24-25th 9 a.m.-12 p.m. (Describe times and days of usage). FUMCG (Name and Owner's contact person) is the contact person for Owner and Paula Yancey, City Manager City of Gautier (Name of User's contact person) is the contact person for User to coordinate the details of usage.

2. User agrees to pay Owner No Charge (Amount) for the use of the premises.

3. User agrees that it will not use the premises for any unlawful purposes, and will obey all laws, rules, and regulations of all governmental authorities while using the above described facilities.

4. User agrees to abide by any rules or regulations for the use of the premises that are attached to this agreement.

5. User promises and warrants that it carries liability insurance with a minimum liability occurrence limit of $1,000,000. The User will provide a certificate of insurance to the Owner at least seven days prior to the date upon which the User begins to use the above described premises. The certificate of insurance will indicate that User has made Owner an "additional insured" on User's policy with respect to the use by User of the above described premises.

6. ~~User agrees to hold harmless, indemnify and defend Owner (including Owner's agents, employees, and representatives) from any and all liability for injury or damage including, but not limited to, bodily injury, personal injury, emotional injury, or property damage which may result from any person using the above described premises, its entrances and exits, and surrounding areas, for User's purposes, regardless of whether such injury or damage results from the negligence of the Owner (including Owner's agents, employees and representatives) or otherwise.~~

7. User agrees to be responsible for preparing for use and returning to the pre-use condition all areas of the premises which User will use, including entrances and exits.

8. User agrees to conduct a visual inspection of the premises, including entrances and exits, prior to each use, and warrants that the premises will be used only if it is in a safe condition.

9. This agreement may be cancelled unilaterally by either party with 14 days written notice to the other party.

10. User agrees that it will not assign any of its rights under this agreement, and any such assignment will void this agreement at the sole option of the Owner.

11. ~~Owner and User agree that any disputes arising under this agreement will be resolved via a mutually acceptable alternative dispute resolution process. If Owner and User cannot mutually agree upon such a process, the dispute will be submitted to a three-member arbitration panel of the American Arbitration Association for final resolution.~~

12. This document contains the entire agreement of the parties and supersedes all prior written or oral agreements relating to the subject matter.

Dated this _____ day of _____ _____.
day *month* *year*

Owner	**User**
_____	_____
Signer's Name *(name)*	Signer's Name *(name)*
_____	_____
Position with Owner *(title)*	Position with User *(title)*

GAUTIER-02 MELMER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 6/27/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Hub International Gulf South
12260 Intraplex Parkway
Gulfport, MS 39503

CONTACT NAME:
PHONE (A/C, No, Ext): (228) 897-6700 FAX (A/C, No): (228) 897-6711
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Argonaut Great Central Insurance Company	19860
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
City of Gautier
3330 Highway 90
Gautier, MS 39553

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE / X OCCUR	X		PE-4632929-02	09/30/2016	09/30/2017	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 1,000,000
	X POLICY / PRO-JECT / LOC						PRODUCTS - COMP/OP AGG	$ 1,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 500,000
	X ANY AUTO	X		BA-4632929-02	09/30/2016	09/30/2017	BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
							Comp/Coll Ded	$ 1,000
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate Holder as Additional Insured in regards to General Liability and Auto Liability when reqired by written contract, agreement or permit.

Event:
Basketball Camp
July 24, 2017 - July 25, 2017

CERTIFICATE HOLDER

First United Methodist Church
2717 Hwy 90
PO Box 127
Gautier, MS 39553

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Diane L Moore

© 1988-2015 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

CITY OF GAUTIER
Consent Agenda Item #4
Fact Sheet

Council Meeting: July 5, 2017
Title: Authorization of the Mississippi Department of Public Safety, Bureau of Narcotics FY 2017 HIDTA Sub-Grantee Cooperative Agreement

Introduced by:
Contact Person/Telephone April Havens 497-8000 ext. 315

Summary Explanation: Authorization to enter into a Cooperative Grant Agreement with the Mississippi Department of Public Safety, Bureau of Narcotics and the Gulf Coast High Intensity Drug Trafficking Area to accept the 2017 HIDTA grant.

EXHIBITS FOR REVIEW

Resolution	☐
Ordinance	☐
Contract/Agreement	☒
Minutes	☐
Plan Maps	☐
Order	☒
Other	☐
Submittal Authorization	City Manager

Staff Recommendation:
Approval

Motion Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Second Made by:													
Torjusen	☐	Martin	☐	George	☐	Jackson	☐	Vaughan	☐	Anderson	☐	Colledge	☐

Voted as follows:		Ayes	Nays	Abstained	Absent
Mayor	Torjusen	☐	☐	☐	☐
At Large	Martin	☐	☐	☐	☐
Ward 1	George	☐	☐	☐	☐
Ward 2	Jackson	☐	☐	☐	☐
Ward 3	Vaughan	☐	☐	☐	☐
Ward 4	Anderson	☐	☐	☐	☐
Ward 5	Colledge	☐	☐	☐	☐

Action Taken:

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 000-2017

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to enter into a Cooperative Agreement with the Mississippi Department of Public Safety, Bureau of Narcotics and the Gulf Coast High Intensity Drug Trafficking Area to accept the 2017 HIDTA grant.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **BLANK** seconded by **BLANK** and the following vote was recorded:

AYES:

NAYS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

BLANK by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 5, 2017.

CITY OF GAUTIER
MEMORANDUM

To:	Paula Yancey, City Manager
From:	April Havens, Grants Administrator
Date:	06/28/2017
Subject:	Mississippi Department of Public Safety, Bureau of Narcotics FY 2017 HIDTA Sub-Grantee Cooperative Agreement

---

REQUEST:

The Grants & Projects Administrator requests City Council authorization to enter into a Cooperative Grant Agreement with the Mississippi Department of Public Safety, Bureau of Narcotics and the Gulf Coast High Intensity Drug Trafficking Area to accept the 2017 HIDTA grant.

BACKGROUND:

The Gulf Coast High Intensity Drug Trafficking Area was created to identify, disrupt and dismantle major drug trafficking organizations operating in its area and beyond. The Gautier Police Department has an assigned officer on the local FBI Task Force, and HIDTA provides certain assets for that officer, such as a vehicle and overtime reimbursement.

DISCUSSION:

Beginning in FY2016, due to new federal guidelines, Gulf Coast HIDTA began requiring an annual cooperative agreement. All sub recipients enter into a contract with HIDTA's fiduciary, which is the Mississippi Bureau of Narcotics. No reimbursements will be made until this agreement is executed.

RECOMMENDATION:

The Grants & Projects Administrator recommends that City Council authorize acceptance of the Cooperative Grant Agreement with the Mississippi Department of Public Safety, Bureau of Narcotics and the Gulf Coast High Intensity Drug Trafficking Area for the 2017 HIDTA grant.

The City Council may:
1) Approve acceptance of the grant award and authorize entering into a Cooperative Agreement as presented; or
2) Not approve acceptance of the grant award as presented.

ATTACHMENTS:

1. 2017 Cooperative Agreement with attachments

STATE OF MISSISSIPPI

DEPARTMENT OF PUBLIC SAFETY
MISSISSIPPI BUREAU OF NARCOTICS

MARSHALL FISHER COMMISSIONER	PHIL BRYANT GOVERNOR	JOHN DOWDY DIRECTOR

February 15, 2017

Chief Dante Elbin
Gautier PD
3330 Highway 90
Gautier, MS 39553

Dear Sir:

Congratulations! Enclosed is your FY17 HIDTA Sub grantee Cooperative Agreement. Please have the appropriate Agency Official sign the agreement acceptance section and return a copy of the agreement to me. A copy of the award letter is also enclosed for your files with your approved budgets.

Please note changes under the 2017 grant awards that are covered in Appendix C which includes the Grant Conditions section that must be signed by your agency head. In addition to part 200 of the Uniform Requirements require the sub recipient's to have the following certifications on file with the award recipient: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Certification Requiring Drug Free Workplace, Certification Regarding Lobbying, and EEOP Certification. Please fill out and sign all of these certifications and return with your MOA.

Also enclosed are blank copies of the Detailed Expenditure Worksheet and printout of your 2016 spending plan (Appendix A) as well as your awarded 2017 detailed budget. **In addition enclosed is an Overtime Certification form (Appendix B) to be used when claiming overtime reimbursements.**

If you have any questions, please call me at 601.371.3625. We look forward to working with you on this project.

Sincerely,

Shauna Powell

Shauna Powell
Mississippi Bureau of Narcotics

601.371.3625- Work
601.352.4729- Fax
spowell@mbn.ms.gov

Enclosures

SAM Search Results
List of records matching your search for :
Record Status: Active
DUNS Number: 964447817
Functional Area: Entity Management, Performance Information

ENTITY	CITY OF GAUTIER	Status:Active
DUNS: 964447817 +4:	CAGE Code: 1Y0M1	DoDAAC:
Expiration Date: Aug 10, 2017	Has Active Exclusion?: No	Delinquent Federal Debt?: No
Address: 3330 HIGHWAY 90 City: GAUTIER ZIP Code: 39553-5124	State/Province: MISSISSIPPI Country: UNITED STATES	

FEDERAL GRANT NO. G17-GC0003A
MBN GRANT REPT. CT. NO. _____
DUN#: 964447817

MEMORANDUM OF AGREEMENT

BETWEEN THE

MISSISSIPPI BUREAU OF NARCOTICS

AND THE

MISSISSIPPI GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA

AND THE

Gautier Police Department

This Agreement between the Mississippi Bureau of Narcotics (MBN), Mississippi Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and the Gautier Police Department (LEO) shall begin on 01/01/17 and shall not extend beyond 12/31/17 unless the period is extended by written modification to this Agreement.

WHEREAS, MBN has been designated as the fiscal agent for the State of Mississippi Gulf Coast High Intensity Drug Trafficking Area (HIDTA) program, all requests for payments and budget reprogramming shall pass through MBN.

NOW THEREFORE, MBN, HIDTA and LEO hereby agree to the disbursement of HIDTA funds in the amount of $ 13,400.00 to the resource recipient, LEO, under the following terms and conditions:

1. LEO agrees to follow all applicable federal, state, and local guidelines regarding purchases and other expenditures under the HIDTA program, including but not limited to the following: OMB Circular 87, OMB Circular A-102, OMB Circular A-133, and 21 CFR Part 1403, and the Fair Labor Standards Act (FLSA).

2. LEO agrees to abide by and be bound by the attached approved budget – spending plan (Appendix A) for purchases including future reprogramming requests as approved by MBN

and Gulf Coast HIDTA. All reprogramming requests shall be submitted via e-mail to the Mississippi Gulf Coast HIDTA State Director.

3. Requests for payment shall be submitted on a quarterly basis to the MBN financial office through the HIDTA State Director of Operations at the following address by the 10th of the following month:

Shauna Powell, Chief Financial Officer
Mississippi Bureau of Narcotics
P.O. Box 720519
Byram, Mississippi 39272-0519

All invoices submitted shall comply with the terms noted in Appendix A. The last invoice from the Resource Recipient (LEO) shall be received by the Mississippi Gulf Coast HIDTA State Director no later than the 15th day prior to the grant expiration date, unless the grant is extended.

All Reimbursement of Overtime Expenses shall be submitted using the appropriate form (Appendix B) which must contain the HIDTA Group Task Force Supervisor's signature, certifying the overtime was HIDTA related and with the HIDTA case number contained therein.

4. Resource Recipient (LEO) agrees to complete all applicable items in Appendix C and return to MBN along with the signed agreement.

5. The parties agree and understand that MBN is not responsible for any purchases or actions of LEO in violation of the grant agreement or budget.

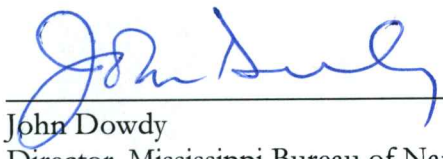
6. MBN agrees to transfer funds to the resource recipient after funds have been electronically transmitted by Gulf Coast HIDTA and receipted into MBN special revenue funds.

7. LEO agrees to reimburse MBN for any purchase paid by MBN which is later disallowed after audit or financial review.

8. For any and all disputes arising under the terms of this Agreement, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative

dispute resolution including, but not limited to, mediation by and through the Attorney General's Office or when appropriate, private mediators.

IN WITNESS WHEREOF, the parties acknowledge the Agreement as evidenced by their signatures below.



John Dowdy
Director, Mississippi Bureau of Narcotics

MBN Legal Counsel, Allison Killebrew
Reviewed as to legal form

Tony Sauro
State Director, Mississippi Gulf Coast HIDTA

Law Enforcement Agency (LEO)

Appendix A

Budget Detail

2017 - Gulf Coast

Initiative - Jackson County Major Investigations Team

Award Recipient - Mississippi Bureau of Narcotics (G17GC0003A)

Resource Recipient - Gautier Police Department

Current Budget (net of reprogrammed funds) ***$13,400.00***

Overtime	Quantity	Amount	Comments
Investigative - Law Enforcement Officer	1	$5,000.00	One Interdiction Officer @ 5,000
Total Overtime	**1**	**$5,000.00**	

Services	Quantity	Amount	Comments
Vehicle allowance	1	$8,400.00	One vehicle @ 700 each month
Total Services	**1**	**$8,400.00**	

Total **$13,400.00**

2d. Grant Balance by Initiative and Award and Resource Recipient

Gulf Coast

FY 2016

Group by: Initiative, Award, Resource Recipient

		APPROVED				
		Awarded Budget	Reprogrammed Funds	Current Budget	Disbursed Funds	Current Available
Gautier Police Department						
	Overtime	1,091.00	3,909.00	5,000.00	2,048.72	2,951.28
	Services	8,400.00	-2,100.00	6,300.00	6,300.00	0.00
		9,491.00	**1,809.00**	**11,300.00**	**8,348.72**	**2,951.28**

Appendix B

Gulf Coast

High Intensity Drug Trafficking Area

3838 N. Causeway Blvd · Suite 1900 · Metairie, Louisiana 70002 · Phone (504)840-1400 · Fax (504)840-1406

Request for Reimbursement of HIDTA Overtime Expenses

Agency :
Address:

HIDTA Initiative:
Period From:
To:

Contact Person:

Phone:

Employee Name	Is employee eligible for OT from parent agency?	OT Hrs. this period	Overtime amount this period	Officer or Admin?	Brief description of overtime work (case number, etc.)	OCDETF case?	Cumulative overtime amount to date
TOTALS		-	$ -				$

I certify to the best of my knowledge that the above is correct: all outlays were for the purposes set forth in the grant agreement or any other agreement; that they were made in accordance with the grant or other agreement conditions

Signature of Authorized Representative of Requesting Agency	Title	Date
Signature of HIDTA Initiative Supervisor	Title	Date

High Intensity Drug Trafficking Area

3838 N. Causeway·Suite 1900·Metairie, Louisiana 70002·Phone (504) 840-1400·Fax (504) 840-1406

VEHICLE ALLOWANCE

AGENCY:_____

GC HIDTA INITIATIVE:_____

Grant NO.: _____

MONTH/YEAR: _____

DESCRIPTION OF VEHICLE DRIVEN BY FULL-TIME GCHIDTA AGENT(S) SEEKING ALLOWANCE:

Make, Model, Year, VIN: Beginning Mileage, Ending Mileage and Total GCHIDTA related mile, Driver's name:

1. None
2. None
3. None
4. None
5. None

Names of all full-time Agents Assigned from your department during this reporting period. (NOTE: List all sworn officers assigned full-time to all GC HIDTA initiatives).

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

AMOUNT CLAIMED:$_____

_____	_____
Name of Agency Certifying Official	Signature of Employee
_____	_____
Signature of Initiative Supervisor	Signature of State Operations Director

TO BE SUBMITTED WITH AGENCY REIMBURSEMENT REQUEST

Appendix C

GRANT CONDITIONS

A. General Terms and Conditions

1. This award is subject to The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200 (the "Part 200 Uniform Requirements"), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. Part 3603. For this 2016 award, the Part 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

   For more information on the Part 200 Uniform Requirements, see https://cfo.gov/cofar/. For specific, award-related questions, recipients should contact ONDCP promptly for clarification.

2. This award is subject to the following additional regulations and requirements:
   - 28 CFR Part 69 – "New Restrictions on Lobbying"
   - 2 CFR Part 25 – "Universal Identifier and System of Award Management"
   - Conflict of Interest and Mandatory Disclosure Requirements, set out in paragraph 7 of these terms and conditions
   - Non-profit Certifications (when applicable)

3. Audits conducted pursuant to 2 CFR Part 200, Subpart F, "Audit Requirements" must be submitted no later than 9 months after the close of the grantee's audited fiscal year to the Federal Audit Clearinghouse at https://harvester.census.gov/facweb/.

4. The recipient gives ONDCP or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.

5. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the grantee, its fiscal agent (s), employees, contractors, as well as state, local, and Federal participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.

6. Conflict of Interest and Mandatory Disclosures

   A. <u>Conflict of Interest Requirements</u>

As a non-Federal entity, you must follow ONDCP's conflict of interest policies for Federal awards. Recipients must disclose in writing any potential conflict of interest to an ONDCP Program Officer; recipients that are pass-through entities must require disclosure from subrecipients or contractors. This disclosure must take place immediately whether you are an applicant or have an active ONDCP award.

The ONDCP conflict of interest policies apply to sub-awards as well as contracts, and are as follows:

i. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of subawards and contracts.

ii. None of your employees may participate in the selection, award, or administration of a subaward or contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a sub-award or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or contractors or parties to subawards or contracts.

iii. If you have a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

B. Mandatory Disclosure Requirement

As a non-Federal entity, you must disclose, in a timely manner, in writing to ONDCP all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award that includes the term and condition outlined in 200 CFR Part 200, Appendix XII "Award Term and Condition for Recipient Integrity and Performance Matters," are required to report certain civil, criminal, or administrative proceedings to SAM. Failure to make required disclosures can result in remedies such as: temporary withholding of payments pending correction of the deficiency, disallowance of all or part of the costs associated with noncompliance, suspension, termination of award, debarment, or other legally available remedies outlined in 2 CFR 200.338 "Remedies for Noncompliance".

7. FFATA / DATA Act Compliance. Each applicant is required to (i) Be registered in the System for Award Management (SAM) before submitting its application; (ii) provide a valid DUNS number in its application; (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award; and (iv) provide all relevant grantee information required for ONDCP to collect for reporting related to FFATA and DATA Act requirements.

8. Subawards are authorized under this grant award. Subawards must be monitored by the award recipient as outlined in 2 CFR 200.331.

9. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180.

10. As specified in the HIDTA Program Policy and Budget Guidance, recipient must:

    a) Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that Federal award funds are managed in compliance with Federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
    b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
    c) Evaluate and monitor compliance with applicable statute and regulations, and the terms and conditions of the Federal award.
    d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
    e) Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or the recipient designates consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

   If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain and report current information to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition (below). This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

   Submit the information required about each proceeding that:

   a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
   b. Reached its final disposition during the most recent 5 year period; and
   c. Is one of the following:

9. Recipients must comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180.

10. As specified in the HIDTA Program Policy and Budget Guidance, recipient must:

    a) Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that Federal award funds are managed in compliance with Federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
    b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
    c) Evaluate and monitor compliance with applicable statute and regulations, and the terms and conditions of the Federal award.
    d) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
    e) Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or the recipient designates consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

B. Recipient Integrity and Performance Matters

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

   If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain and report current information to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition (below). This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

   Submit the information required about each proceeding that:

   a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
   b. Reached its final disposition during the most recent 5 year period; and
   c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition (below);

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

(3) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or

(4) Any other criminal, civil, or administrative proceeding if:

(i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent 5 year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

C. Program Specific Terms and Conditions

The following special conditions are incorporated into each award document.

1. This grant is awarded for above program. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP's HIDTA Program Policy and Budget Guidance.

2. This award is subject to the requirements in ONDCP's HIDTA Program Policy and Budget Guidance.
3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.
4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.
5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e., the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6 of the HIDTA Program Policy and Budget Guidance.
6. Property acquired with these HIDTA grant funds is to be used for activities of the Gulf Coast HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, this equipment must be made available to the HIDTA's Executive Board for use by other HIDTA participants.
7. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

   Mail Check to Treasury approved lockbox:
   HHS Program Support Center, P.O. Box 530231, Atlanta, GA 30353-0231
   (** Please allow 4-6 weeks for processing of a payment by check to be applied to the appropriate PMS account)

Any additional information/instructions may be found on the PMS Web site at http://www.dpm.psc.gov/.

8. The grantee or subgrantee may keep interest amounts up to $500 per year for administrative purposes.

RECIPIENT ACCEPTANCE OF GRANT CONDITIONS

Organization: _____

Signature: _____ Date: _____

Name:

Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
(Sub-Recipient)

1 By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certifications this clause is a materiel representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage section of rules implementing Executive Order 12549.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participation a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

This certification is required by the regulations implementing Executive Order 12549, Debarment and suspension, 28 CFR Part 67, Section 67.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160 - 19211)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principles are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
(2) Where the prospective lower tier participant is unable to certify to any of the statements in these certification, such prospective participant shall attach an explanation to this proposal.

_____
(Type or Print Name and Title of Authorized Representative)

_____ _____
(Signature of Authorized Representative) Date

_____
(Name of Organization)

_____
(Address of Organization)

_____

Certification Regarding Drug Free Workplace Requirements
Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 28 CFR Part 67,subpart F. The regulation, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government wide suspension or debarment (see 28 DFR part 67, Sections 67.615 and 67.620).

The grantee certifies that it will provide a drug free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

(b) Establishing a drug free awareness program to inform employees about --
1. The dangers of drug abuse in the workplace.
2. The grantee's policies of maintaining a drug free workplace.
3. Any available drug counseling, rehabilitation, and employee assistance programs.
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
1. Abide by the terms of the statement.
2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
1. Taking appropriate personnel action against such an employee, up to and including termination.
2. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

Place(s) of Performance: The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (Street Address, City, County, State, Zip Code):

Street Address	City	County	State	Zip Code

Organization Name _____ Applicant or Grant Number _____

Name and Title of Authorizing Representative _____

Signature _____ Date _____

Certification Regarding Drug-Free Workplace Requirements

CERTIFICATION REGARDING LOBBYING

Each applicant shall file this certification and disclosures form **if applicable**, with each submission that initiates agency consideration of such applicant for an award of a LETS contract, grant or cooperative agreement of $100,000 or more.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal Agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any non-Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall initial here _____ and complete and submit Standard Form # LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers and that all sub-recipients shall certify and disclose accordingly.

_____ _____

Signature of Authorized Official Date

_____

Title

CERTIFICATION FORM

Recipient Name and Address: _____

Grant Title: _____ Grant Number: _____ Award Amount: _____

Contact Person Name and Title: _____ Phone Number: ( ) _____

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEOP requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEOP, but they do not need to submit the EEOP to OJP for review. Recipients that claim a complete exemption from the EEOP requirement must complete **Section A** below. Recipients that claim the limited exemption from the submission requirement, must complete **Section B** below. **A recipient should complete *either* Section A or Section B, not both**. If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEOP recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

Section A- Declaration Claiming Complete Exemption from the EEOP Requirement. *Please check all the boxes that apply.*

- ☐ Recipient has less than 50 employees,
- ☐ Recipient is a non-profit organization,
- ☐ Recipient is a medical institution,
- ☐ Recipient is an Indian tribe,
- ☐ Recipient is an educational institution, or
- ☐ Recipient is receiving an award less than $25,000

I, _____ **[responsible official]**, certify that _____ **[recipient]** is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that _____ **[recipient]** will comply with applicable Federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

_____ _____ _____

Print or type Name and Title **Signature** **Date**

Section B- Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review.

If a recipient agency has 50 or more employees and is receiving a single award or subaward for $25,000 or more, but less than $500,000, then the recipient agency does not have to submit an EEOP to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, _____ **[responsible official]**, certify that the _____ **[recipient]**, which has 50 or more employees and is receiving a single award or subaward for $25,000 or more, but less than $500,000, has formulated an EEOP in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEOP has been formulated and signed into effect within the past two years by the proper authority and that it is available for review. The EEOP is on file in the office of: _____ **[organization]**, at _____ **[address]**, for review by the public and employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

_____ _____ _____

Print or type Name and Title **Signature** **Date**

OMB Approval No. 1121-0140 Expiration Date: 01/31/06

CITY OF GAUTIER, MISSISSIPPI
STUDY AGENDA
July 5, 2017

ITEM DESCRIPTION:

Citizen Comments

City Council Comments

City Manager Comments

City Clerk Comments

City Attorney Comments

NOTES: